



DEPARTMENT OF CITY PLANNING

APPEAL RECOMMENDATION REPORT

City Planning Commission

Date: May 14, 2020
Time: After 8:30 am
Place: In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the CPC meeting will be conducted entirely telephonically by Zoom [<https://zoom.us/>].

The meeting's telephone number and access code access number will be provided no later than 72 hours before the meeting on the meeting agenda published at <https://planning.lacity.org/about/commissions-boards-hearings> and/or by contacting cpc@lacity.org

Public Hearing: Required
Appeal Status: Not further Appealable
Expiration Date: July 1, 2020
Multiple Approval: Yes

Case No.: DIR-2019-2657-DRB-SPP-TOC -1A
CEQA No.: ENV-2019-2658-CE
Incidental Cases: None
Related Cases: None
Council No.: 5 – Koretz
Plan Area: Westwood
Specific Plan: Westwood Community Multi-Family Specific Plan, Westwood Community Design Review Board, West Los Angeles Transportation Improvement and Mitigation Specific Plan
Certified NC: Westwood Neighborhood Council
GPLU: Low Medium II Residential
Zone: [Q]RD1.5-1
Applicant: Banarsi L. Agarwal
Applicant's Representative: Hoa "Sean" Nguyen, EZ Permits, LLC
Tracy Stone,
Tracy A. Stone Architect
Appellant: Carl Shusterman, Helena Freeman, John Gaustad, Cecelia Evans

PROJECT LOCATION: 10757, 10757 ½, 10759 West Wilkins Avenue

PROPOSED PROJECT: The project proposes the demolition of the existing apartment building and garage and the construction of a new five-story, maximum 55-feet in height, 16,803 square foot, multi-family apartment building consisting of 10 units over one level of subterranean parking containing 21 automobile stalls. The project requires a haul route. The project reserves two of the units for Very Low Income Households.


APPEAL ACTION: 1. Pursuant to Sections 12.22 A.31 and 12.22 A.25(g) of the Los Angeles Municipal Code ("LAMC"), an appeal of the entire determination by the Director of Planning in approving a Transit Oriented Communities Affordable Housing Incentive Program for a project totaling 10 dwelling units, reserving two units for Very Low Income Household occupancy for a period of 55 years, with the following requested incentives:

- a. **Height.** A 22-foot increase in the building height, allowing 55 feet in lieu of the maximum 33 feet otherwise allowed by the [Q]RD1.5-1 Zone and Westwood Community Multi-Family Specific Plan;
 - b. **Yard/Setback.** A reduction in the required west side yard, allowing 5.6 feet in lieu of the 8-foot side yard setback otherwise required; and
 - c. **Open Space.** A 25 percent reduction in the open space requirement, allowing 2,625 square feet in lieu of the 3,500 square feet otherwise required;
2. An appeal of the January 13, 2020, Director of Planning's Determination to approve a Project Permit Compliance and Design Review, pursuant to LAMC Section 11.5.7 and 16.50, for a new five-story, maximum 55 feet in height, 10 unit apartment building over one level of subterranean parking containing 21 automobile stalls in the Westwood Community Multi-Family Specific Plan.
3. An appeal of a determination that based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

RECOMMENDED ACTIONS:

1. **Deny** the appeal;
2. **Determine**, based on the whole of the administrative record, that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Statute and Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to State CEQA Statute and Guidelines, Section 15300.2 applies;
3. **Sustain** the Director of Planning's Determination to conditionally approve the TOC Affordable Housing Incentive Program for a project totaling 10 dwelling units, reserving two units for Very Low Income Household occupancy for a period of 55 years, with the following incentives:
 - a. **Height.** A 22-foot increase in the building height, allowing 55 feet in lieu of the maximum 33 feet otherwise allowed by the [Q]RD1.5-1 Zone and Westwood Community Multi-Family Specific Plan;
 - b. **Yard/Setback.** A reduction in the required west side yard, allowing 5.6 feet in lieu of the 8-foot side yard setback otherwise required; and
 - c. **Open Space.** A 25 percent reduction in the open space requirement, allowing 2,625 square feet in lieu of the 3,500 square feet otherwise required;
4. **Sustain** the Director of Planning's Determination approving with conditions a Project Permit Compliance Review and Design Review for a new five-story, maximum 55 feet in height, 10 unit apartment building over one level of subterranean parking containing 21 automobile stalls.
5. **Adopt** the Director of Planning's Conditions of Approval, Findings, and "Exhibit A."

VINCENT P. BERTONI, AICP
Director of Planning


Faisal Roble, Principal City Planner


Michelle Singh, Senior City Planner


Elizabeth Gallardo, City Planner


Julia Duncan, Planning Assistant
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ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, 200 North Spring Street, Room 272, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than seven (7) working days prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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PROJECT ANALYSIS

Appellate Decision Body

Pursuant to Sections 12.22 A.31 and 12.22 A.25(g) of the Los Angeles Municipal Code ("LAMC"), appeals of Transit Oriented Communities Affordable Housing Incentive Program cases are heard by the City Planning Commission. The appellate decision of the City Planning Commission is final.

Project Summary

On January 13, 2020, the Director of Planning approved a Transit Oriented Communities ("TOC") Affordable Housing Incentive Program for a project totaling 10 dwelling units, with two units reserved for Very Low Income Household occupancy, with two Base Incentives (Density and Parking) and three Additional Incentives under Tier 3 of the TOC Guidelines for an increase in building height, a reduction in one of the required side yard setbacks, and a reduction in the open space requirement.

The project is for the construction of a new five-story, 16,803 square foot apartment building consisting of 10 units, as provided in approved project plans stamped "Exhibit A." The project will have a maximum height of 55 feet and a Floor Area Ratio (FAR) of 3:1. One level of subterranean parking will be provided, consisting of 21 parking spaces. The project provides ten long-term and two short-term bicycle spaces. The project proposes the demolition of the existing apartment building and garage.

On January 28, 2020, three abutting owners and one abutting occupant filed one appeal.

Background

Subject Property

The project site, located at 10757, 10757 ½, 10759 West Wilkins Avenue, occupies one parallelogram shaped and minimally sloped lot, developed with a three unit apartment building built in 1937. The project lot is 45 feet wide in the front and 76.70 feet wide in the rear with a depth of 183.27 feet on the east side and 151.91 feet on the west side. The lot is 9,833.3 square feet. The project is not within the Alquist-Priolo fault zone and a fault study is not required. It is near the Santa Monica Fault but not within it. A Geotechnical Report was conducted on the subject site and a Soils Approval letter was issued by LADBS on November 6, 2018 (LOG #105676). The project site is not located within a Fault Zone, Landslide Area, Liquefaction Zone, or a Very High Fire Severity Zone. The project site is in a Special Grading Area (BOE Basic Grid Map A-13372) and will require a Haul Route. The project is located in a Methane Zone and will be subject to Regulatory Compliance Measures. There are no known designated historic resources or cultural monuments on the subject site.

The project abuts two [Q]RD1.5-1 zoned properties to the east, which are developed with two-story multi-family apartment complexes. Properties immediately across the street and to the west of the subject property are zoned [Q]RD1.5-1 and developed with single-family residences and single, two, and three-story multi-family residences. The project site is approximately 181 linear feet from St. Paul the Apostle Church at the intersection of Selby, Ohio, and Wilkins Avenues and zoned [Q]RD1.5-1-O. The project site abuts R1-1-O zoned properties to the north and northeast, which are developed with single and two-story single-family homes. Approximately 475 linear square feet to the west of the project site and across Malcolm Avenue are single-family homes on R1-1 zoned lots.

The project fronts Wilkins Avenue, a Local Street with a designated right-of-way width of 60 feet and a designated roadway width of 36 feet. The road way and right-of-way are fully improved.

The project proposes the demolition of the existing apartment building and garage and the construction of a new five-story, maximum 55 feet in height, 16,803 square foot, multi-family apartment building consisting of 10 units over one level of subterranean parking containing 21 automobile stalls.

A Tree Report was not required as there are no protected trees on the subject site.

Zoning and Land Use Designation

The site is zoned [Q]RD1.5-1 and has a General Plan Land Use Designation of Low Medium II Residential. The Q condition on the project site was enacted through Ordinance 163,187 and requires that all projects with two or more units be subject to review by the Westwood Community Design Review Board. The project site is located in the Westwood Community Plan, the Westwood Community Multi-Family Specific Plan, the Westwood Community Design Review Board Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP, Ordinance 186,105 and 186,108). The Project is subject to Department of Transportation clearance of the WLA TIMP. The Westwood Community Design Review Board is required to review projects and make recommendations to the Director of Planning for Approval, Approval with Conditions, or Denial of projects within their jurisdiction. In addition, the project is within a Tier 3 designation of the Transit Oriented Communities Program. Pursuant to LAMC Section 12.22 A.31 and the TOC Guidelines, the applicant requests a Transit Oriented Communities Compliance Review.

Transit Oriented Communities

The project qualifies for the Transit Oriented Communities ("TOC") Affordable Housing Incentive Program, which allows a variety of incentives for increased density, height, and floor area, among others, for Eligible Housing Projects. Measure JJJ was adopted by the Los Angeles City Council and established the TOC 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, as defined under existing State law.

The TOC Guidelines, adopted September 22, 2017 and amended on February 26, 2018, 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.

The subject site is located within 2,640 feet from the Metro Purple Line Extension, Westwood/UCLA Station, and is eligible as a Tier 3 development in the Transit Oriented Communities Affordable Housing Incentive Program Guidelines, as indicated on the revised TOC Referral Form dated January 2, 2019.

Tier 3 Base Incentives require On-Site Restricted Affordable Units at the rate of 10 percent for Extremely Low Income, 14 percent for Very Low Income, or 23 percent for Lower Income, of the total number of units. Three Additional Incentives may be granted for projects that include at least 11 percent of the base units for Extremely Low Income Households, at least 15 percent of the base units for Very Low Income Households, at least 30 percent of the base units for Lower Income Households, or at least 30 percent of the base units for persons and families of Moderate

Income in a common interest development. The applicant is proposing two Very Low Income units of the total 10 units proposed, consistent with the Base Incentive requirements, and which make the project eligible for three Additional Incentives.

The project is eligible for the following Tier 3 Base Incentives, which are granted by-right for eligible TOC projects:

- a. **Density.** Increase the maximum allowable number of dwelling units permitted by up to 40 percent.

The RD1.5 Zone allows for a maximum residential density of one dwelling unit per 1,500 square feet of lot area. The subject lot totals 9,833.3 square feet, for a maximum base density of seven units. Los Angeles Municipal Code allows 6.55 units by-right, however, the TOC Guidelines round base density up to the next whole number, resulting in seven. The TOC Guidelines Residential Density Incentive has an exception for properties in the "RD" Restricted Density Zone that limits the density increase for a Tier 3 property to 40 percent. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 10 units. The project is proposing 10 units.

- b. **Floor Area Ratio.** Percentage increase of up to 45 percent in the RD Zone.

In the RD1.5 Zone in Height District 1, the Los Angeles Municipal Code provides for a maximum FAR of 3:1. The project has a by-right floor area of 17,241 square feet. The project proposes 16,803 square feet and is not utilizing the Floor Area Ratio incentive.

- c. **Residential Parking.** Parking for all residential units in an Eligible Housing Development for a Tier 3 project shall not be required to exceed one-half space per unit.

The project is required to provide five parking spaces under the TOC incentive and is providing 21 spaces.

Pursuant to the TOC Guidelines, the project is eligible for, and has been granted three Tier 3 Additional Incentives to construct the proposed project:

- a. **Yard/Setback.** : In Tier 3 areas the TOC incentive for side and rear yard reductions allows up to a 30 percent decrease in the required width or depth of two individual yards or setbacks with the exception that yard reductions cannot be applied along any property line that abuts an R1 or more restrictive residential zoned property. The proposed project abuts R1-1-O zoned properties along the entire rear property line and along a portion of the northeast side property line. Along the westerly side yard the project abuts a property zoned [Q]RD1.5-1.

The Westwood Community Multi-Family Specific Plan Section 6.E.2 *Yard Requirements*, states that projects, which immediately abut an R1 or more restrictive zone on the rear property line, shall have a rear yard of at least 20 feet in depth. Section 6.E.3 of the Specific Plan states that projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width.

The property is not utilizing reductions in the front, rear, or easterly side yards and maintains setbacks in these yards consistent with the requirements of Section 6 of the Westwood Community Multi-Family Specific Plan.

The project proposes a 5.6-foot westerly side yard consistent with the TOC Guidelines. The 5.6-foot side yard reflects a 30 percent reduction in the otherwise required 8-foot side yard in the RD1.5 Zone.

- b. **Open Space.** A 25 percent reduction from the Westwood Community Multi-Family Specific Plan Open Space requirement, allowing 2,625 square feet in lieu of 3,500 square feet.
- c. **Height Incentives.** A 22-foot increase in the building height, allowing a maximum 55 feet in lieu of the 33 feet otherwise allowed by the Westwood Community Multi-Family Specific Plan.

The table below provides a summary of the relevant and Specific Plan provisions for the subject property and requested TOC Base and Additional Incentives:

Incentives	Specific Plan	TOC Guidelines	Proposed
Density	6 units	10 units (40% increase)	10 units
FAR	3.0	4.35 (45% increase in RD Zone)	2.9
Residential Parking Spaces	32	5 (.5 spaces per unit)	21
Open Space	3,500 sf	2,625 sf (25% reduction)	2,627
Height	33'	55' (Two stories up to 22')	55'

Yard Incentives	LAMC/Specific Plan	TOC Guidelines	Proposed
Residential Front	15'	Not utilized	15'
Residential Rear	20'	Not utilized	26' to 40'
East Side	8' and 10'	Not utilized	10' and 13'
West Side	8'	5.6'	5.6'

Housing Replacement

The TOC Guidelines require a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. California Government Code Section 65915(c)(3), as amended by Assembly Bill 2222 and 2556, requires applicants of Density Bonus projects to demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households. Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) dated July 5, 2019, AB 2556 determined that no units are subject to replacement under AB2256, provisional and subject to verification by HCIDLA's Rent Division. The project satisfies the TOC Affordable Housing requirement by providing two units restricted to Very Low Income households. This is reflected in the Conditions of Approval.

Appeal Analysis

Three abutting property owners, Carl Shusterman, Helena Freeman, and John Gaustad, and one tenant, Cecelia Evans (“Appellants”), filed one appeal in a timely manner on January 28, 2020.

The following statements have been compiled from the submitted appeal. The appeal in its entirety has been attached herein for reference (Exhibit E).

Appeal Point 1: The proposed project was granted discretionary TOC incentives outside of the authority of Section 6 of Measure JJJ. TOC is limited to three ministerial incentives based on the underlying zone, not on TOC “Tiers.” JJJ did not authorize additional discretionary incentives nor did it authorize TOC Tiers. The proposed project violates the Labor Standard of Measure JJJ.

Staff Response: On November 8, 2016, City of Los Angeles voters approved Measure JJJ. Measure JJJ established LAMC Section 12.22 A.31 to create a new transit-based affordable housing incentive called the Transit Oriented Communities Affordable Housing Incentive Program (TOC Program). The Measure required the Department of City Planning to create TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines) for all Housing Developments located within a one-half mile radius of a Major Transit Stop. These Guidelines provide the eligibility standards, incentives, and other necessary components of the TOC Program consistent with LAMC 12.22 A.31. The TOC Program became effective on September 22, 2017 and was subsequently revised February 26, 2018.

The Department of City Planning structured the Guidelines to provide levels of incentives linked to the quality and proximity of a transit stop. This strategy results in a system that provides different levels of development for a project located a half-mile from a regular bus lines than for one located adjacent to a Metro Rail Station. To reflect these important distinctions a Tier-based system classifies eligible areas into TOC Tiers depending on the project’s distance from different types of transit service. All incentives and tiers are in proportion to the affordable housing requirements outlined in JJJ and the development incentives in the City’s current Density Bonus program. The specific incentives offered through the program are determined by the TOC Guidelines and are consistent with the provisions of Measure JJJ, including up to either two or three Additional Incentives, depending on the percent of affordable housing provided. 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 the TOC Guidelines, for a total of up to five Additional Incentives. The project is only seeking three Additional Incentive and is therefore not required to adhere to the labor standards in LAMC 11.5.11.

Appeal Point 2: The proposed project violates Project Permit Compliance and the Westwood DRB Ordinance, violating the Westwood Multi-Family Residential Specific Plan. A Specific Plan Amendment is required to deviate from the height, open space and yard requirements of the Specific Plan and DRB Ordinance. The Applicant did not apply for a Specific Plan Amendment.

Staff Response: As provided in the Director’s Determination (Exhibit B) and Project Background, the project is located in the Westwood Community Plan, the Westwood Community Multi-Family Specific Plan, the Westwood Community Design Review Board Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP, Ordinance 186,105 and 186,108). The Westwood Community Plan designates the site for Low Medium II Residential land uses with a zoning designation of [Q]RD1.5-1. The Q condition on the project site was enacted through Ordinance 163,187 and requires that all projects with two or more units be subject to review by the Westwood Community Design Review Board.

The subject site is located within 2,640 feet from the Metro Purple Line Extension, Westwood/UCLA Station, and is eligible as a Tier 3 development in the Transit Oriented Communities Affordable Housing Incentive Program Guidelines, as indicated on the revised TOC Referral Form dated January 2, 2019.

In cases where Base or Additional Incentives are permitted for a project under the TOC Guidelines, they shall be based off the otherwise allowable development standards for the property found in the Specific Plan. The project is eligible for the following Tier 3 Base Incentives, a 40 percent increase in density, up to a 45 percent increase in Floor Area, and a reduction in residential parking requirements, which are granted by-right for eligible TOC projects.

The RD1.5 Zone allows for a maximum residential density of one dwelling unit per 1,500 square feet of lot area. The subject lot totals 9,833.3 square feet, for a maximum base density of seven units. Los Angeles Municipal Code allows 6.55 units by-right, however, the TOC Guidelines round base density up to the next whole number, resulting in seven. The TOC Guidelines Residential Density Incentive has an exception for properties in the "RD" Restricted Density Zone that limits the density increase for a Tier 3 property to 40 percent. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 10 units. The project is proposing 10 units.

In the RD1.5 Zone in Height District 1, the Los Angeles Municipal Code provides for a maximum FAR of 3:1. The project has a by-right floor area of 17,241 square feet. The project proposes 16,803 square feet and is not utilizing the Floor Area Ratio incentive.

The Specific Plan requires projects with more than four habitable rooms per unit to provide 3.25 parking spaces per unit. Per the Specific Plan, of the parking spaces required, guest parking is required at a ratio of 0.25 spaces per unit. The project has 10 units with more than four habitable rooms and therefore would be required to provide 32 parking spaces (3.25 x 10 units). Pursuant to Los Angeles Municipal Code Section 12.22 A.31, Automobile Parking is a Base Incentive in the TOC Guidelines and parking for a property in a Tier 3 area is not required to exceed .5 spaces per unit. Therefore, the project is required to provide five parking spaces (.5 x 10 units). Per LAMC 12.22 A.31(b)(1) projects providing minimum required percentages of On-Site Restricted Affordable Units and which meet any applicable replacement requirements of California Government Code Section 65915(c)(3) are eligible for TOC incentives in accordance with LAMC 12.22 A.31(B)(2). The TOC Guidelines' parking incentive supersedes the Westwood Community Multi-Family Specific Plan Parking Standards. The TOC Guidelines require five parking spaces; however, the project is providing 21 parking spaces.

Pursuant to the TOC Guidelines, the project is eligible for, and has been granted three Tier 3 Additional Incentives to construct the proposed project.

In Tier 3 areas the TOC incentive for side and rear yard reductions allows up to a 30 percent decrease in the required width or depth of two individual yards or setbacks with the exception that yard reductions cannot be applied along any property line that abuts an R1 or more restrictive residential zoned property. The proposed project abuts R1-1-O zoned properties along the entire rear property line and along a portion of the northeast side property line. Along the westerly side yard the project abuts a property zoned [Q]RD1.5-1.

The Westwood Community Multi-Family Specific Plan Section 6.E.2 *Yard Requirements*, states that projects, which immediately abut an R1 or more restrictive zone on the rear property line, shall have a rear yard of at least 20 feet in depth. The project proposes a rear yard that ranges from 26 to 40 feet. Section 6.E.3 of the Specific Plan states that projects which immediately abut

an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width. The project proposes the east side yard to range from 10 feet to 13 feet.

The property is not utilizing reductions in the front, rear, or easterly side yards and maintains setbacks in these yards consistent with the requirements of Section 6 of the Westwood Community Multi-Family Specific Plan. The project proposes a 5.6-foot westerly side yard consistent with the TOC Guidelines. The 5.6-foot side yard reflects a 30 percent reduction in the otherwise required 8-foot side yard in the RD1.5 Zone.

Section 6.A.1 *Open Space*, of the Specific Plan requires 350 square feet of open space per unit for RD Zones, of which a minimum of fifty percent shall be landscaped and 75 percent shall be located on the ground floor. The Westwood Community Multi-Family Specific Plan would therefore require 3,500 square feet of open space for a 10-unit apartment complex. However, the applicant has requested an Additional Incentive for a 25 percent reduction in open space, for 2,625 square feet of required open space. The project is compliant with the TOC Guidelines for the provision of open space as detailed in the Transit Oriented Communities Findings and is providing 2,627 square feet of open space.

The Westwood Community Multi-Family Specific Plan requires 50 percent of required open space to be landscaped. The project is providing 2,627 square feet of total open space, consistent with the TOC Guidelines requirements, 1,312 square feet of which is required to be landscaped. The project is providing 2,132 square feet of landscaping, and is therefore consistent with the Specific Plan requirements.

Section 6A.3 of the Specific Plan states that required open space shall be on the ground level, except that 25 percent of the required open space may be located above the ground level. Of the total required open space a minimum of 1,968.75 square feet is required to be on the ground floor and 656.25 square feet may be above the ground floor. The project is providing 1,971 square feet of open space on the ground floor and 656 square feet of open space above the ground floor.

Section 6.A.4 of the Specific Plan requires any open space above the ground floor that is counted toward the open space requirements to be setback a minimum of 10 feet in depth from the level immediately below it. Additionally, 40 percent of these setback areas are required to be landscaped. Two fifth floor decks are providing minimum setbacks of 14 feet and 15 feet from the levels immediately below and 656 square feet of open space, 272 square feet of which is landscaped, or 41 percent, consistent with the Specific Plan requirements.

Section 6.A.6 states that no more than 50 percent of the required front or rear yards shall count toward open space requirements. The required front yard area is 698 square feet and only 50 percent, or 349 square feet, is allowed to contribute to the required open space. The project is landscaping 387 square feet of the front yard area. The required rear yard area is 1,494 square feet and only 50 percent, or 747 square feet, is allowed to contribute to the required open space. The project is landscaping 1,242 square feet of the required rear yard setback. The areas in excess of the required rear yard setback may entirely count toward the required open space. There is 875 square feet of area in excess of the required rear yard setback that is contributing to the required open space and 764 square feet of it is landscaped. The project is consistent with the requirements of Section 6.A.6 of the Specific Plan. Side yards are not counted toward the required open space, consistent with Section 6.A.6, but are 50 percent landscaped.

The applicant has requested a Tier 3 Height Incentive, which allows for 22 additional feet. Height District 1 in the RD-1.5 zone allows for a maximum height of 45 feet. However, the site is limited by the Westwood Community Multi-Family Specific Plan (Q condition) Section 5.A *Land Use Regulations, Building Height*, which states that projects shall be limited to a maximum of 33 feet if they immediately abut an R1 or more restrictive zone and if the average height of the single-

family houses within 100 feet of the subject property is less than 34 feet. The subject property immediately abuts R1 zoned properties and the average height of single-family houses within 100 feet of the subject property is less than 34 feet. Therefore, the Tier 3 Height Incentive would allow a maximum height of 55 feet (33 feet + 22 additional feet). The project is within that envelope at 55 feet and is consistent with the TOC guidelines.

The TOC Height Exception applies to projects located on lots with a height limit of 45 feet or less. The Exception requires any height increases in excess of the first 11 feet above the base height to be stepped-back a minimum of 15 feet from the exterior face of the Ground Floor building along any street frontage. Therefore, along Wilkins Avenue, the project must step back after the first 11 feet of height increase over the base height of 33 feet, beginning at 44 feet. At a height of 44 feet, the project is setback from the exterior face of the Ground Floor of the building located along the street frontage for a total distance of 15 feet. The project complies with the required 15-foot setback from the exterior face of the building.

Section 6.B, *Walkways* and Section 6.C., *Building Setbacks* are not applicable to the subject site. As detailed in the Project Permit Compliance Findings of the Letter of Determination, "Exhibit B," the project complies with Section 6.D, *Garage*, Section 6.E, *Yard Requirements*, Section 6.F, *Buffer*, Section 6.G, *Screening*, Section 7.A., *Landscape Standards*, Section 7.B., *Street Trees*, and Section 8, *Design Review Procedures*.

In addition, the Design Review Board met on November 6, 2019 and convened a quorum of five Board Members. The vote was unanimous; recommending approval of the project, with conditions, since the project substantially complies with Section 16.50, Subsection E of the Los Angeles Municipal Code as well as the relevant design guidelines and development provisions of the Westwood Community Multi-Family Specific Plan. Per the TOC Guidelines released on September 22, 2017, and updated on February 26, 2018, in cases where a project is eligible for Base or Additional Incentives, they shall be based off the otherwise allowable development standards for the property found in the Specific Plan.

The proposed project was reviewed in accordance with the DRB and Specific Plan procedures of the Los Angeles Municipal Code Sections 11.5.7 and 16.50. The review and recommendation of the Westwood Community DRB was based upon conformance with the criteria in the Westwood Community Design Review Board Specific Plan. As detailed in length in the Letter of Determination, "Exhibit B," the project substantially complies with the applicable regulations, findings, standards, and provisions of the Specific Plan and is consistent with the TOC Guidelines.

Appeal Point 3: The proposed project violates CEQA.

Staff Response: The Director of Planning determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. The Justification for the Project Exemption is found in "Exhibit C."

Appeal Point 4: The project requires an MND and does not qualify for a Categorical Exemption because the project violates the Specific Plan.

Staff Response: The appellant contends that because a previous project proposal for the site prepared a Mitigated Negative Declaration, the current project should be required to prepare a Mitigated Negative Declaration. An evaluation of the Mitigation Measures in ENV-2002-6942-MND (prepared for a Tract Map for a 12-unit residential condominium project, Case No. TT-54034) concluded that a number of those measures are included in the current project approval as standard planning conditions of approval, are requirements of the Los Angeles Municipal

Code, or are Regulatory Compliance Measures that all projects are subject. In the Letter of Determination dated January 13, 2020, the Director of Planning determined, based on the whole of the administrative record, that the Project was exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32) and there was no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applied. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The Justification for the Project Exemption is found in "Exhibit C."

Appeal Point 5: There are Cumulative impacts of related TOC projects (1300 Westwood Blvd., 1855 Westwood Blvd., 2301 Westwood Blvd., 10306 SMB, 10400 SMB, etc.).

Staff Response: There is not a succession of known projects of the same type and in the same place as the subject project. A 1,000 square foot radius search was conducted on the subject site and there are no proposed Transit Oriented Communities or Design Review projects within the radius search. As mentioned, the project proposes a 10 unit, maximum 55 feet-tall, five-story apartment building with 16,803 square feet of floor area and one level of subterranean parking in an area zoned and designated for such development. Properties in the vicinity are developed with multi-family residential buildings and single-family homes and the subject site is of a similar size and slope to nearby properties. Haul route approval will be subject to recommended conditions prepared by LADOT to be considered by the Board of Building and Safety Commissioners that will reduce the impacts of construction related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter (Log #105676) for the proposed project and as it may be subsequently amended or modified. Therefore, in conjunction with citywide Regulatory Compliance Measures and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

Appeal Point 6: Architect's analysis found significant shade/shadow impacts in violation of the Specific Plan and those impacts were not mitigated.

Staff Response: The site is within a transit priority area as defined by Public Resources Code ("PRC") Section 21099, as it is within one-half mile or 2,640 feet from Metro Purple Line Extension, Westwood/UCLA Station, which meets the definition of a major transit stop as defined by PRC Section 21064.3. PRC Section 21064.3 defines a "major transit stop" as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. State Senate Bill 743 precludes a lead agency from finding that a project will result in aesthetic impacts, including shade/shadow impacts, when a project is located within a transit priority area. A transit priority area is defined as an area within one-half mile of a major transit stop that exists or is planned. As such, as a project located in a transit priority area, aesthetic impacts, including those relating to shade and shadow, shall not be considered significant impacts by the lead agency. However, this law did not limit the ability of the City to regulate, or study aesthetic related impacts pursuant to other land use regulations found in the Los Angeles Municipal Code (LAMC), or the City's General Plan, including specific plans. The Westwood Community Multi-Family Specific Plan does not regulate shade or shadow impacts. However, Section 6.B.2 of the Westwood Community Design Review Board Specific Plan states:

Recommendation of Design Review Board. The Design Review Board shall make its recommendation based upon the following criteria:

2. Whether all proposed structures are designed so as not to cast shadows on one-third or more of any adjacent residential structure as projected on a plan view for more than two hours between the hours of 9 a.m. and 3 p.m. on December 21.

The Design Review Board met on November 6, 2019 and convened a quorum of five Board Members. The vote was unanimous, recommending approval of the project, with conditions, since the project will substantially comply with Section 16.50, Subsection E of the Los Angeles Municipal Code as well as the relevant design guidelines and development provisions of the Westwood Community Multi-Family Specific Plan. The Board reviewed the project in the context of Section 6.B.2, reviewed the Shadow Synopsis prepared for the project, and evaluated the Shade and Shadow Study provided in "Exhibit A," and found the project to be consistent with the requirements of Section 6.B.2 of the Westwood Community Design Review Board Specific Plan.

Specifically, the shadow analysis of the proposed apartment building determined the coverage of incremental shadows on the neighboring lots was not significant and complied with the requirements of Section 6.B.2 of the Westwood Community Design Review Board Specific Plan.

The study determined that three structures will have shadow impacts from the proposed project. These impacted structures are all detached garages in the rear yards of the respective properties, and two of which, while receiving shade from the proposed project, do not exceed the thresholds in Section 6.B.2 of the Specific Plan. Lot 1 (10761 Wilkins Ave.) has a detached rear yard garage with early morning shade over one-third of the structure but clears up within an hour (9 to 10 a.m.), consistent with the requirements of Section 6.B.2. The garage on Lot 10 (1433 Selby Ave) has afternoon shadows of approximately 2 hours between 1 to 3 p.m., consistent with Section 6.B.2. Lot 3 (10764 Rochester Ave) has shadows on more than one-third of the rear yard garage for approximately three hours between 9 a.m. to 12 p.m. Although this lot has shade-impacts in excess of those in Section 6.B.2, the detached rear yard garage is not a residential structure. Further, the Design Review Board reviewed these impacts and found the project to be consistent with the requirements of the Specific Plan.

The proposed building has little to no shade impact on any other residential dwelling unit. There is a short duration of shade on the south building wall of Lot 3 (10764 Rochester Ave) and east building wall of Lot 1 (10761 Wilkins Ave) at 9 a.m. The only other instance of shade on an exterior building wall is at 2 p.m. on the west wall of lot 10 (1433 Selby Ave.). The project is consistent with the requirements of the Westwood Community Multi-Family Specific Plan and the Westwood Community Design Review Board Specific Plan.

Appeal Point 7: There is substantial evidence of significant traffic safety problems. A letter from St. Paul the Apostle Catholic Church in the record prior to issuance of the LOD shows significant traffic safety history at an adjacent intersection where two churches and two schools create heavy traffic. The LOD ignored this safety problem.

Staff Response: On December 13, 2019 Father Gilbert Martinez, CSP, sent an email on behalf of Saint Paul the Apostle Catholic Church to church community members entitled, "Special Letter Regarding Traffic." The letter, provided in *Exhibit F-Correspondence*, speaks to a traffic accident that occurred on December 11, 2019, at the intersections of Wilkins Avenue, Selby Avenue, and Ohio Avenue, near the time of school pick-up at approximately 3 p.m. The incident involved a school family and the letter emphasizes the need for the community to follow traffic safety guidelines. The letter goes on to state the Church's intention to contract a transportation consulting firm to provide, "Transportation Consulting Services Related to Evaluation of the Existing Student-Related Drop-Off and Pick-Up Operations." The letter spoke exclusively to incidents related to the school and not to the proposed project.

The project does not exceed the threshold criteria established by LADOT for preparing a Vehicle Miles Traveled Analysis and no transportation impacts were identified in relationship to the project. The Vehicle Miles Traveled calculator determined a net increase of 21 Daily Vehicle Trips; the existing land use had 10 Daily Vehicle Trips, while the proposed project had 31 Daily Vehicle Trips, which is below the threshold requiring a Vehicle Miles Traveled Analysis. No Transportation impacts were identified in relationship to the project.

The Vehicle Miles Traveled approach to transportation analysis helps to achieve the goals of adopted City of Los Angeles plans and policies, including but not limited to the Mobility Plan 2035 and Sustainable City pLAn/LA'S Green New Deal, which aim to reduce transportation-related greenhouse gas emissions, prioritize the safety, comfort and access of all street users, and plan for well-connected, healthy communities. Senate Bill 743 required lead agencies to remove automobile delay as criteria for significant environmental impact and to adopt vehicle miles traveled (VMT) criteria to determine the significance of transportation-related impacts on the environment caused by a proposed project. SB 743 was signed in 2013, with the intent to "more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions." When implemented, "traffic congestion shall not be considered a significant impact on the environment" within California Environmental Quality Act (CEQA) transportation analysis. VMT is a comprehensive umbrella metric for transportation impacts and is correlated with a number of impacts to the environment and to human health.

Appeal Point 8: The site cannot be adequately served by required utilities and public services in violation of the General Plan Framework's mandatory mitigation Policy 3.3.2. The response time for LAFD Station 37 does not meet the city's benchmark, NFPA 1710, for adequate EMS and Fire response times.

Staff Response: On January 13, 2020, the Director of Planning determined that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section, 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. Class 32 consists of projects characterized as in-fill development meeting the following conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) The site can be adequately served by all required utilities and public services.

The project is not anticipated to create adverse impacts to capacity or service level for fire protection and public safety. The project would be required to comply with all applicable regulations and requirements of the California Building Code, the Department of Building and Safety, and the Los Angeles Fire Department. The project will incorporate contemporary building safety standards, replacing the structure on the subject site with a new building adhering to higher fire safety standards than the existing structure built in 1937.

The Los Angeles Fire Department has not established response time standards for emergency response. According to the LAFD, while response time is considered in assessment of the adequacy of fire protection services, it is only one factor among several utilized in evaluating ability to respond to fires, life, and health safety emergencies. A variety of other criteria, including required fire flow, response distance from existing fire stations, and the LAFD's judgement for needs in an area are also weighed. If the number of incidents in a given area increases, it is the

LAFD's responsibility to assign new staff and equipment and potentially build new or expanded facilities, as necessary, to maintain adequate levels of service.

Pursuant to LAMC Section 57.507.3.3, the maximum response distance for Low Density Residential Land Uses and a LAFD fire station that houses an engine company is 1.5 miles, and the maximum response distance to a fire station that houses a truck company is 2 miles. If these distances are exceeded, all structures located in the area are required to install automatic fire sprinkler systems. Fire Station No. 37, located at 1090 Veteran Avenue, Los Angeles, CA 90024, 1 mile from the project site on surface streets, primarily serves the Project Site. Fire Station No. 37 includes an engine, assessment light force, and paramedic rescue ambulance. No station with a truck company is located within 2 miles of the project site (City of Los Angeles Fire Department, Fire Station Directory, March 2014); therefore, in accordance with LAMC Section 57.507.3.3, the project would be required to install automatic sprinklers.

The project is required to comply with all applicable provisions of Chapter 5, Article 7, Fire Protection and Prevention (Fire Code), of the Los Angeles Municipal Code. Pursuant to LAMC Section 57.507.3.1, City-established fire flow requirements vary from 2,000 gallons per minute (gpm) in low-density residential areas to 12,000 gpm in high-density commercial or industrial areas. In any instance, a minimum residual water pressure of 20 pounds per square inch (PSI) is to remain in the water system while the required gpm is flowing. The adequacy of existing water pressure and availability in the Project area with respect to required fire flow would be confirmed by LAFD during the plan check review process. As part of the normal building permit process the project would be required to upgrade water service laterals, meters, and related devices, as applicable, in order to provide required fire flow; however, no new water facilities are anticipated.

Pursuant to LAMC Section 57.507.3.2, an approved fire hydrant must be located within 600 feet of lots designated with Low Density Residential Land Uses. The nearest fire hydrant to the Project Site is located at the intersection of Ohio Avenue and Wilkins Avenue, approximately 107.5 linear feet from the subject site.

Construction or operational traffic generated by the project would not significantly affect LAFD or LAPD access or response times within the project vicinity as emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic, pursuant to California Vehicle Code (CVC) Section 21806.

The Proposed Project is an infill development that makes maximum use of existing infrastructure and will be required to make the necessary local improvements (such as connections to sewer and water lines and upgraded substations and pumping facilities) per the normal development process. Ultimately, decisions regarding new development are policy decisions made by the City Council. The General Plan Framework, and specifically Policy 3.3.2, does not require the City to halt development based upon claims of inadequate infrastructure. The programs set forth in Chapter 10 of the Framework Element to implement Policy 3.3.2 are discretionary and dependent upon available funding. Furthermore, appellants provide no substantial evidence supporting the need for different analysis or conclusions from those in the CEQA Exemption and has not offered any evidence that the project will increase response times.

Appeal Point 9: The project violates the land use policies and purposes of the Westwood Community Plan.

The appeal asserts the project violates specific land use policies and purposes of the Westwood Community Plan. While specific land use policies and purposes are cited, the appeal fails to provide substantive evidence showing how the proposed project does not adhere to those policies and purposes. The Director's Determination and DRB approval verify that the project is consistent with the City's policies and regulations.

The appeal states the project violates Policy 1-1.1: "Protect existing single-family residential neighborhoods from new out-of-scale development and other incompatible uses." However, and as detailed at length, the project is consistent with the requirements of the [Q]RD1.5-1 Zone, the TOC Guidelines, the Westwood Community Multi-Family Specific Plan, and the Westwood Community Design Review Board. The Westwood Community Multi-Family Specific Plan Section 6.E.2 *Yard Requirements*, states that projects, which immediately abut an R1 or more restrictive zone on the rear property line, shall have a rear yard of at least 20 feet in depth. The project proposes a rear yard that ranges from 26 to 40 feet. Section 6.E.3 of the Specific Plan states that projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width. The project proposes the east side yard to range from 10 feet to 13 feet. These yards are consistent with the requirements of the Specific Plan and exceed the setbacks required, respecting the abutting single-family properties and consistent with Policy 1-1.1 of the Westwood Community Plan.

The appeal fails to show how the project violates Policy 1-1.2, which states, "Protect the quality of residential environment and promote the maintenance and enhancement of the visual and aesthetic environment of the community." The project is consistent with the underlying zone, TOC Guidelines, and applicable Specific Plans. In addition, the Design Review Board met on November 6, 2019 and convened a quorum of five Board Members. The vote was unanimous; recommending approval of the project, with conditions, since the project substantially complies with Section 16.50, Subsection E of the Los Angeles Municipal Code as well as the relevant design guidelines and development provisions of the Westwood Community Multi-Family Specific Plan. The new 10-unit apartment protects the quality of the residential environment by providing residential units consistent with the land use designation and zone and enhances the visual aesthetic environment of the community by replacing a dilapidated apartment building with new units that have undergone extensive design review.

The appeal states that the project fails to adhere to Policy 1-3.1, which requires, "architectural and height compatibility for new infill development to protect the character and scale of existing residential neighborhoods." The 55-foot height of this project far exceeds the prevailing two and three-story neighboring buildings. There is not a consistent architectural theme or character on Wilkins Avenue. Existing properties have varying aesthetics and styles. As previously mentioned the Westwood Community Design Review Board reviewed the project and found conformance with Sections 11.5.7 and 16.50 of the Los Angeles Municipal Code, as well as the development provisions of the Westwood Community Multi-Family Specific Plan.

The appeal asserts that no finding of adequacy was made for fire service as required by the "Program" for Policy 8-1.1, which requires, "the decision maker to include a finding on the impact on fire service demands of proposed projects or plan amendments." The Staff Response to Appeal Point 8 rebuts this assertion in detail.

The appeal states that the project violates Policy 15-2.1, which reads, "No increase in density shall be effect by zone change, Plan amendment, subdivision or other discretionary action unless it is determined that the transportation infrastructure serving the property can accommodate the traffic generated." On January 13, 2020 the Director of Planning determined, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. Specifically, the Director found that the approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The project does not exceed the threshold criteria established by LADOT for preparing a Vehicle Miles Traveled Analysis and no transportation or traffic impacts were identified in relationship to the project. The Vehicle Miles Traveled calculator determined a net increase of 21

Daily Vehicle Trips; the existing land use had 10 Daily Vehicle Trips, while the proposed project had 31 Daily Vehicle Trips, which is below the threshold requiring a Vehicle Miles Traveled Analysis. No Transportation impacts were identified in relationship to the project.

Conclusion

In consideration of the foregoing, it is submitted that the Director of Planning acted reasonably in approving Case No. DIR-2019-2657-DRB-SPP-TOC. Upon in-depth review and analysis of the issues raised by the appellant for the proposed project at 10757, 10757 ½, 10759 West Wilkins Avenue, no errors or abuse of discretion by the Director of Planning or his/her designees were found in regards to the appeal points raised. For the reasons stated herein, and as provided in the Findings in the Director's Determination, the proposed project does comply with the applicable provisions of the Transit Oriented Communities Housing Incentive Program and the California Environmental Quality Act and Los Angeles Municipal Code. The appeals of the Director's Determination cannot be substantiated and therefore should be denied.

EXHIBIT A

PROJECT PLANS

DIR-2019-2657-DRB-SPP-TOC-1A



WILKINS APARTMENTS

10757 W. WILKINS AVE, LOS ANGELES, CA 90024

Project Participants

Owner
Agar, Inc.
2701 190th Street
Redondo Beach CA 90278
tel. 310.370.1454
email: benagarwal@gmail.com

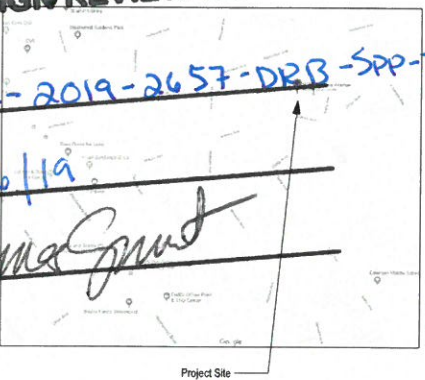
Architect
Tracy A. Stone Architect
2041 Blake Ave.
Los Angeles CA 90039
tel. 323.664.0202
email: tstone@tracystonearchitect.com

UTILITIES & EQUIPMENT NOTES:
1. No electrical transformers shall be surfaced mounted, and in the case of a required transformer shall be in an underground vault
2. All fire department equipment shall be screen from public view

Vicinity Map



Key Plan



Case Number

DIR-2019-2657-DRB-SPP-TOC

Date

11/06/19

Signature

James Smith

Site Information

10757 W. WILKINS AVE LOS ANGELES CA 90024

APN: 4325014015
Tract: TR 7803.
Block: 29
Lot: 15
Specific Plan: Westwood Community Design Review Board
Westwood Multiple Family Residential Development Standards
West Los Angeles Transportation Improvement and Mitigation
[Q] RD1.5-1
Zone: 9833.3 sf
TOC Area: Tier 3

Project Information

Construction: Type
Stories: 5 + subterranean parking
Height: See Code Compliance
Yards: See Code Compliance
Density: See Code Compliance
FAR: Allowable FAR: 3:1
5,747 sf x 3 = 17,241 sf
16,803 sf < 17,241 sf

TOC SUMMARY:

Base Incentives (2) - Tier 3:
Required Affordable Units: 14% Very Low Income Units
10 units x 14% = 2 units
Density (40% increase)
Parking (0.5/unit)
Additional Incentives (3) - Tier 3:
Required Affordable Units: 15% of base Very Low Income Units
6 units x 15% = 0.9 unit required (Round up to 1)
2 units provided
Open Space Reduction (25%)
Height Increase (+22')
Yard/Setback reduction (30% per two individual yards)

FLOOR AREA CALCS	CREDIT	AREA (SF)
Zoning Code		
1st Floor	3,560	3,560
2nd Floor	4,028	4,028
3rd Floor	3,743	3,743
4th Floor	3,875	3,875
5th Floor	1,451	1,451
Basement	146	146
Parking	6,288	6,288
		16,803 sq ft

Code Compliance

Density
ALLOWED:
LAMC 1500 sf / unit
9833.3 / 1500 = 7 units
+40% increase
T.O.C. 7 units + 40% = 10 units
(base incentive)
PROVIDED: 10 units

Yards
1. A minimum of 50 percent of each of the required front, rear and side yards shall be landscaped.
2. Projects which immediately abut an R1 or more restrictive zone on the rear property line shall have a rear yard of at least 20 feet in depth.
3. Projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width.

REQUIRED:
Specific Plan Front Yard 15' per LAMC
Side Yard 5' + 1" for each story over 2nd story Per LAMC = 8' min
Rear Yard 20'

T.O.C. 30% decrease in the required width or depth of two individual yards
(add incentive) 8' side yard x 30% = 2.4' reduction

PROVIDED:
Front Yard 15'
Side Yard 8' (East)
5.6' (West) Reduced yard
10' abutting R1 (North East)
Rear Yard 20'

Building Height
1. Average height of the single-family houses within 100' of the subject property is between 34 and 45 feet.
2. Average height of the single-family houses within 100' of the subject property is less than 34 feet.

Specific Plan 33' MAX within 100' of single family houses <34'
T.O.C. Two additional stories, up to 22 additional feet, any increase over 11 feet shall be stepped back 15 feet
(add incentive)

ALLOWED: 55' max, stepped back 15' (33' Specific Plan Max + 22' TOC Increase)
44' max at front

PROVIDED: 55' max, stepped back 15'
44' max at front

Parking Standards
1. At least 2 1/4 parking spaces for each dwelling unit containing four habitable rooms or less. One additional parking space shall be provided for dwelling units with more than four habitable rooms.
2. At least 1 1/4 parking spaces for each guest room or efficiency dwelling unit.
3. Of the parking spaces required, guest parking shall be provided at a ratio of 1/4 space for every dwelling unit, guest room or efficiency dwelling unit.

Specific Plan PARKING 10 units x 3.25 = 32.5 spaces total
Guest Parking 10 units x 0.25 = 2 guest spaces
Unit Parking 10 units x 3.00 = 30 spaces

LAMC 12.21A.4
Bike Parking 10 units x 1 bike space = 10 long term bike parking required
2 short term bike parking required

T.O.C UNIT PARKING 10 units x 0.5
(base incentive) 5 UNIT PARKING REQUIRED

REQUIRED: CAR PARKING 5 parking spaces
BIKE PARKING 10 long term, 2 short term

PROVIDED: CAR PARKING 21 parking spaces
STANDARD 5 spaces
ACCESSIBLE 1 space
COMPACT (NON-REQD) 15 spaces
BIKE PARKING 10 long term, 2 short term

Open Space
1. Projects in RD zones shall provide a minimum amount of open space per dwelling unit. Minimum 350 SF per unit.
3. One fourth of the required space may be located above the ground level. A minimum of 50% of the open space must be landscaped.
6. Required yard areas shall not be included as part of the required open space area, except that 50% of the front and/or rear yards may be included as a portion of the required open space area, provided such yard area is landscaped.

Specific Plan 350 sf x 10 units 3500 SF REQUIRED
T.O.C 25% Reduction
(add incentive) 350 sf x 10 units = 3500
3500 - 25% Reduction 2625 SF REQUIRED

REQUIRED: 2625 SF

PROVIDED: GROUND LEVEL
Front Yard 698 (MAX 50%) 349 SF
Rear Yard 1494 (MAX 50%) 747 SF
Community Area 875 SF
ABOVE GROUND (Max 25% of req'd - 2625 x 0.25 = 656 sf)
Roof Decks 656 + 656 SF
PROVIDED OPEN SPACE 2627 SF

AREA	HARDSCAPE	LANDSCAPE	TOTAL AREA	% LANDSCAPE
Front Yard	308 sf	367 sf	698 sf	55%
Rear Yard	252 sf	1242 sf	1494 sf	83%
Side Yard - West	135 sf	493 sf	628 sf	76%
Side Yard - East	617 sf	657 sf	1274 sf	52%
Community Area	111 sf	764 sf	875 sf	87%
Roof Decks	384 sf	272 sf	656 sf	41%

** Only 50% of the front and rear yards are contributing to open space requirements.
Contributing areas are fully landscaped and do not include any paving/hardscape.

50% LANDSCAPED TOTAL 2625 SF x 50% = 1312 SF MIN LANDSCAPE AREA

CONTRIBUTING OPEN SPACE LANDSCAPE
Front Yard 349 sf
Rear Yard 747 sf
Community Area 875 sf
Roof Decks 272 sf
TOTAL 2132 sf provided > 1312 sf required

TRACY A. STONE
ARCHITECT

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WILKINS
APARTMENTS

10757 W. WILKINS AVE
LOS ANGELES, CA 90024

KEY MAP

CLIENT

Agar, Inc.
2701 190th Street
Redondo Beach, CA 90278
benagarwal@gmail.com
310.370.1454

NOT FOR CONSTRUCTION

SPECIFIC PLAN SUBMITTAL

ID DATE ISSUE
01 9/7/2018 SPECIFIC PLAN SUBMITTAL

printed
11/22/2019
sheet name
Cover Sheet

scale
see drawing
sheet number
A0.1

15 Selby Avenue, Los Angeles, California 90024
19 Block 29, Tract No. 7803, M.B. 88, Pgs. 73-75
APN (4325-014-018), Single-Family Residential

1431 Selby Avenue, Los Angeles, California 90024
Lot 18, Block 29, Tract No. 7803, M.B. 88, Pgs. 73-75
APN (4325-014-018), Single-Family Residential

1433 Selby Avenue, Los Angeles, California 90024
Lot 17, Block 29, Tract No. 7803, M.B. 88, Pgs. 73-75
APN (4325-014-017), Multi-Family Residential

10751 Wilkins Avenue, Los Angeles, California 90024
Lot 16, Block 29, Tract No. 7803, M.B. 88, Pgs. 73-75
APN (4325-014-016), Multi-Family Residential

10757 Wilkins Avenue, Los Angeles, California 90024
Lot 15, Block 29, Tract No. 7803, M.B. 88, Pgs. 73-75
APN (4325-014-015), Multi-Family Residential

10761 Wilkins Avenue, Los Angeles, California 90024
Lot 14, Block 29, Tract No. 7803, M.B. 88, Pgs. 73-75
APN (4325-014-014), Multi-Family Residential

EXHIBIT "A"
Page No. 2 of 17
Case No. DIR-2019-2657-DRB-SPP-TOC

VICINITY MAP
Not To Scale



PROJECT DATA

Property Address: 10757 Wilkins Avenue, Los Angeles, California 90024
Record Owners: Agar Inc. Tel: (310) 877-8934
Lot Area: 9,780 Square Feet = 0.2245 Acres (more or less)
Legal Description: Lot 15, in Block 29 of Tract No. 7803, in the City of Los Angeles, County of Los Angeles, State of California, as per Map recorded in Book 88, Pgs. 73-75 inclusive, of Maps, in the Office of the County Recorder of said County.
Assessor's Parcel No.: (APN) 4325-014-015, Records of Los Angeles County
Zoning: Multi-Family Residential Property, (RB-1.5)
Utilities Status: All utilities are available in the abutting Public Street of Wilkins Avenue.
Basis of Bearings: The Bearing N 78° 59' 10" W of the centerline of Wilkins Avenue, as shown on the Map of Tract No. 7803, M.B. 88, Pgs. 33-35, is taken as the Basis of Bearings for this Boundary and Topographic Survey Map.
Bench Mark: Found L & Tag, L.S. No. 3125, 1.5 feet southerly of the southeasterly property corner, as shown on the Survey Map herein, is taken as the Bench Mark with an assumed elevation of 100.00 Feet ± 298.80 ft of City of Los Angeles Bench Mark RB-1-0837 with spike in West Oak of Selby Avenue, 12 ft North of Wilkins Avenue.
Easement Status: Based on the North American Title Co. Preliminary Report, dated August 28, 2017, one Utility Easement, recorded in Book 16978, Page 3 B4, Official Record.
NOTES: City of Los Angeles Bench Mark Datum shown herein is 1988 NAVD 83, Adj. to zone North American Preliminary Title Report needs to be revised by removing 12 ft to ground shown as item 5 of Schedule B, Pg. 6. Said Easement is not applicable.

LOCATION MAP
Not To Scale



Riah Engineering & Surveying
John H. Riah
Registered Civil Engineer & Licensed Land Surveyor
22515 Lays Drive, Torrance, California 90505
Tel: (310) 373-9424 Fax: (310) 373-1414
jrah@riahe.com



BOUNDARY & TOPOGRAPHIC SURVEY MAP

For a Multi-Family Residential Property, Located at
10757 Wilkins Avenue, Los Angeles, California 90024
February 20, 2018
Revised June 20, 2018

C-1

WILKINS
APARTMENTS
10757 W. WILKINS AVE
LOS ANGELES, CA 90024

KEY MAP

CLIENT
Agar, Inc.
2701 190th Street
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EXHIBIT "A"
Page No. 4 of 17
Case No. DR-2019-2657-DRB-SUB

NOT FOR CONSTRUCTION

SPECIFIC PLAN SUBMITTAL

ID DATE ISSUE
01 9/7/2018 SPECIFIC PLAN SUBMITTAL

printed
11/22/2019

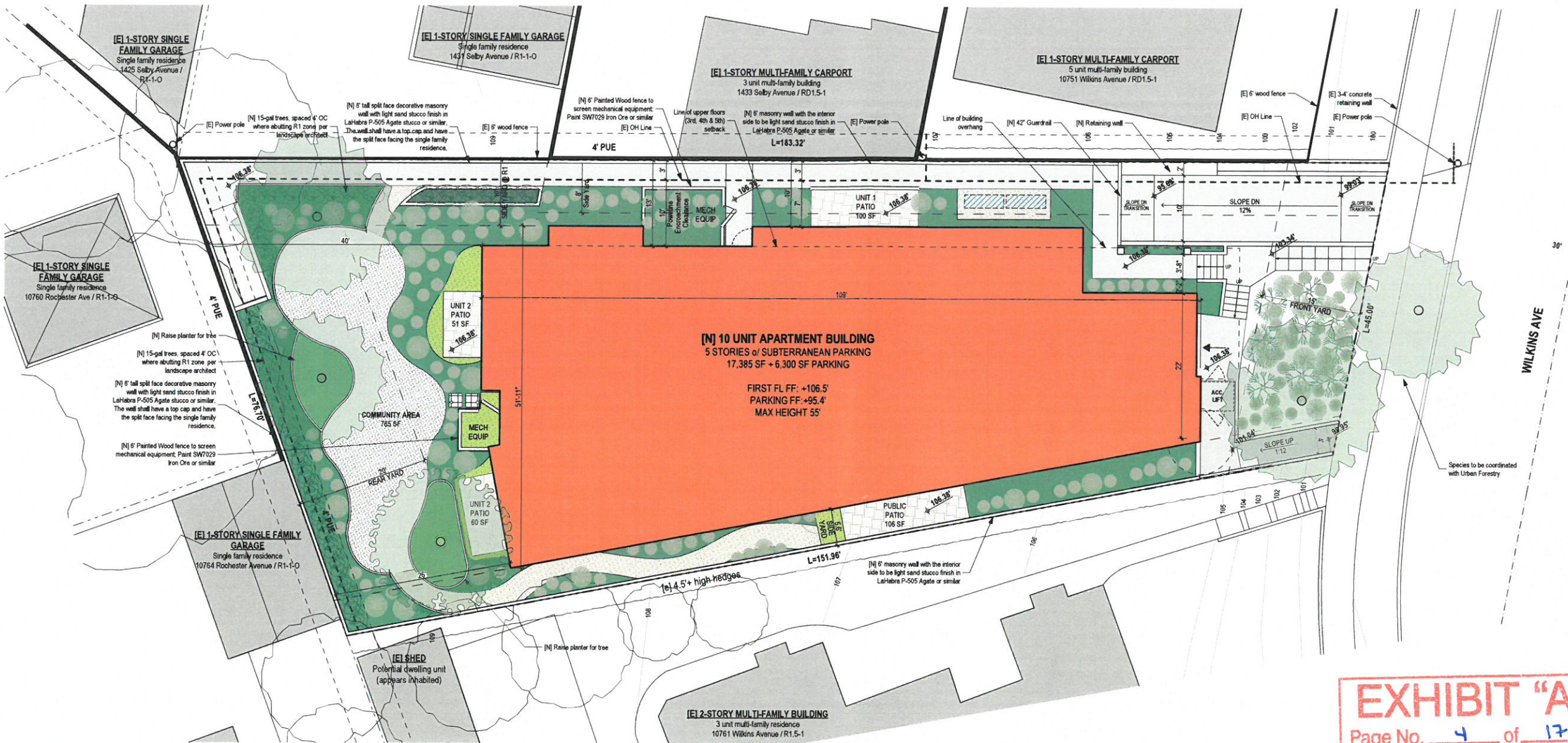
sheet name

[N] Site Plan

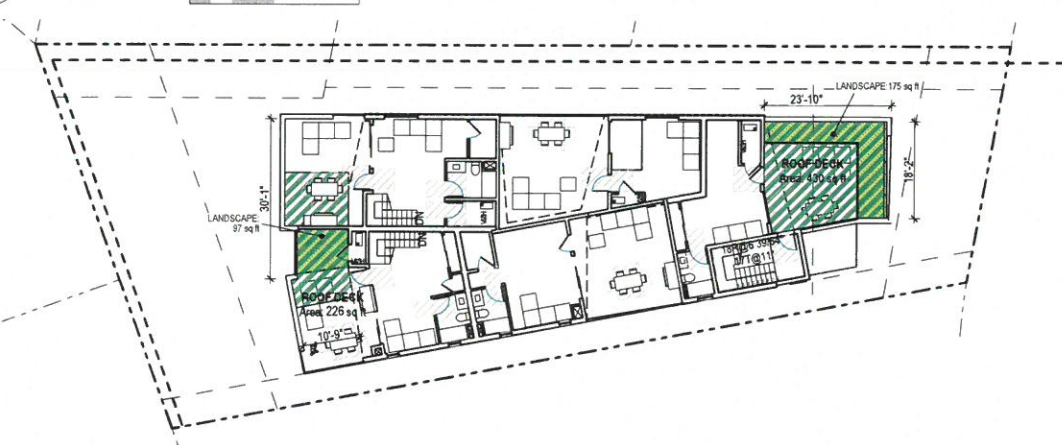
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sheet number

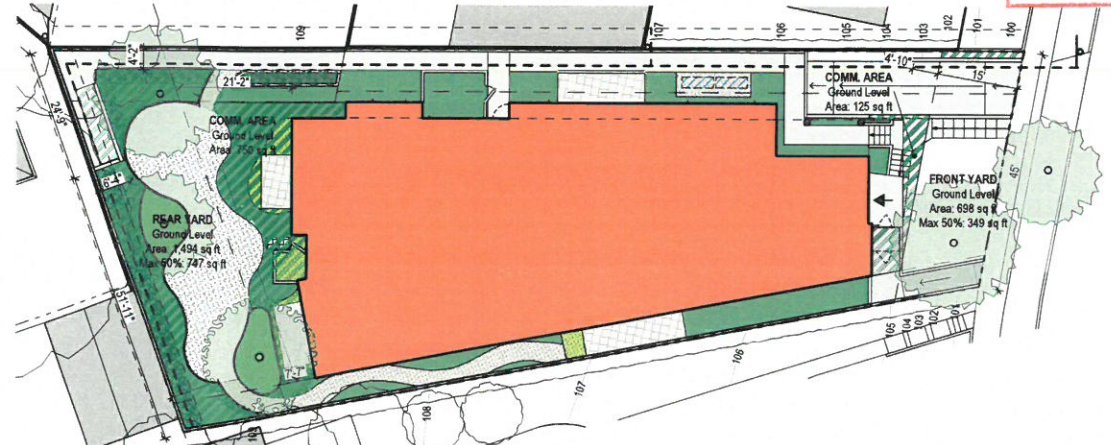
A1.1



[N] Site Plan
SCALE: 1/8" = 1'-0"



Open Space Calcs - Roof Deck
SCALE: 1/16" = 1'-0"



Open Space Calcs - Ground
SCALE: 1/16" = 1'-0"

SITE PLAN LEGEND	
---	Property Line
---	Centerline of Street
---	Fence
---	[E] Wall to remain
---	[N] CMU block wall
---	[N] Landscape per LA
---	[N] Gravel / DG
---	[N] Grass
---	[N] Concrete

WILKINS
APARTMENTS

10757 W. WILKINS AVE
 LOS ANGELES, CA 90024

KEY MAP

CLIENT

Agar, Inc.
 2701 190th Street
 Redondo Beach, CA 90278
 benagarwal@gmail.com
 310.370.1454

NOT FOR CONSTRUCTION

SPECIFIC PLAN SUBMITTAL

ID	DATE	ISSUE
01	9/7/2018	SPECIFIC PLAN SUBMITTAL

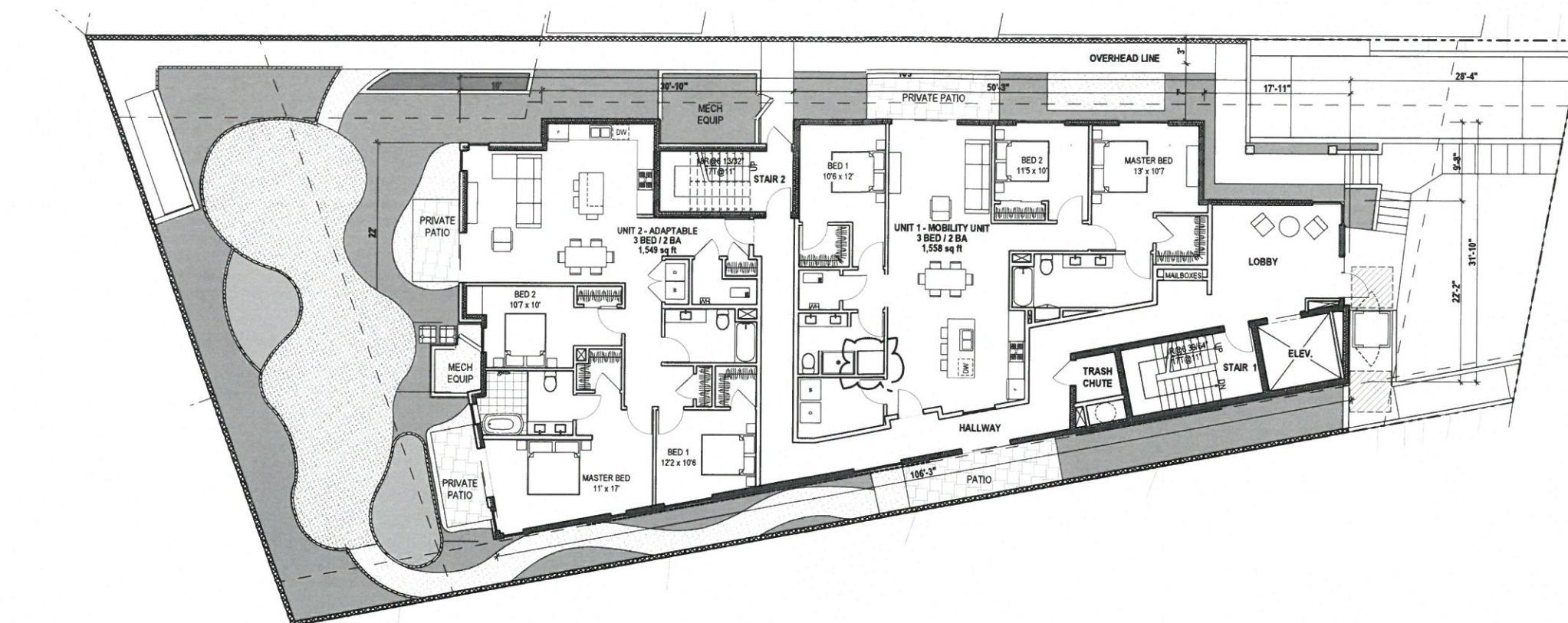
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sheet name
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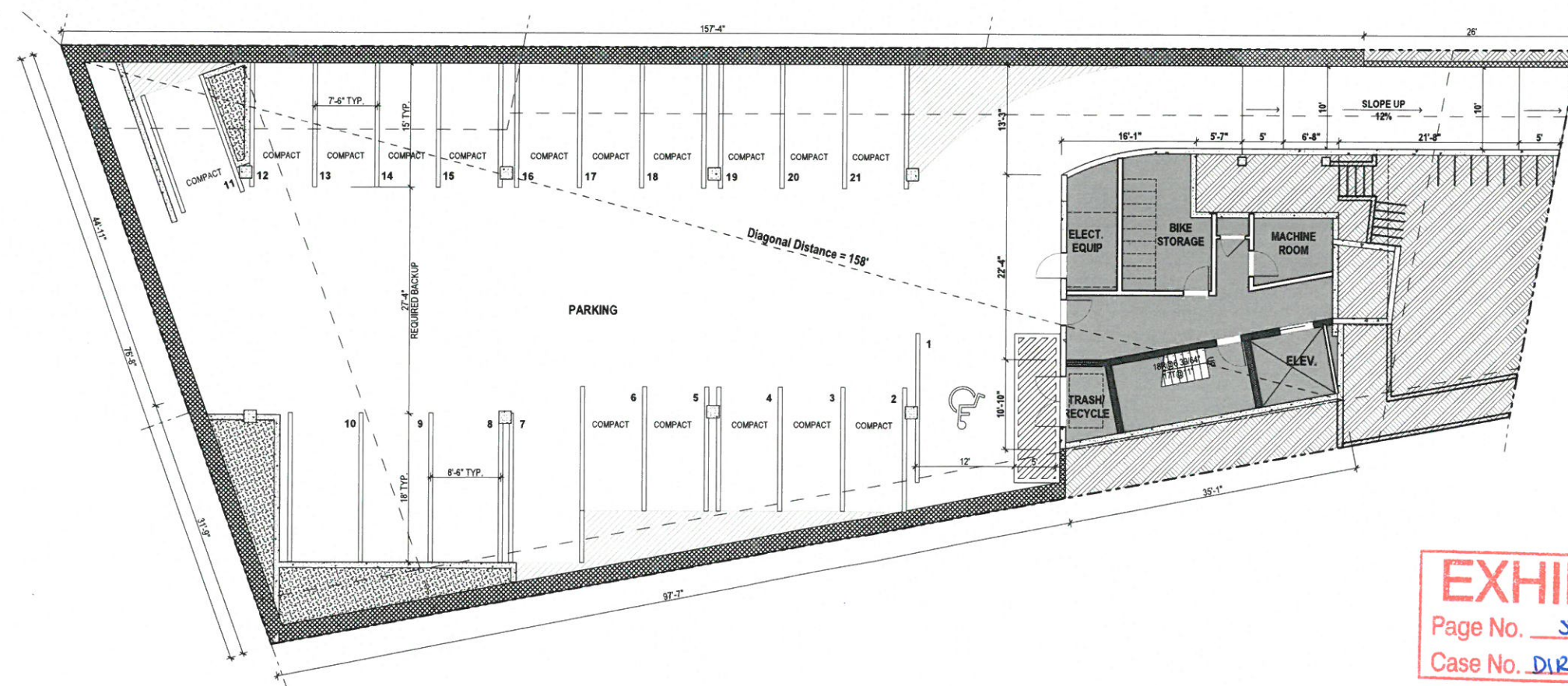
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 see drawing

sheet number

A2.1



[N] 1st Floor
 SCALE: 1/8" = 1'-0"



[N] Parking
 SCALE: 1/8" = 1'-0"

EXHIBIT "A"

Page No. 5 of 17

Case No. DIR-2019-2057-DRB-SPD

TOC

WILKINS
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01	9/7/2018	SPECIFIC PLAN SUBMITTAL

printed:
11/22/2019
sheet name:
Floor Plans
scale:
see drawing
sheet number:
A2.2

[N] 3rd Floor
SCALE: 1/8" = 1'-0"

[N] 2nd Floor
SCALE: 1/8" = 1'-0"

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printed:
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sheet name
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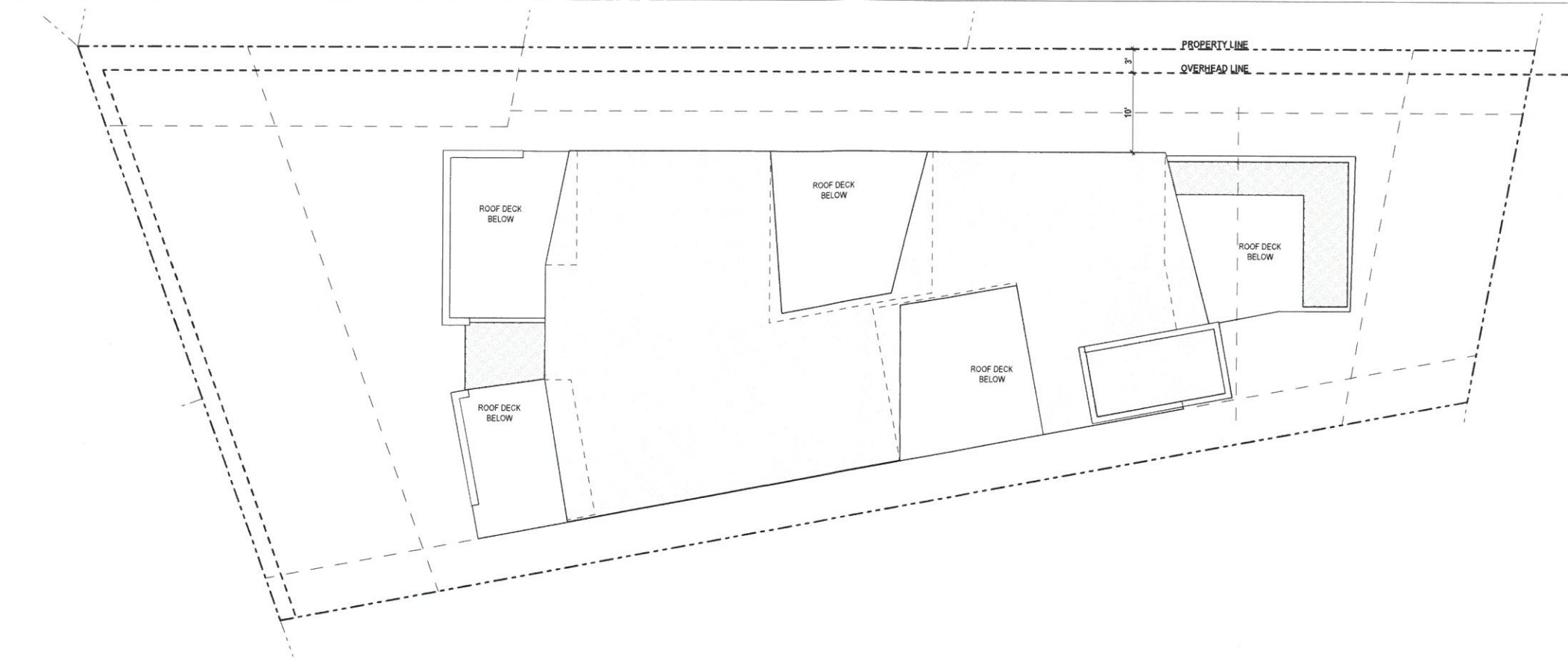
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see drawing

sheet number

A2.3

[N] 5th Floor
SCALE: 1/8" = 1'-0"

[N] 4th Floor
SCALE: 1/8" = 1'-0"



[N] Roof Plan
SCALE: 1/8" = 1'-0"

TRACY A. STONE
ARCHITECT
2041 Blake Ave Los Angeles CA 90039
tel 323 664 0202 fax 323 664 0203
www.tracystonearchitect.com

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KEY MAP

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ID	DATE	ISSUE
01	9/7/2018	SPECIFIC PLAN SUBMITTAL

EXHIBIT "A"

Page No. 8 of 17

Case No. PIR-2019-2657-DRB-SPP-TC

printed
11/22/2019
sheet name
Roof Plan

scale
see drawing

sheet number

A2.4

WILKINS
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10757 W. WILKINS AVE
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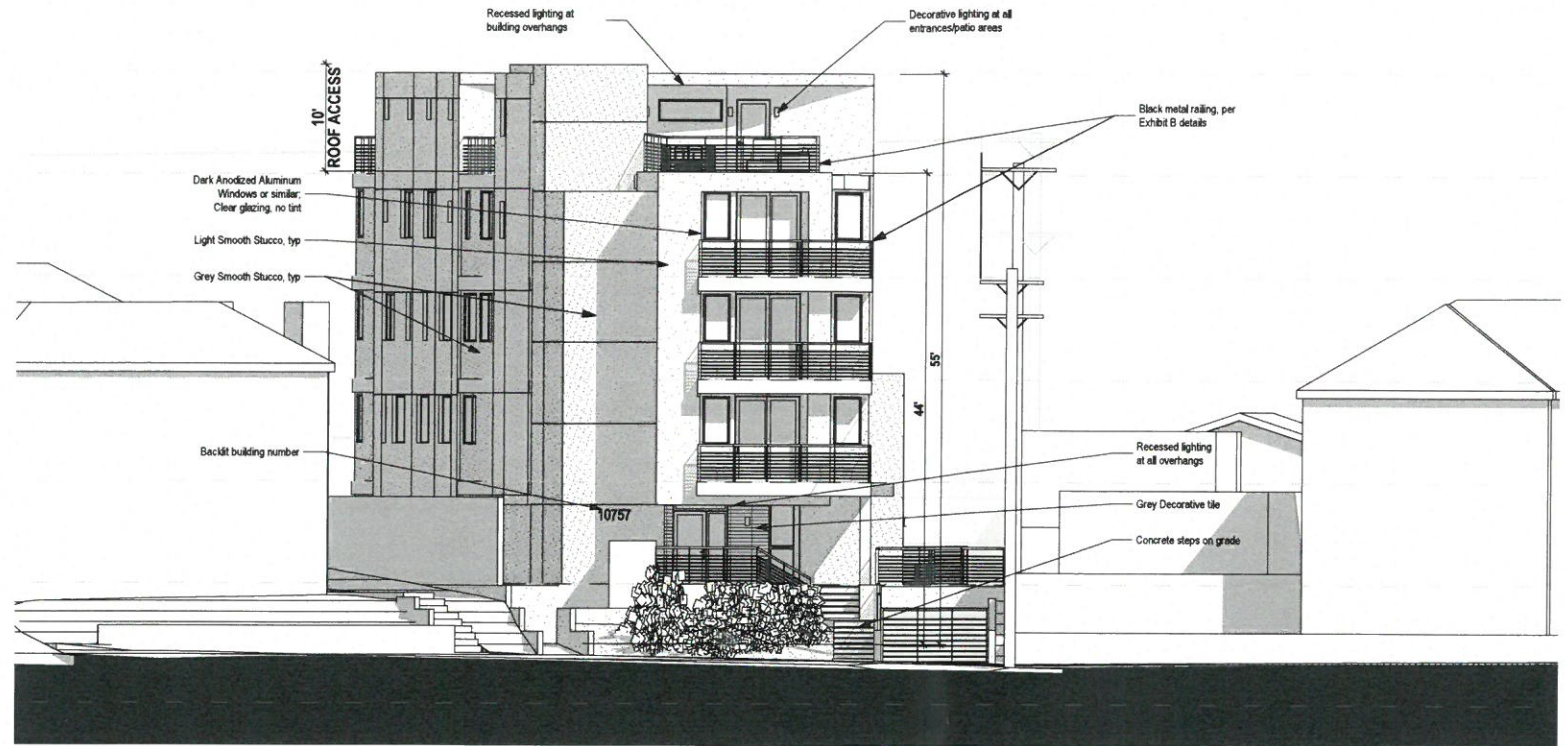
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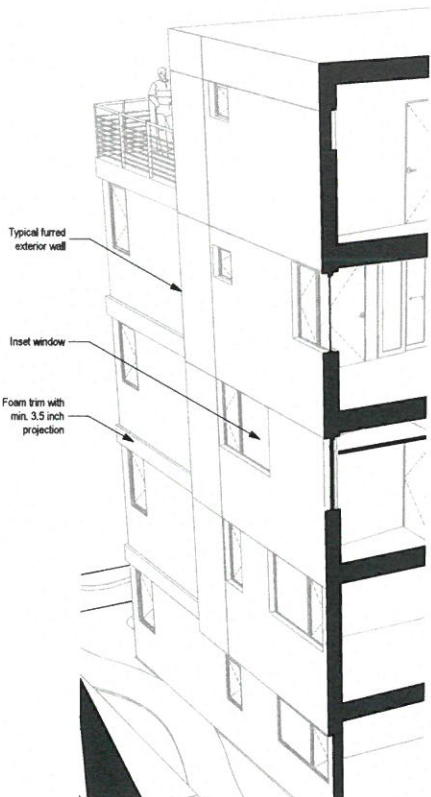
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sheet name
Elevations

scale
see drawing
sheet number

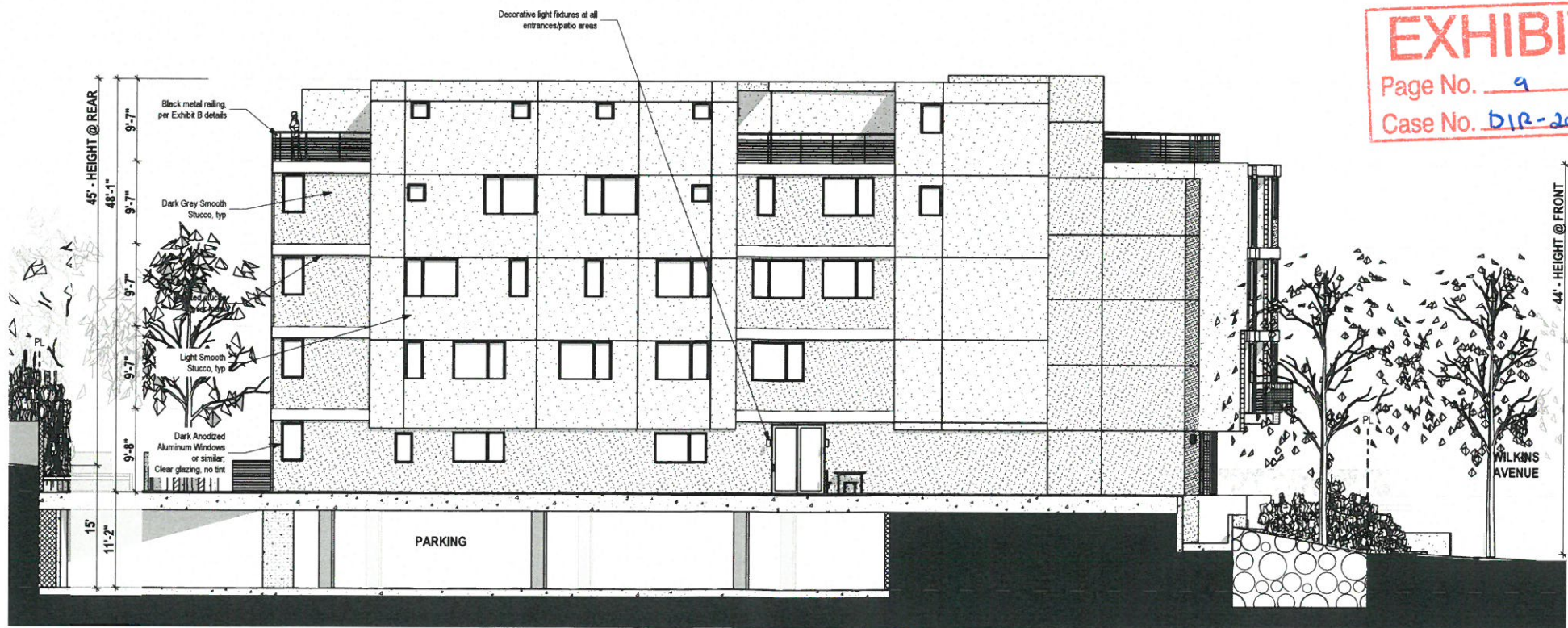
A3.1



South Elevation
SCALE: 1/8" = 1'-0"



3D Wall Section 1



West Elevation
SCALE: 1/8" = 1'-0"

EXHIBIT "A"
Page No. 9 of 17
Case No. DIR-2019-2657-DRB-SPP-TOC

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APARTMENTS

10757 W. WILKINS AVE
 LOS ANGELES, CA 90024

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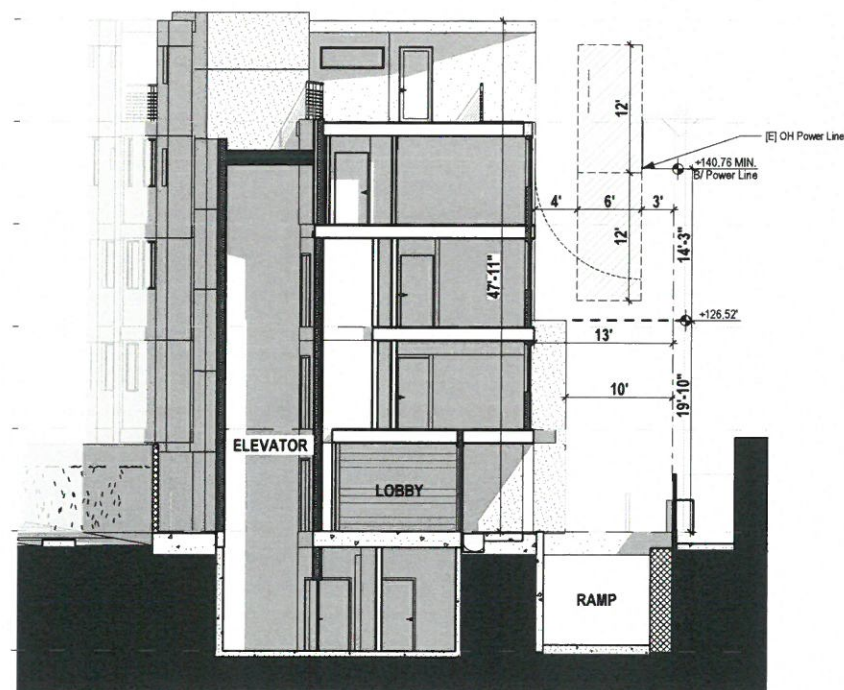
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sheet name
 Elevations

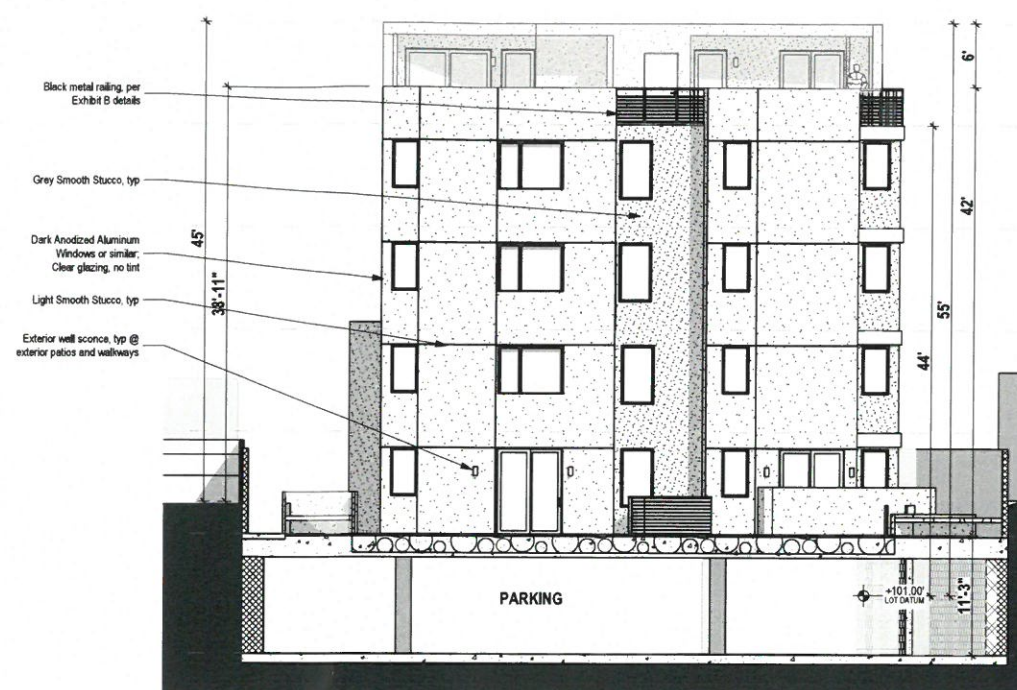
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sheet number

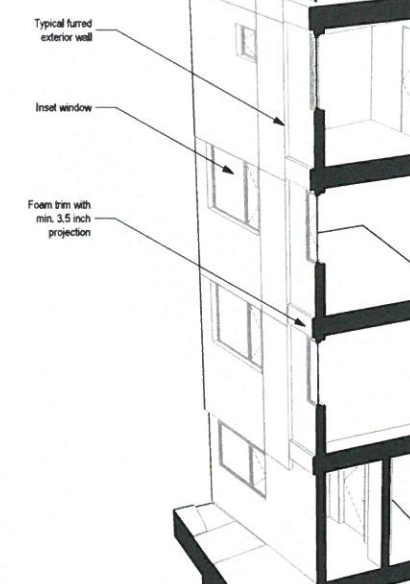
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Section
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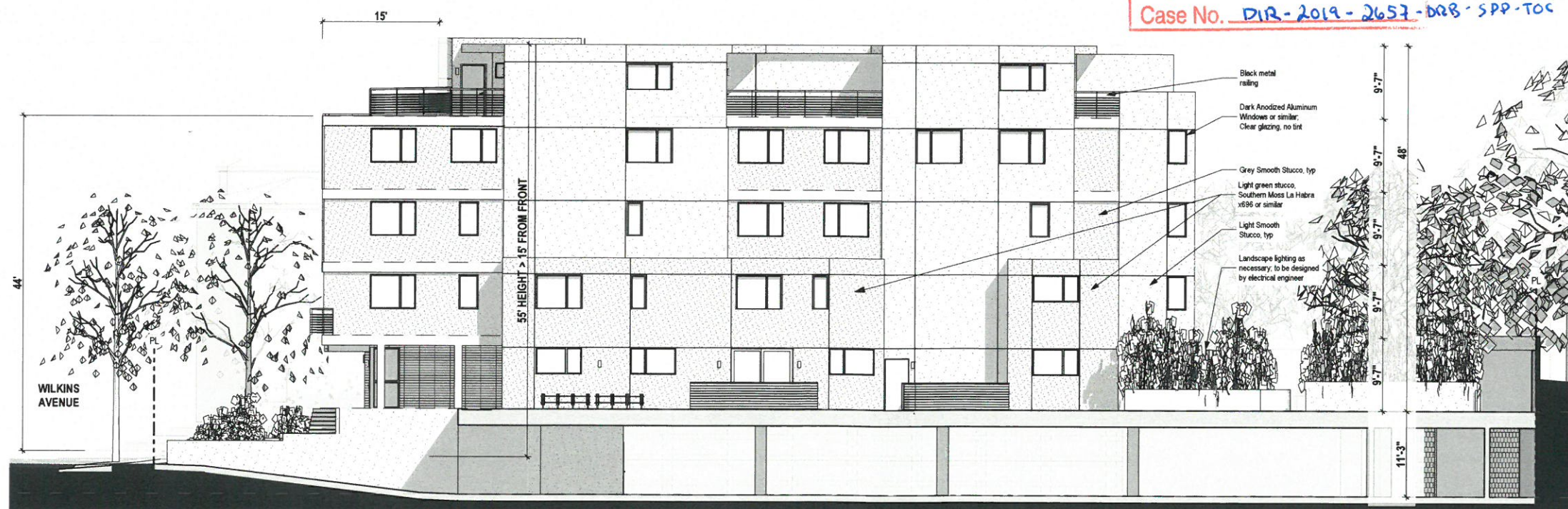


North Elevation / Section
 SCALE: 1/8" = 1'-0"

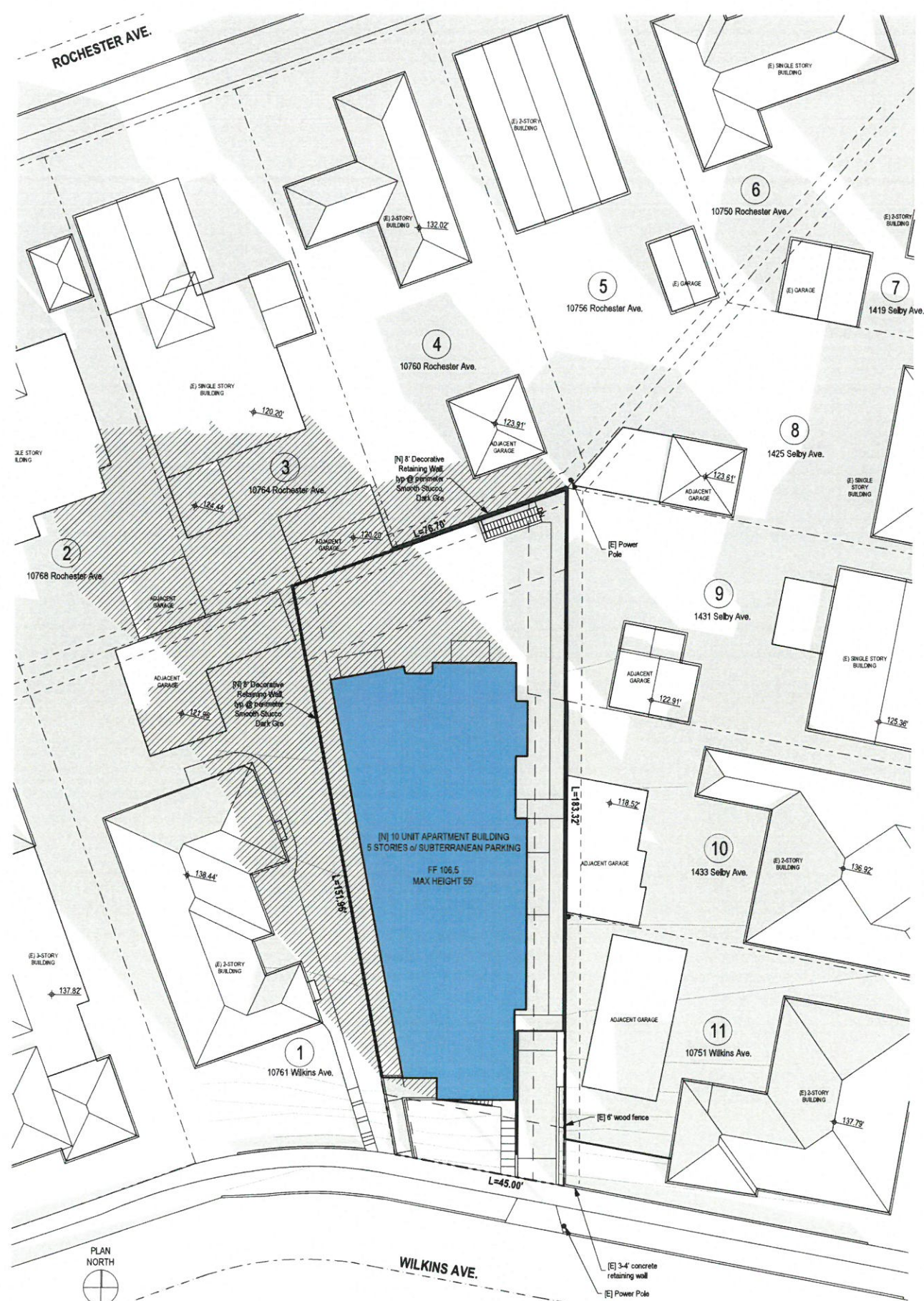


3D Wall Section 2

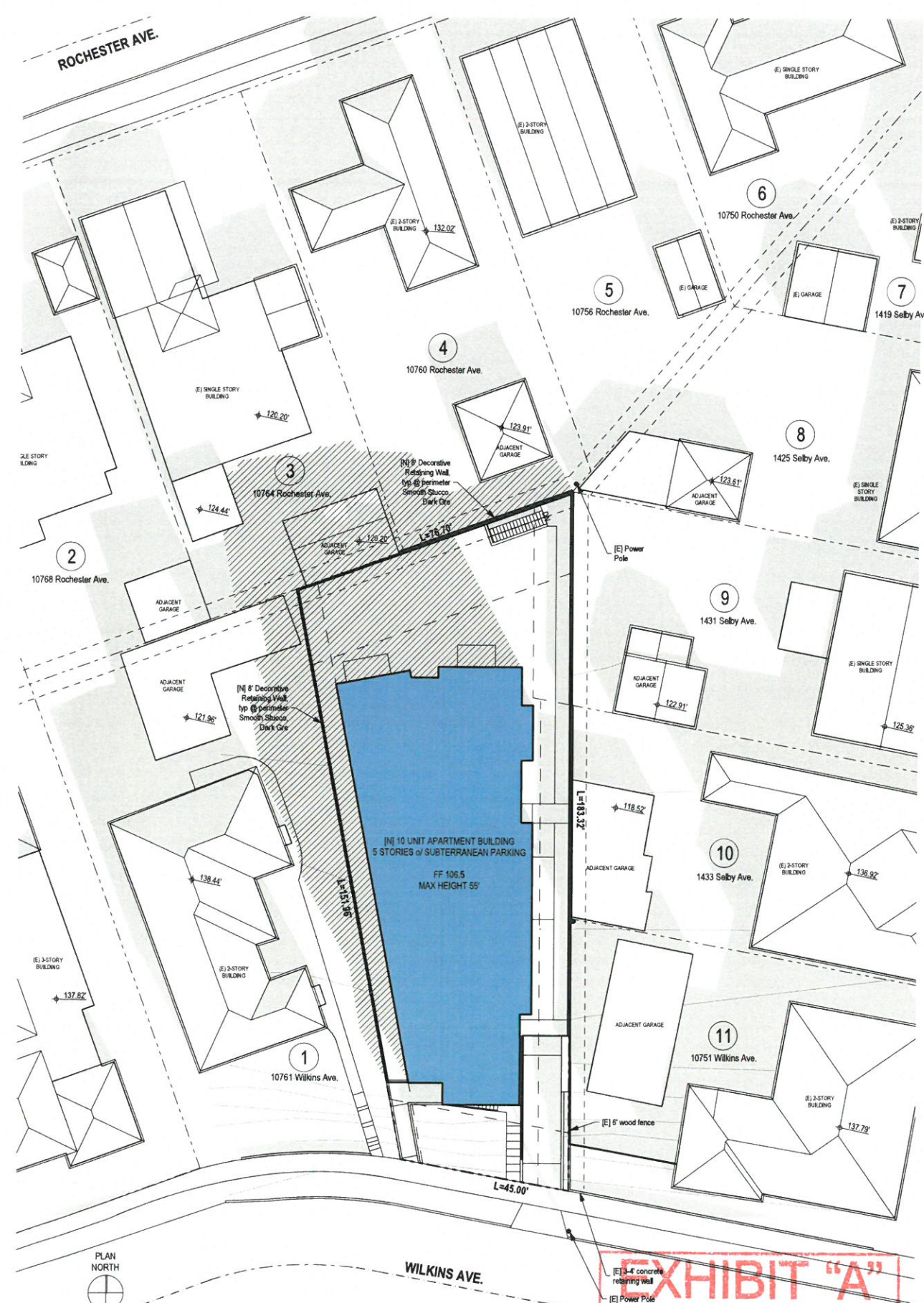
EXHIBIT "A"
 Page No. 10 of 17
 Case No. DIR-2019-2657-DAB-SPR-TOC



East Elevation / Section
 SCALE: 1/8" = 1'-0"



DECEMBER 21 @ 9:00 AM



DECEMBER 21 @ 10:00 AM

EXHIBIT "A"
 Page No. 11 of 17
 Case No. DR-2019-2057-DRB-SP-ROC

TRACY A. STONE ARCHITECT
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 tel 323 664 0202 fax 323 664 0203
 www.tracystonearchitect.com

WILKINS APARTMENTS
 10757 W. WILKINS AVE
 LOS ANGELES, CA 90024

KEY MAP

CLIENT
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 2701 190th Street
 Redondo Beach, CA 90278
 benagarwal@gmail.com
 310.370.1454

NOT FOR CONSTRUCTION

ID	DATE	ISSUE

printed:
 2/15/2019
 sheet name:
 Shade & Shadow Study
 scale:
 see drawing
 sheet number:
A1

WILKINS
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10757 W. WILKINS AVE
LOS ANGELES, CA 90024

KEY MAP

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2/15/2019

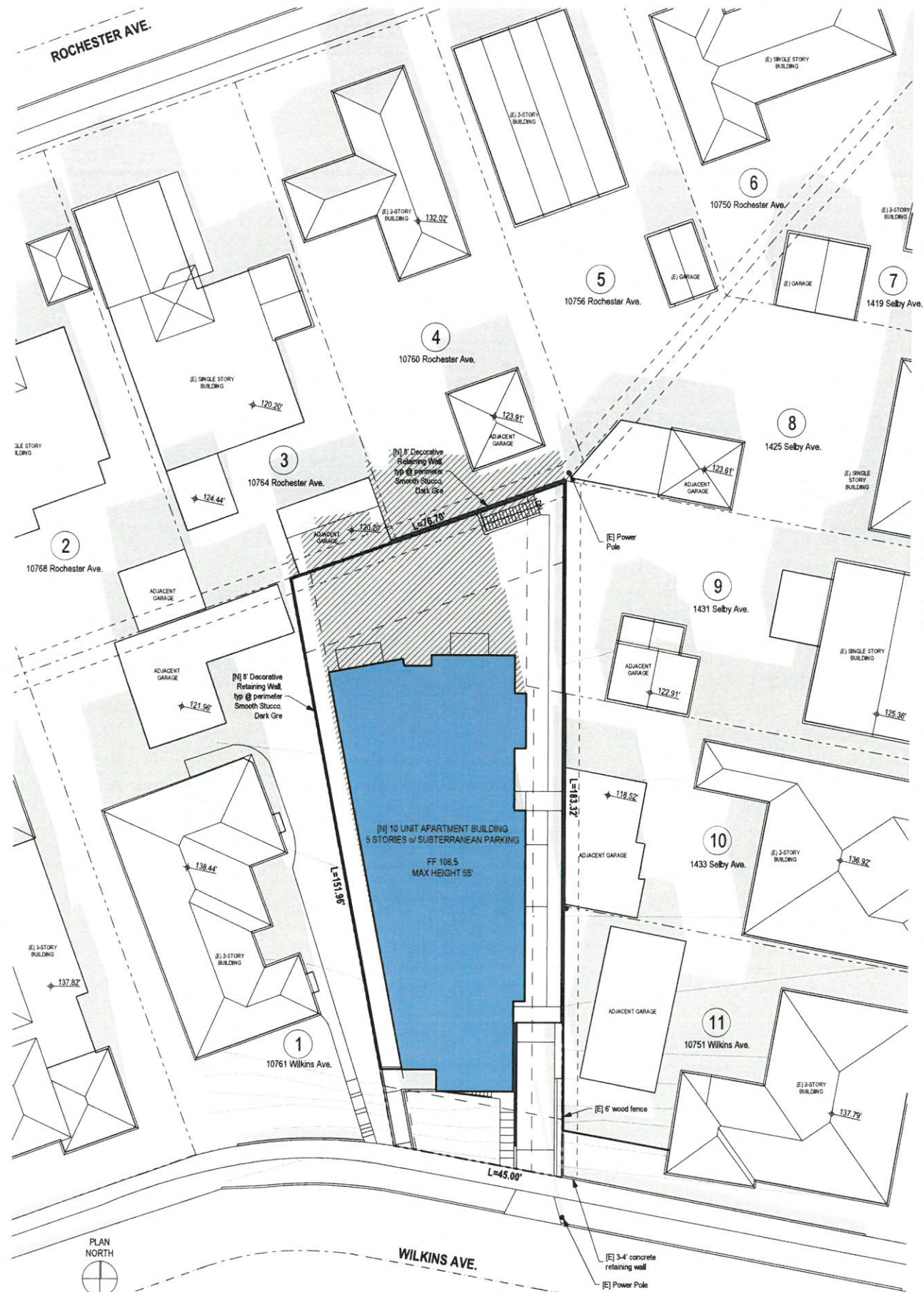
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Shade & Shadow
Study

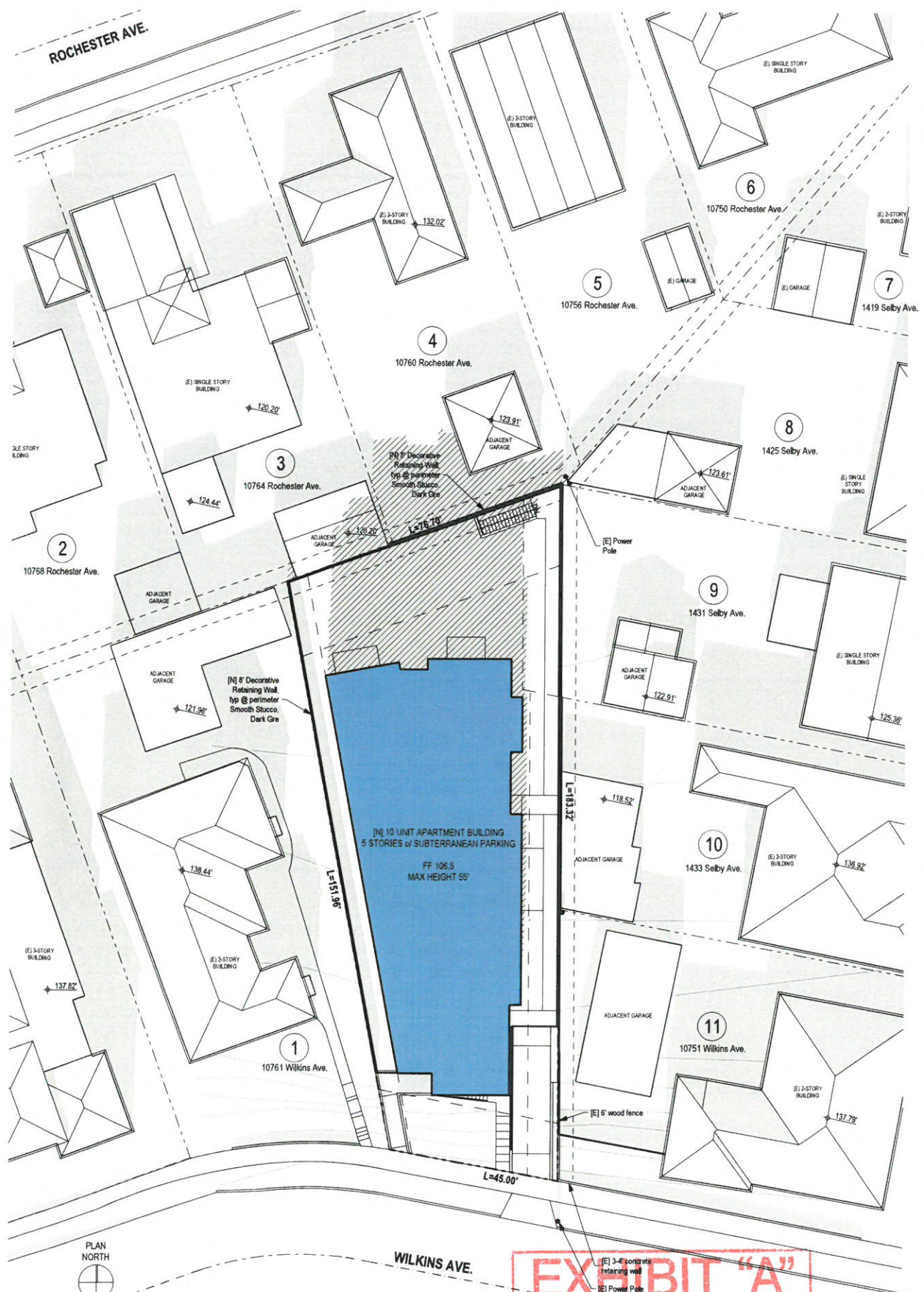
scale
see drawing

sheet number

A2



DECEMBER 21 @ 11:00 AM



DECEMBER 21 @ 12:00 PM

EXHIBIT "A"

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Case No. DIR-2019-2657-DRB-SPP-TC

WILKINS
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310.370.1454

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ID DATE ISSUE

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2/15/2019
sheet name
Shade & Shadow
Study
scale
see drawing
sheet number
A3

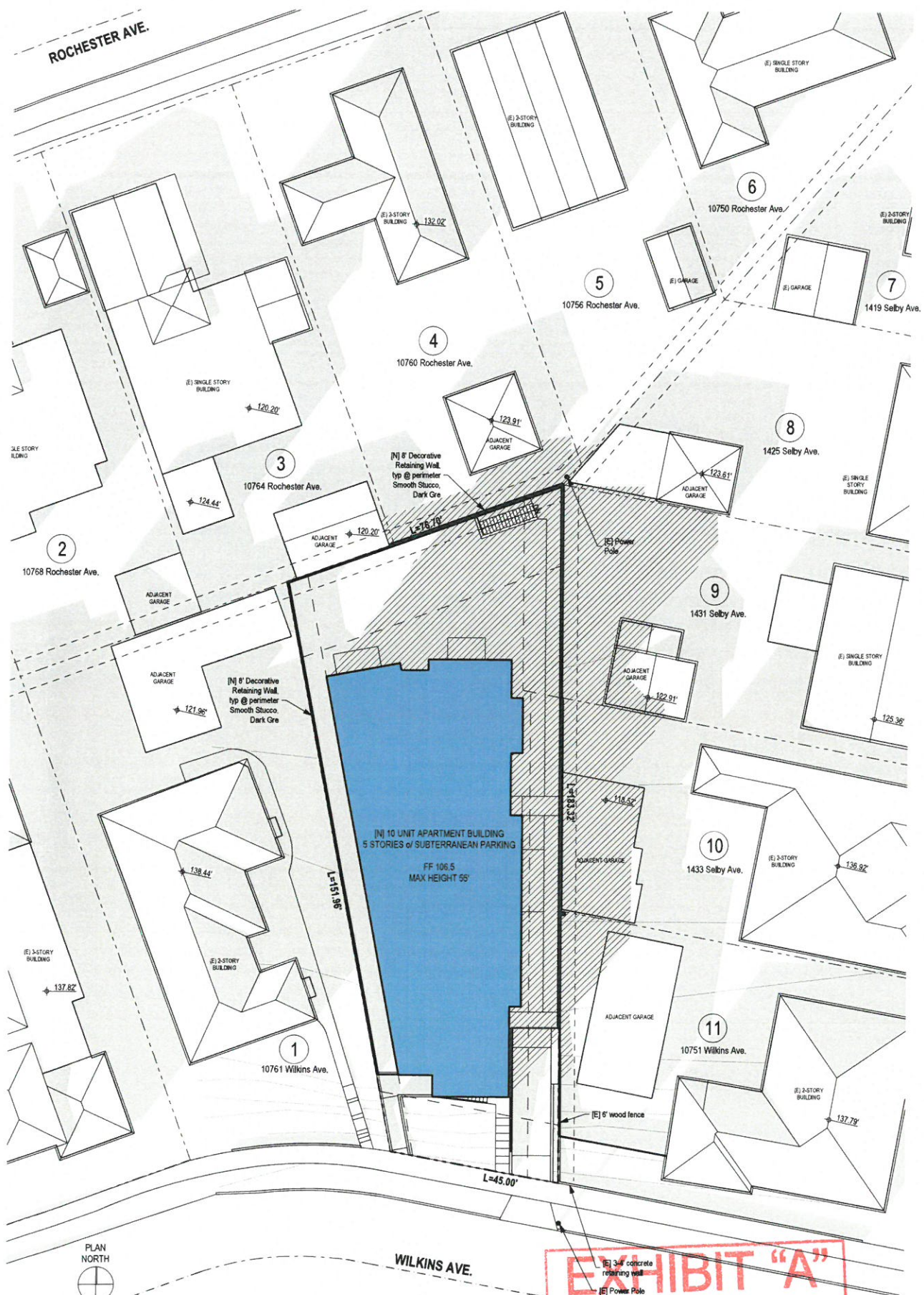
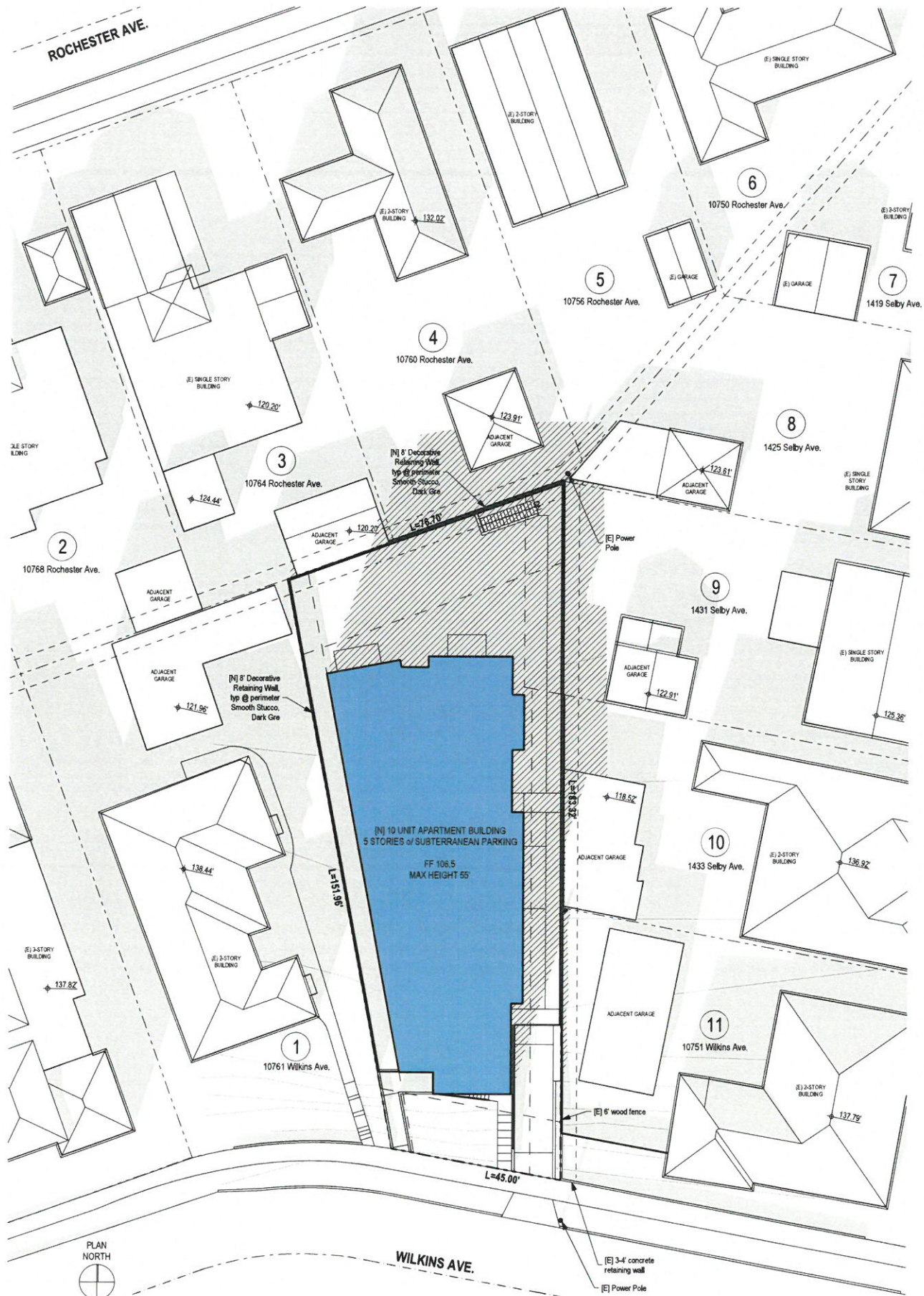


EXHIBIT "A"
Page No. 13 of 17
Case No. DIR-2019-2657-DRB-SPD-TOC

City of Los Angeles Landscape Ordinance requirements

Potential Landscape Area = (Site) 5811 sq ft. - (Building) 4296 sq ft. = (Landscape provided) 5515 sq ft.

Landscape Point System

Square footage of site (5811 sq ft.)

Points required (15 points)

Points Provided

Walls/Fences, vines on walls (Per 50 linear feet of perimeter wall) (6 points)

Street Trees to shade Street: (4 points)

Site Design, use of Class 1 or Class 2 compost as a soil amendment in all landscaped areas (5 points)

Total Points provided 15 points

Open Space Calculation (City of Los Angeles Landscape Ordinance requirements):

Private Open Space = 620 sq ft.

Common usable open space on grade level = 766 sq ft.

Total open space = Approx. 1345 sq ft. > 1000 sq ft. (10 Units x 100 sq ft.)

Water Management Point System

Square footage of site (5811 sq ft.)

Points required (200 points)

Points Provided

Drip/trickle/micro irrigation/low (10 points)

precipitation sprinkler heads with flow-control device

Lawn area or swimming pools 0% to 15% of the landscaped area (10 points)

Automatic irrigation controller (5 points)

with cycling capacity, and with watering schedule (minimum summer/winter schedules)(any number)

Plants on site those that will, (674- points)

in the designed location, and properly established for 3 years, remain in good health with no more than monthly watering in summer (existing plants that comply may be counted) (plants included on the list maintained by the local chapter of the California Native Plant Society may not be counted: <http://www.clnps.org/invasive/html>)

Total Points provided 700 points

- CITY OF LOS ANGELES STANDARD TREE PLANTING GUIDELINES
1. Trees shall be a minimum 15-gallon size.
 2. Trees shall be installed with a ten-foot galvanized metal tree stake (or 2" ten-foot wooden stakes.)
 3. Trees shall be secured to the stake with two rubber tree ties in accordance with standard specifications (Plan S-063.0.)
 4. Root control barriers shall be installed on all sides of the root ball in accordance with standard specifications (Plan S-066.1) (parallel barriers may be used in parkway areas, eight feet or larger.)
 5. The permittee shall agree to maintain the tree for a five-year establishment period and replace if necessary.
 6. The permittee shall keep the soil around the tree moist by watering the tree with 10-20 gallons of water every five days for the first eight weeks after the tree is planted. Thereafter, the tree should be watered every twenty days with a minimum 20 gallons of water.
 7. The permittee shall remove the tree stakes within three years or after the tree is established, whichever comes first.

Plant Schedule					
Shrubs, Groundcovers and climbers					
Botanical name	Common name	Planted size	Quantity	Mature size	Maturity
Echeveria spp.	Echeveria	1 gal.	55	4-24" Spread	1 Year
Sedum spp.	Stone Orpine	1 gal.	158	12-24" Spread	1 Year
Nassella tenuissima	Mexican Feather Grass	1 gal.	115	12-24" Tall	1/2 Year
Festuca glauca	Blue Fescue	1 gal.	178	8-12" Tall	1/2 Year
Pennisetum 'Eaton Canyon'	Dwarf Red Fountain Grass	1 gal.	100	18-24" Tall	1/2 Year
Senecio mandraliscae	Chalk Fingers	1 gal.	17	24-36" Tall and Spread	1 Year
Euphorbia tirucalli 'Firesticks'	Firesticks	5 gal.	9	4-8" Tall and Spread	2 Years
Agave attenuata	Foxtail agave	5 gal.	15	3-5" Tall and Spread	2 Years

Shrubs, Groundcovers and climbers					
Agave americana	American Agave	5 gal.		3-6' Tall and 6-10' Wide	2 Years
Aloe striata	Coral Aloe	5 gal.		12-36" Tall and 9" Wide	1 Year
Trachelospermum jasminoides	Star Jasmine	1 gal.		18-20' Twinning stems	2-3 Years
Prunus caroliniana 'Compacta'	Carolina cherry	15 gal.		8-10' Tall and 6-8" Wide	5 Years
Trees					
Ulmus parvifolia	Chinese Elm	36" Box, 6" Caliper	3	40-50' tall, 25" Crown	10 years
Pyrus kawakamii	Evergreen Pear	36" Box, 3" Caliper	1	15-30' tall and wide	10 years
Magnolia grandiflora 'Southern Charm'	Teddy Bear Southern Magnolia	15 gal, 3" Caliper	4	16-20' tall, 10-12" wide	10 years
Tree as per Division of Urban Forestry/ Dept. of Street Trees				36" Box, 3" Caliper	1

Open Space Calculations per the Westwood Multi-Family Specific Plan				
AREA:	HARDSCAPE	LANDSCAPE	TOTAL AREA	% LANDSCAPE
Front Yard	308 sf	387 sf	698 sf **	55%
Rear Yard	252 sf	1242 sf	1494 sf **	83%
Community Area	111 sf	764 sf	875 sf	87%
Roof Decks	384 sf	272 sf	656 sf	41%
Only 50% of the front and rear yards are contributing to open space requirements. Contributing areas are fully landscaped and do not include any paving/hardscape **				
50% LANDSCAPE TOTAL	2625 sf x 50% =	1312 sf Min Landscape Area		
CONTRIBUTING OPEN SPACE LANDSCAPE				
Front Yard	349 sf			
Rear Yard	247 sf			
Community Area	764 sf			
Roof Decks	272 sf			
TOTAL : 2132 sf provided > 1312 sf required				

- LEGEND :
- Quantities for ground level and roof deck combined
- Shrub planting (in mulch):
- Echeveria spp. Echeveria (1 gal, 55 shrubs)
 - Sedum spp. Stone Orpine (1 gal, 158 groundcovers)
 - Nassella tenuissima Mexican Feather Grass (1 gal, 115 plants)
 - Festuca glauca Blue Fescue (1 gal, 178 plants)
 - Pennisetum 'Eaton Canyon' Dwarf Red Fountain Grass (1 gal, 100 plants)
 - Senecio mandraliscae Chalk Fingers (1 gal, 17 plants)
 - Euphorbia tirucalli 'Firesticks' Firesticks (5 gal, 9 shrubs)
 - Agave attenuata Foxtail agave (5 gal, 15 shrubs)
 - Agave americana American agave (5 gal, 23 shrubs)
 - Aloe striata Coral Aloe (5 gal, 9 shrubs)
 - Trachelospermum jasminoides Star jasmine (1 gal, 144 Lt, 53 plants)

- Hedge planting:
- Prunus caroliniana 'Compacta' Carolina Cherry (15 gal, 116 Lt, 29 Shrubs)

- Lawn planting:
- Lawn (899 ft²)

- Tree planting:
- Pyrus kawakamii Evergreen Pear (36" Box, 1 Trees)
 - Ulmus parvifolia Chinese Elm (36" Box, 3 Trees)
 - Magnolia grandiflora 'Southern Charm' Teddy Bear Southern Magnolia (15 gal, 4 Trees)
 - Tree as per Division of Urban forestry/ Dept. of Street Trees (36" Box, 1 Tree)
 - Existing Palm removed (6 Palms)

Hard landscape

- Paving to clients specification (314 ft²)
- Pedestrian Paving (1309 ft²)
- Planter wall for deepened planters (173 Lft)
- Mulch (2197 ft²)
- Privacy fence (20 Lft)
- Edging (198 Lft)
- Steppingstones, 24" (36 No)
- Steppingstones, 18"x18" (4 No, 9 ft²)
- Gravel (670 ft²)
- Concrete pad for services (157 ft²)
- Roof decks hardscape (384 ft²)

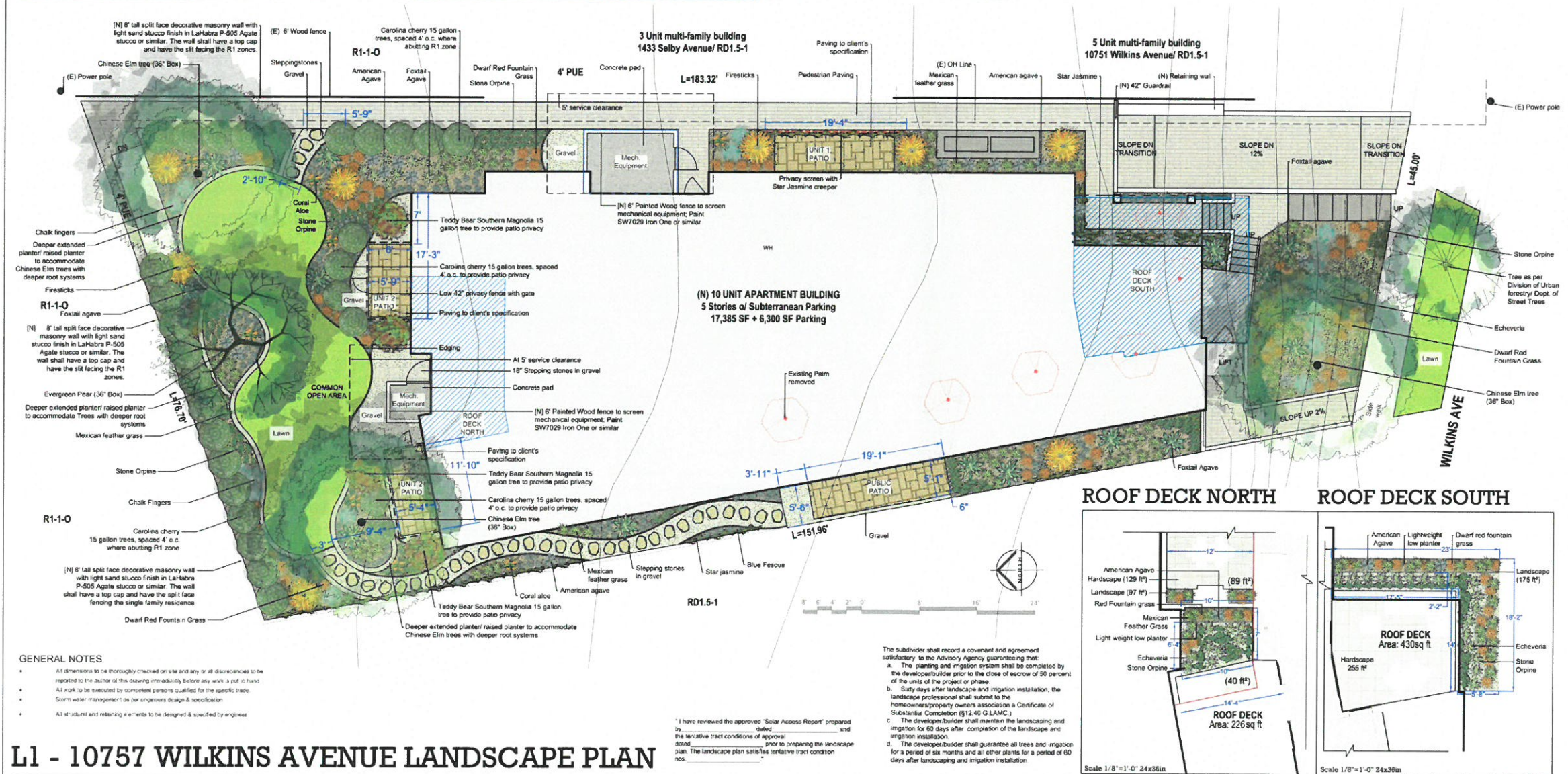
NOTE: Compost to be used in all planted landscape areas. Topsoil Premium Soil Amendment (Class 1) (For Seed Bed Preparation: Use between one and a half cubic yards per 1000 square feet (112" thick) to a maximum of three cubic yards per 1000 square feet (one inch thick). Grass clippings to be recycled off-site.

Cutting Edge Landscape and Design, Inc. 846036 46825 Kahuella #C, Los Alamitos CA 90720 Name: Matt Preuss Phone number: 310-462-6628 Email: matt@thecuttingedgelandscape.com



NO	DATE	REVISION
13	11.25.2019	Rev. roof decks
14	11.26.2019	Update fill area

PLANTING PALETTE:



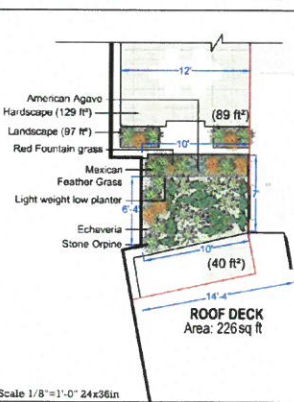
- GENERAL NOTES
- All dimensions to be thoroughly checked on site and any or all discrepancies to be reported to the author of this drawing immediately before any work is put to hand.
 - All work to be executed by competent persons qualified for the specific trade.
 - Storm water management as per engineers design & specification.
 - All structural and retaining elements to be designed & specified by engineer.

"I have reviewed the approved 'Solar Access Report' prepared dated and the tentative tract conditions of approval dated prior to preparing the landscape plan. The landscape plan satisfies tentative tract condition no."

The subdivider shall record a covenant and agreement satisfactory to the Advisory Agency guaranteeing that:

- a. The planting and irrigation system shall be completed by the developer/builder prior to the close of escrow of 50 percent of the units of the project or phase.
- b. Sixty days after landscape and irrigation installation, the landscape professional shall submit to the homeowners/property owners association a Certificate of Substantial Completion (S12.40 G.L.A.M.C.).
- c. The developer/builder shall maintain the landscaping and irrigation for 60 days after completion of the landscape and irrigation installation.
- d. The developer/builder shall guarantee all trees and irrigation for a period of six months and all other plants for a period of 60 days after landscaping and irrigation installation.

ROOF DECK NORTH



ROOF DECK SOUTH



L1 - 10757 WILKINS AVENUE LANDSCAPE PLAN

10757 Wilkins Ave, Los Angeles CA 90024 | 11-26-2019 | Scale 1/8"=1'-0" 24x36in | Author: INH | Checked: MB | Rev: 14 | Issued for client feedback

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LEGEND :

Quantities for ground level
and roof deck combined

Shrub planting (in mulch):

- Echeveria spp.
Echeveria (1 gal. 55 shrubs)
- Sedum spp.
Stone Orpine (1 gal. 158 groundcovers)
- Nassella tenuissima
Mexican Feather Grass (1 gal. 115 plants)
- Festuca glauca
Blue Fescue (1 gal. 178 plants)
- Pennisetum 'Eaton Canyon'
Dwarf Red Fountain Grass (1 gal. 100 plants)
- Senecio mandraliscae
Chalk Fingers (1 gal. 17 plants)
- Euphorbia tirucalli 'Firesticks'
Firesticks (5 gal. 9 shrubs)
- Agave attenuata
Foxtail agave (5 gal. 15 shrubs)
- Agave americana
American agave (5 gal. 23 shrubs)
- Aloe striata
Coral aloes (5 gal. 9 shrubs)
- Trachelospermum jasminoides
Star jasmine (1 gal. 144 Lf. 53 plants)

Hedge planting:

- Prunus caroliniana 'Compacta'
Carolina Cherry (15 gal. 116 Lf. 29 Shrubs)

Lawn planting:

- Lawn (899 ft²)

Tree planting:

- Pyrus kawakami
Evergreen Pear (36" Box, 1 Tree)
- Ulmus parvifolia
Chinese Elm (36" Box, 3 Trees)
- Magnolia grandiflora 'Southern Charm'
Teddy Bear Southern Magnolia (15 gal. 4 Trees)
- Tree as per Division of Urban forestry/
Dept. of Street Trees (36" Box, 1 Tree)
- Existing Palm
removed (6 Palms)

Hard landscape

- Paving to clients specification
(314 ft²)
- Pedestrian Paving
(1309 ft²)
- Planter wall for deepened planters
(173 Lf.)
- Mulch
(2197 ft²)
- Privacy fence
(20 Lf.)
- Edging
(198 Lf.)
- Steppingstones, 24"
(36 No.)
- Steppingstones, 16"x18"
(4 No. 9 ft²)
- Gravel
(670 ft²)
- Concrete pad for services
(157 ft²)
- Roof decks hardscape
(384 ft²)

NOTE:
Compost to be used in all planted landscape areas. Topsoil Premium
Soil Amendment (Class 1)
(For Seed Bed Preparation) Use between one and a half cubic yards
per 1000 square feet (112" thick) to a maximum of three cubic yards
per 1000 square feet (one inch thick)
Grass clippings to be recycled off-site

Cutting Edge Landscape and Design, Inc. 848036
46825 Katella #C, Los Alamitos CA 90720
Name: Matt Preuss
Phone number: 310-482-8628
Email: matt@thecuttingedgelandscape.com

CUTTING EDGE
LANDSCAPE DESIGN

LANDSCAPE PLAN

- GENERAL NOTES:
- All dimensions to be thoroughly checked on site and any of all discrepancies to be reported to the author of this drawing immediately before any work is put to hand.
 - All work to be executed by competent persons qualified for the specific trade.
 - Soil water management as per engineers design & specification.
 - All structural and retaining elements to be designed & specified by engineer.

City of Los Angeles Landscape Ordinance
requirements

Potential Landscape Area - (Site) 9811 sq. ft.
(Building) 4296 sq. ft. = (Landscape provided)
5515 sq. ft.

Landscape Point System

Square footage of site (9811 sq. ft.)

Points required (15 points)

Points Provided

Walls/Fences, vines on walls

(Per 50 linear feet of perimeter wall) (6 points)

Street Trees to shade Street. (4 points)

Site Design, use of Class 1 or Class 2 compost as a soil

amendment in all landscaped areas (5 points)

Total Points provided 15 points

Open Space Calculation (City of Los Angeles
Landscape Ordinance requirements):

Private Open Space = 620 sq. ft.

Common usable open space on

grade level = 166 sq. ft.

Total open space = Approx. 1145 sq. ft. > 1000 sq. ft.

(10 Units x 100 sq. ft.)

Water Management Point System

Square footage of site (9811 sq. ft.)

Points required (200 points)

Points Provided

Drop/trickle/irrigation/low (10 points)

precipitation sprinkler heads with flow-control device

Lawn area or swimming pools 0% to 15% of the

landscape area (10 points)

Automatic irrigation controller (5 points)

with cycling capacity, and with watering schedule

(minimum summer/winter schedules) (any number)

Plants on site those that will, (574 points)

in the designed location, and properly established for 3

years, remain in good health with no more than

monthly watering in summer (existing plants that

comply may be counted) (plants included on the list

maintained by the local chapter of the California

Native Plant Society may not be counted;

http://www.lacnps.org/invasive/html)

Total Points provided 700 points

CITY OF LOS ANGELES STANDARD TREE PLANTING
GUIDELINES

1. Trees shall be a minimum 15-gallon size.
2. Trees shall be installed with a ten-foot galvanized metal tree stake (or (2) ten-foot wooden stakes.)
3. Trees shall be secured to the stake with two rubber ties in accordance with standard specifications (Plan S-485-C-1.)
4. Root control barriers shall be installed on all sides of the root ball in accordance with standard specifications (Plan S-485-1) (parallel barriers may be used in pathway areas, eight feet or larger.)
5. The permittee shall agree to maintain the tree for a five-year establishment period and replace if necessary.
6. The permittee shall keep the soil around the tree moist by watering the tree with 10-20 gallons of water every five days for the first eight weeks after the tree is planted. Thereafter, the tree should be watered every twenty days with a minimum 20 gallons of water.
7. The permittee shall remove the tree stakes within three years or after the tree is established, whichever comes first.

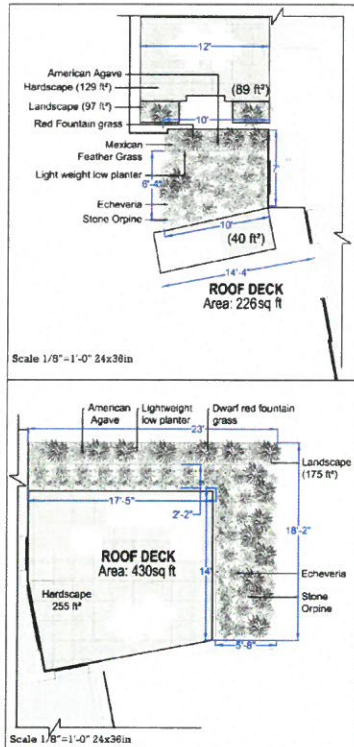
The subdivider shall record a covenant and agreement satisfactory to the Advisory Agency guaranteeing that:

- a. The planting and irrigation system shall be completed by the developer/building prior to the close of escrow of 50 percent of the units of the project or phase.
- b. Sixty days after landscape and irrigation installation, the landscape professional shall submit to the homeowners/property owners association a Certificate of Substantial Completion (\$17.40 G.L.A.M.C.)
- c. The developer/building shall maintain the landscaping and irrigation for 60 days after completion of the landscape and irrigation installation.
- d. The developer/building shall guarantee all trees and irrigation for a period of six months and all other plants for a period of 90 days after landscaping and irrigation installation.

"I have reviewed the approved 'Solar Access Report' prepared by _____ dated _____ and the tentative tract conditions of approval dated _____ prior to preparing the landscape plan. The landscape plan satisfies tentative tract condition nos. _____

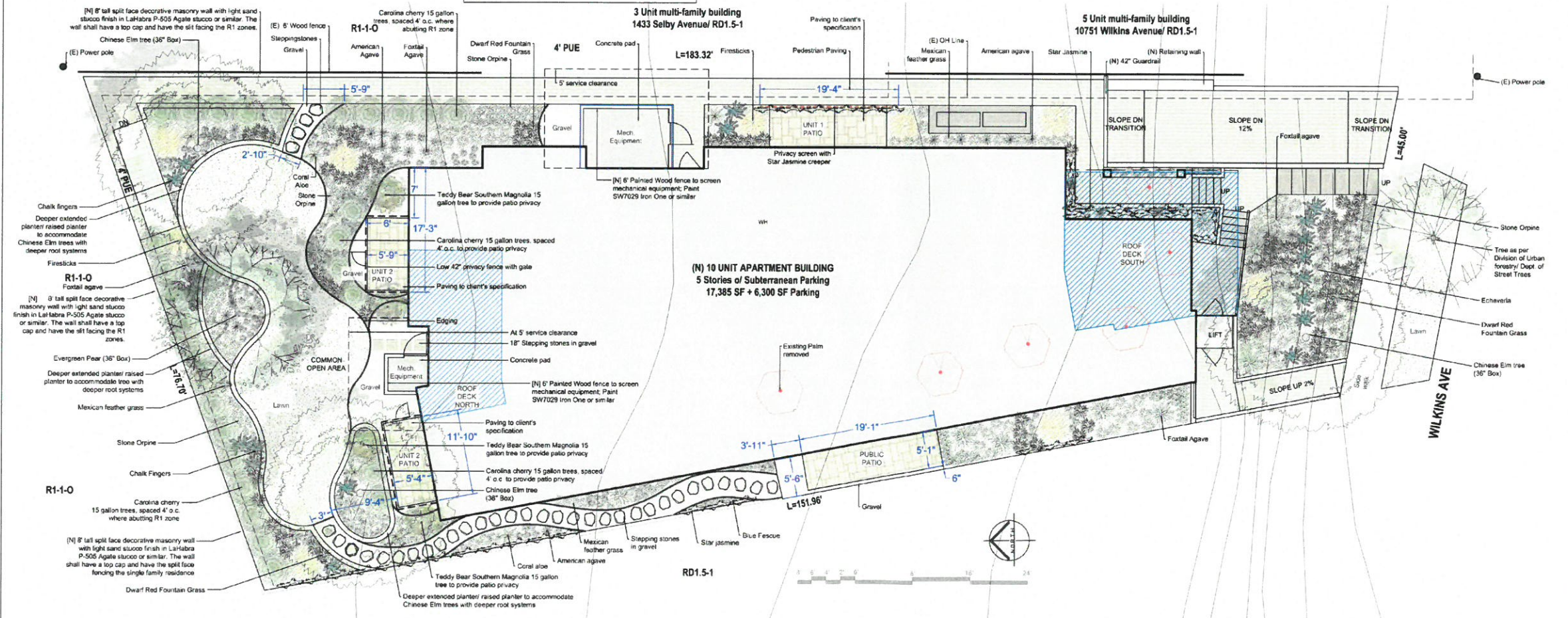
ROOF DECK SOUTH

ROOF DECK NORTH



Plant Schedule					
Shrubs, Groundcovers and climbers					
Botanical name	Common name	Planted size	Quantity	Mature size	Maturity
Echeveria spp.	Echeveria	1 gal	55	4-24" Spread	1 Year
Sedum spp.	Stone Orpine	1 gal	158	12-24" Spread	1 Year
Nassella tenuissima	Mexican Feather Grass	1 gal	115	12-24" Tall	1/2 Year
Festuca glauca	Blue Fescue	1 gal	178	8-12" Tall	1/2 Year
Pennisetum 'Eaton Canyon'	Dwarf Red Fountain Grass	1 gal	100	18-24" Tall	1/2 Year
Trees					
Senecio mandraliscae	Chalk Fingers	1 gal	17	24-36" Tall and Spread	1 Year
Euphorbia tirucalli 'Firesticks'	Firesticks	5 gal	9	4-8" Tall and Spread	2 Years
Agave attenuata	Foxtail agave	5 gal	15	3-5' Tall and 6-12" Wide	2 Years
Agave americana	American Agave	5 gal	23	12-36" Tall and 18-20" Wide	2 Years
Aloe striata	Coral aloes	5 gal	9	12-36" Tall and 18-20" Twining	1 Year
Trachelospermum jasminoides	Star Jasmine	1 gal	53	8-10' Tall and 12-16" Wide	2-3 Years
Prunus caroliniana 'Compacta'	Carolina cherry	15 gal	29	16-20' Tall and 6-8' Wide	5 Years
Ulmus parvifolia	Chinese Elm	36" Box, 6" Caliper	3	40-50' tall, 25" Crown	10 years
Pyrus kawakami	Evergreen Pear	36" Box, 3" Caliper	1	15-30' tall and 1" wide	10 years
Magnolia grandiflora 'Southern Charm'	Teddy Bear Southern Magnolia	15 gal, 3" Caliper	4	16-20' tall, 10-12" wide	10 years
Tree as per Division of Urban Forestry/ Dept. of Street Trees					
		36" Box, 3" Caliper	1		

Open Space Calculations per the Westwood Multi-Family Specific Plan				
AREA:	HARDSCAPE	LANDSCAPE	TOTAL AREA	% LANDSCAPE
Front Yard	308 sf	387 sf	695 sf	55%
Rear Yard	252 sf	1242 sf	1494 sf	83%
Community Area	111 sf	764 sf	875 sf	87%
Roof Decks	384 sf	272 sf	656 sf	41%
Only 50% of the front and rear yards are contributing to open space requirements. Contributing areas are fully landscaped and do not include any paving/hardscape				
50% LANDSCAPE TOTAL	2625 sf X 50% =	1321 sf Min Landscape Area		
CONTRIBUTING OPEN SPACE LANDSCAPE				
Front Yard	349 sf			
Rear Yard	747 sf			
Community Area	764 sf			
Roof Decks	272 sf			
TOTAL : 2132 sf provided > 1312 sf required				



L2 - 10757 WILKINS AVENUE

10757 Wilkins Ave, Los Angeles CA 90024 | 11-26-2019 | Scale 1/8"=1'-0" 24x36in | Author: INH | Checked: MB | Rev: 14 | Issued for client feedback

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NO	DATE	REVISION
13	11.25.2019	Rev. roof deck areas
14	11.26.2019	Update fill area

- GENERAL NOTES
- All dimensions to be thoroughly checked on site and any or all discrepancies to be reported to the author of this drawing immediately before any work is put to hand.
 - All work to be executed by competent persons qualified for the specific trade.
 - Storm water management as per engineers design & specification.
 - All structural and retaining elements to be designed & specified by engineer.

City of Los Angeles Landscape Ordinance requirements

Potential Landscape Area = (Site) 9811 sq. ft.
(Building) 4296 sq. ft. = (Landscape provided) 5515 sq. ft.

Landscape Point System

Square footage of site (9811 sq. ft.)

Points required (15 points)

Points provided

Walls/Fences, vines on walls (Per 50 linear feet of perimeter wall) (6 points)

Street Trees to shade Street (4 points)

Site Design, use of Class 1 or Class 2 compost as a soil amendment in all landscaped areas (5 points)

Total Points provided 15 points

Open Space Calculation (City of Los Angeles Landscape Ordinance requirements)

Private Open Space = 620 sq. ft.

Common usable open space on grade level = 766 sq. ft.

Total open space = Approx. 1145 sq. ft. > 1000 sq. ft. (10 Units x 100 sq. ft.)

Water Management Point System

Square footage of site (9811 sq. ft.)

Points required (200 points)

Points provided

Drip/riser/micro irrigation/low (10 points)

precipitation sprinkler heads with flow-control device

Lawn area or swimming pools 0% to 15% of the landscape area (10 points)

Automatic irrigation controller (5 points)

with cycling capacity, and with watering schedule (minimum summer/winter schedules) (any number)

Plants on site those that will, (674 points)

in the designed location, and properly established for 3 years, remain in good health with no more than monthly watering in summer (existing plants that comply may be counted) (plants included on the list maintained by the local chapter of the California Native Plant Society may not be counted)

http://www.lacnps.org/invasive/html

Total Points provided 700 points

CITY OF LOS ANGELES STANDARD TREE PLANTING GUIDELINES

1. Trees shall be a minimum 15-gallon size.

2. Trees shall be installed with a ten-foot galvanized metal tree stake (or [2] ten-foot wooden stakes.)

3. Trees shall be secured to the stake with two rubber trees ties in accordance with standard specifications (Plan S-663-D.)

4. Root control barriers shall be installed on all sides of the root ball in accordance with standard specifications (Plan S-458-1) (parallel barriers may be used in parkway area, eight feet or larger.)

5. The permittee shall agree to maintain the tree for a five-year establishment period and replace if necessary.

6. The permittee shall keep the soil around the tree moist by watering the tree with 10-20 gallons of water every five days for the first eight weeks after the tree is planted. Thereafter, the tree should be watered every twenty days with a minimum 20 gallons of water.

7. The permittee shall remove the tree stakes within three years or after the tree is established, whichever comes first.

The subdivisor shall record a covenant and agreement satisfactory to the Advisory Agency guaranteeing that:

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50% LANDSCAPE TOTAL	2625 sf X 50% =	1312 sf Min Landscape Area		
CONTRIBUTING OPEN SPACE LANDSCAPE				
Front Yard	349 sf			
Rear Yard	747 sf			
Community Area	764 sf			
Roof Decks	272 sf			
TOTAL : 2132 sf provided > 1312 sf required				

Irrigation:

- 1/4" on-surface dripline pipe, as per city requirements, Hunter PLD tubing (1678 Lft)
- PVC 1" blank tubing, as per city requirements (445 Lft)
- 3" sleeves under hard surfaces, as per city requirements (172 Lft)
- Air relief valve, as per city requirements, Hunter PLDAVR (4 No)
- Multi-Stream Nozzle sprinkler, as per city requirements, Hunter MP1000 Rotator (23 No)
- Drip control zone valve, as per city requirements, Hunter Model ICZ-101-LF-25(40) (4No)
- Flush valve, as per city requirements (3 No)
- Controller/station for 4Valve stations. Automatic controller system kit, with flow monitoring and flow management, pressure regulator, back flow preventer and filters, as per city requirements, Hunter X-Core XC4 Outdoor Controller with Hunter Solarsync ET Sensor (2 No)

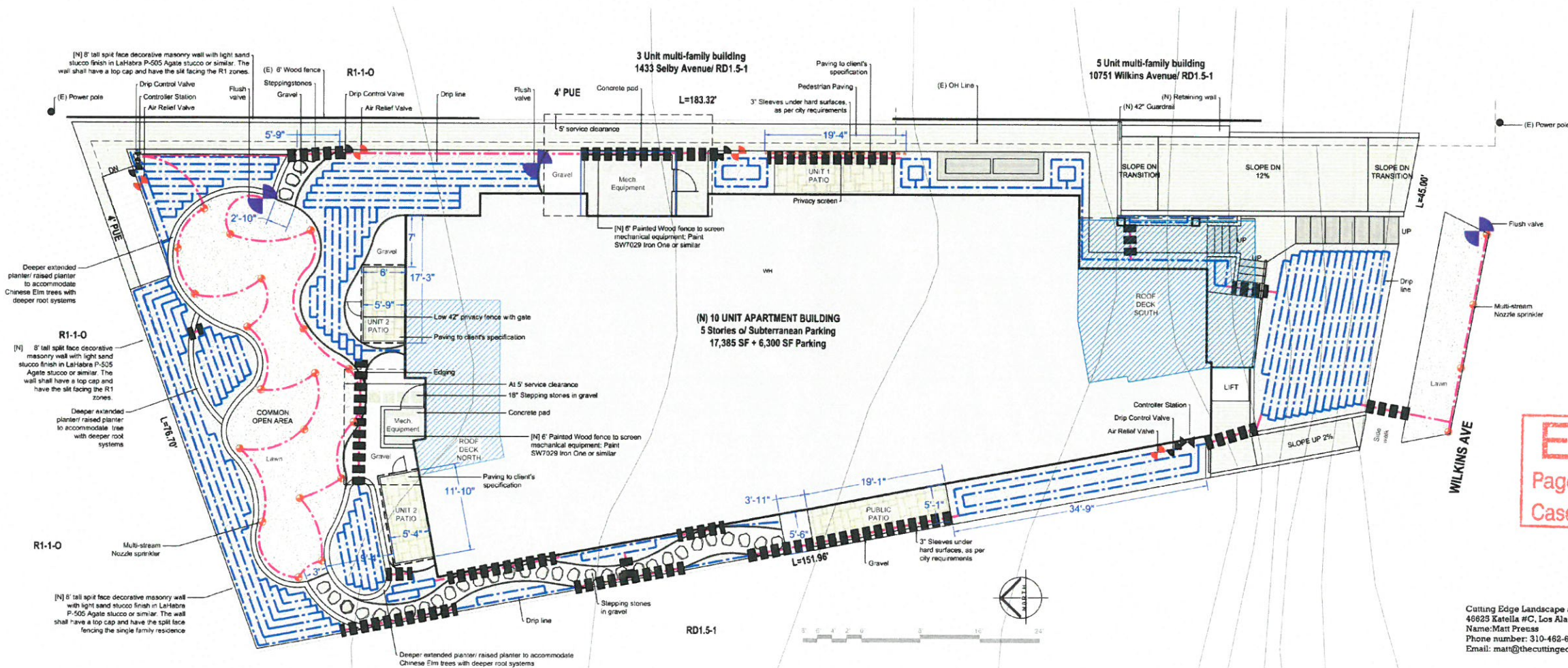


EXHIBIT "A"
Page No. 16 of 17
Case No. DR-2019-2657-DRB-SPP-TOC

Cutting Edge Landscape and Design, Inc. 846038
46825 Katella #C, Los Alamitos CA 90720
Name: Matt Press
Phone number: 310-482-6628
Email: matt@thecuttingedgelandscapedesign.com

CUTTING EDGE
LANDSCAPE DESIGN

L3 - 10757 WILKINS AVENUE

10757 Wilkins Ave, Los Angeles CA 90024 | 11-26-2019 | Scale 1/8"=1'-0" 24x36in | Author: INH | Checked: MB | Rev: 12 | Issued for client feedback

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NO	DATE	REVISION
11	11.18.2019	Rev. common area
12	11.26.2019	Update fill area

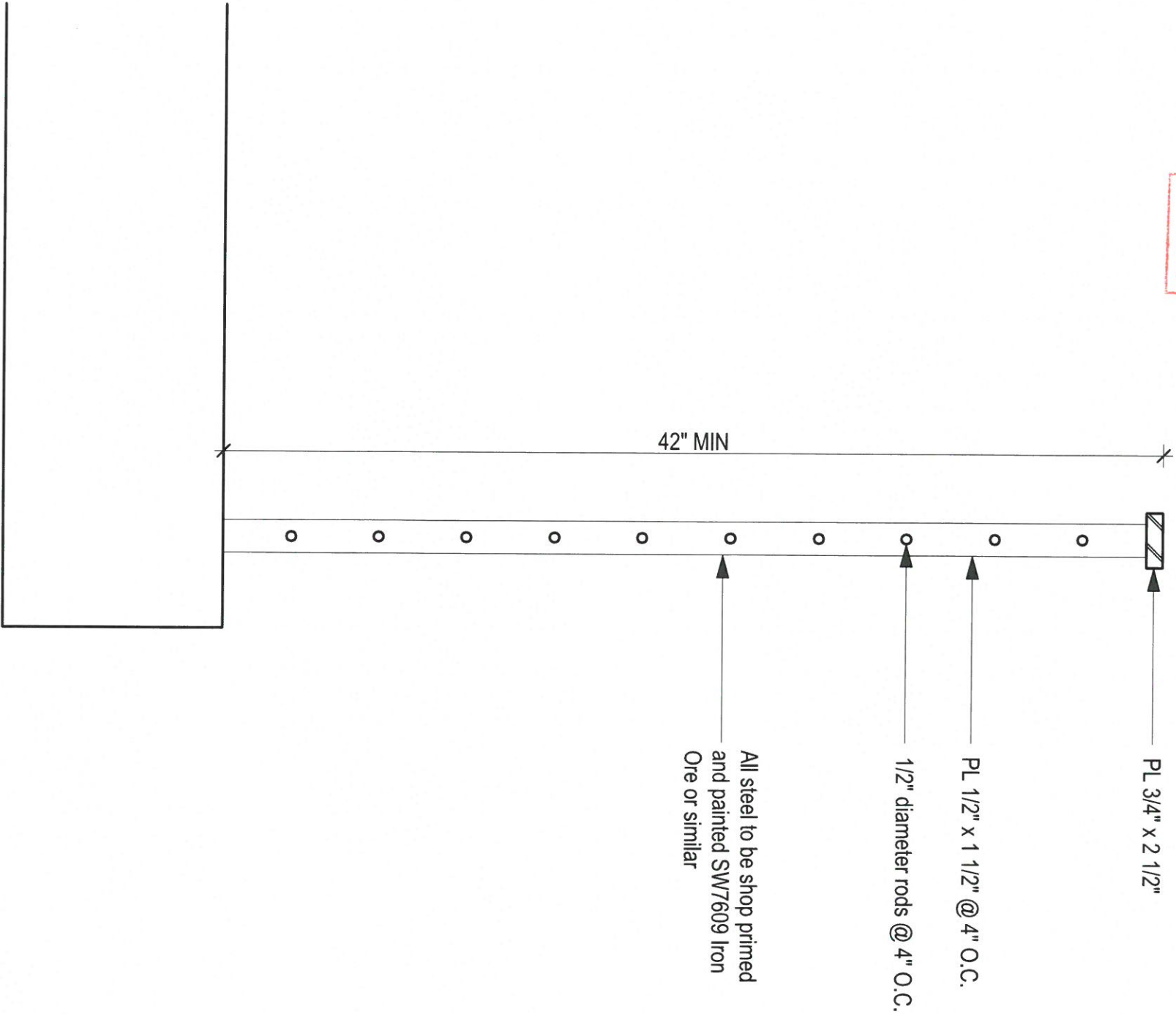
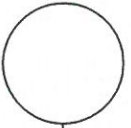


Exhibit B - Guardrail Detail



SCALE: 1 1/2" = 1'-0"

EXHIBIT B

DIRECTOR OF PLANNING

LETTER OF DETERMINATION

DIR-2019-2657-DRB-SPP-TOC-1A

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

DAVID H. J. AMBROZ
CAROLINE CHOE
HELEN LEUNG

KAREN MACK
MARC MITCHELL

VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

TRICIA KEANE
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

**DIRECTOR'S DETERMINATION
TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM,
PROJECT PERMIT COMPLIANCE AND DESIGN REVIEW**

January 13, 2020

Applicant/Owner

Banarsi L. Agarwal
530 North Francisca, LLC
2701 190TH Street
Redondo Beach, CA 90278

Representative

Hoa "Sean" Nguyen
EZ Permits, LLC
7251 N. Owensmouth Ave.
Canoga Park, CA 91303

Case No. DIR-2019-2657-DRB-SPP-TOC

CEQA: ENV-2019-2658-CE

Location: 10757, 10757 ½, 10759
West Wilkins Avenue

Council District: 5 - Koretz

Community Plan Area: Westwood

Land Use Designation: Low Medium II Residential

Zone: [Q]RD1.5-1

Legal Description: Lot 15, Block 29, Tract TR 7803

Last Day to File an Appeal: January 29, 2020

Tracy Stone

Tracy A. Stone Architect
2041 Blake Avenue
Los Angeles, CA 90039

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.22 A.31, 11.5.7 C, and 16.50, and based upon the recommendation of the Westwood Community Design Review Board, I have reviewed the proposed Project and as the designee of the Director of Planning, I hereby:

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

APPROVE a **Transit Oriented Communities Compliance Review** for a project totaling 10 dwelling units, reserving two units for Very Low Income, with the following requested incentives:

1. **Height.** A 22-foot increase in the building height, allowing 55 feet in lieu of the maximum 33 feet otherwise allowed by the [Q]RD1.5-1 Zone and Westwood Community Multi-Family Specific Plan;
2. **Yard/Setback.** A reduction in the required west side yard, allowing 5.6 feet in lieu of the 8-foot side yard setback otherwise required; and

3. **Open Space.** A 25 percent reduction in the open space requirement, allowing 2,625 square feet in lieu of the 3,500 square feet otherwise required;

APPROVE with Conditions a Project Permit Compliance Review and Design Review for a new five-story, maximum 55 feet in height, 10-unit apartment building over one level of subterranean parking containing 21 automobile stalls.

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

CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A" and "Exhibit B," and attached to the subject case file. No change to the plans will be made without prior review Los Angeles City Planning, West/South/Coastal Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Design Review Criteria.**
 - a. The base two floors on the plan north elevation shall be Southern Moss La Habra X696 accent color.
 - b. The railing specifications shall match "Exhibit B."
 - c. All Fire Department related equipment shall be screened from public view.
 - d. No electrical transformers shall be surface mounted, and in the case of a required transformer shall be in an underground vault.
 - e. The landscaping plan shall be revised to show:
 - i. One 36" box street tree, as approved by the Division of Urban Forestry.
 - ii. One 36" box canopy tree in the required front yard setback.
 - iii. Three 36" box canopy trees in the back yard setback, setback from the property line a minimum of 10 to 15 feet.
3. **Residential Density.** The project shall be limited to a maximum density of 10 residential units per "Exhibit A."
4. **Affordable Units.** A minimum of two units, that is 20 percent On-Site Restricted Affordable Units, shall be reserved for Very Low Income Households as defined in Section 50105 of the California Health and Safety Code. The Transit Oriented Communities Affordable Housing Incentive Program Guidelines also requires a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.
5. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A.31 and comply with the Transit Oriented

6. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make two units for Very Low Income Households for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The Applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination.
7. **Floor Area Ratio (FAR).** The project shall be limited to a floor area ratio of 3:1 per "Exhibit A."
8. **Height.** The project shall be limited to five stories and a maximum 55 feet in height. Per "Exhibit A":
 - a. Any portion of the building along the Wilkins Avenue frontage above 44 feet in height shall be stepped-back at least 15 feet from the exterior face of the Ground Floor of the building.
9. **Yard/Setback.** The westerly side yard setback shall be no less than 5.6 feet per "Exhibit A." The front yard shall have no less than a 15-foot setback. The rear yard shall have no less than a 20-foot setback. The easterly side yard setback shall be no less than 8 feet and 10 feet where the property abuts the R1-1 zone.
10. **Open Space.**
 - a. **Total Required Open Space.** The project qualifies for a 25 percent reduction in the required amount of open space. The project shall provide a minimum of 2,625 square feet of open space per "Exhibit A."
 - b. **Westwood Community Multi-Family Specific Plan.** The open space shall meet all other requirements of the Westwood Community Multi-Family Specific Plan per the satisfaction of Los Angeles City Planning, West/South/Coastal Project Planning Division.
 - i. A minimum of 50 percent of the total required open space, 1,312.5 square feet, shall be landscaped as depicted on Sheets A0.1, L-1, and L-2 of "Exhibit A."
 - ii. No more than 50 percent of the required front and rear yards shall count toward the open space requirements as depicted on Sheets A0.1, L-1, and L-2 of "Exhibit A."
 - iii. A minimum of 50 percent of each of the required front, rear and side yards shall be landscaped as depicted on Sheets A0.1, L-1, and L-2 of "Exhibit A."
 - iv. Hardscape shall not be considered landscaping.

- v. Required side yards shall not be counted toward the open space requirements.
- vi. Contributing open space areas above the ground floor shall be setback a minimum of 10 feet in depth from the level immediately below it. Forty percent of these setback areas shall be landscaped.
- vii. The project shall provide a minimum of 1,969 square feet of open space on the ground Floor.
- viii. No more than 656 square feet of open space located above the ground floor shall contribute toward the 2,625 square feet of required open space.
- ix. The provided Open Space and Landscaping shall be consistent with Sheets A0.1, L-1, and L-2 of "Exhibit A,"

11. **Automobile Parking.**

- a. **Residential Parking.** Based upon the number of dwelling units proposed, a minimum of five residential automobile parking spaces shall be provided for the project. Automobile parking shall be provided consistent with TOC Guidelines. Parking for all residential units in an Eligible Housing Development for a Tier 3 project shall not be required to exceed one-half (.5) space per unit.

12. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.

13. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC 12.40 and Landscape Ordinance "Guidelines O." All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.

14. **Garage.** The project shall provide parking within one subterranean level. The height of the garage shall not extend more seven feet above the existing natural grade, measured to the floor elevation of the level immediately above the parking garage. The project shall enclose and provide mechanical ventilation for all portions above grade, except the driveway. The project shall lower the sidewalls at the driveway, or make portions of the sidewalls transparent in order to improve visibility when exiting the garage.

15. **Street Trees.** The project shall include street trees at a minimum ratio of one for every 30 lineal feet of street frontage abutting the project, as permitted by and in accordance with the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works. The project shall provide 36" box street tree(s) of at least twelve feet in height and not less than three inches in caliper at the time of planting. Deviation from this requirement shall only be to satisfy requirements set forth by the Bureau of Street Services to the contrary.

16. **Buffer.** The project shall provide an eight-foot tall split face decorative masonry wall with light sand stucco finish in LaHabra P-505 Agate stucco or similar along all property lines which immediately abut R1 zoned properties. The wall shall have a top cap and have the split face facing the single-family residences as depicted on Sheet A1.1 of "Exhibit A."

17. **Screening.** All structures on the roof, such as air conditioning units, antennae, and other equipment, except solar panels, shall be fully screened from view from any adjacent properties, as seen from the grade.

Administrative Conditions

18. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
19. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
20. **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.
21. **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.
22. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
23. **Indemnification and Reimbursement of Litigation Costs.**
- Applicant shall do all of the following:
- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

BACKGROUND

Subject Property

The project site, located at 10757, 10757 ½, 10759 West Wilkins Avenue, occupies one parallelogram shaped and minimally sloped lot, developed with a three unit apartment building built in 1937. The project lot is 45 feet wide in the front and 76.70 feet wide in the rear with a depth of 183.27 feet on the east side and 151.91 feet on the west side. The lot is 9,833.3 square feet. The project is not within the Alquist-Priolo fault zone and a fault study is not required. It is near the Santa Monica Fault but not within it. A Geotechnical Report was conducted on the subject site and a Soils Approval letter was issued by LADBS on November 6, 2018 (LOG #105676). The project site is not located within a Fault Zone, Landslide Area, Liquefaction Zone, or a Very High Fire Severity Zone. The project site is in a Special Grading Area (BOE Basic Grid Map A-13372) and will require a Haul Route. The project is located in a Methane Zone and will be subject to Regulatory Compliance Measures. There are no known designated historic resources or cultural monuments on the subject site.

The project abuts two [Q]RD1.5-1 zoned properties to the east, which are developed with two-story multi-family apartment complexes. Properties immediately across the street and to the west of the subject property are zoned [Q]RD1.5-1 and developed with single-family residences and single, two, and three-story multi-family residences. The project site is approximately 181 linear feet from St. Paul the Apostle Church at the intersection of Selby, Ohio, and Wilkins Avenues and zoned [Q]RD1.5-1-O. The project site abuts R1-1-O zoned properties to the north and northeast, which are developed with single and two-story single-family homes. Approximately 475 linear square feet to the west of the project site and across Malcolm Avenue are single-family homes on R1-1 zoned lots.

The project fronts Wilkins Avenue, a Local Street with a designated right-of-way width of 60 feet and a designated roadway width of 36 feet. The road way and right-of-way are fully improved.

The project proposes the demolition of the existing apartment building and garage and the construction of a new five-story, maximum 55-feet in height, 16,803 square foot, multi-family apartment building consisting of 10 units over one level of subterranean parking containing 21 automobile stalls.

A Tree Report was not required as there are no protected trees on the subject site.

Zoning and Land Use Designation

The site is zoned [Q]RD1.5-1 and has a General Plan Land Use Designation of Low Medium II Residential. The Q condition on the project site was enacted through Ordinance 163,187 and requires that all projects with two or more units shall be subject to review by the Westwood Community Design Review Board. The project site is located in the Westwood Community Plan, the Westwood Community Multi-Family Specific Plan, The Westwood Community Design Review Board Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP, Ordinance 186,105 and 186,108). The Project is subject to Department of Transportation clearance of the WLA TIMP. The Westwood Community Design Review Board is required to review projects and make recommendations to the Director of Planning for Approval, Approval with Conditions, or Denial of projects within their jurisdiction. In addition, the project is within a Tier 3 designation of the Transit Oriented Communities Program. Pursuant to LAMC Section 12.22 A.31 and the TOC guidelines, the applicant requests a Transit Oriented Communities Compliance Review.

The project qualifies for the Transit Oriented Communities (“TOC”) Affordable Housing Incentive Program, which allows a variety of incentives for increased density, height, and floor area, among others, for Eligible Housing Projects. Measure JJJ was adopted by the Los Angeles City Council and established the TOC 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, as defined under existing State law.

The TOC Guidelines, adopted September 22, 2017 and amended on February 26, 2018, 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.

The subject site is located within 2,640 feet from the Metro Purple Line Extension, Westwood/UCLA Station, and is eligible as a Tier 3 development in the Transit Oriented Communities Affordable Housing Incentive Program Guidelines, as indicated on the revised TOC Referral Form dated January 2, 2019.

Tier 3 Base Incentives require On-Site Restricted Affordable Units at the rate of 10 percent for Extremely Low Income, 14 percent for Very Low Income, or 23 percent for Lower Income, of the total number of units. Three Additional Incentives may be granted for projects that include at least 11 percent of the base units for Extremely Low Income Households, at least 15 percent of the base units for Very Low Income Households, at least 30 percent of the base units for Lower Income Households, or at least 30 percent of the base units for persons and families of Moderate Income in a common interest development.. The applicant is proposing two Very Low Income units of the total 10 units proposed, consistent with the Base Incentive requirements, and which make the project eligible for three Additional Incentives.

The project is eligible for the following Tier 3 Base Incentives, which are granted by-right for eligible TOC projects:

- a. **Density.** Increase the maximum allowable number of dwelling units permitted by up to 40 percent.

The RD1.5 Zone allows for a maximum residential density of one dwelling unit per 1,500 square feet of lot area. The subject lot totals 9,833.3 square feet, for a maximum base density of seven units. Los Angeles Municipal Code allows 6.55 units by-right, however, the TOC Guidelines round base density up to the next whole number, resulting in seven. The TOC Guidelines Residential Density Incentive has an exception for properties in the “RD” Restricted Density Zone that limits the density increase for a Tier 3 property to 40 percent. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 10 units. The project is proposing 10 units.

- b. **Floor Area Ratio.** Percentage increase of up to 45 percent in the RD Zone.

In the RD1.5 Zone in Height District 1, the Los Angeles Municipal Code provides for a maximum FAR of 3:1. The project has a by-right floor area of 17,241 square feet. The project proposes 16,803 square feet and is not utilizing the Floor Area Ratio incentive.

- c. **Residential Parking.** Parking for all residential units in an Eligible Housing Development for a Tier 3 project shall not be required to exceed one-half space per unit.

The project is required to provide five parking spaces under the TOC incentive and is providing 21 spaces.

Pursuant to the TOC Guidelines, the project is eligible for, and has been granted three Tier 3 Additional Incentives to construct the proposed project:

- a. **Yard/Setback.** : In Tier 3 areas the TOC incentive for side and rear yard reductions allows up to a 30 percent decrease in the required width or depth of two individual yards or setbacks with the exception that yard reductions cannot be applied along any property line that abuts an R1 or more restrictive residential zoned property. The proposed project abuts R1-1-O zoned properties along the entire rear property line and along a portion of the northeast side property line.

The Westwood Community Multi-Family Specific Plan Section 6.E.2 *Yard Requirements*, states that projects which immediately abut an R1 or more restrictive zone on the rear property line shall have a rear yard of at least 20 feet in depth. Section 6.E.3 of the Specific Plan states that projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width.

The property is not utilizing reductions in the front, rear, or easterly side yards and maintains setbacks in these yards consistent with the requirements of Section 6 of the Westwood Community Multi-Family Specific Plan.

The project proposes a 5.6-foot westerly side yard consistent with the TOC Guidelines. The 5.6-foot side yard reflects a 30 percent reduction in the otherwise required 8-foot side yard in the RD1.5 Zone.

- b. **Open Space.** A 25 percent reduction from the Westwood Community Multi-Family Specific Plan Open Space requirement, allowing 2,625 square feet in lieu of 3,500 square feet.
- c. **Height Incentives.** A 22-foot increase in the building height, allowing a maximum 55 feet in lieu of the 33 feet otherwise allowed by the Westwood Community Multi-Family Specific Plan.

The table below provides a summary of the relevant and Specific Plan provisions for the subject property and requested TOC Base and Additional Incentives:

Incentives	Specific Plan	TOC Guidelines	Proposed
Density	6 units	10 units (40% increase)	10 units
FAR	3.0	4.35 (45% increase in RD Zone)	2.9
Residential Parking Spaces	32	5 (.5 spaces per unit)	21
Open Space	3,500 sf	2,625 sf (25% reduction)	2,627
Height	33'	55' (Two stories up to 22')	55'

Yard Incentives	LAMC/Specific Plan	TOC Guidelines	Proposed
Residential Front	15'	Not utilized	15'
Residential Rear	20'	Not utilized	26' to 40'
East Side	8' and 10'	Not utilized	10' and 13'
West Side	8'	5.6'	5.6'

Housing Replacement

The TOC Guidelines require a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. California Government Code Section 65915(c)(3), as amended by Assembly Bill 2222 and 2556, requires applicants of Density Bonus projects to demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households. Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) dated July 5, 2019, AB 2556 determined that no units are subject to replacement under AB2256, provisional and subject to verification by HCIDLA's Rent Division. The project satisfies the TOC Affordable Housing requirement by providing two units restricted to Very Low Income households. This is reflected in the Conditions of Approval.

FINDINGS

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

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

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

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

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

increase the scale of the project. Therefore, the site and project qualify for the TOC Affordable Housing Incentive Program as an Eligible Housing Development, and is eligible for the incentives granted therein.

Reduced Yard/Setback:

In residential zones, Eligible Housing Developments may utilize an incentive for yard reductions. In Tier 3 and Tier 4, the front yard reduction may be paired with one other individual yard reduction. The project does not request or propose any reductions in the required front yard setback. In Tier 3 areas the side and rear yard incentive allows up to a 30 percent decrease in the required width or depth of two individual yards or setbacks with the exception that yard reductions cannot be applied along any property line that abuts an R1 or more restrictive residential zoned property. The proposed project abuts R1-1-O zoned properties along the entire rear property line and along a portion of the northeast side property line

The Westwood Community Multi-Family Specific Plan Section 6.E.2 *Yard Requirements*, states that projects, which immediately abut an R1 or more restrictive zone on the rear property line, shall have a rear yard of at least 20 feet in depth. The project proposes a rear yard ranges from 26 to 40 feet. Section 6.E.3 of the Specific Plan states that projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width. The project proposes the east side yard to range from 10 feet to 13 feet. The property is not utilizing reductions in the front, rear, or easterly side yards and maintains rear and easterly side yard setbacks consistent with the requirements of Section 6 of the Westwood Community Multi-Family Specific Plan. The project proposes a 5.6-foot westerly side yard consistent with the TOC Guidelines. The 5.6-foot side yard reflects a 30 percent reduction in the otherwise required 8-foot side yard in the RD1.5 Zone.

The requested incentive is necessary to provide the affordable housing costs as defined in California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units. The westerly side yard setback reduction is necessary to build the affordable housing units.

Reduced Open Space:

The applicant has requested a 25 percent reduction in the Westwood Community Multi-Family Specific Plan required open space of 3,500 square feet, resulting in 2,625 square feet of required open space. The project is providing 2,627 square feet of open space, consistent with the TOC Incentives. The requested incentive will allow the developer to reduce open space requirements so the affordable housing units reserved for Very Low Income Households can be constructed and the overall space dedicated to residential uses increased.

Increased Height:

A restriction on height could limit the ability to construct the additional residential dwelling units, and specifically the Restricted Affordable Units. The project is financially feasible because of the increased flexibility the incentives allow the applicant in the building envelope.

Base Height + Incentive

The applicant has requested a Tier 3 Height Incentive, which allows for 22 additional feet. Height District 1 in the RD-1.5 zone allows for a maximum height of 45 feet. However, the Westwood Community Multi-Family Specific Plan (Q condition) Section

5.A *Land Use Regulations, Building Height*, states that projects shall be limited to a maximum of 33 feet if they immediately abut an R1 or more restrictive zone and if the average height of the single-family houses within 100 feet of the subject property is less than 34 feet. The subject property immediately abuts R1 zoned properties and the average height of single-family houses within 100 feet of the subject property is less than 34 feet. Therefore, the Tier 3 Height Incentive would allow a maximum height of 55 feet. The project is within that envelope at 55 feet and is consistent with the TOC guidelines.

TOC Height Exception

The TOC Height Exception applies to projects located on lots with a height limit of 45 feet or less. The Exception requires any height increases in excess of the first 11 feet above the base height to be stepped-back a minimum of 15 feet from the exterior face of the Ground Floor building along any street frontage.

The project site is in a [Q]RD1.5-1 zone, with a height limit of 33 feet. Therefore, along Wilkins Avenue, the project must step back after the first 11 feet of height increase over the base height of 33 feet, beginning at 44 feet. Therefore, at a height of 44 feet the project is setback from the exterior face of the Ground Floor of the building located along the street frontage for a total distance of 15 feet. The project complies with the required 15-foot setback from the exterior face of the building.

- b. ***The Incentive will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.***

There is no evidence in the record that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The finding that there is no evidence in the record that the proposed incentive(s) will have a specific adverse impact is further supported by the recommended CEQA finding. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. For example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings. The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Class 32 of the CEQA Guidelines. The Categorical Exemption (CE) could be adopted, including, on the basis that none of the potential environmental effects of the proposed Project would cause substantial adverse effects on human beings, the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources. Based on all of the above, there is no basis to deny the requested incentives.

DESIGN REVIEW FINDINGS

1. **A recommendation was made by the Westwood Community Design Review Board, pursuant to Los Angeles Municipal Code Section 16.50:**

The Design Review Board met on November 6, 2019 and convened a quorum of five Board Members. The vote was unanimous, recommending approval of the project, with conditions, since the project will substantially comply with Section 16.50, Subsection E of the Los Angeles Municipal Code as well as the relevant design guidelines and development provisions of the Westwood Community Multi Family Specific Plan.

Project Permit Compliance Findings

2. **The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**

- a. Section 5.A *Building Height* of the Specific Plan, limits building height when a project immediately abuts an R1 or more restrictive zone. If the average height of the single-family houses within 100 feet of the subject property are less than 34 feet, the building height shall be limited to a maximum of 33 feet in height. In cases where Base or Additional Incentives are permitted for a project under the TOC Guidelines, they shall be based off the otherwise allowable development standards for the property found in the Specific Plan. As such, the project complies with the Height Incentive of the TOC Guidelines, which allow an additional 22 feet over the base height of 33 feet in the [Q]RD1.5-1 Zone. The TOC Guidelines allow for a maximum height of 55 feet and the project is consistent. Furthermore, Condition No. 8 ensures that the proposed project will not exceed 55 feet.
- b. Section 5.B *Parking Standards*. The Specific Plan requires projects with more than four habitable rooms per unit to provide 3.25 parking spaces per unit. Of the parking spaces required, guest parking is required to be designated at a ratio of 0.25 spaces per unit. The project provides 10 units with more than four habitable rooms and therefore would be required to provide 32 parking spaces (3.25 x 10 units). Pursuant to Los Angeles Municipal Code Section 12.22 A.31, Automobile Parking is a Base Incentive in the TOC Guidelines and parking for a property in a Tier 3 area shall not be required to exceed .5 spaces per unit. The TOC Guidelines' parking incentive supersedes the Westwood Community Multi-Family Specific Plan Parking Standards. The TOC Guidelines require five parking spaces; however, the project is providing 21 parking spaces.
- c. Section 6.A.1 *Open Space*, of the Specific Plan requires 350 square feet of open space per unit for RD Zones, of which a minimum of fifty percent shall be landscaped and 75 percent shall be located on the ground floor. The Westwood Community Multi-Family Specific Plan would therefore require 3,500 square feet of open space for a 10-unit apartment complex. However, the applicant has requested an Additional Incentive for a 25 percent reduction in open space, for 2,625 square feet of required open space. The project is compliant with the TOC Guidelines for the provision of open space as detailed in the Transit Oriented Communities Findings and is providing 2,627 square feet of open space.

The Westwood Community Multi-Family Specific Plan requires 50 percent of required open space to be landscaped. The project is providing 2,627 square feet of total open space, consistent with the TOC Guidelines requirements, 1,312 square feet of which is required to be landscaped. The project is providing 2,132 square feet of landscaping, consistent with the Specific Plan requirements.

Section 6A.3 of the Specific Plan states that required open space shall be on the ground level, except that 25 percent of the required open space may be located above the ground level. Of the total required open space a minimum of 1,968.75 square feet is required to be on the ground floor and 656.25 square feet may be above the ground floor. The project is providing 1,971 square feet of open space on the ground floor and 656 square feet of open space above the ground floor.

Section 6.A.4 of the Specific Plan requires any open space above the ground floor that is counted toward the open space requirements to be setback a minimum of 10 feet in depth from the level immediately below it. Additionally, 40 percent of these setback areas are required to be landscaped. Two fifth floor decks are providing minimum setbacks of 14 feet and 15 feet from the levels immediately below and 656 square feet of open space, 272 square feet of which is landscaped, or 41 percent, consistent with the Specific Plan requirements.

Section 6.A.6 states that no more than 50 percent of the required front or rear yards shall count toward open space requirements. The required front yard area is 698 square feet and only 50 percent, or 349 square feet, is allowed to contribute to the required open space. The project is landscaping 387 square feet of the front yard area. The required rear yard area is 1,494 square feet and only 50 percent, or 747 square feet, is allowed to contribute to the required open space. The project is landscaping 1,242 square feet of the required rear yard setback. The areas in excess of the required rear yard setback may entirely count toward the required open space. There is 875 square feet of area in excess of the required rear yard setback that is contributing to the required open space and 764 square feet of it is landscaped. The project is consistent with the requirements of Section 6.A.6 of the Specific Plan. Side yards are not counted toward the required open space, consistent with Section 6.A.6, but are 50 percent landscaped.

- a. Section 6.B, *Walkways*, is not applicable because the width of the lot of the subject site is not 150-feet or more. As depicted in "Exhibit A", the lot width along the frontage of the site is approximately 45 feet.
- b. Section 6.C., *Building Setbacks*, is not applicable because the subject site is not directly across the street and within 200 feet of an R1 or more restrictive zone. According to ZIMAS properties directly across the street are zoned [Q]RD1.5-1.
- c. The proposed project substantially complies with Section 6.D, *Garage*, of the Specific Plan which allows only one level of a parking garage above the natural existing grade, up to a maximum of seven-feet in height, measured to the floor elevation of the level immediately above the parking garage. As depicted in "Exhibit A", (Sheets A-2.1 and A-3.2) the proposed project has one level of subterranean parking and no parking above natural grade. The Building Section depicted on Sheet A3.2 depicts a garage entry that slopes down from the sidewalk elevation, which is below the seven-foot maximum height permitted.
- d. The proposed project substantially complies with Section 6.E, *Yard Requirements*. Section 6.E.1 requires that a minimum of fifty percent of the required front, rear, and side yards be landscaped. As depicted in "Exhibit A", the project landscapes fifty percent of the front, rear, and side yards. Landscaped areas are comprised of 387 square feet in the front yard, 1,242 square feet in the rear yard, 764 square feet in the community area, 493 square feet in west side yard, and 657 square feet in the east side yard. As such, the proposed project complies with the landscaping requirements set forth in the Specific Plan.

Section 6.E.2 requires projects that immediately abut an R1 or more restrictive zone on the rear property line to have a rear yard of at least 20 feet in depth. Section 6.E.3 of the Specific Plan states that projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width. The property is not utilizing reductions in the front, rear, or easterly side yards and maintains rear and side yard setbacks consistent with the requirements of Section 6 of the Westwood Community Multi-Family Specific Plan. The project proposes a 5.6-foot westerly side yard consistent with the TOC Guidelines. The 5.6-foot side yard reflects a 30 percent reduction in the otherwise required 8-foot side yard in the RD1.5 Zone.

- e. Section 6.F, *Buffer*, requires projects that immediately abut an R1 or more restrictive zone to have and maintain an 8-foot-high split-face decorative masonry wall. The wall shall have a top cap and have the split face facing the single-family residence. Condition 16 requires the project to provide the 8-foot-high masonry wall as depicted on Sheet A1.1 of "Exhibit A." In addition, the Specific Plan requires that where the project abuts an R1 zoned property for every four linear feet of wall, one 15-gallon tree shall be planted at the edge of the wall. As depicted on Sheet L1 of "Exhibit A" the project is planting Carolina cherry 15 gallon trees spaced at four foot intervals along the wall where abutting the R1 zoned properties.
- f. The proposed project substantially complies with Section 6.G, *Screening*, of the Specific Plan which requires that structures on the roof be fully screened from view from adjacent properties, as seen from the grade, as conditioned under Condition 17. Additionally, mechanical equipment is located at grade and screened as depicted on Sheet A1.1 of "Exhibit A."
- g. The proposed project substantially complies with Section 7.A., *Landscape Standards*, General Requirements, which requires that a Landscape Plan be prepared by a licensed architect or landscape architect and submitted to the Westwood Community Design Review Board (DRB) for review and approval. In addition, the Landscape Plan is required to illustrate details of the plants and plant material (i.e., names, size at maturity, locations, planting schedule, irrigation plan) and must include a variety of plant materials. As depicted in "Exhibit A", the Landscape Plan has been prepared by a landscape architect, and includes: an irrigation plan; a variety of plant material, including grass and other ground cover, shrubs, and trees; and, clear identification of plant material locations, and size at maturity. The DRB reviewed and recommended approval of the Landscape Plan and Irrigation Plan at its regular meeting on November 6, 2019.
- h. Section 7.B., *Street Trees*, requires street trees to be approved by the Urban Forestry Division, Bureau of Street Services, Department of Public Works and to be planted at a minimum ratio of one for every 30 lineal feet of street frontage abutting the project. The Specific Plan also requires Street Trees to be at least 12 feet in height and not less than three inches in caliper at the time of planting. The subject site has a 45-foot frontage along Wilkins Avenue, which requires a minimum of one street tree. Condition Number 15 will require the street tree to be reviewed and approved by the Urban Forestry Division. In addition, the Design Review Board conditioned the project to have only one street tree and required it to be 36" box street tree, the type to be approved by Urban Forestry.
- i. The proposed project substantially complies with Section 8, *Design Review Procedures*, which requires that a proposed project be reviewed and approved in accordance with Design Review Board (DRB) procedures of Section 16.50 and the

Specific Plan procedures of Section 11.5.7 of the Los Angeles Municipal Code. The proposed project has been reviewed in accordance with the DRB and Specific Plan procedures of the Los Angeles Municipal Code. The review and recommendation of the Westwood Community DRB was based upon conformance with the criteria in the Westwood Community Design Review Board Specific Plan.

CEQA FINDINGS

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

The project, located at 10757, 10757 ½, 10759 West Wilkins Avenue, is for the demolition of an existing three unit apartment building and detached rear garage and the construction of a new five-story, maximum 55-feet in height, 16,803 square foot, 10 unit multi-family apartment building over one level of subterranean parking containing 21 automobile stalls. The project is located in a Special Grading area and will require a haul route. The project is an in-fill development and qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

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

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

The current project is in an urbanized area and characterized as in-fill development, which qualifies for the Class 32 Categorical Exemption. As shown in the case file, the project is consistent with the applicable Westwood Community Plan designation and policies and all applicable zoning designations and regulations.

The site is zoned [Q]RD1.5-1 and has a General Plan Land Use Designation of Low Medium II Residential. The Q condition on the project site was enacted through Ordinance 163,187 and requires that all projects with two or more units to be subject to review by the Westwood Community Design Review Board. The project site is located in the Westwood Community Plan, the Westwood Community Multi-Family Specific Plan, The Westwood Community Design Review Board Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP, Ordinance 186,105 and 186,108). The Project is subject to Department of Transportation clearance of the WLA TIMP. The Westwood Community Design Review Board is required to review projects and make recommendations to the Director of Planning for Approval, Approval with Conditions, or Denial of projects within their jurisdiction. In addition, the project is within a Tier 3 designation of the Transit Oriented Communities Program.

The project fronts Wilkins Avenue, a Local Street with a designated right-of-way width of 60 feet and a designated roadway width of 36 feet. The road way and right-of-way are fully improved.

The project site occupies one parallelogram shaped and minimally sloped lot, currently developed with a three-unit apartment building built in 1937. The project lot is 45 feet wide in the front and 76.70 feet wide in the rear with a depth of 183.27 feet on the east

side and 151.01 feet on the west side. The lot is 9,833.3 square feet. The project is not within the Alquist-Priolo fault zone areas and a fault study is not required. It is near the Santa Monica Fault but not within it. A Geotechnical Report was conducted on the subject site and a Soils Approval letter was issued by LADBS on November 6, 2018 (LOG #105676). The project site is not located within a Fault Zone, Landslide Area, Liquefaction Zone, or a Very High Fire Severity Zone. The project site is in a Special Grading Area (BOE Basic Grid Map A-13372) and will require a Haul Route. The project is located in a Methane Zone and will be subject to Regulatory Compliance Measures. There are no known designated historic resources or cultural monuments on the subject site. A Tree Report was not required as there are no protected trees on the subject.

The project is utilizing Base and Additional Incentives under the Transit Oriented Communities Ordinance. As an RD zoned property in a Tier 3 Area the project (eligible based on allocation of affordable units) is eligible for a 40 percent density increase, FAR Bonus of 45 percent (allowing for a 4.35:1 FAR), reduced parking, reductions in yards, Open Space, and a Height increase. The Project is for a 10-unit, maximum of 55 feet in height, five-story apartment building with 16,803 square feet of floor area and one level of subterranean parking.

The RD1.5 Zone allows for a maximum residential density of one dwelling unit per 1,500 square feet of lot area. The subject lot totals 9,833.3 square feet, for a maximum base density of seven units. Los Angeles Municipal Code allows 6.55 units by-right, however, the TOC Guidelines round base density up to the next whole number, resulting in seven. The TOC Guidelines Residential Density Incentive has an exception for properties in the "RD" Restricted Density Zone that limits the density increase for a Tier 3 property to 40 percent. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 10 units. The project is proposing 10 units, consistent with the TOC Guidelines and Zoning regulations.

The Tier 3 FAR Incentive allows for a percentage increase in FAR up to 45 percent. Los Angeles Municipal Code provides for a maximum FAR of 3:1 in the RD1.5-1 Zone. The project has a by-right floor area of 17,241 square feet. The project proposes 16,803 square feet and is not utilizing the Floor Area Ratio incentive, and is consistent with the zoning regulations.

The project is required to provide five parking spaces under the TOC incentive and is providing 21 spaces, consistent with the requirements of Los Angeles Municipal Code 12.22-A.31.

The Westwood Community Multi-Family Specific Plan Section 6.E.2 *Yard Requirements*, states that projects which immediately abut an R1 or more restrictive zone on the rear property line shall have a rear yard of at least 20 feet in depth. Section 6.E.3 of the Specific Plan states that projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width. The property is not utilizing reductions in the front, rear, or easterly side yards and maintains rear and side yard setbacks consistent with the requirements of Section 6 of the Westwood Community Multi-Family Specific Plan. The project proposes a 5.6-foot westerly side yard consistent with the TOC Guidelines. The 5.6-foot side yard reflects a 30 percent reduction in the otherwise required 8-foot side yard in the RD1.5 Zone.

The project is utilizing the TOC Incentive of a 25 percent reduction in the Westwood Community Multi-Family Specific Plan Open Space requirement, allowing 2,625 square feet in lieu of 3,500 square feet. The project is providing 2,627 square feet of Open Space, consistent with the TOC Guidelines and Zoning regulations.

The TOC Guidelines allow for a maximum height of 55 feet and the project is 55 feet in height and five-stories. The project is consistent with the TOC Guideline's Height Incentive and Exception requirements.

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

The subject site is wholly within the City of Los Angeles, on a site that is approximately .23 acres (9,833.2 square feet). Lots adjacent to the subject site are developed with the following urban uses: multi-family residential consistent with the [Q]RD1.5-1 zone and Low Medium II Residential Land Use designation and single-family homes on R1-1-O zoned properties.

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

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species.

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

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

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:

- All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.

- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
- **Regulatory Compliance Measure RC-HAZ-2: Explosion/Release (Methane Zone):** As the Project Site is within a methane zone, prior to the issuance of a building permit, the Site shall be independently analyzed by a qualified engineer, as defined in Ordinance No. 175,790 and Section 91.7102 of the LAMC, hired by the Project Applicant. The engineer shall investigate and design a methane mitigation system in compliance with the LADBS Methane Mitigation Standards for the appropriate Site Design Level which will prevent or retard potential methane gas seepage into the building. The Applicant shall implement the engineer's design recommendations subject to DOGGR, LADBS and LAFD plan review and approval.
- **Regulatory Compliance Measure RC-HAZ-3: Explosion/Release (Soil Gases):** During subsurface excavation activities, including borings, trenching and grading, OSHA worker safety measures shall be implemented as required to preclude any exposure of workers to unsafe levels of soil-gases, including, but not limited to, methane.

These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a Vehicle Miles Traveled Analysis. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. These RCMs will ensure the project will not have significant impacts on noise, air quality, and water. The Project will also be governed by an approved haul route under City Code requirements, which will regulate the route hauling trucks will travel, and the times at which they may leave the site, thereby reducing any potential traffic impacts to less than significant. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter (Log #105676) for the proposed project and as it may be subsequently amended or modified. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

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

The project site will be adequately served by all public utilities and services given that the project site is developed, surrounded by urban uses, served by existing infrastructure, and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions.

There are five (5) Exceptions, which must be considered in order to find a project exempt under Class 32: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

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

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes a ten-unit, maximum 55 feet-tall, five-story apartment building with 16,803 square feet of floor area and one level of subterranean parking in an area zoned and designated for such development. Properties in the vicinity are developed with multi-family residential buildings and single-family homes and the subject site is of a similar size and slope to nearby properties. Haul route approval will be subject to recommended conditions prepared by LADOT to be considered by the Board of Building and Safety Commissioners that will reduce the impacts of construction related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter (Log #105676) for the proposed project and as it may be subsequently amended or modified. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

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

The Project proposes to construct a 10-unit apartment building in an area zoned and designated for such development. The Subject Site is of a similar size and slope to nearby properties. The Floor Area, density, and height of the proposed project are consistent with the Zone and Transit Oriented Communities program.

The project abuts two [Q]RD1.5-1 zoned properties to the east, which are developed with two-story multi-family apartment complexes. Properties immediately across the street and to the west of the subject property are zoned [Q]RD1.5-1 and developed with single-family residences and single, two, and three-story multi-family residences. The project site is approximately 181 linear feet from St. Paul the Apostle Church at the intersection of Selby, Ohio, and Wilkins Avenues and zoned [Q]RD1.5-1-O. The project site abuts R1-1-O zoned properties to the rear and northeast which are developed single and two story single-family homes. Approximately 475 linear square feet to the west of the project site and across Malcolm Avenue are single-family homes on R1-1 Zoned lots.

The project is not within the Alquist-Priolo fault zone areas and a fault study is not required. It is near the Santa Monica Fault but not within it. A Geotechnical Report was conducted on the subject site and a Soils Approval letter was issued by LADBS on

November 6, 2018 (LOG #105676). The project site is not located within a Fault Zone, Landslide Area, Liquefaction Zone, or a Very High Fire Severity Zone. The project site is in a Special Grading Area (BOE Basic Grid Map A-13372) and will require a Haul Route. The project is located in a Methane Zone and will be subject to Regulatory Compliance Measures. There are no known designated historic resources or cultural monuments on the subject site.

Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

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

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The project site is located approximately 10 miles from State Route 27. Therefore, the Project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

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

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the Subject Site, nor any site in the vicinity, is identified as a hazardous waste site. Furthermore, the building permit history for the Project Site does not indicate the Site may be hazardous or otherwise contaminated and this exception does not apply.

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

The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND

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

The TOC Guidelines, adopted September 22, 2017 and amended on February 26, 2018 with technical clarifications, establish a tier-based system with varying development bonuses and

incentives based on a project's distance from different types of transit. The largest bonuses are reserved for those areas in the closest proximity to significant rail stops or the intersection of major bus rapid transit lines. Required affordability levels are increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

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

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

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

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>.

Planning Department public offices are located at:

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

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

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

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

Only an applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property can appeal this Density Bonus Compliance Review Determination. Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density Bonus increase in units above the base density zone limits and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Section 12.22 A.25 of the LAMC, appeals of Density Bonus Compliance Review cases are heard by the City Planning Commission.

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either through the Department of City Planning website at <http://planning.lacity.org> or by calling (213) 482-7052 or (818) 374-5050. The applicant is further advised to notify any consultant representing you of this requirement as well.

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

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

Reviewed by:


Faisal Roble, Principal City Planner


Michelle Singh, Senior City Planner

Reviewed by:

Prepared by:


Elizabeth Gallardo, City Planner


Julia Duncan, City Planning Assistant

EXHIBIT C

ENVIRONMENTAL CLEARANCE

ENV-2019-2658-CE

COUNTY CLERK'S USE

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 395
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
(PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

DIR-2019-2657-DEB-SPP-TOC

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)CASE NUMBER
ENV-2019-2658-CE

PROJECT TITLE

COUNCIL DISTRICT
5

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

10757 W. Wilkins Avenue☐ Map attached.

PROJECT DESCRIPTION: The demolition of an existing 2-story triplex with detached garage and the construction of a 10 unit, 5-story, maximum 55 feet in height apartment building on a 9,833.3 square foot lot with 21 parking spaces in a subterranean garage

☒ Additional page(s) attached.

NAME OF APPLICANT / OWNER:

Banarsi L. Agarwal

CONTACT PERSON (If different from Applicant/Owner above)

Sean Nguyen, EZ Permits, LLC

(AREA CODE) TELEPHONE NUMBER

213-880-6289

EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

☐ STATUTORY EXEMPTION(S)

Public Resources Code Section(s) _____

☒ CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)CEQA Guideline Section(s) / Class(es) 32☐ OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION:

☒ Additional page(s) attached

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

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

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

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

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

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

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

☒ None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.☐ The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE

STAFF TITLE

Julia Duncan

Julia Duncan

Planning Assistant

ENTITLEMENTS APPROVED

TOC project for 10 units, 2 reserved for Very low Income and Design Review and Project Permit Compliance

FEE:

\$ 5,512.86

RECEIPT NO.

0201641424

REC'D. BY (DCP DSC STAFF NAME)

Daisy Benicia

DISTRIBUTION: County Clerk, Agency Record

Rev. 3-27-2019

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

DAVID H. J. AMBROZ

CAROLINE CHOE

HELEN LEUNG

KAREN MACK

MARC MITCHELL

VERONICA PADILLA-CAMPOS

DANA M. PERLMAN

**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

TRICIA KEANE
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

**JUSTIFICATION FOR PROJECT EXEMPTION
CASE NO. ENV-2019-2658-CE**

On January 13, 2020, the Planning Department determined that based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The project, located at 10757, 10757 ½, 10759 West Wilkins Avenue, is for the demolition of an existing three unit apartment building and detached rear garage and the construction of a new five-story, maximum 55-feet in height, 16,803 square foot, 10 unit multi-family apartment building over one level of subterranean parking containing 21 automobile stalls. The project is located in a Special Grading area and will require a haul route. The project is an in-fill development and qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

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

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

The current project is in an urbanized area and characterized as in-fill development, which qualifies for the Class 32 Categorical Exemption. As shown in the case file, the project is consistent with the applicable Westwood Community Plan designation and policies and all applicable zoning designations and regulations.

The site is zoned [Q]RD1.5-1 and has a General Plan Land Use Designation of Low Medium II Residential. The Q condition on the project site was enacted through Ordinance 163,187 and requires that all projects with two or more units to be subject to review by the Westwood Community Design Review Board. The project site is located in the Westwood Community Plan, the Westwood Community Multi-Family Specific Plan, The Westwood Community Design Review Board Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP, Ordinance 186,105 and 186,108). The Project is subject to Department of Transportation clearance of the WLA TIMP. The Westwood Community Design Review Board is required to review projects and make recommendations to the Director of Planning for Approval, Approval with Conditions, or Denial of projects within their

jurisdiction. In addition, the project is within a Tier 3 designation of the Transit Oriented Communities Program.

The project fronts Wilkins Avenue, a Local Street with a designated right-of-way width of 60 feet and a designated roadway width of 36 feet. The road way and right-of-way are fully improved.

The project site occupies one parallelogram shaped and minimally sloped lot, currently developed with a three-unit apartment building built in 1937. The project lot is 45 feet wide in the front and 76.70 feet wide in the rear with a depth of 183.27 feet on the east side and 151.91 feet on the west side. The lot is 9,833.3 square feet. The project is not within the Alquist-Priolo fault zone areas and a fault study is not required. It is near the Santa Monica Fault but not within it. A Geotechnical Report was conducted on the subject site and a Soils Approval letter was issued by LADBS on November 6, 2018 (LOG #105676). The project site is not located within a Fault Zone, Landslide Area, Liquefaction Zone, or a Very High Fire Severity Zone. The project site is in a Special Grading Area (BOE Basic Grid Map A-13372) and will require a Haul Route. The project is located in a Methane Zone and will be subject to Regulatory Compliance Measures. There are no known designated historic resources or cultural monuments on the subject site. A Tree Report was not required as there are no protected trees on the subject.

The project is utilizing Base and Additional Incentives under the Transit Oriented Communities Ordinance. As an RD zoned property in a Tier 3 Area the project (eligible based on allocation of affordable units) is eligible for a 40 percent density increase, FAR Bonus of 45 percent (allowing for a 4.35:1 FAR), reduced parking, reductions in yards, Open Space, and a Height increase. The Project is for a 10-unit, maximum of 55 feet in height, five-story apartment building with 16,803 square feet of floor area and one level of subterranean parking.

The RD1.5 Zone allows for a maximum residential density of one dwelling unit per 1,500 square feet of lot area. The subject lot totals 9,833.3 square feet, for a maximum base density of seven units. Los Angeles Municipal Code allows 6.55 units by-right, however, the TOC Guidelines round base density up to the next whole number, resulting in seven. The TOC Guidelines Residential Density Incentive has an exception for properties in the "RD" Restricted Density Zone that limits the density increase for a Tier 3 property to 40 percent. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 10 units. The project is proposing 10 units, consistent with the TOC Guidelines and Zoning regulations.

The Tier 3 FAR Incentive allows for a percentage increase in FAR up to 45 percent. Los Angeles Municipal Code provides for a maximum FAR of 3:1 in the RD1.5-1 Zone. The project has a by-right floor area of 17,241 square feet. The project proposes 16,803 square feet and is not utilizing the Floor Area Ratio incentive, and is consistent with the zoning regulations.

The project is required to provide five parking spaces under the TOC incentive and is providing 21 spaces, consistent with the requirements of Los Angeles Municipal Code 12.22-A.31.

The Westwood Community Multi-Family Specific Plan Section 6.E.2 *Yard Requirements*, states that projects which immediately abut an R1 or more restrictive

zone on the rear property line shall have a rear yard of at least 20 feet in depth. Section 6.E.3 of the Specific Plan states that projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width. The property is not utilizing reductions in the front, rear, or easterly side yards and maintains rear and side yard setbacks consistent with the requirements of Section 6 of the Westwood Community Multi-Family Specific Plan. The project proposes a 5.6-foot westerly side yard consistent with the TOC Guidelines. The 5.6-foot side yard reflects a 30 percent reduction in the otherwise required 8-foot side yard in the RD1.5 Zone.

The project is utilizing the TOC Incentive of a 25 percent reduction in the Westwood Community Multi-Family Specific Plan Open Space requirement, allowing 2,625 square feet in lieu of 3,500 square feet. The project is providing 2,627 square feet of Open Space, consistent with the TOC Guidelines and Zoning regulations.

The TOC Guidelines allow for a maximum height of 55 feet and the project is 55 feet in height and five-stories. The project is consistent with the TOC Guideline's Height Incentive and Exception requirements.

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

The subject site is wholly within the City of Los Angeles, on a site that is approximately .23 acres (9,833.2 square feet). Lots adjacent to the subject site are developed with the following urban uses: multi-family residential consistent with the [Q]RD1.5-1 zone and Low Medium II Residential Land Use designation and single-family homes on R1-1-O zoned properties.

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

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species.

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

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

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be

used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

- The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
- **Regulatory Compliance Measure RC-HAZ-2: Explosion/Release (Methane Zone):** As the Project Site is within a methane zone, prior to the issuance of a building permit, the Site shall be independently analyzed by a qualified engineer, as defined in Ordinance No. 175,790 and Section 91.7102 of the LAMC, hired by the Project Applicant. The engineer shall investigate and design a methane mitigation system in compliance with the LADBS Methane Mitigation Standards for the

appropriate Site Design Level which will prevent or retard potential methane gas seepage into the building. The Applicant shall implement the engineer's design recommendations subject to DOGGR, LADBS and LAFD plan review and approval.

- **Regulatory Compliance Measure RC-HAZ-3: Explosion/Release (Soil Gases):** During subsurface excavation activities, including borings, trenching and grading, OSHA worker safety measures shall be implemented as required to preclude any exposure of workers to unsafe levels of soil-gases, including, but not limited to, methane.

These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a Vehicle Miles Traveled Analysis. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. These RCMs will ensure the project will not have significant impacts on noise, air quality, and water. The Project will also be governed by an approved haul route under City Code requirements, which will regulate the route hauling trucks will travel, and the times at which they may leave the site, thereby reducing any potential traffic impacts to less than significant. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter (Log #105676) for the proposed project and as it may be subsequently amended or modified. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

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

The project site will be adequately served by all public utilities and services given that the project site is developed, surrounded by urban uses, served by existing infrastructure, and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions.

There are five (5) Exceptions, which must be considered in order to find a project exempt under Class 32: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

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

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes a ten-unit, maximum 55 feet-tall, five-story apartment building with 16,803 square feet of floor area and one level of subterranean parking in an area zoned and designated for such development. Properties in the vicinity are developed with multi-family residential buildings and single-family homes and the subject site is of a similar size and slope to nearby properties. Haul route approval will be subject to recommended conditions prepared by LADOT to be considered by the Board of Building and Safety Commissioners that will reduce the impacts of construction

related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter (Log #105676) for the proposed project and as it may be subsequently amended or modified. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

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

The Project proposes to construct a 10-unit apartment building in an area zoned and designated for such development. The Subject Site is of a similar size and slope to nearby properties. The Floor Area, density, and height of the proposed project are consistent with the Zone and Transit Oriented Communities program.

The project abuts two [Q]RD1.5-1 zoned properties to the east, which are developed with two-story multi-family apartment complexes. Properties immediately across the street and to the west of the subject property are zoned [Q]RD1.5-1 and developed with single-family residences and single, two, and three-story multi-family residences. The project site is approximately 181 linear feet from St. Paul the Apostle Church at the intersection of Selby, Ohio, and Wilkins Avenues and zoned [Q]RD1.5-1-O. The project site abuts R1-1-O zoned properties to the rear and northeast which are developed single and two story single-family homes. Approximately 475 linear square feet to the west of the project site and across Malcolm Avenue are single-family homes on R1-1 Zoned lots.

The project is not within the Alquist-Priolo fault zone areas and a fault study is not required. It is near the Santa Monica Fault but not within it. A Geotechnical Report was conducted on the subject site and a Soils Approval letter was issued by LADBS on November 6, 2018 (LOG #105676). The project site is not located within a Fault Zone, Landslide Area, Liquefaction Zone, or a Very High Fire Severity Zone. The project site is in a Special Grading Area (BOE Basic Grid Map A-13372) and will require a Haul Route. The project is located in a Methane Zone and will be subject to Regulatory Compliance Measures. There are no known designated historic resources or cultural monuments on the subject site.

Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

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

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The project site is located approximately 10 miles from State Route 27. Therefore, the Project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

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

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the Subject Site, nor any site in the vicinity, is identified as a hazardous waste site. Furthermore, the building permit history for the Project Site does not indicate the Site may be hazardous or otherwise contaminated and this exception does not apply.

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

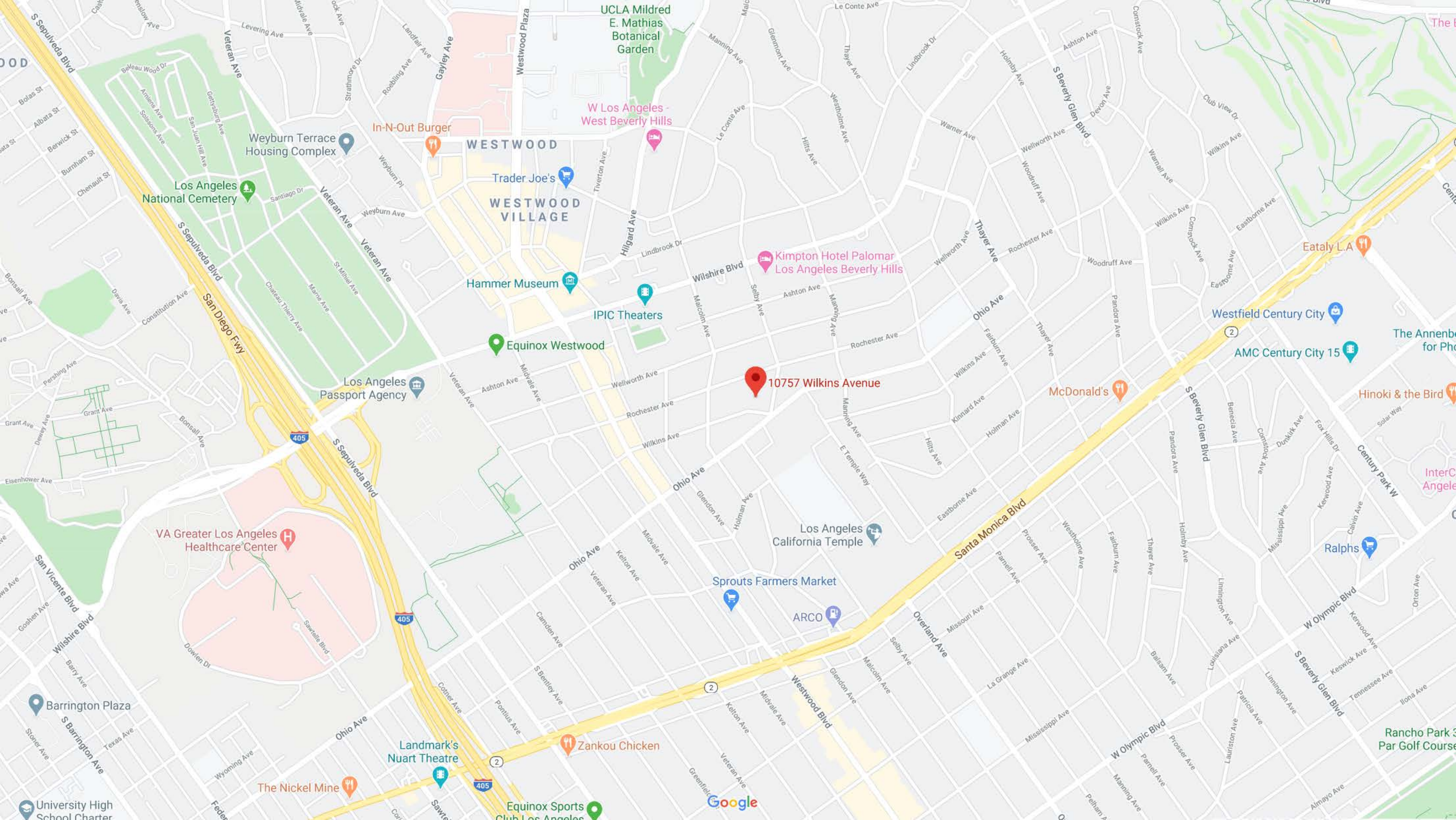
The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

EXHIBIT D

MAPS

SITE PHOTOS

ZIMAS PARCEL PROFILE REPORT



W Los Angeles - West Beverly Hills

WESTWOOD
WESTWOOD VILLAGE

Kimpton Hotel Palomar
Los Angeles Beverly Hills

10757 Wilkins Avenue

Santa Monica Blvd

Los Angeles
California Temple

Sprouts Farmers Market

ARCO

Zankou Chicken

Landmark's Nuart Theatre

Equinox Sports
Club Los Angeles

Los Angeles
National Cemetery

VA Greater Los Angeles
Healthcare Center

Los Angeles
Passport Agency

Hammer Museum

IPIC Theaters

Equinox Westwood

Weyburn Terrace
Housing Complex

In-N-Out Burger

Trader Joe's

Eataly L.A.

Westfield Century City

AMC Century City 15

McDonald's

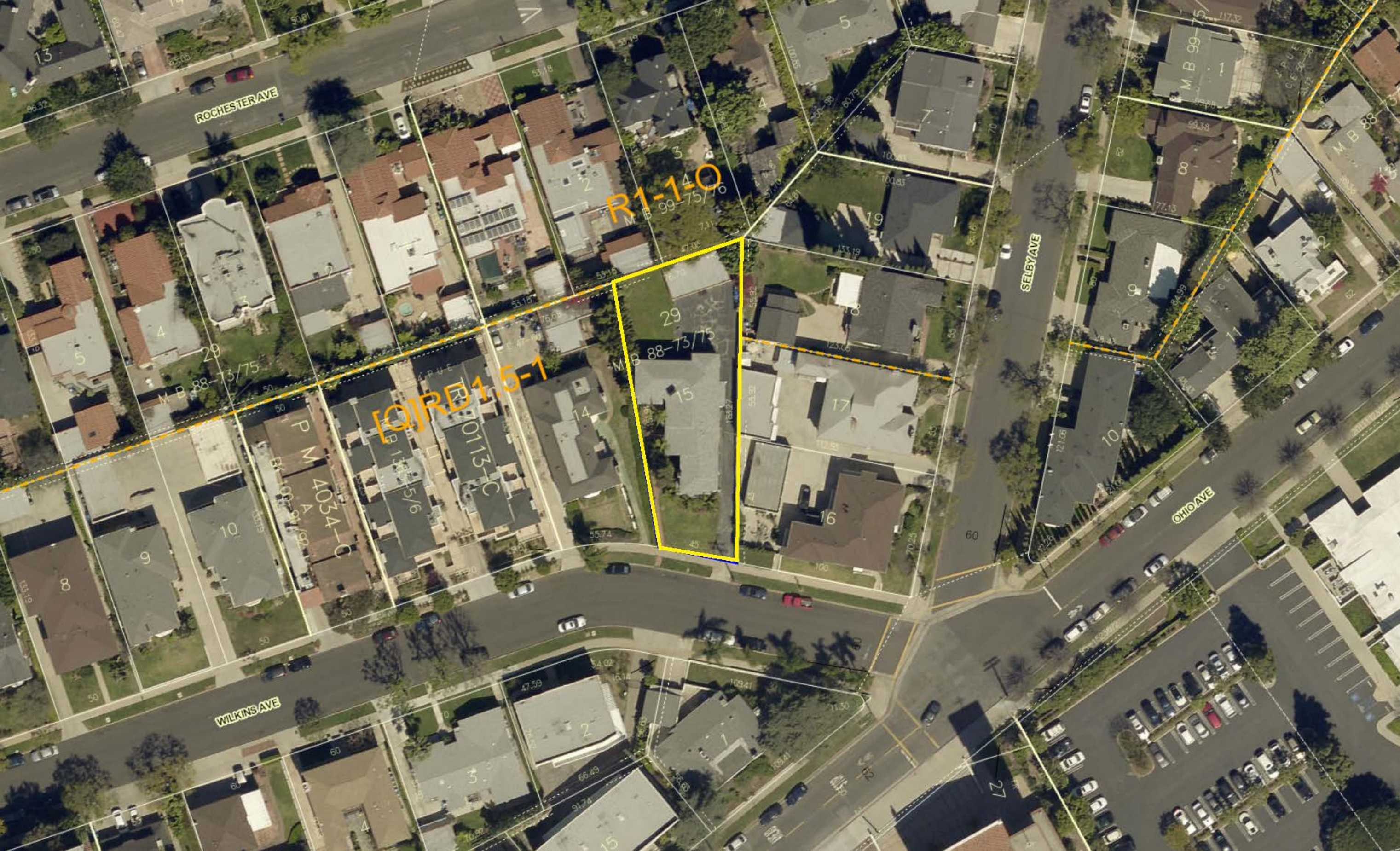
Hinoki & the Bird

Ralphs

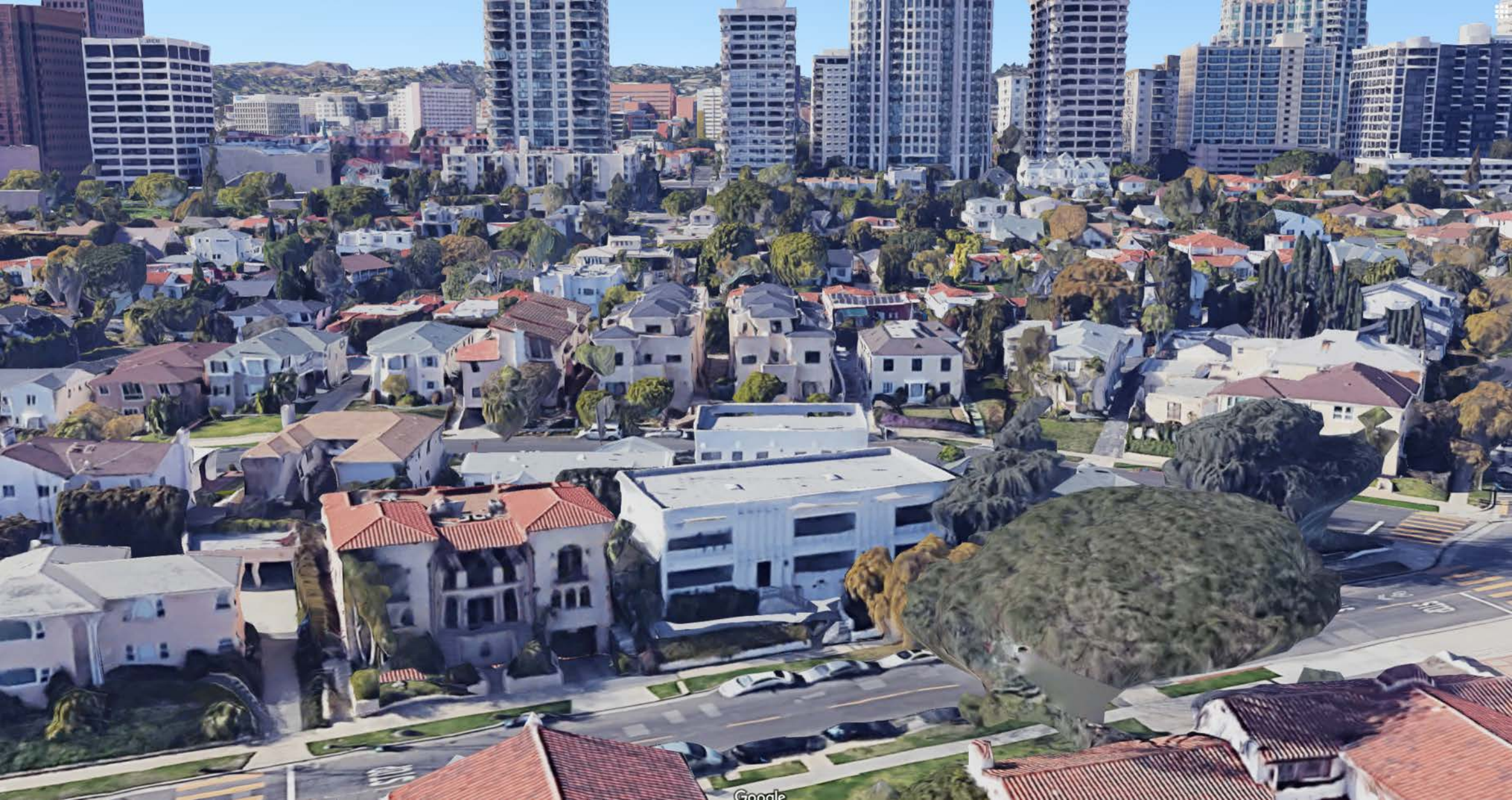
Barrington Plaza

University High
School Charter

The Nickel Mine









LandryDesign Group

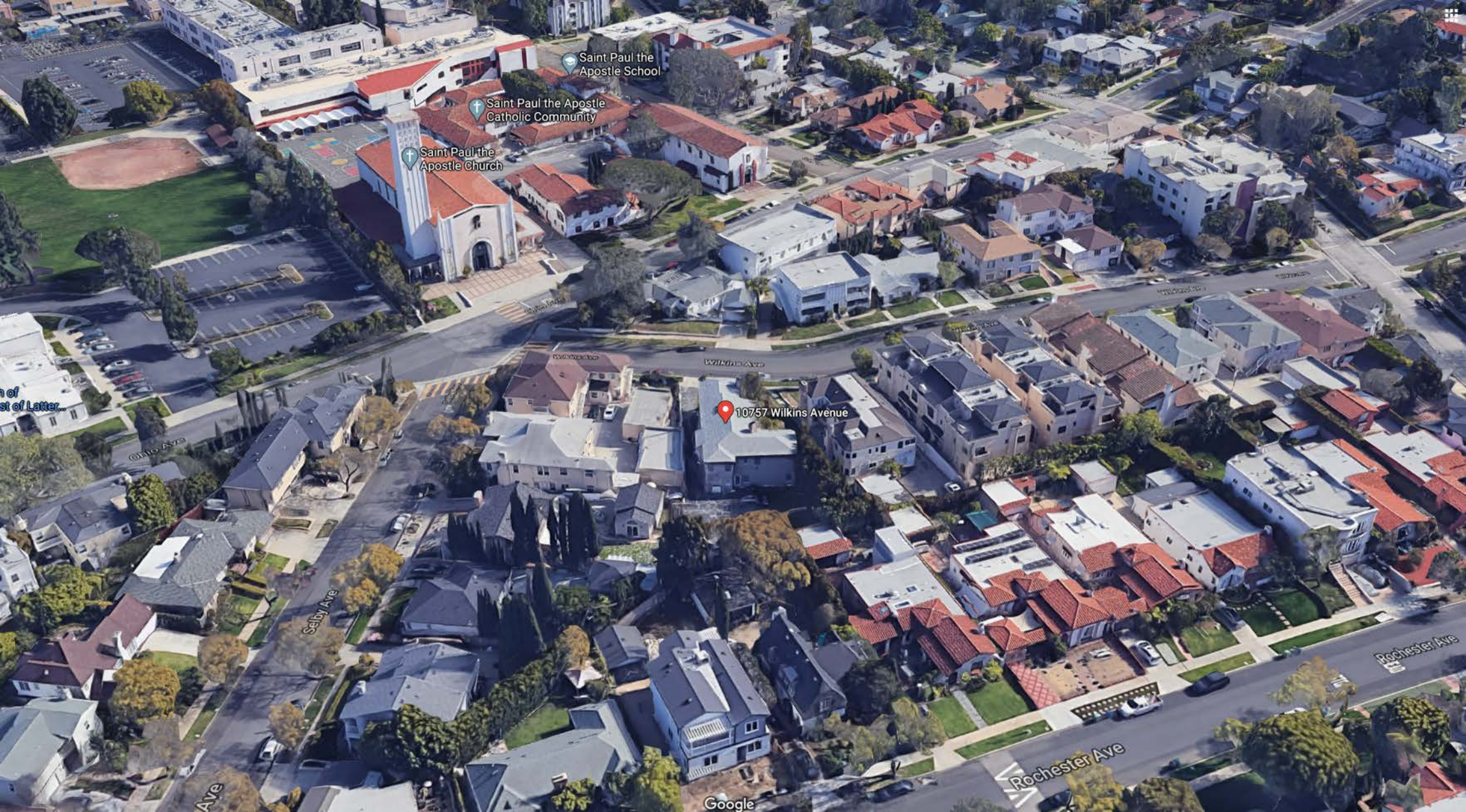
SAWTELLE

Saint Paul the Apostle School

Saint Paul the Apostle Church
the Apostle Community

10757 Wilkins Avenue

Google



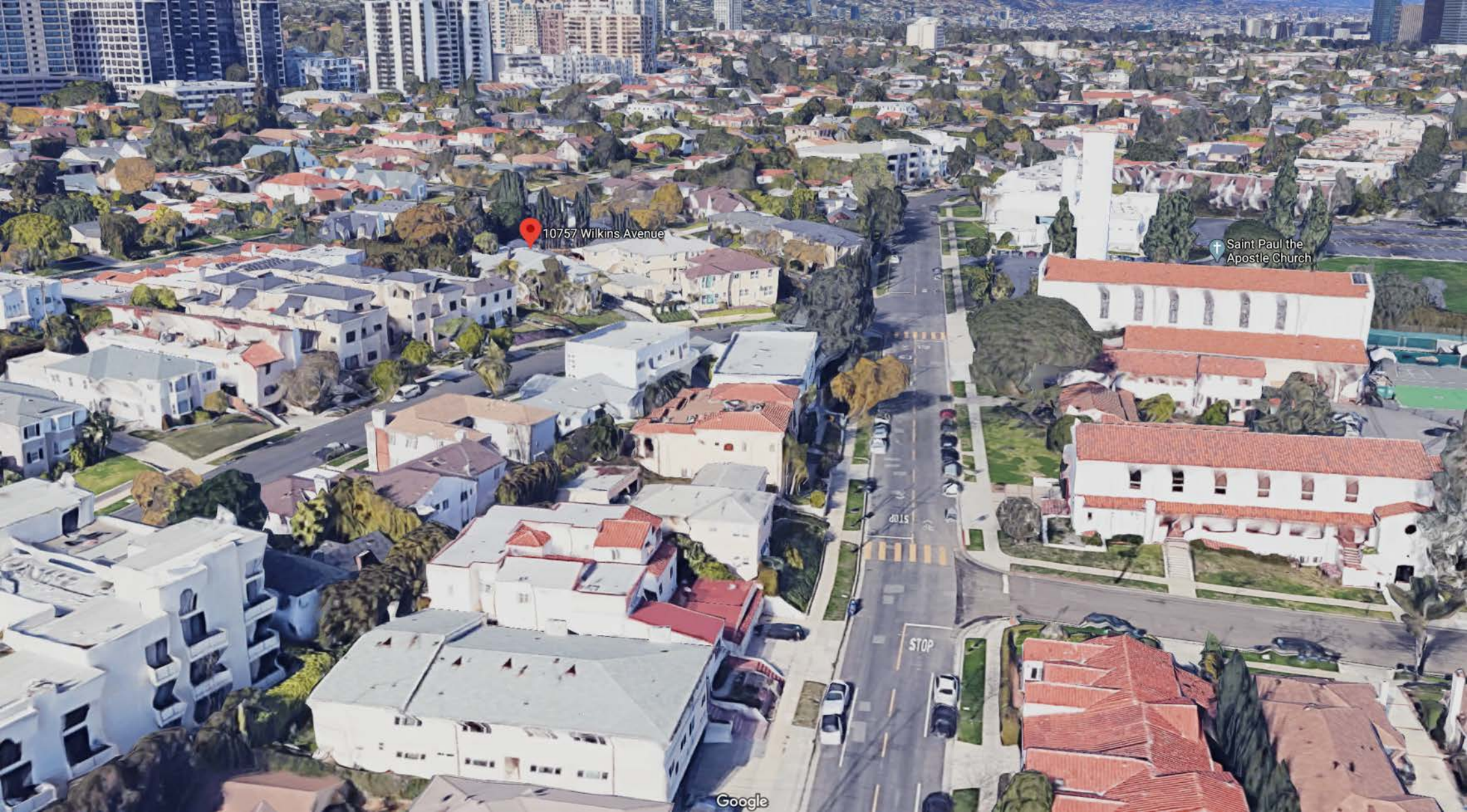
Saint Paul the Apostle School

Saint Paul the Apostle Catholic Community

Saint Paul the Apostle Church

10757 Wilkins Avenue

Google



10757 Wilkins Avenue

Saint Paul the
Apostle Church



City of Los Angeles Department of City Planning

3/11/2020 PARCEL PROFILE REPORT

PROPERTY ADDRESSES

10759 W WILKINS AVE
10757 W WILKINS AVE
10757 1/2 W WILKINS AVE

ZIP CODES

90024

RECENT ACTIVITY

PAR-2018-6889-TOC

CASE NUMBERS

CPC-2014-1457-SP
CPC-1987-12142
CPC-14509
ORD-186108
ORD-183497
ORD-171492
ORD-171227
ORD-163205
ORD-163204
ORD-163203
ORD-163187
ORD-129279
ORD-125156
DIR-2019-2657-DRB-SPP-TOC
DIR-2003-390-DRB-SPP
TT-54034
ENV-2019-2658-CE
ENV-2014-1458-EIR-SE-CE
ENV-2002-6942

Address/Legal Information

PIN Number	132B153 663
Lot/Parcel Area (Calculated)	9,833.3 (sq ft)
Thomas Brothers Grid	PAGE 632 - GRID B3
Assessor Parcel No. (APN)	4325014015
Tract	TR 7803
Map Reference	M B 88-73/75 (SHTS 3-5)
Block	29
Lot	15
Arb (Lot Cut Reference)	None
Map Sheet	132B153

Jurisdictional Information

Community Plan Area	Westwood
Area Planning Commission	West Los Angeles
Neighborhood Council	Westwood
Council District	CD 5 - Paul Koretz
Census Tract #	2656.01
LADBS District Office	West Los Angeles

Planning and Zoning Information

Special Notes	None
Zoning	[Q]RD1.5-1
Zoning Information (ZI)	ZI-2452 Transit Priority Area in the City of Los Angeles ZI-2192 West Los Angeles Transportation Improvement and Mitigation ZI-1447 Westwood Community Design Review Board ZI-1446 Westwood Community Plan Multiple Family Residential Development Standards
General Plan Land Use	Low Medium II Residential
General Plan Note(s)	Yes
Hillside Area (Zoning Code)	No
Specific Plan Area	West Los Angeles Transportation Improvement and Mitigation
Subarea	None
Specific Plan Area	Westwood Community Design Review Board
Subarea	None
Specific Plan Area	Westwood Community Plan Multiple Family Residential Development Standards
Subarea	None
Special Land Use / Zoning	None
Design Review Board	Yes Yes
Historic Preservation Review	No
Historic Preservation Overlay Zone	None
Other Historic Designations	None
Other Historic Survey Information	None
Mills Act Contract	None
CDO: Community Design Overlay	None
CPIO: Community Plan Imp. Overlay	None
Subarea	None
CUGU: Clean Up-Green Up	None

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(*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

HCR: Hillside Construction Regulation	No
NSO: Neighborhood Stabilization Overlay	No
POD: Pedestrian Oriented Districts	None
RFA: Residential Floor Area District	None
RIO: River Implementation Overlay	No
SN: Sign District	No
Streetscape	No
Adaptive Reuse Incentive Area	None
Affordable Housing Linkage Fee	
Residential Market Area	High
Non-Residential Market Area	High
Transit Oriented Communities (TOC)	Tier 3
RPA: Redevelopment Project Area	None
Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	No
500 Ft Park Zone	No
Assessor Information	
Assessor Parcel No. (APN)	4325014015
Ownership (Assessor)	
Owner1	530 N FRANCISCA LLC
Address	2701 190TH ST UNIT 201 REDONDO BEACH CA 90278
Ownership (Bureau of Engineering, Land Records)	
Owner	BECERRA,MAURICIO
Address	8117 W NORTON AVE LOS ANGELES CA 90046
APN Area (Co. Public Works)*	0.216 (ac)
Use Code	0300 - Residential - Three Units (Any Combination) - 4 Stories or Less
Assessed Land Val.	\$1,456,560
Assessed Improvement Val.	\$405,756
Last Owner Change	12/15/2017
Last Sale Amount	\$1,790,017
Tax Rate Area	67
Deed Ref No. (City Clerk)	967393
	9-408
	9-231
	504161
	2013679
	1499898
	1484604
Building 1	
Year Built	1937
Number of Units	3
Number of Bedrooms	6
Number of Bathrooms	6
Building Square Footage	4,094.0 (sq ft)
Building 2	No data for building 2
Building 3	No data for building 3
Building 4	No data for building 4
Building 5	No data for building 5
Rent Stabilization Ordinance (RSO)	Yes [APN: 4325014015]
Additional Information	
Airport Hazard	None

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Coastal Zone	None
Farmland	Area Not Mapped
Urban Agriculture Incentive Zone	YES
Very High Fire Hazard Severity Zone	No
Fire District No. 1	No
Flood Zone	None
Watercourse	No
Hazardous Waste / Border Zone Properties	No
Methane Hazard Site	Methane Zone
High Wind Velocity Areas	No
Special Grading Area (BOE Basic Grid Map A-13372)	Yes
Wells	None

Seismic Hazards

Active Fault Near-Source Zone	
Nearest Fault (Distance in km)	Within Fault Zone
Nearest Fault (Name)	Santa Monica Fault
Region	Transverse Ranges and Los Angeles Basin
Fault Type	B
Slip Rate (mm/year)	1.00000000
Slip Geometry	Left Lateral - Reverse - Oblique
Slip Type	Moderately / Poorly Constrained
Down Dip Width (km)	13.00000000
Rupture Top	0.00000000
Rupture Bottom	13.00000000
Dip Angle (degrees)	-75.00000000
Maximum Magnitude	6.60000000
Alquist-Priolo Fault Zone	No
Landslide	No
Liquefaction	No
Preliminary Fault Rupture Study Area	No
Tsunami Inundation Zone	No

Economic Development Areas

Business Improvement District	None
Hubzone	Not Qualified
Opportunity Zone	No
Promise Zone	None
State Enterprise Zone	None

Housing

Direct all Inquiries to	Housing+Community Investment Department
Telephone	(866) 557-7368
Website	http://hcidla.lacity.org
Rent Stabilization Ordinance (RSO)	Yes [APN: 4325014015]
Ellis Act Property	No

Public Safety

Police Information	
Bureau	West
Division / Station	West Los Angeles
Reporting District	834
Fire Information	
Bureau	West
Batallion	9
District / Fire Station	37
Red Flag Restricted Parking	No

CASE SUMMARIES

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

Case Number:	CPC-2014-1457-SP
Required Action(s):	SP-SPECIFIC PLAN (INCLUDING AMENDMENTS)
Project Descriptions(s):	SPECIFIC PLAN AMENDMENT
Case Number:	CPC-1987-12142
Required Action(s):	Data Not Available
Project Descriptions(s):	PREPARE AND SUBMIT CONCURRENTLY WITH THE SUBJECT PLAN AMENDMENTS THE APPROPRIATE SPECIFIC PLAN ORDINANCE AND ZONE CHANGE ORDINANCES (LANDINI)
Case Number:	DIR-2019-2657-DRB-SPP-TOC
Required Action(s):	TOC-TRANSIT ORIENTED COMMUNITIES DRB-DESIGN REVIEW BOARD SPP-SPECIFIC PLAN PROJECT PERMIT COMPLIANCE
Project Descriptions(s):	PURSUANT TO LAMC SECTION 16.50 AND 11.5.7, WESTWOOD DESIGN REVIEW BOARD AND WESTWOOD VILLAGE SPECIFIC PLAN PROJECT PERMIT COMPLIANCE IS REQUESTED TO ALLOW FOR THE DEMOLITION OF AN (E) 3-UNIT APARTMENT COMPLEX, AND THE CONSTRUCTION, USE, AND MAINTENANCE OF A (N) 10-UNIT, 5-STORY, 16,803 SF APARTMENT COMPLEX WITH BASEMENT. PURSUANT TO LAMC SECTION 12.22.A 31(E), A TRANSIT ORIENTED COMMUNITIES (TOC) REQUEST TO ALLOW FOR CONSTRUCTION, USE, AND MAINTENANCE OF A (N) 10-UNIT, 5-STORY, 16,803 SF APARTMENT COMPLEX WITH BASEMENT, APPROX. 55 FT. IN HEIGHT. PROPOSED PROJECT TO INCLUDE 8 MARKET RATE UNITS AND 2 VLI UNITS. PROJECT WILL BE UTILIZING THE FOLLOWING BASE INCENTIVES: A DENSITY INCREASE TO 10 UNITS IN LIEU OF THE REQUIRED 6 UNITS, AND A PARKING INCENTIVE TO ALLOW REQUIRED PARKING AT 0.5 SPACES PER UNIT (21 ON-SITE PARKING SPACES PROVIDED). FOLLOWING DISCRETIONARY INCENTIVES TO INCLUDE: A HEIGHT INCREASE TO 55 FT IN LIEU OF THE REQUIRED 33 FT, A 30% REDUCTION IN SIDE YARD SETBACKS, AND A 25% REDUCTION IN OPEN SPACE.
Case Number:	DIR-2003-390-DRB-SPP
Required Action(s):	DRB-DESIGN REVIEW BOARD SPP-SPECIFIC PLAN PROJECT PERMIT COMPLIANCE
Project Descriptions(s):	WESTWOOD DESIGN REVIEW FOR 3 STORY, 12 UNIT MULTI-FAMILY RESIDENTIAL BLDG WITH SUBTERRANEAN GARAGE.
Case Number:	TT-54034
Required Action(s):	Data Not Available
Project Descriptions(s):	NEW 12-UNIT RESIDENTIAL CONDOMINIUM COMPLEX.
Case Number:	ENV-2019-2658-CE
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	PURSUANT TO LAMC SECTION 16.50 AND 11.5.7, WESTWOOD DESIGN REVIEW BOARD AND WESTWOOD VILLAGE SPECIFIC PLAN PROJECT PERMIT COMPLIANCE IS REQUESTED TO ALLOW FOR THE DEMOLITION OF AN (E) 3-UNIT APARTMENT COMPLEX, AND THE CONSTRUCTION, USE, AND MAINTENANCE OF A (N) 10-UNIT, 5-STORY, 16,803 SF APARTMENT COMPLEX WITH BASEMENT. PURSUANT TO LAMC SECTION 12.22.A 31(E), A TRANSIT ORIENTED COMMUNITIES (TOC) REQUEST TO ALLOW FOR CONSTRUCTION, USE, AND MAINTENANCE OF A (N) 10-UNIT, 5-STORY, 16,803 SF APARTMENT COMPLEX WITH BASEMENT, APPROX. 55 FT. IN HEIGHT. PROPOSED PROJECT TO INCLUDE 8 MARKET RATE UNITS AND 2 VLI UNITS. PROJECT WILL BE UTILIZING THE FOLLOWING BASE INCENTIVES: A DENSITY INCREASE TO 10 UNITS IN LIEU OF THE REQUIRED 6 UNITS, AND A PARKING INCENTIVE TO ALLOW REQUIRED PARKING AT 0.5 SPACES PER UNIT (21 ON-SITE PARKING SPACES PROVIDED). FOLLOWING DISCRETIONARY INCENTIVES TO INCLUDE: A HEIGHT INCREASE TO 55 FT IN LIEU OF THE REQUIRED 33 FT, A 30% REDUCTION IN SIDE YARD SETBACKS, AND A 25% REDUCTION IN OPEN SPACE.
Case Number:	ENV-2014-1458-EIR-SE-CE
Required Action(s):	SE-STATUTORY EXEMPTIONS CE-CATEGORICAL EXEMPTION EIR-ENVIRONMENTAL IMPACT REPORT
Project Descriptions(s):	ENVIRONMENTAL IMPACT REPORT
Case Number:	ENV-2002-6942
Required Action(s):	Data Not Available
Project Descriptions(s):	tract map for condo for 12 units

DATA NOT AVAILABLE

CPC-14509
ORD-186108
ORD-183497
ORD-171492
ORD-171227
ORD-163205
ORD-163204

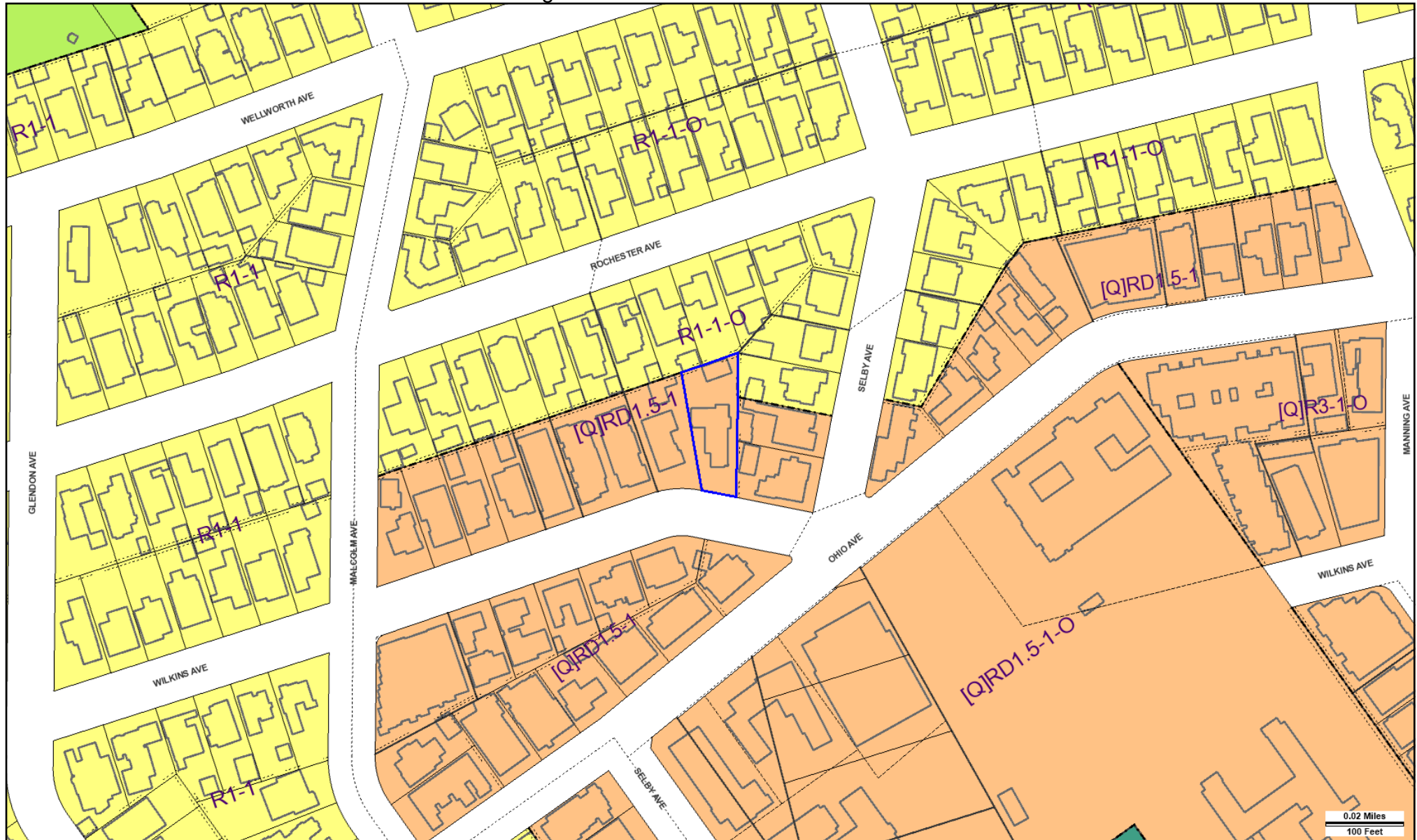
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ORD-163203

ORD-163187

ORD-129279

ORD-125156



Address: 10757 W WILKINS AVE

APN: 4325014015

PIN #: 132B153 663

Tract: TR 7803

Block: 29

Lot: 15

Arb: None

Zoning: [Q]RD1.5-1

General Plan: Low Medium II Residential



LEGEND

GENERALIZED ZONING

- OS, GW
- A, RA
- RE, RS, R1, RU, RZ, RW1
- R2, RD, RMP, RW2, R3, RAS, R4, R5, PVSP
- CR, C1, C1.5, C2, C4, C5, CW, WC, ADP, LASED, CEC, USC, PPSP, MU, NMU
- CM, MR, CCS, UV, UI, UC, M1, M2, LAX, M3, SL, HJ, HR, NI
- P, PB
- PF

GENERAL PLAN LAND USE

LAND USE

RESIDENTIAL

- Minimum Residential
- Very Low / Very Low I Residential
- Very Low II Residential
- Low / Low I Residential
- Low II Residential
- Low Medium / Low Medium I Residential
- Low Medium II Residential
- Medium Residential
- High Medium Residential
- High Density Residential
- Very High Medium Residential

COMMERCIAL

- Limited Commercial
- Limited Commercial - Mixed Medium Residential
- Highway Oriented Commercial
- Highway Oriented and Limited Commercial
- Highway Oriented Commercial - Mixed Medium Residential
- Neighborhood Office Commercial
- Community Commercial
- Community Commercial - Mixed High Residential
- Regional Center Commercial

FRAMEWORK

COMMERCIAL

- Neighborhood Commercial
- General Commercial
- Community Commercial
- Regional Mixed Commercial

INDUSTRIAL

- Commercial Manufacturing
- Limited Manufacturing
- Light Manufacturing
- Heavy Manufacturing
- Hybrid Industrial

PARKING

- Parking Buffer

PORT OF LOS ANGELES

- General / Bulk Cargo - Non Hazardous (Industrial / Commercial)
- General / Bulk Cargo - Hazard
- Commercial Fishing
- Recreation and Commercial
- Intermodal Container Transfer Facility Site

LOS ANGELES INTERNATIONAL AIRPORT

- Airport Landside / Airport Landside Support
- Airport Airside
- LAX Airport Northside

OPEN SPACE / PUBLIC FACILITIES

- Open Space
- Public / Open Space
- Public / Quasi-Public Open Space
- Other Public Open Space
- Public Facilities

INDUSTRIAL

- Limited Industrial
- Light Industrial

CIRCULATION

STREET

- Arterial Mountain Road
- Collector Scenic Street
- Collector Street
- Collector Street (Hillside)
- Collector Street (Modified)
- Collector Street (Proposed)
- Country Road
- Divided Major Highway II
- Divided Secondary Scenic Highway
- Local Scenic Road
- Local Street
- Major Highway (Modified)
- Major Highway I
- Major Highway II
- Major Highway II (Modified)

- Major Scenic Highway
- Major Scenic Highway (Modified)
- Major Scenic Highway II
- Mountain Collector Street
- Park Road
- Parkway
- Principal Major Highway
- Private Street
- Scenic Divided Major Highway II
- Scenic Park
- Scenic Parkway
- Secondary Highway
- Secondary Highway (Modified)
- Secondary Scenic Highway
- Special Collector Street
- Super Major Highway

FREEWAYS

- Freeway
- Interchange
- On-Ramp / Off- Ramp
- Railroad
- Scenic Freeway Highway

MISC. LINES

- Airport Boundary
- Bus Line
- Coastal Zone Boundary
- Coastline Boundary
- Collector Scenic Street (Proposed)
- Commercial Areas
- Commercial Center
- Community Redevelopment Project Area
- Country Road
- DWP Power Lines
- Desirable Open Space
- Detached Single Family House
- Endangered Ridgeline
- Equestrian and/or Hiking Trail
- Hiking Trail
- Historical Preservation
- Horsekeeping Area
- Local Street
- MSA Desirable Open Space
- Major Scenic Controls
- Multi-Purpose Trail
- Natural Resource Reserve
- Park Road
- Park Road (Proposed)
- Quasi-Public
- Rapid Transit Line
- Residential Planned Development
- Scenic Highway (Obsolete)
- Secondary Scenic Controls
- Secondary Scenic Highway (Proposed)
- Site Boundary
- Southern California Edison Power
- Special Study Area
- Specific Plan Area
- Stagecoach Line
- Wildlife Corridor

POINTS OF INTEREST

 Alternative Youth Hostel (Proposed)	 Horticultural Center	 Public Elementary School
 Animal Shelter	 Hospital	 Public Elementary School (Proposed)
 Area Library	 Hospital (Proposed)	 Public Golf Course
 Area Library (Proposed)	HW House of Worship	 Public Golf Course (Proposed)
 Bridge	e Important Ecological Area	 Public Housing
 Campground	 Important Ecological Area (Proposed)	 Public Housing (Proposed Expansion)
 Campground (Proposed)	 Interpretive Center (Proposed)	 Public Junior High School
 Cemetery	 Junior College	 Public Junior High School (Proposed)
HW Church	 MTA / Metrolink Station	 Public Middle School
 City Hall	 MTA Station	 Public Senior High School
 Community Center	 MTA Stop	 Public Senior High School (Proposed)
 Community Library	MWD MWD Headquarters	 Pumping Station
 Community Library (Proposed Expansion)	 Maintenance Yard	 Pumping Station (Proposed)
 Community Library (Proposed)	 Municipal Office Building	 Refuse Collection Center
 Community Park	P Municipal Parking lot	 Regional Library
 Community Park (Proposed Expansion)	 Neighborhood Park	 Regional Library (Proposed Expansion)
 Community Park (Proposed)	 Neighborhood Park (Proposed Expansion)	 Regional Library (Proposed)
 Community Transit Center	 Neighborhood Park (Proposed)	 Regional Park
 Convalescent Hospital	 Oil Collection Center	 Regional Park (Proposed)
 Correctional Facility	 Parking Enforcement	RPD Residential Plan Development
 Cultural / Historic Site (Proposed)	 Police Headquarters	 Scenic View Site
 Cultural / Historical Site	 Police Station	 Scenic View Site (Proposed)
 Cultural Arts Center	 Police Station (Proposed Expansion)	 School District Headquarters
DMV DMV Office	 Police Station (Proposed)	 School Unspecified Loc/Type (Proposed)
DWP DWP	 Police Training site	 Skill Center
 DWP Pumping Station	PO Post Office	 Social Services
 Equestrian Center	 Power Distribution Station	 Special Feature
 Fire Department Headquarters	 Power Distribution Station (Proposed)	 Special Recreation (a)
 Fire Station	 Power Receiving Station	 Special School Facility
 Fire Station (Proposed Expansion)	 Power Receiving Station (Proposed)	 Special School Facility (Proposed)
 Fire Station (Proposed)	C Private College	 Steam Plant
 Fire Supply & Maintenance	E Private Elementary School	 Surface Mining
 Fire Training Site	 Private Golf Course	 Trail & Assembly Area
 Fireboat Station	 Private Golf Course (Proposed)	 Trail & Assembly Area (Proposed)
 Health Center / Medical Facility	JH Private Junior High School	UTL Utility Yard
 Helistop	PS Private Pre-School	 Water Tank Reservoir
 Historic Monument	 Private Recreation & Cultural Facility	 Wildlife Migration Corridor
 Historical / Cultural Monument	SH Private Senior High School	 Wildlife Preserve Gate
 Horsekeeping Area	SF Private Special School	
 Horsekeeping Area (Proposed)	 Public Elementary (Proposed Expansion)	

SCHOOLS/PARKS WITH 500 FT. BUFFER

Existing School/Park Site Planned School/Park Site Inside 500 Ft. Buffer

- | | | |
|----------------------|----------------------------------|--------------------------|
| Aquatic Facilities | Other Facilities | Opportunity School |
| Beaches | Park / Recreation Centers | Charter School |
| Child Care Centers | Parks | Elementary School |
| Dog Parks | Performing / Visual Arts Centers | Span School |
| Golf Course | Recreation Centers | Special Education School |
| Historic Sites | Senior Citizen Centers | High School |
| Horticulture/Gardens | | Middle School |
| Skate Parks | | Early Education Center |

COASTAL ZONE

- Coastal Zone Commission Authority
- Calvo Exclusion Area
- Not in Coastal Zone
- Dual Jurisdictional Coastal Zone

TRANSIT ORIENTED COMMUNITIES (TOC)

- Tier 1
- Tier 2
- Tier 3
- Tier 4

Note: TOC Tier designation and map layers are for reference purposes only. Eligible projects shall demonstrate compliance with Tier eligibility standards prior to the issuance of any permits or approvals. As transit service changes, eligible TOC Incentive Areas will be updated.

WAIVER OF DEDICATION OR IMPROVEMENT

- Public Work Approval (PWA)
- Waiver of Dedication or Improvement (WDI)

OTHER SYMBOLS

- | | | |
|------------------------|-----------------------|-------------------------------------|
| Lot Line | Airport Hazard Zone | Flood Zone |
| Tract Line | Census Tract | Hazardous Waste |
| Lot Cut | Coastal Zone | High Wind Zone |
| Easement | Council District | Hillside Grading |
| Zone Boundary | LADBS District Office | Historic Preservation Overlay Zone |
| Building Line | Downtown Parking | Specific Plan Area |
| Lot Split | Fault Zone | Very High Fire Hazard Severity Zone |
| Community Driveway | Fire District No. 1 | Wells |
| Building Outlines 2014 | Tract Map | |
| Building Outlines 2008 | Parcel Map | |

EXHIBIT E

APPEAL DOCUMENTS

Applicant Copy
Office: West LA
Application Invoice No: 62546



City of Los Angeles
Department of City Planning



City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord your application, regardless of whether or not you obtain the services

This filing fee is required by Chapter 1, Article 9, I

LA Department of Building and Safety
WL GEOR 302087099 1/28/2020 1:17:52 PM
PLAN & LAND USE \$106.80
DEV SERV CENTER SURCH-PLANNING \$2.67
Sub Total: \$109.47
Receipt #: 0302173669



Applicant: FREEMAN, HELENA (310-4746564)

Representative:

Project Address: 10757 WILKINS AVENUE

NOTES: Appeal Entire Decsion DIR-2019-2657-DRB-SPP-TOC

DIR-2019-2657-DRB-SPP-TOC-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (7%)	\$6.23
Grand Total	\$109.47
Total Invoice	\$109.47
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$109.47

LA Department of Building and Safety
WL GEOR 302087099 1/28/2020 1:17:52 PM
PLAN & LAND USE \$106.80
DEV SERV CENTER SURCH-PLANNING \$2.67
Sub Total: \$109.47

Receipt #: 0302173669

Council District: 5
Plan Area: Westwood
Processed by HENDERSON, DENZEL on 01/28/2020

Signature: Denzel



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

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

Regarding Case Number: DIR-2019-2657-DRB-SPP-TOC

Project Address: 10757 WILKINS AVENUE, LOS ANGELES, CA 90024

Final Date to Appeal: 01/29/2020

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

2. APPELLANT INFORMATION

Appellant's name (print): Carl Shusterman, Helena Freeman, John Gaustad, Cecelia Evans (info attached)

Company: _____

Mailing Address: 10760 Rochester

City: LA State: CA Zip: 90024

Telephone: 310 474 6564 E-mail: hmbfreeman@gmail.com

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

☒ Self ☐ Other: _____

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☐ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

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

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

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

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

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

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: See attached signatures

Date: 01/28/2020

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: 89.00	Reviewed & Accepted by (DSC Planner): D. Henderson	Date: 1-28-2020
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

APPELLANT INFORMATION

(10757 Wilkins Avenue)

The following persons are abutting and adjacent neighbors within the 100 Foot requirement of LAMC 12.22 A31.

CARL SHUSTERMAN (Owner)

10768 Rochester Avenue, Los Angeles, CA 90024

Telephone: _____

Email: _____

Signature: _____ Date: _____

✓ HELENA FREEMAN (Owner)

Address: 10760 Rochester Avenue, Los Angeles, CA 90024

Telephone: 310-474-6564

Email: HMBFreeman@gmail.com hmbfreeman@gmail.com

Signature: Helena Freeman Date: 2-21-20

STEVE CARBONE (Owner)

Address: 10788 Rochester Avenue, LA, CA 90024

Telephone: _____

Email: sscarbone@verizon.net

Signature: _____ Date: _____

JOHN GAUSTAD (Owner)

Property Address: Assessor Number 4325-014-016 (corner of Wilkins and Selby, abutting project site)

Mailing Address: 24912 Canyon Rim Place, Lake Forest, California 92688

Telephone: 949-463-6376

Email: jgaustad1@cox.net

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HELENA FREEMAN, 10760 ROCHESTER AVE, LOS ANGELES, CA 90024

Account Summary

Previous Account Balance	\$ 375.80
Payment Received 9/3/19	Thank you -375.80
Remaining Balance	\$ 0.00
New Charges	+ 404.14
Total Amount Due	\$ 404.14

Summary of New Charges

Details on following pages.

Los Angeles Department of Water and Power Charges			
	Electric Charges	8/12/19 - 10/10/19 999 kWh	\$255.28
	Water Charges	8/12/19 - 10/10/19 9 HCF	\$58.95
	Total LADWP Charges		\$ 314.23

LADWP provides billing services for the Bureau of Sanitation. All money collected for the services listed in the City of Los Angeles Bureau of Sanitation Charges section is forwarded to them.

City of Los Angeles Bureau of Sanitation Charges			
	Sewer Charges	8/12/19 - 10/10/19	\$19.46
	Solid Waste Charges	8/13/19 - 10/11/19	\$70.45
	Total Sanitation Charges		\$ 89.91

Total New Charges \$ 404.14

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HELENA FREEMAN
10760 ROCHESTER AVE
LOS ANGELES CA 90024-5037

04232 / 5377



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ACCOUNT NUMBER
832 266 1000

DATE DUE Oct 30, 2019

AMOUNT DUE \$ 404.14

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Write account number on check or money order and make payable to LADWP.

83226610000000000000404140

137.09

APPELLANT INFORMATION

(10757 Wilkins Avenue)

The following persons are abutting and adjacent neighbors within the 100 Foot requirement of LAMC 12.22 A31.

CARL SHUSTERMAN (Owner)

10768 Rochester Avenue, Los Angeles, CA 90024

Telephone: _____

Email: _____

Signature: _____ Date: _____

HELENA FREEMAN (Owner)

Address: 10760 Rochester Avenue, Los Angeles, CA 90024

Telephone: _____

Email: HMBFreeman@gmail.com

Signature: _____ Date: _____

STEVE CARBONE (Owner)

Address: 10788 Rochester Avenue, LA, CA 90024

Telephone: _____

Email: sscarbone@verizon.net

Signature: _____ Date: _____

JOHN GAUSTAD (Co-Owner with Sonia Todd)

Property Address: Assessor Number 4325-014-016 (corner of Wilkins and Selby, abutting project site)

Mailing Address: 24912 Canyon Rim Place, Lake Forest, California 92688

Telephone: 949-463-6376

Email: jgaustad1@cox.net

Signature: Jim Gauster Date: 1-29-20

ART SMUKLER (Owner)

Address: 10764 Rochester Avenue, LA, CA 90024

Telephone: _____

Email: _____

Signature: _____ Date: _____

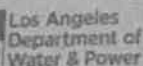
CECILIA EVANS (TENANT)

10753 Wilkins Avenue, Los Angeles, CA 90024

Telephone: _____

Email: _____

Signature: _____ Date: _____



ladwp.com

BILL DATE
Dec 13, 2019
ACCOUNT NUMBER
692 056 1000

DATE DUE
Jan 2, 2020
AMOUNT DUE
\$ 226.50

Page 1 of 4

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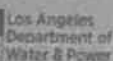


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13123 1 MB 0.428

13123 / 2274

SONJA TODD
14303 MANGROVE ST
MOORPARK CA 93021-3545

THIS IS YOUR BILL



PAST DUE AMOUNT	CURRENT CHARGES	TOTAL AMOUNT DUE
\$ 375.20	+ \$451.36	= \$ 826.56
Due NOW	Due Jan 2, 2020	

ACCOUNT NUMBER
692 056 1000

AMOUNT DUE \$ 826.56

Please enter amount times

\$ \$451.36 5

Write account number on check or money order
and make payable to LADWP.

6920561000000000000000826564

Signature: _____ Date: _____

ART SMUKLER (Owner)

Address: ~~10764 Rochester Avenue, LA, CA 90024~~

Telephone: ~~_____~~

Email: ~~_____~~

Signature: ~~_____~~ Date: ~~_____~~

✓ **CECILIA EVANS (TENANT)**

10753 Wilkins Avenue, Los Angeles, CA 90024

Telephone: (310) 470-0557

Email: eva.gaustad@gmail.com

Signature: Cecilia Evans Date: 1/21/20

CUSTOMER SERVICE

1-800-DIAL-DWP (342-5397)
Monday-Friday: 7 a.m. - 7 p.m.
Saturday: 7 a.m. - 2 p.m.
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ONLINE

Pay from your checking, savings or credit card any time by logging in at www.ladwp.com/myaccount



BY PHONE

Pay from your checking, savings or credit card any time by calling 1-877-MYPAYDWP (1-877-697-2939)



BY MAIL

Place your payment stub and your check or money order in the envelope provided with the bill.



IN PERSON

Pay at any Customer Service Center. Locations are listed on the back of your payment stub and at www.ladwp.com/servicecenters

CECILA EVANS, 10753 WILKINS AVE, LOS ANGELES, CA 90024

Account Summary

Previous Account Balance	\$ 92.80
Payment Received 11/4/19	Thank you -92.80
Remaining Balance	\$ 0.00
New Charges	+ 109.35

Total Amount Due \$ 109.35

Summary of New Charges

Details on following pages.

Los Angeles Department of Water and Power Charges			
	Electric Charges	10/10/19 - 12/13/19 272 kWh	\$58.96
800-342-5397	Total LADWP Charges		\$ 58.96

LADWP provides billing services for the Bureau of Sanitation. All money collected for the services listed in the City of Los Angeles Bureau of Sanitation Charges section is forwarded to them.

City of Los Angeles Bureau of Sanitation Charges			
	Solid Waste Charges	10/11/19 - 12/13/19	\$50.39
800-773-2489	Total Sanitation Charges		\$ 50.39

Total New Charges \$ 109.35



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P.O. Box 30808 • Los Angeles, CA 90030-0808

ELECTRONIC SERVICE REQUESTED

CECILA EVANS
10753 WILKINS AVE
LOS ANGELES CA 90024

THIS IS YOUR BILL

For paperless billing, go to
www.ladwp.com/myaccount

ACCOUNT NUMBER
997 285 1000

DATE DUE Jan 2, 2020

AMOUNT DUE \$ 109.35

Please enter amount enclosed

\$

Write account number on check or money order and make payable to LADWP.

9972851000000000000000109351

APPELLANT INFORMATION

(10757 Wilkins Avenue)

The following persons are abutting and adjacent neighbors within the 100 Foot requirement of LAMC 12.22 A31.

CARL SHUSTERMAN (Owner)

10768 Rochester Avenue, Los Angeles, CA 90024

Telephone: [310] 850-4592

Email: carl - 90024@yahoo.com

Signature: Carl Shust Date: 1-21-20

HELENA FREEMAN (Owner)

Address: 10760 Rochester Avenue, Los Angeles, CA 90024

Telephone: _____

Email: HMBFreeman@gmail.com

Signature: _____ Date: _____

STEVE CARBONE (Owner)

Address: 10788 Rochester Avenue, LA, CA 90024

Telephone: _____

Email: sscarbone@verizon.net

Signature: _____ Date: _____

JOHN GAUSTAD (Owner)

Property Address: Assessor Number 4325-014-016 (corner of Wilkins and Selby, abutting project site)

Mailing Address: 24912 Canyon Rim Place, Lake Forest, California 92688

Telephone: 949-463-6376

Email: jgaustad1@cox.net

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TITLE(S) : _____



L E A D S H E E T

FEE

14
4

D.T.T

CODE

20

CODE

19

CODE

9

Assessor's Identification Number (AIN)

To be completed by Examiner OR Title Company in black ink.

Number of Parcels Shown

THIS FORM NOT TO BE DUPLICATED

State of California
County of Los Angeles
Loan Number: 26826842
0

03 2150484

2

Prepared by: Rhonda Goodin
Bank of America
101 E. Main St., Ste 400, Louisville, KY 40202


Recording Requested by:
When recorded mail to:
Carl M Shusterman
Sonya L Canton
10768 Rochester Avenue
Los Angeles, CA 900240000

Substitution of Trustee and Full Reconveyance

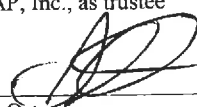
WHEREAS, the undersigned, Bank of America, N.A. successor by merger to BA Mortgage, LLC as successor in interest by merger of NationsBanc Mortgage Corporation, as the owner and holder of the Notes secured by the Deed of Trust executed on 08/20/1998, by Carl M Shusterman and Sonya L Canton, Trustors, to FREDERICK WARK as Trustee(s), recorded on 09/01/1998, as Instrument No. 98 1563863 of Official Records in the Office of the County Recorder of the County of Los Angeles, State of California AND WHEREAS hereby substitutes PRLAP, Inc., as the trustee under said Deed of Trust. PRLAP, Inc. hereby accepts said appointment of trustee under the above Deed of Trust, and as successor trustee, and pursuant to the written request to reconvey, reciting that all sums secured by said Deed of Trust have been fully paid, of said owner and holder and in accordance with the provisions of said Deed of Trust, does hereby RECONVEY WITHOUT WARRANTY, TO THE PERSON OR PERSONS LEGALLY ENTITLED THERETO, all that state now held by it under said Deed of Trust. IN WITNESS WHEREOF, the owner and holder above named, and PRLAP, Inc. as successor Trustee, have caused this instrument to be executed, each in its respective interest on 07/03/2003.

Bank of America, N.A. successor by merger to BA Mortgage, LLC as successor in interest by merger of NationsBanc Mortgage Corporation

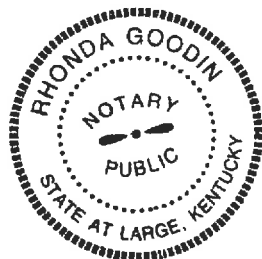
PRLAP, Inc., as trustee



Stephanie Powell

Vice President
STATE OF Kentucky
COUNTY OF Jefferson


Steve Ostrader,
Assistant Vice President

On 07/03/2003 before me, the undersigned, a Notary Public in and for said State, personally appeared Stephanie Powell, Vice President of Bank of America, N.A. and Steve Ostrader, Assistant Vice President of PRLAP, Inc. personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. WITNESS my hand and official seal.



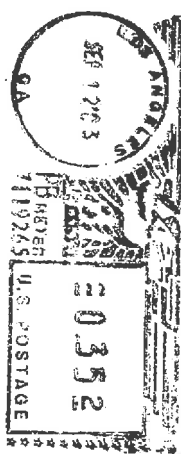

Rhonda Goodin
Notary Public, State of Kentucky
Qualified in Jefferson County
Commission Expires December 23, 2006

Kocher - Full Recovery



REGISTRAR-RECORDER/COUNTY CLERK FORWARDING
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LOS ANGELES, CALIFORNIA 90053-0195
SERVICE REQUEST
IMPORTANT NOTICE ON BACK

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FIRST CLASS



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HEXMETP 30024



Justification/Reason for Appeal of 10757 Wilkins Avenue (DIR-2019-2657-DRB-SPP-TOC-CE)
John Gaustad, Cecelia Evans, Carl Shusterman, Helena Freeman

January 28, 2020

VIA EMAIL: CPC@LACITY.ORG

The Hon. Samantha Millman, President, LA City Planning Commission

200 North Spring Street, Los Angeles, CA 90012

RE: **CPC APPEAL: DIRECTOR'S LOD --10757 WILKINS AVENUE (DIR-2018-6889-TOC, ENV. 2019-2658-EAF)**

Dear Ms. Millman and Commissioners:

We are adjacent qualified tenants and homeowners (John Gaustad, Cecelia Evans, Carl Shusterman, Helena Freeman). We hereby appeal the approval of 10757 Wilkins with *ultra vires* discretionary TOC incentives under Section 6 of Measure JJJ, violating the Labor Standard of Measure JJJ, CEQA, Project Permit Compliance, Westwood DRB Ordinance, and violating the Westwood Multi-Family Residential Specific Plan. This project requires a Specific Plan Amendment under Section 5 of Measure JJJ.

Measure JJJ promised the voters more affordable housing and good jobs. JJJ offers two ways to achieve these twin goals:

- A **discretionary** process under Section 5 for General Plan Amendments, zone and height district changes, that requires the Labor Standard and full due process;
- A **ministerial** process under Section 6 (TOC) that is limited to two or three ministerial incentives: (1) increased density and (2) FAR, and (3) reduced parking, depending upon the "base zone and density," and not on TOC Tiers.

With JJJ, what you see is what you get. And nothing more.

The pattern and practice of the Planning Director to grant (*ultra vires*) discretionary incentives under JJJ Section 6 (22-feet of additional height, 25% reduced open space, and reduced side yard), and failing to enforce the Labor Standard, *betrays the voters who supported affordable housing and good jobs.*

In the case of 10757 Wilkins Avenue, the Planning Director ignored the Specific Plan height limit, open space requirement and side yard requirement, and granted so-called discretionary TOC incentives as if they could override the Specific Plan. The Planning Director lacks authority to add new incentives and to ignore the Specific Plan. Only the voters can amend JJJ.

BACKGROUND

10757 Wilkins is located in the Westwood Multi-Family Residential Specific Plan Area. It is several blocks away from a commercial street. The area is entirely residential, with two churches and two schools nearby on Ohio and Selby. The site is surrounded on two sides by R1 properties and limited in height to 33-feet by the Specific Plan. The purpose of the Specific Plan was to make multi-family housing compatible with single family neighborhoods, since 84 percent of Westwood is multi-family housing at some of the densest and tallest levels in the city.

In 2004 a smaller, three-story project was proposed for this property.

- It was required to prepare an MND, not a Categorical Exemption.

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- Although the Director of Planning approved the project, the WLA Area Planning Commission rejected the project as **incompatible**.

The current project is larger, taller, even less compatible and more impactful. It requires an MND once again. It does not qualify for a Categorical Exemption because the project violates the Specific Plan. In order to exceed the height limit, open space requirements and side yard requirements of the specific plan and municipal code, a Specific Plan Amendment is required under JJJ Section 5 and compliance with the Labor Standard is clearly required.

TOC IS LIMITED TO THREE MINISTERIAL INCENTIVES BASED ON THE UNDERLYING ZONE, NOT ON TOC "TIERS"

JJJ did not authorize additional discretionary incentives for height or yard reduction, nor did it authorize TOC Tiers. *Do a word search in Section 6 for height, open space, side yard, and Tiers. You won't find them.*

In approving 10757 Wilkins, the Planning Director granted three ministerial incentives unlawfully calculated on TOC Tiers, plus three additional discretionary incentives. Only projects applying under JJJ Section 5(e), are eligible for such incentives. The Director also erred in not enforcing the **Labor Standard**.¹

DISCRETIONARY TOC INCENTIVES AND TOC TIERS VIOLATE CHARTER SECTION 464(a).²

We appeal the Planning Director's approval of 55-feet for the proposed project, as well as reduced open space and side yard in violation of the Westwood Multi-Family Residential Specific Plan and municipal code. The Director of Planning prejudicially abused his authority and acted in an arbitrary and capricious manner to violate Measure JJJ. *The LOD for 10757 Wilkins is therefore ultra vires and must be rescinded.* A Specific Plan Amendment is required to deviate from the height, open space and yard requirements of the Specific Plan and DRB Ordinance. The Applicant did not apply for a Specific Plan Amendment.

JJJ SECTION 4 VIOLATED

Gentrification and rising rents are a major concern in communities facing projects that seek additional entitlements through JJJ. It is for this reason that JJJ requires that before JJJ incentives can be awarded, **Section 4** must be obeyed. JJJ Section 4 mandates that **prior to making a material change in land use** in a community plan area, the Planning Department must *first conduct a comprehensive assessment* of the impact of the change on affordable housing, and establish a *monitoring program for affordable housing inventory* that is covenanted, under ordinance or law. *Neither the assessment nor the monitoring program have been accomplished.* Therefore, no TOC incentives can be lawfully granted until those two prerequisites are met in any Community Plan area.

CEQA HISTORY OMITTED IN LOD

¹ LA Ordinance 186483 implements the Labor Standard of Measure JJJ. Its purpose is "to establish affordable housing and labor standards for certain residential development projects seeking...other City planning approvals." (Section 182.00). The effective date of this ordinance is January 28, 2020. The appeal for 10757 Wilkins, filed on January 28, 2020, is therefore subject to this ordinance. The Mayor's report to PLUM recommended that appropriate wages be paid to all workers employed "on any project awarded subject to Measure JJJ."

² LA Charter Section 464(a) declares: "any ordinance adopted by a vote of the electors of the City pursuant to an initiative petition cannot be amended or repealed, except by an ordinance proposed either by petition or by the Council at its own instance and adopted by a vote of the electors, or by an amendment of the Charter superseding the ordinance."

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It is standard practice for the Planning Department to discuss relevant zoning cases on a project site or nearby. But in this case, and several other TOC projects, the Director of Planning failed to disclose that a prior, smaller project for the same site was required to prepare an MND and did not qualify for a Categorical Exemption. In 2004, a smaller project at 10757 Wilkins was **required to prepare an MND** (2002-6942-MND) and not granted a Categorical Exemption. Also, the LOD omitted that the smaller, three-story project was **rejected by the Area Planning Commission** (June 16, 2004), which stated: "The proposed project **is not** compatible with surrounding structures in terms of design, massing and architectural integrity." It is therefore reasonable to conclude that this larger, taller project is *even less compatible*. It strains credulity to see the LOD conclude that the much larger project is compatible.

CEQA REVIEW

Categorical Exemptions are granted to "environmentally benign in-fill projects which are consistent with local general plan and zoning requirements." (Public Resources Code Section 15332.) In other words, they are meant for by-right projects, not projects seeking discretionary approvals that have significant impacts. Clearly, if a smaller project required an MND in 2004, this project requires careful environmental analysis. Furthermore, a CE cannot be granted if a project violates the Specific Plan, as this project does.

1. **Cumulative impacts** of related TOC projects (1300 Westwood Blvd., 1855 Westwood Blvd., 2301 Westwood Blvd., 10306 SMB, 10400 SMB, etc.). We incorporate by reference the list of TOC projects included in the record for 623 La Brea, ZA-2019-1744-CU-MCUP-SPR-TOC, VTT-82618, ENV-2019-1736).
2. Architect's analysis found **significant shade/shadow impacts in violation of Specific Plan** and not mitigated.
3. **Substantial evidence of significant traffic safety problems.** A letter from St. Paul the Apostle Catholic Church in the record prior to the LOD shows significant traffic safety history at adjacent intersection where two churches and two schools create heavy traffic. The LOD ignored this safety problem.
4. **The CEQA Determination violates Section 15332 In-Fill Development Projects (Class 32)** due to **violation of the General Plan** policies, applicable zoning designation and regulations violation of Westwood Multi-Family Residential Specific Plan;
5. **Significant shade-shadow impacts in violation of Specific Plan.**
6. **Violation Specific Plan: height, open space and yards.** A specific plan is an ordinance that imposes regulatory conditions on land use. As such, the Planning Director lacks the authority to violate the Specific Plan, and the Finding cannot be made that the project is in conformance with the plan. In addition, if a project violates a specific plan, the land use element of the General Plan, it is ineligible for a Class 32 exemption.
7. **Inadequate infrastructure and public services.** The site cannot be adequately served by required utilities and public services in violation of the **General Plan Framework's mandatory mitigation Policy 3.3.2.** There is substantial evidence in the record that the area suffers from frequent blackouts, and emergency services are inadequate. Substantial evidence of this inadequacy has been submitted to the City Planning Department for several TOC projects as well as for the Expo TNP. The LOD is conclusory; it assumes that because the site is in an urban area, that utilities and services are adequate. No evidence supports this leap of faith. The LOD must be based on facts in the record, not wishful thinking.

NON CEQA VIOLATIONS

1. **Project Permit Compliance**

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- a. **(LAMC 11.5.7.B.1). "Project Permit Compliance** shall mean a decision by the Director that a project complies with the regulations of the applicable specific plan, either as submitted or with conditions imposed to achieve compliance." This project is not in compliance with the Westwood Multi-Family Residential Specific Plan.
 - b. **LAMC 11.7.5.C.1.b** "In granting a Project Permit Compliance, the Director shall require compliance with the applicable regulations of the specific plan and mitigation of significant adverse effects of the project on the environment and surrounding areas." This is mandatory language that the Director of Planning does not have discretion to ignore. The Planning Director did not require compliance with the specific plan and **failed to require mitigation for significant shade-shadow impacts** and for height that is incompatible with the adjacent R1 properties, as required by the specific plan. There is nothing in JJJ Section 6 that exempts projects from specific plans intended to prevent the very incompatibility this project imposes on its neighbors. This incompatibility with the plan was already rejected by the WLA Area Planning Commission in 2004. This project is even taller and less compatible.
 - c. The project does not conform with the **required height, open space, or yards**. The Director of Planning has the authority to grant minor adjustments, but does not have the authority to grant wholesale major violations of the specific plan.
 - d. Any person aggrieved by the Director's Determination of Project Permit Compliance can appeal (LAMC 11.5.7.6. Appeals). Fix the City has standing to appeal this determination to CPC.
2. **No required findings were made by the Westwood Design Review Board**, contrary to the Director's Determination of the Project Permit Compliance section on p. 16/23 LOD. The project violates the criteria of the DRB. The LOD makes a conclusory statement that the project is substantially in conformance, but the record shows that the project violates the Specific Plan. The only mention of specific plans in JJJ Section 6(d)³ addresses changes to incentives within a TOC area, not exceptions or amendments to specific plans. JJJ does not exempt projects from existing Specific Plans. That is why Section 5 includes projects seeking GPAs, specific plan amendments or exceptions, etc. There is no authority in JJJ to violate specific plans. *And under Class 32 CE, violation of the General Plan makes the project ineligible for a Class 32 CE.* Note that an MND, as was required for the smaller, prior project in 2002. The Planning Director prejudicially abused his authority by approving a CE for a project that repeatedly violates the specific plan. Such a deviation from JJJ violates Charter Section 464(a)
 3. **TOC "Tiers" Violate Charter Section 464(a).** TOC Tiers require **voter approval** because they are a substantive change from Measure JJJ, per Section 5.A. and City Charter Section 464(a).
 4. JJJ Section 6 based its ministerial incentives on the **base zone and not on Tiers**. Approval of 10757 Wilkins based on Tiers is therefore *ultra vires*.
 5. **Multiple Violations of Westwood Multi-Family Residential Specific Plan.** (A) 22-feet in excess of Specific Plan's 33-foot height limit to make multi-family housing compatible when adjacent to R1 homes; (B) 25% reduced open space from required open space; (C) required parking not provided; and (D) the purpose of the Specific Plan is:
"To promote orderly, attractive and harmonious development in the multi-residential areas of the Westwood Community which takes into consideration the unique architectural

³ JJJ Section 6(d):

(d) **Process for changing TOC Incentives and Eligibility.**

The TOC Incentives and the required percentages for On-Site Restricted Affordable Units may be adjusted for an individual TOC Affordable Housing Incentive Area through a Community Plan update, Transit Neighborhood Plan, or Specific Plan, provided that the required percentages for On-Site Restricted Affordable Units may not be reduced below the percentages set forth in subdivision (b).

character and the environmental setting of this area;" and "To prevent the development of structures or uses which are not of acceptable exterior design or appearance."

There is evidence in the record, including testimony from immediate neighbors, that this project is not compatible.

This project does not comply with the purpose of the specific plan. There is also a previous WLA Area Planning Commission determination that a prior, smaller project at this site, which included an MND, was not compatible. Thus, there is substantial evidence from neighbors and from the WLA Area Planning Commission that a three-story project was not compatible, and that a five-story project is even less compatible. The Planning Director failed to address substantial evidence in the record and testimony provided to DRB, that the project was not in compliance with the Specific Plan and was not compatible with the community, as required by the Westwood DRB Ordinance, Project Permit Compliance, and the Westwood Community Plan.

Also, Project Permit Compliance Findings require mitigation of environmental impacts. The project would create significant shade/shadow impacts on adjacent residential structures, in violation of the Specific Plan. Project Permit Compliance requires mitigation of such impacts. No mitigation is offered.

6. Violation of Westwood Design Review Board Specific Plan (Ordinance 163,204),

PURPOSE: Section 1. A **Purpose:** "To assure that the development of the area is in accordance with the provisions of the Westwood Community Plan, any applicable specific plans and any design guidelines as may be adopted by the City Council." The DRB failed to address compliance with the Westwood Community Plan or with the Multi-Family Residential Specific Plan. It limited its review to only design standards. DRB limited its review to design standards only, and ignored violations of the Westwood Community Plan and the Westwood Multi-Family Residential Specific Plan, both of which were violated by the proposed project regarding height, open space, and yards. "The Westwood Community Design Review Board shall review applications and accompanying materials in relation to compliance with the design components **and criteria set forth in this Specific Plan**, and provide their recommendations to the Director of Planning, pursuant to Section 16.50 of the L.A.M.C."

7. The project violates the purpose of the Westwood Community Plan:

"The quality of life and stability of neighborhoods throughout Westwood critically depends on providing infrastructure resources (i.e., Police, fire, water, sewerage, parks, traffic circulation, etc.) commensurate with the needs of its population. If population growth occurs faster than projected and without needed infrastructure improvements to keep pace with that growth, the consequences for livability within Westwood could be problematic".

"Accordingly, the Plan has three fundamental premises. First, is limiting residential densities in various neighborhoods to their prevailing development density. Second, is the monitoring of population growth and infrastructure improvements through the City's *Annual Report on Growth and Infrastructure* with a report to the City Planning Commission every five years on the Westwood Community following Plan adoption. Third, if this monitoring finds that population in the Plan area is occurring faster than projected; and that infrastructure resource capacities are threatened, particularly critical ones such as water and sewerage; and that there is not a clear commitment to at least begin the necessary improvements within twelve months; then building controls should be put into effect, for all or portions of the Westwood Community, until land use designations for the Westwood Community Plan and corresponding zoning are revised to limit development." (Westwood Community Plan p. III-1).

It is clear that the purpose of the Westwood Community Plan is to balance development with infrastructure. This purpose is mirrored in the General Plan Framework mandatory mitigation

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measure Policy 3.3.2. FTC provided substantial evidence to the Planning Department on several TOC projects and for the Expo TNP lawsuit and incorporate by reference this substantial evidence. The response time for LAFD Station 37 does not meet the city's benchmark, NFPA 1710, for adequate EMS and Fire response times.⁴ This benchmark has been used by the city in multiple reports as well as by the LA County Grand Jury and a third-party study for the city.

Also, as long ago as 2008, the Fire Dept. reported in the Casden-Pico EIR that Station 37: "The existing staffing levels, equipment inventories, and fire station facility space are not adequate to meet the area's demand for fire service. Fire Station 37 is too old and too small." Since 2008, there have been drastic reductions in fire personnel, and many times the station is dark and redeployed to other areas. Under General Plan Framework mandatory mitigation measure Policy 3.3.2, and under the Westwood Community Plan, given inadequate fire service, discretionary approvals for increases in allowable density cannot be lawfully granted and the finding cannot be made that fire service for the project area is adequate. There is no substantial evidence that it is adequate. There is abundant evidence that it is not.

8. **This project violates the land use policies of the Westwood Community Plan.** "The Westwood Community has a number of **multiple dwelling** neighborhoods comprising **84% of the total housing units** and occupying approximately 30% of the residential land" (Westwood Community Plan., p. III-2, Emphasis added). In fact, Westwood is a compact, densely populated community. The prevalence of multi-family housing in Westwood prompted the specific plans to protect single family neighborhoods.
- a. **Policy 1-1.1:** "Protect existing single-family residential neighborhoods from new out-of-scale development and other incompatible uses." Testimony from community members consistently found the project out of scale and incompatible, as did a smaller earlier project that was denied by the Area Planning Commission because it violated this Policy, the DRB Ordinance, and the Multi-Family Specific Plan.
 - b. **Policy 1-1.2** "Protect the quality of residential environment and promote the maintenance and enhancement of the visual and aesthetic environment of the community."
 - c. **Policy 1-3.1** "Require architectural and **height compatibility for new infill** development to protect the character and scale of existing residential neighborhoods." (p. III-5, Emphasis added). The 55-foot height of this project far exceeds the prevailing 2 and 3-story neighboring buildings.
 - d. **Policy 8-1.1 Program:** "Require the decision maker to include a finding on the impact on fire service demands of proposed projects or plan amendments." No such finding of adequacy was made for fire service. Rather, a conclusory statement was made that the area is already served by fire service, without an evaluation or finding of adequacy.
 - e. **Policy 15-2.1:** "No increase in density shall be effect by zone change, Plan amendment, subdivision or other discretionary action unless it is determined that the transportation infrastructure serving the property can accommodate the traffic generated."
Program: "Decision makers shall adopt a finding with regards to infrastructure adequacy as part of their action on discretionary approvals resulting in increased density or intensity."

⁴ www.FireStatLA.org shows the average response time for Station 37 to be inadequate: 5:45 minutes for EMS instead of the city's benchmark of 5 minutes 90% of the time. So even using average response time to beef up the response time, 5:45 is significantly over the response time. Using the percentile results, it would be even worse. Keep in mind that this station serves the residential community, the VA, the Federal Building and the Wilshire Commercial Corridor. This workload explains why the number of EMS calls during 2019 was 5002. Way above most stations. Average response time for Fire, 5:29 also exceeded the benchmark for 5:20 minutes, and again, note that the data are not presented by the city as the percentile within 5:20 minutes, the benchmark used by the city but not reported to the public.

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No finding of adequacy was made. Evidence in the record regarding serious traffic accidents close to the site (see St. Paul Church letter) were not acknowledged in the LOD, nor were the comments and submissions made to the DRB, the only public hearing held on this project.

9. **LAMC 16.50** requires finding. The **Westwood DRB did not make findings** that the project conformed with the “criteria set forth in this specific plan.” It placed conditions of approval on the project, but failed to make the findings – presumably because they couldn’t: it violated the height, open space and parking requirement the plan. The project does not comply with the Criteria of the DRB Ordinance.⁵ The Director of Planning prejudicially abused his authority by finding the project was in substantial conformance with the DRB Specific Plan and the Multi-Family Specific Plan when it clearly did not conform to all of the provisions of these plans. The project is substantially **INCONSISTENT** with these specific plans. It isn’t even close to conforming with these plans. The height limit is 33-feet, the project is for 55-feet. The open space is 25% less than required. The required sideyard is less than required. And the scale and massing of the project is inconsistent with the rest of the block.
10. **Measure JJJ Labor Standard** and implementing ordinance **CF 16-0684-S1** violated. The project is not adhering to the Labor Standard. Measure JJJ promised affordable housing and good jobs. Section 6 projects are required to comply with the Labor Standard.
11. **Measure JJJ Sections 1-5: Section 4** requires a comprehensive assessment of affordable housing and impact on affordable housing for a community plan area prior to material changes in land use, requires a monitoring of affordable housing inventory for affordable housing under covenants, ordinances, etc., and permits relief from development standards (e.g., height, yards, etc.) only for projects seeking discretionary approvals such as GPAs, zone and height district changes (JJJ Section 5(e)). Note that awarding these incentives to TOC projects was not authorized by the ballot measure, and violates LA Charter Section 464(a) discussed below.
 12. **City Charter Section 464(a) violated.** LA Charter Section 464(a) provides that “**any ordinance adopted by a vote of the electors of the City pursuant to an initiative petition cannot be amended or repealed, except by an ordinance proposed either by petition or by the Council at its own instance and adopted by a vote of the electors, or by an amendment of the Charter superseding the ordinance.**”
 - a. The Planning Director’s Letter of Determination for 10757 Wilkins Avenue violates LA City Charter Section 464(a) because it awarded incentives that are clearly limited to discretionary projects under JJJ Section 5. Section 6 provides for up to three ministerial incentives (increased density, FAR and reduced parking). It does not provide for discretionary incentives for TOC projects, but does provide for Section 5(e) projects to receive three additional development standard incentives under California Government Code Section 65915(k).

⁵ The project specifically fails to meet these criteria:

1. Whether all proposed structures conform to all of the provisions contained within the Westwood Community Plan and any applicable specific plans or design guidelines.
2. Whether all proposed structures are designed so as not to cast **Westwood Community Design Review Board Specific Plan 3** shadows on one-third or more of any adjacent residential structure as projected on a plan view for more than two hours between the hours of 9 a.m. and 3 p.m. on December 21.
4. Whether the proposed buildings are compatible with the surrounding buildings in terms of design, massing, and architectural integrity.
8. Whether the proposed development is in conformity with the Los Angeles Municipal Code and other applicable laws insofar as zoning and land use are involved.

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- b. Planning Department Staff testified before CPC in May 2017 that there were **no “off-menu”** incentives under TOC. But they neglected to state that Section 6 does not authorize **on-menu** discretionary incentives for height, yards, lot coverage, setbacks, etc. with the exception of Section 5 projects. LAMC 12.22 A.25(g) was included in JJJ Section 6 for **procedures, NOT incentives**. Section 6 is limited to the three ministerial incentives. There is no authority to grant additional/discretionary incentives unless the voters approve them.
 - c. Planning Department Staff also failed to disclose that **TOC “Tiers” were not authorized under JJJ**, and thus the Tiers also violate Charter Section 464(a).
13. **California Govt. Code Section 65915(d)(3)** requires approval of affordable housing implementation procedures by a **legislative body**. The incentives granted by the Planning Director to 10757 Wilkins were not approved by a legislative body. Even if they did receive Council approval (which they did not), under Charter Section 464(a), they **cannot deviate from the language approved by the voters**. The awarding of “additional/discretionary” incentives based on TOC “Tiers” was not included in JJJ and there was *ultra vires* and a prejudicial abuse of authority. The reference in Section 6 to LAMC 12.22 A.25(g) was regarding procedures, NOT incentives in (f).
14. The project **The Westwood Community Plan** is the constitution for development in Westwood, one of the most densely populated community plan areas in Los Angeles and one of the smallest in size. The Community Plan and several specific plans were developed to balance the high density residential and commercial Wilshire Corridor with the low-rise multi-family areas and single-family neighborhoods.⁶ It is noteworthy that 84% of the Westwood Community Plan area housing is multi-family. The Plan Area includes UCLA, the Federal Building, the VA, the Wilshire Corridor Regional Center, the North Westwood Village Specific Plan, the Westwood Village Specific Plan, the DRB Specific Plan, the Westwood Multi-Family Residential Specific Plan. These plans were a compromise between UCLA, developers, and the community. They provided density bonuses for affordable housing. They allowed transfers of density between historic buildings and new development. They were fair and balanced. *They provide guardrails against development that compromises public safety and livability.*

“The General Plan is the fundamental policy document of the City of Los Angeles. It defines the framework by which the City’s physical and economic resources are to be managed and utilized over time. The Plan guides the City in the use of its land, design and character of buildings and open spaces, conservation of existing and provision of new housing, provision of supporting infrastructure and public services, protection of environmental resources and protection of residents from natural and other known hazards.” (Westwood Community Plan, p. II- 1).

“The Community Plans are intended to promote an arrangement of land uses, streets and services which will encourage and contribute to the **economic, social and physical health, safety, welfare and convenience of the people who live and work in the community**” (*Ibid.*, emphasis added).

In other words, the plan is there to protect the existing community and ensure that new development does not jeopardize the safety of those already living and working in Westwood. It is for this reason that the Plan mandates findings:

“City actions on most discretionary approval projects **require** a finding that the action is consistent or in conformance with the General Plan. Discretionary approval projects in the Westwood Community

⁶ Laura Lake, Ph.D., a director of Fix the City and founder of Friends of Westwood, participated in the drafting of the Westwood Community Plan, the Westwood DRB Ordinance, the Westwood Village Specific Plan, and the Westwood Multi-Family Residential Specific Plan. Thus, she has first-hand knowledge of the legislative intent of these plans.

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Plan area will require the decision maker to refer to additional programs and policies or objectives in Chapter III of the Plan” (emphasis added).

“The quality of life and stability of neighborhoods throughout Westwood critically depends on providing infrastructure resources (i.e., Police, fire, water, sewerage, parks, traffic circulation, etc.) commensurate with the needs of its population. If population growth occurs faster than projected and without needed infrastructure improvements to keep pace with that growth, the consequences for livability within Westwood could be problematic. “

“Accordingly, the Plan has three fundamental premises. First, is limiting residential densities in various neighborhoods to their prevailing development density. Second, is the monitoring of population growth and infrastructure improvements through the City’s *Annual Report on Growth and Infrastructure* with a report to the City Planning Commission every five years on the Westwood Community following Plan adoption. Third, *if this monitoring finds that population in the Plan area is occurring faster than projected; and that infrastructure resource capacities are threatened, particularly critical ones such as water and sewerage; and that there is not a clear commitment to at least begin the necessary improvements within twelve months; then building controls should be put into effect, for all or portions of the Westwood Community, until land use designations for the Westwood Community Plan and corresponding zoning are revised to limit development.*” P. III-1, *Emphasis added.*)

VIOLATION OF MEASURE JJJ

1. The LOD violates the **Labor Standard** of Measure JJJ and the implementing ordinance (**CF 16-0684-S1**). Repeatedly, JJJ has two goals: more affordable housing and good jobs. In its zeal to increase the revenue stream of permit fees to the Planning Department, the Department has failed to enforce the Labor Standard for good local jobs.
2. This project violates Measure JJJ by granting incentives not authorized by Measure JJJ, including additional height and reduced open space and sideyard.
3. This project is subject to JJJ Section 5 because it requires a Specific Plan Amendment.
4. JJJ Section 6 Incentives are limited to those included in Section 6 (“herein”) and incentives are ministerial. They include: increased residential FAR and Density, and reduced parking. Section 6 projects are entitled to two or three of these incentives. No discretionary incentives are authorized by JJJ.
5. Discretionary additional incentives that grant relief from development standards (height, lot area, yards, setbacks, etc.) are only granted to Section 5(e) projects that comply with the Labor Standard.
6. It also violates the **Labor Standard Ordinance** implementing JJJ for all JJJ projects.
7. Violation of **JJJ Section 4.A: no material changes in land use** in a community plan area unless a comprehensive assessment of proposed changes is made to prevent reduction in the capacity for creation and preservation of affordable housing and access to local jobs, undermine Cal. Govt Code Section 65915 and other affordable housing programs. No such assessment has begun or been completed. In addition, Section 4.A. requires monitoring the inventory of affordable housing with recorded covenants, ordinance or law that restricts rents to affordable levels. No such monitoring of inventory exists in the Westwood Community Plan area. Therefore, no material change whether Section 5 or 6 is permissible.

VIOLATION OF CALIFORNIA GOVT. CODE 65915

Justification/Reason for Appeal of 10757 Wilkins Avenue (DIR-2019-2657-DRB-SPP-TOC-CE)
John Gaustad, Cecelia Evans, Carl Shusterman, Helena Freeman

1. The state requires **legislative approval** of the implementation regulations for an affordable housing program. No legislative approval by the City Council has been granted with the exception of the Labor Standard Ordinance, despite the clear mandate of CF-16-0684-S1, which clearly states that implementing ordinances are required for JJJ. See testimony submitted by Fix the City in support of the Labor Standard Ordinance. Also note that Council approval was clearly required for the Housing Fund Guidelines and any amendments to them (Section 5.B(b)).
2. **The Planning Department lacks the authority to “adopt” TOC Guidelines** as claimed in the LOD, p. 21. CPC made a recommendation to adopt the Guidelines. JJJ does not say to whom the recommendation is directed. However, since CPC is an advisory body that recommends to the City Council, its recommendation for adoption must go to the City Council with the caveat that under JJJ Section 5.A, no additional incentives/bonuses could be granted to TOC projects. Only projects seeking GPAs, zone or height district changes, under Section 5(e) are eligible for relief from development standards such as height, lot area, yards, etc.
3. Furthermore, since **Tiers were not authorized by JJJ**, they would **require approval of the voters under JJJ Section 5.A**. Only nonsubstantive changes are permitted to the City Council. A general plan amendment would be a substantive change in violation of JJJ.
4. The height, scale and massing of the project is not compatible with the existing neighborhood, which the Westwood Community Plan’s policies and goals seek to protect. **This was the reason a three-story project on this site was denied by the Area Planning Commission.**
5. project was required to prepare an MND (ENV-2002-6942-MND).⁷ The project before you is larger and taller – five stories and even more out of character with the neighborhood and violates the same Specific Plan.

We request that this appeal be included in the administrative record for 10757 Wilkins Avenue, and that Fix the City also receive all notice and decisions regarding this project, as an interested party.

⁷ Class 32 Categorical Exemptions under California Resources Code 15332 are limited to “environmentally benign in-fill projects which are consistent with local general plan and zoning requirements.” This project is inconsistent with the Westwood Multi-Family Residential Specific Plan and thus ineligible for a CE. In addition, it is inadequately served by emergency services, using benchmarks for adequacy for Police and Fire.

FIX THE CITY

January 28, 2020

laura.lake@gmail.com, Laura@FixTheCity.org

VIA EMAIL: CPC@LACITY.ORG

The Hon. Samantha Millman, President, LA City Planning Commission, 200 North Spring Street, Los Angeles, CA 90012

RE: **CPC APPEAL: DIRECTOR'S LOD --10757 WILKINS AVENUE (DIR-2018-6889-DRB-TOC-SPP, ENV. 2019-2658-EAF)**

Dear Commissioner Millman and Planning Commissioners:

In addition to the right of adjacent owners and tenants to appeal the approval of 10757 Wilkins under the authority of JJJ Section 6, under JJJ Section 7, any resident of Los Angeles can enforce JJJ. Fix the City therefore incorporates by reference the appeal to CPC filed by qualified neighbors. Fix the City is enforcing JJJ under Section 7, and is exhausting its remedies.

Section 6, TOC, is limited to two or three MINISTERIAL incentives. FULL STOP. There is no authority under Section 6 TOC to award discretionary incentives, or to calculate base ministerial incentives on TOC "Tiers" rather than the underlying zoning. Section 6 does not permit violating a Specific Plan, Project Permit Compliance, CEQA, Transitional Height, etc., as the Planning Director has repeatedly done with this and other TOC projects. The Director's Determination is in violation of City Charter Section 464(a). **Only the voters can alter JJJ.**

10757 Wilkins Avenue requires a Specific Plan Amendment because it violates the height, open space and required yards of the Westwood Multi-Family Residential Specific Plan. The Planning Director has no authority to approve discretionary incentives under Section 6. Likewise, he lacks authority to violate a Specific Plan. Additional violations of city and state law (CEQA) are identified in the appeal filed by adjacent tenants and owners that is attached for reference.

We request that the CPC **implement JJJ as approved by the voters, and enforce the Labor Standard.** The recent Labor Standard Ordinance 186483 references "other planning approvals," not just Section 5 projects. January 28, 2020 is the date the Labor Standard Ordinance becomes effective. We are therefore filing this testimony requesting compliance with the Ordinance the very first day this law becomes effective.

Sincerely,

Laura Lake

Laura Lake, Ph.D., Board Member, FIX THE CITY

ATTACHMENT: Appeal to CPC of 10757 Wilkins filed by qualified neighbors

**Justification/Reason for Appeal of 10757 Wilkins Avenue (DIR-2019-2657-DRB-SPP-TOC-CE)
John Gaustad, Cecelia Evans, Carl Shusterman, Helena Freeman**

January 28, 2020

VIA EMAIL: CPC@LACITY.ORG

The Hon. Samantha Millman, President, LA City Planning Commission

200 North Spring Street, Los Angeles, CA 90012

RE: CPC APPEAL: DIRECTOR'S LOD --10757 WILKINS AVENUE (DIR-2018-6889-TOC, ENV. 2019-2658-EAF)

Dear Ms. Millman and Commissioners:

We are adjacent qualified tenants and homeowners (John Gaustad, Cecelia Evans, Carl Shusterman, Helena Freeman). We hereby appeal the approval of 10757 Wilkins with *ultra vires* discretionary TOC incentives under Section 6 of Measure JJJ, violating the Labor Standard of Measure JJJ, CEQA, Project Permit Compliance, Westwood DRB Ordinance, and violating the Westwood Multi-Family Residential Specific Plan. This project requires a Specific Plan Amendment under Section 5 of Measure JJJ.

Measure JJJ promised the voters more affordable housing and good jobs. JJJ offers two ways to achieve these twin goals:

- A **discretionary** process under Section 5 for General Plan Amendments, zone and height district changes, that requires the Labor Standard and full due process;
- A **ministerial** process under Section 6 (TOC) that is limited to two or three ministerial incentives: (1) increased density and (2) FAR, and (3) reduced parking, depending upon the "base zone and density," and not on TOC Tiers.

With JJJ, what you see is what you get. And nothing more.

The pattern and practice of the Planning Director to grant (*ultra vires*) discretionary incentives under JJJ Section 6 (22-feet of additional height, 25% reduced open space, and reduced side yard), and failing to enforce the Labor Standard, *betrays the voters who supported affordable housing and good jobs.*

In the case of 10757 Wilkins Avenue, the Planning Director ignored the Specific Plan height limit, open space requirement and side yard requirement, and granted so-called discretionary TOC incentives as if they could override the Specific Plan. The Planning Director lacks authority to add new incentives and to ignore the Specific Plan. Only the voters can amend JJJ.

BACKGROUND

10757 Wilkins is located in the Westwood Multi-Family Residential Specific Plan Area. It is several blocks away from a commercial street. The area is entirely residential, with two churches and two schools nearby on Ohio and Selby. The site is surrounded on two sides by R1 properties and limited in height to 33-feet by the Specific Plan. The purpose of the Specific Plan was to make multi-family housing compatible with single family neighborhoods, since 84 percent of Westwood is multi-family housing at some of the densest and tallest levels in the city.

In 2004 a smaller, three-story project was proposed for this property.

- It was required to prepare an MND, not a Categorical Exemption.

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- Although the Director of Planning approved the project, the WLA Area Planning Commission rejected the project as **incompatible**.

The current project is larger, taller, even less compatible and more impactful. It requires an MND once again. It does not qualify for a Categorical Exemption because the project violates the Specific Plan. In order to exceed the height limit, open space requirements and side yard requirements of the specific plan and municipal code, a Specific Plan Amendment is required under JJJ Section 5 and compliance with the Labor Standard is clearly required.

TOC IS LIMITED TO THREE MINISTERIAL INCENTIVES BASED ON THE UNDERLYING ZONE, NOT ON TOC "TIERS"

JJJ did not authorize additional discretionary incentives for height or yard reduction, nor did it authorize TOC Tiers. *Do a word search in Section 6 for height, open space, side yard, and Tiers. You won't find them.*

In approving 10757 Wilkins, the Planning Director granted three ministerial incentives unlawfully calculated on TOC Tiers, plus three additional discretionary incentives. Only projects applying under JJJ Section 5(e), are eligible for such incentives. The Director also erred in not enforcing the **Labor Standard**.¹

DISCRETIONARY TOC INCENTIVES AND TOC TIERS VIOLATE CHARTER SECTION 464(a).²

We appeal the Planning Director's approval of 55-feet for the proposed project, as well as reduced open space and side yard in violation of the Westwood Multi-Family Residential Specific Plan and municipal code. The Director of Planning prejudicially abused his authority and acted in an arbitrary and capricious manner to violate Measure JJJ. *The LOD for 10757 Wilkins is therefore ultra vires and must be rescinded.* A Specific Plan Amendment is required to deviate from the height, open space and yard requirements of the Specific Plan and DRB Ordinance. The Applicant did not apply for a Specific Plan Amendment.

JJJ SECTION 4 VIOLATED

Gentrification and rising rents are a major concern in communities facing projects that seek additional entitlements through JJJ. It is for this reason that JJJ requires that before JJJ incentives can be awarded, **JJJ Section 4** must be obeyed. JJJ Section 4 mandates that **prior to making a material change in land use** in a community plan area, the Planning Department must *first conduct a comprehensive assessment* of the impact of the change on affordable housing, and establish a *monitoring program for affordable housing inventory* that is covenanted, under ordinance or law. *Neither the assessment nor the monitoring program have been accomplished.* Therefore, no TOC incentives can be lawfully granted until those two prerequisites are met in any Community Plan area.

CEQA HISTORY OMITTED IN LOD

¹ LA Ordinance 186483 implements the Labor Standard of Measure JJJ. Its purpose is "to establish affordable housing and labor standards for certain residential development projects seeking...other City planning approvals." (Section 182.00). The effective date of this ordinance is January 28, 2020. The appeal for 10757 Wilkins, filed on January 28, 2020, is therefore subject to this ordinance. The Mayor's report to PLUM recommended that appropriate wages be paid to all workers employed "on any project awarded subject to Measure JJJ."

² LA Charter Section 464(a) declares: "any ordinance adopted by a vote of the electors of the City pursuant to an initiative petition cannot be amended or repealed, except by an ordinance proposed either by petition or by the Council at its own instance and adopted by a vote of the electors, or by an amendment of the Charter superseding the ordinance."

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John Gaustad, Cecelia Evans, Carl Shusterman, Helena Freeman

It is standard practice for the Planning Department to discuss relevant zoning cases on a project site or nearby. But in this case, and several other TOC projects, the Director of Planning failed to disclose that a prior, smaller project for the same site was required to prepare an MND and did not qualify for a Categorical Exemption. In 2004, a smaller project at 10757 Wilkins was **required to prepare an MND** (2002-6942-MND) and not granted a Categorical Exemption. Also, the LOD omitted that the smaller, three-story project was **rejected by the Area Planning Commission** (June 16, 2004), which stated: “The proposed project **is not** compatible with surrounding structures in terms of design, massing and architectural integrity.” It is therefore reasonable to conclude that this larger, taller project is *even less compatible*. It strains credulity to see the LOD conclude that the much larger project is compatible.

CEQA REVIEW

Categorical Exemptions are granted to “environmentally benign in-fill projects which are consistent with local general plan and zoning requirements.” (Public Resources Code Section 15332.) In other words, they are meant for by-right projects, not projects seeking discretionary approvals that have significant impacts. Clearly, if a smaller project required an MND in 2004, this project requires careful environmental analysis. Furthermore, a CE cannot be granted if a project violates the Specific Plan, as this project does.

1. **Cumulative impacts** of related TOC projects (1300 Westwood Blvd., 1855 Westwood Blvd., 2301 Westwood Blvd., 10306 SMB, 10400 SMB, etc.). We incorporate by reference the list of TOC projects included in the record for 623 La Brea, ZA-2019-1744-CU-MCUP-SPR-TOC, VTT-82618, ENV-2019-1736).
2. Architect’s analysis found **significant shade/shadow impacts in violation of Specific Plan** and not mitigated.
3. **Substantial evidence of significant traffic safety problems.** A letter from St. Paul the Apostle Catholic Church in the record prior to the LOD shows significant traffic safety history at adjacent intersection where two churches and two schools create heavy traffic. The LOD ignored this safety problem.
4. **The CEQA Determination violates Section 15332 In-Fill Development Projects (Class 32)** due to **violation of the General Plan** policies, applicable zoning designation and regulations violation of Westwood Multi-Family Residential Specific Plan;
5. **Significant shade-shadow impacts in violation of Specific Plan.**
6. **Violation Specific Plan: height, open space and yards.** A specific plan is an ordinance that imposes regulatory conditions on land use. As such, the Planning Director lacks the authority to violate the Specific Plan, and the Finding cannot be made that the project is in conformance with the plan. In addition, if a project violates a specific plan, the land use element of the General Plan, it is ineligible for a Class 32 exemption.
7. **Inadequate infrastructure and public services.** The site cannot be adequately served by required utilities and public services in violation of the **General Plan Framework’s mandatory mitigation Policy 3.3.2.** There is substantial evidence in the record that the area suffers from frequent blackouts, and emergency services are inadequate. Substantial evidence of this inadequacy has been submitted to the City Planning Department for several TOC projects as well as for the Expo TNP. The LOD is conclusory; it assumes that because the site is in an urban area, that utilities and services are adequate. No evidence supports this leap of faith. The LOD must be based on facts in the record, not wishful thinking.

NON CEQA VIOLATIONS

1. **Project Permit Compliance**

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- a. **(LAMC 11.5.7.B.1).** “Project Permit Compliance shall mean a decision by the Director that a project complies with the regulations of the applicable specific plan, either as submitted or with conditions imposed to achieve compliance.” This project is not in compliance with the Westwood Multi-Family Residential Specific Plan.
 - b. **LAMC 11.7.5.C.1.b** “In granting a Project Permit Compliance, the Director shall require compliance with the applicable regulations of the specific plan and mitigation of significant adverse effects of the project on the environment and surrounding areas.” This is mandatory language that the Director of Planning does not have discretion to ignore. The Planning Director did not require compliance with the specific plan and **failed to require mitigation for significant shade-shadow impacts** and for height that is incompatible with the adjacent R1 properties, as required by the specific plan. There is nothing in JJJ Section 6 that exempts projects from specific plans intended to prevent the very incompatibility this project imposes on its neighbors. This incompatibility with the plan was already rejected by the WLA Area Planning Commission in 2004. This project is even taller and less compatible.
 - c. The project does not conform with the **required height, open space, or yards**. The Director of Planning has the authority to grant minor adjustments, but does not have the authority to grant wholesale major violations of the specific plan.
 - d. Any person aggrieved by the Director’s Determination of Project Permit Compliance can appeal (LAMC 11.5.7.6. Appeals). Fix the City has standing to appeal this determination to CPC.
2. **No required findings were made by the Westwood Design Review Board**, contrary to the Director’s Determination of the Project Permit Compliance section on p. 16/23 LOD. The project violates the criteria of the DRB. The LOD makes a conclusory statement that the project is substantially in conformance, but the record shows that the project violates the Specific Plan. The only mention of specific plans in JJJ Section 6(d)³ addresses changes to incentives within a TOC area, not exceptions or amendments to specific plans. JJJ does not exempt projects from existing Specific Plans. That is why Section 5 includes projects seeking GPAs, specific plan amendments or exceptions, etc. There is no authority in JJJ to violate specific plans. *And under Class 32 CE, violation of the General Plan makes the project ineligible for a Class 32 CE.* Note that an MND, as was required for the smaller, prior project in 2002. The Planning Director prejudicially abused his authority by approving a CE for a project that repeatedly violates the specific plan. Such a deviation from JJJ violates Charter Section 464(a)
 3. **TOC “Tiers” Violate Charter Section 464(a).** TOC Tiers require **voter approval** because they are a substantive change from Measure JJJ, per Section 5.A. and City Charter Section 464(a).
 4. JJJ Section 6 based its ministerial incentives on the **base zone and not on Tiers**. Approval of 10757 Wilkins based on Tiers is therefore *ultra vires*.
 5. **Multiple Violations of Westwood Multi-Family Residential Specific Plan.** (A) 22-feet in excess of Specific Plan’s 33-foot height limit to make multi-family housing compatible when adjacent to R1 homes; (B) 25% reduced open space from required open space; (C) required parking not provided; and (D) the purpose of the Specific Plan is:
“To promote orderly, attractive and harmonious development in the multi-residential areas of the Westwood Community which takes into consideration the unique architectural

³ JJJ Section 6(d):

(d) Process for changing TOC Incentives and Eligibility.

The TOC Incentives and the required percentages for On-Site Restricted Affordable Units may be adjusted for an individual TOC Affordable Housing Incentive Area through a Community Plan update, Transit Neighborhood Plan, or Specific Plan, provided that the required percentages for On-Site Restricted Affordable Units may not be reduced below the percentages set forth in subdivision (b).

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character and the environmental setting of this area;" and "To prevent the development of structures or uses which are not of acceptable exterior design or appearance."

There is evidence in the record, including testimony from immediate neighbors, that this project is not compatible.

This project does not comply with the purpose of the specific plan. There is also a previous WLA Area Planning Commission determination that a prior, smaller project at this site, which included an MND, was not compatible. Thus, there is substantial evidence from neighbors and from the WLA Area Planning Commission that a three-story project was not compatible, and that a five-story project is even less compatible. The Planning Director failed to address substantial evidence in the record and testimony provided to DRB, that the project was not in compliance with the Specific Plan and was not compatible with the community, as required by the Westwood DRB Ordinance, Project Permit Compliance, and the Westwood Community Plan.

Also, Project Permit Compliance Findings require mitigation of environmental impacts. The project would create significant shade/shadow impacts on adjacent residential structures, in violation of the Specific Plan. Project Permit Compliance requires mitigation of such impacts. No mitigation is offered.

6. Violation of Westwood Design Review Board Specific Plan (Ordinance 163,204),

PURPOSE: Section 1. **A Purpose:** "To assure that the development of the area is in accordance with the provisions of the Westwood Community Plan, any applicable specific plans and any design guidelines as may be adopted by the City Council." The DRB failed to address compliance with the Westwood Community Plan or with the Multi-Family Residential Specific Plan. It limited its review to only design standards. DRB limited its review to design standards only, and ignored violations of the Westwood Community Plan and the Westwood Multi-Family Residential Specific Plan, both of which were violated by the proposed project regarding height, open space, and yards. "The Westwood Community Design Review Board shall review applications and accompanying materials in relation to compliance with the design components **and criteria set forth in this Specific Plan**, and provide their recommendations to the Director of Planning, pursuant to Section 16.50 of the L.A.M.C."

7. The project violates the purpose of the Westwood Community Plan:

"The quality of life and stability of neighborhoods throughout Westwood critically depends on providing infrastructure resources (i.e., Police, fire, water, sewerage, parks, traffic circulation, etc.) commensurate with the needs of its population. If population growth occurs faster than projected and without needed infrastructure improvements to keep pace with that growth, the consequences for livability within Westwood could be problematic".

"Accordingly, the Plan has three fundamental premises. First, is limiting residential densities in various neighborhoods to their prevailing development density. Second, is the monitoring of population growth and infrastructure improvements through the City's *Annual Report on Growth and Infrastructure* with a report to the City Planning Commission every five years on the Westwood Community following Plan adoption. Third, if this monitoring finds that population in the Plan area is occurring faster than projected; and that infrastructure resource capacities are threatened, particularly critical ones such as water and sewerage; and that there is not a clear commitment to at least begin the necessary improvements within twelve months; then building controls should be put into effect, for all or portions of the Westwood Community, until land use designations for the Westwood Community Plan and corresponding zoning are revised to limit development." (Westwood Community Plan p. III-1).

It is clear that the purpose of the Westwood Community Plan is to balance development with infrastructure. This purpose is mirrored in the General Plan Framework mandatory mitigation

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measure Policy 3.3.2. FTC provided substantial evidence to the Planning Department on several TOC projects and for the Expo TNP lawsuit and incorporate by reference this substantial evidence. The response time for LAFD Station 37 does not meet the city's benchmark, NFPA 1710, for adequate EMS and Fire response times.⁴ This benchmark has been used by the city in multiple reports as well as by the LA County Grand Jury and a third-party study for the city.

Also, as long ago as 2008, the Fire Dept. reported in the Casden-Pico EIR that Station 37: "The existing staffing levels, equipment inventories, and fire station facility space are not adequate to meet the area's demand for fire service. Fire Station 37 is too old and too small." Since 2008, there have been drastic reductions in fire personnel, and many times the station is dark and redeployed to other areas. Under General Plan Framework mandatory mitigation measure Policy 3.3.2, and under the Westwood Community Plan, given inadequate fire service, discretionary approvals for increases in allowable density cannot be lawfully granted and the finding cannot be made that fire service for the project area is adequate. There is no substantial evidence that it is adequate. There is abundant evidence that it is not.

8. **This project violates the land use policies of the Westwood Community Plan.** "The Westwood Community has a number of **multiple dwelling** neighborhoods comprising **84% of the total housing units** and occupying approximately 30% of the residential land" (Westwood Community Plan., p. III-2, Emphasis added). In fact, Westwood is a compact, densely populated community. The prevalence of multi-family housing in Westwood prompted the specific plans to protect single family neighborhoods.
 - a. **Policy 1-1.1:** "Protect existing single-family residential neighborhoods from new out-of-scale development and other incompatible uses." Testimony from community members consistently found the project out of scale and incompatible, as did a smaller earlier project that was denied by the Area Planning Commission because it violated this Policy, the DRB Ordinance, and the Multi-Family Specific Plan.
 - b. **Policy 1-1.2** "Protect the quality of residential environment and promote the maintenance and enhancement of the visual and aesthetic environment of the community."
 - c. **Policy 1-3.1** "Require architectural and **height compatibility for new infill** development to protect the character and scale of existing residential neighborhoods." (p. III-5, Emphasis added). The 55-foot height of this project far exceeds the prevailing 2 and 3-story neighboring buildings.
 - d. **Policy 8-1.1 Program:** "Require the decision maker to include a finding on the impact on fire service demands of proposed projects or plan amendments." No such finding of adequacy was made for fire service. Rather, a conclusory statement was made that the area is already served by fire service, without an evaluation or finding of adequacy.
 - e. **Policy 15-2.1:** "No increase in density shall be effect by zone change, Plan amendment, subdivision or other discretionary action unless it is determined that the transportation infrastructure serving the property can accommodate the traffic generated."
Program: "Decision makers shall adopt a finding with regards to infrastructure adequacy as part of their action on discretionary approvals resulting in increased density or intensity."

⁴ www.FireStatLA.org shows the average response time for Station 37 to be inadequate: 5:45 minutes for EMS instead of the city's benchmark of 5 minutes 90% of the time. So even using average response time to beef up the response time, 5:45 is significantly over the response time. Using the percentile results, it would be even worse. Keep in mind that this station serves the residential community, the VA, the Federal Building and the Wilshire Commercial Corridor. This workload explains why the number of EMS calls during 2019 was 5002. Way above most stations. Average response time for Fire, 5:29 also exceeded the benchmark for 5:20 minutes, and again, note that the data are not presented by the city as the percentile within 5:20 minutes, the benchmark used by the city but not reported to the public.

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No finding of adequacy was made. Evidence in the record regarding serious traffic accidents close to the site (see St. Paul Church letter) were not acknowledged in the LOD, nor were the comments and submissions made to the DRB, the only public hearing held on this project.

9. **LAMC 16.50** requires finding. The **Westwood DRB did not make findings** that the project conformed with the “criteria set forth in this specific plan.” It placed conditions of approval on the project, but failed to make the findings – presumably because they couldn’t: it violated the height, open space and parking requirement the plan. The project does not comply with the Criteria of the DRB Ordinance.⁵ The Director of Planning prejudicially abused his authority by finding the project was in substantial conformance with the DRB Specific Plan and the Multi-Family Specific Plan when it clearly did not conform to all of the provisions of these plans. The project is substantially INCONSISTENT with these specific plans. It isn’t even close to conforming with these plans. The height limit is 33-feet, the project is for 55-feet. The open space is 25% less than required. The required sideyard is less than required. And the scale and massing of the project is inconsistent with the rest of the block.
10. **Measure JJJ Labor Standard** and implementing ordinance **CF 16-0684-S1** violated. The project is not adhering to the Labor Standard. Measure JJJ promised affordable housing and good jobs. Section 6 projects are required to comply with the Labor Standard.
11. **Measure JJJ Sections 1-5: Section 4** requires a comprehensive assessment of affordable housing and impact on affordable housing for a community plan area prior to material changes in land use, requires a monitoring of affordable housing inventory for affordable housing under covenants, ordinances, etc., and permits relief from development standards (e.g., height, yards, etc.) only for projects seeking discretionary approvals such as GPAs, zone and height district changes (JJJ Section 5(e). Note that awarding these incentives to TOC projects was not authorized by the ballot measure, and violates LA Charter Section 464(a) discussed below.
 12. **City Charter Section 464(a) violated.** LA Charter Section 464(a) provides that “any ordinance adopted by a vote of the electors of the City pursuant to an initiative petition cannot be amended or repealed, except by an ordinance proposed either by petition or by the Council at its own instance and adopted by a vote of the electors, or by an amendment of the Charter superseding the ordinance.”
 - a. The Planning Director’s Letter of Determination for 10757 Wilkins Avenue violates LA City Charter Section 464(a) because it awarded incentives that are clearly limited to discretionary projects under JJJ Section 5. Section 6 provides for up to three ministerial incentives (increased density, FAR and reduced parking). It does not provide for discretionary incentives for TOC projects, but does provide for Section 5(e) projects to receive three additional development standard incentives under California Government Code Section 65915(k).

⁵ The project specifically fails to meet these criteria:

1. Whether all proposed structures conform to all of the provisions contained within the Westwood Community Plan and any applicable specific plans or design guidelines.
2. Whether all proposed structures are designed so as not to cast **Westwood Community Design Review Board Specific Plan 3** shadows on one-third or more of any adjacent residential structure as projected on a plan view for more than two hours between the hours of 9 a.m. and 3 p.m. on December 21.
4. Whether the proposed buildings are compatible with the surrounding buildings in terms of design, massing, and architectural integrity.
8. Whether the proposed development is in conformity with the Los Angeles Municipal Code and other applicable laws insofar as zoning and land use are involved.

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- b. Planning Department Staff testified before CPC in May 2017 that there were **no “off-menu”** incentives under TOC. But they neglected to state that Section 6 does not authorize **on-menu** discretionary incentives for height, yards, lot coverage, setbacks, etc. with the exception of Section 5 projects. LAMC 12.22 A.25(g) was included in JJJ Section 6 for **procedures, NOT incentives**. Section 6 is limited to the three ministerial incentives. There is no authority to grant additional/discretionary incentives unless the voters approve them.
 - c. Planning Department Staff also failed to disclose that **TOC “Tiers” were not authorized under JJJ**, and thus the Tiers also violate Charter Section 464(a).
13. **California Govt. Code Section 65915(d)(3)** requires approval of affordable housing implementation procedures by a **legislative body**. The incentives granted by the Planning Director to 10757 Wilkins were not approved by a legislative body. Even if they did receive Council approval (which they did not), under Charter Section 464(a), they **cannot deviate from the language approved by the voters**. The awarding of “additional/discretionary” incentives based on TOC “Tiers” was not included in JJJ and there was *ultra vires* and a prejudicial abuse of authority. The reference in Section 6 to LAMC 12.22 A.25(g) was regarding procedures, NOT incentives in (f).
14. The project **The Westwood Community Plan** is the constitution for development in Westwood, one of the most densely populated community plan areas in Los Angeles and one of the smallest in size. The Community Plan and several specific plans were developed to balance the high density residential and commercial Wilshire Corridor with the low-rise multi-family areas and single-family neighborhoods.⁶ It is noteworthy that 84% of the Westwood Community Plan area housing is multi-family. The Plan Area includes UCLA, the Federal Building, the VA, the Wilshire Corridor Regional Center, the North Westwood Village Specific Plan, the Westwood Village Specific Plan, the DRB Specific Plan, the Westwood Multi-Family Residential Specific Plan. These plans were a compromise between UCLA, developers, and the community. They provided density bonuses for affordable housing. They allowed transfers of density between historic buildings and new development. They were fair and balanced. *They provide guardrails against development that compromises public safety and livability.*
- “The General Plan is the fundamental policy document of the City of Los Angeles. It defines the framework by which the City’s physical and economic resources are to be managed and utilized over time. The Plan guides the City in the use of its land, design and character of buildings and open spaces, conservation of existing and provision of new housing, provision of supporting infrastructure and public services, protection of environmental resources and protection of residents from natural and other known hazards.” (Westwood Community Plan, p. II- 1).

“The Community Plans are intended to promote an arrangement of land uses, streets and services which will encourage and contribute to the **economic, social and physical health, safety, welfare and convenience of the people who live and work in the community**” (*Ibid.*, emphasis added).

In other words, the plan is there to protect the existing community and ensure that new development does not jeopardize the safety of those already living and working in Westwood. It is for this reason that the Plan mandates findings:

“City actions on most discretionary approval projects **require** a finding that the action is consistent or in conformance with the General Plan. Discretionary approval projects in the Westwood Community

⁶ Laura Lake, Ph.D., a director of Fix the City and founder of Friends of Westwood, participated in the drafting of the Westwood Community Plan, the Westwood DRB Ordinance, the Westwood Village Specific Plan, and the Westwood Multi-Family Residential Specific Plan. Thus, she has first-hand knowledge of the legislative intent of these plans.

Justification/Reason for Appeal of 10757 Wilkins Avenue (DIR-2019-2657-DRB-SPP-TOC-CE)
John Gaustad, Cecelia Evans, Carl Shusterman, Helena Freeman

Plan area will require the decision maker to refer to additional programs and policies or objectives in Chapter III of the Plan” (emphasis added).

“The quality of life and stability of neighborhoods throughout Westwood critically depends on providing infrastructure resources (i.e., Police, fire, water, sewerage, parks, traffic circulation, etc.) commensurate with the needs of its population. If population growth occurs faster than projected and without needed infrastructure improvements to keep pace with that growth, the consequences for livability within Westwood could be problematic. “

“Accordingly, the Plan has three fundamental premises. First, is limiting residential densities in various neighborhoods to their prevailing development density. Second, is the monitoring of population growth and infrastructure improvements through the City’s *Annual Report on Growth and Infrastructure* with a report to the City Planning Commission every five years on the Westwood Community following Plan adoption. Third, *if this monitoring finds that population in the Plan area is occurring faster than projected; and that infrastructure resource capacities are threatened, particularly critical ones such as water and sewerage; and that there is not a clear commitment to at least begin the necessary improvements within twelve months; then building controls should be put into effect, for all or portions of the Westwood Community, until land use designations for the Westwood Community Plan and corresponding zoning are revised to limit development.*” P. III-1, *Emphasis added.*)

VIOLATION OF MEASURE JJJ

1. The LOD violates the **Labor Standard** of Measure JJJ and the implementing ordinance (CF 16-0684-S1). Repeatedly, JJJ has two goals: more affordable housing and good jobs. In its zeal to increase the revenue stream of permit fees to the Planning Department, the Department has failed to enforce the Labor Standard for good local jobs.
2. This project violates Measure JJJ by granting incentives not authorized by Measure JJJ, including additional height and reduced open space and sideyard.
3. This project is subject to JJJ Section 5 because it requires a Specific Plan Amendment.
4. JJJ Section 6 Incentives are limited to those included in Section 6 (“herein”) and incentives are ministerial. They include: increased residential FAR and Density, and reduced parking. Section 6 projects are entitled to two or three of these incentives. No discretionary incentives are authorized by JJJ.
5. Discretionary additional incentives that grant relief from development standards (height, lot area, yards, setbacks, etc.) are only granted to Section 5(e) projects that comply with the Labor Standard.
6. It also violates the **Labor Standard Ordinance** implementing JJJ for all JJJ projects.
7. Violation of **JJJ Section 4.A: no material changes in land use** in a community plan area unless a comprehensive assessment of proposed changes is made to prevent reduction in the capacity for creation and preservation of affordable housing and access to local jobs, undermine Cal. Govt Code Section 65915 and other affordable housing programs. No such assessment has begun or been completed. In addition, Section 4.A. requires monitoring the inventory of affordable housing with recorded covenants, ordinance or law that restricts rents to affordable levels. No such monitoring of inventory exists in the Westwood Community Plan area. Therefore, no material change whether Section 5 or 6 is permissible.

VIOLATION OF CALIFORNIA GOVT. CODE 65915

Justification/Reason for Appeal of 10757 Wilkins Avenue (DIR-2019-2657-DRB-SPP-TOC-CE)
John Gaustad, Cecelia Evans, Carl Shusterman, Helena Freeman

1. The state requires **legislative approval** of the implementation regulations for an affordable housing program. No legislative approval by the City Council has been granted with the exception of the Labor Standard Ordinance, despite the clear mandate of CF-16-0684-S1, which clearly states that implementing ordinances are required for JJJ. See testimony submitted by Fix the City in support of the Labor Standard Ordinance. Also note that Council approval was clearly required for the Housing Fund Guidelines and any amendments to them (Section 5.B(b)).
2. **The Planning Department lacks the authority to “adopt” TOC Guidelines** as claimed in the LOD, p. 21. CPC made a recommendation to adopt the Guidelines. JJJ does not say to whom the recommendation is directed. However, since CPC is an advisory body that recommends to the City Council, its recommendation for adoption must go to the City Council with the caveat that under JJJ Section 5.A, no additional incentives/bonuses could be granted to TOC projects. Only projects seeking GPAs, zone or height district changes, under Section 5(e) are eligible for relief from development standards such as height, lot area, yards, etc.
3. Furthermore, since **Tiers were not authorized by JJJ**, they would **require approval of the voters under JJJ Section 5.A**. Only nonsubstantive changes are permitted to the City Council. A general plan amendment would be a substantive change in violation of JJJ.
4. The height, scale and massing of the project is not compatible with the existing neighborhood, which the Westwood Community Plan’s policies and goals seek to protect. **This was the reason a three-story project on this site was denied by the Area Planning Commission.**
5. project was required to prepare an MND (ENV-2002-6942-MND).⁷ The project before you is larger and taller – five stories and even more out of character with the neighborhood and violates the same Specific Plan.

We request that this appeal be included in the administrative record for 10757 Wilkins Avenue, and that Fix the City also receive all notice and decisions regarding this project, as an interested party.

⁷ Class 32 Categorical Exemptions under California Resources Code 15332 are limited to “environmentally benign in-fill projects which are consistent with local general plan and zoning requirements.” This project is inconsistent with the Westwood Multi-Family Residential Specific Plan and thus ineligible for a CE. In addition, it is inadequately served by emergency services, using benchmarks for adequacy for Police and Fire.

DEPARTMENT OF
CITY PLANNING

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

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VAHID KHORSAND
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**DIRECTOR'S DETERMINATION
TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM,
PROJECT PERMIT COMPLIANCE AND DESIGN REVIEW**

January 13, 2020

Applicant/Owner

Banarsi L. Agarwal
530 North Francisca, LLC
2701 190TH Street
Redondo Beach, CA 90278

Representative

Hoa "Sean" Nguyen
EZ Permits, LLC
7251 N. Owensmouth Ave.
Canoga Park, CA 91303

Case No. DIR-2019-2657-DRB-SPP-TOC

CEQA: ENV-2019-2658-CE

Location: 10757, 10757 ½, 10759
West Wilkins Avenue

Council District: 5 - Koretz

Community Plan Area: Westwood

Land Use Designation: Low Medium II Residential

Zone: [Q]RD1.5-1

Legal Description: Lot 15, Block 29, Tract TR 7803

Last Day to File an Appeal: January 29, 2020

Tracy Stone
Tracy A. Stone Architect
2041 Blake Avenue
Los Angeles, CA 90039

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.22 A.31, 11.5.7 C, and 16.50, and based upon the recommendation of the Westwood Community Design Review Board, I have reviewed the proposed Project and as the designee of the Director of Planning, I hereby:

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

APPROVE a Transit Oriented Communities Compliance Review for a project totaling 10 dwelling units, reserving two units for Very Low Income, with the following requested incentives:

1. **Height.** A 22-foot increase in the building height, allowing 55 feet in lieu of the maximum 33 feet otherwise allowed by the [Q]RD1.5-1 Zone and Westwood Community Multi-Family Specific Plan;
2. **Yard/Setback.** A reduction in the required west side yard, allowing 5.6 feet in lieu of the 8-foot side yard setback otherwise required; and

3. **Open Space.** A 25 percent reduction in the open space requirement, allowing 2,625 square feet in lieu of the 3,500 square feet otherwise required;

APPROVE with Conditions a **Project Permit Compliance Review and Design Review** for a new five-story, maximum 55 feet in height, 10-unit apartment building over one level of subterranean parking containing 21 automobile stalls.

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

CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A" and "Exhibit B," and attached to the subject case file. No change to the plans will be made without prior review Los Angeles City Planning, West/South/Coastal Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to **comply with the provisions of the Municipal Code**, the project conditions, or the project permit authorization.
2. **Design Review Criteria.**
 - a. The base two floors on the plan north elevation shall be Southern Moss La Habra X696 accent color.
 - b. The railing specifications shall match "Exhibit B."
 - c. All Fire Department related equipment shall be screened from public view.
 - d. No electrical transformers shall be surface mounted, and in the case of a required transformer shall be in an underground vault.
 - e. The landscaping plan shall be revised to show:
 - i. One 36" box street tree, as approved by the Division of Urban Forestry.
 - ii. One 36" box canopy tree in the required front yard setback.
 - iii. Three 36" box canopy trees in the back yard setback, setback from the property line a minimum of 10 to 15 feet.
3. **Residential Density.** The project shall be limited to a maximum density of 10 residential units per "Exhibit A."
4. **Affordable Units.** A minimum of two units, that is 20 percent On-Site Restricted Affordable Units, shall be reserved for Very Low Income Households as defined in Section 50105 of the California Health and Safety Code. The Transit Oriented Communities Affordable Housing Incentive Program Guidelines also requires a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.
5. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A.31 and comply with the Transit Oriented

6. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a **covenant** to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make two units for Very Low Income Households for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The Applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination.
7. **Floor Area Ratio (FAR).** The project shall be limited to a floor area ratio of 3:1 per "Exhibit A."
8. **Height.** The project shall be limited to **five stories** and a maximum **55 feet in height**. Per "Exhibit A":
 - a. Any portion of the building along the Wilkins Avenue frontage **above 44 feet** in height shall be **stepped-back at least 15 feet** from the exterior face of the Ground Floor of the building.
9. **Yard/Setback.** The **westerly** side yard setback shall be no less than **5.6 feet** per "Exhibit A." The front yard shall have no less than a 15-foot setback. The rear yard shall have no less than a 20-foot setback. The easterly side yard setback shall be no less than 8 feet and 10 feet where the property abuts the R1-1 zone.
10. **Open Space.**
 - a. **Total Required Open Space.** The project qualifies for a **25 percent reduction** in the required amount of open space. The project shall provide a minimum of 2,625 square feet of open space per "Exhibit A."
 - b. **Westwood Community Multi-Family Specific Plan.** The open space shall meet **all other requirements** of the Westwood Community Multi-Family Specific Plan per the satisfaction of Los Angeles City Planning, West/South/Coastal Project Planning Division.
 - i. A minimum of 50 percent of the total required open space, 1,312.5 square feet, shall be landscaped as depicted on Sheets A0.1, L-1, and L-2 of "Exhibit A."
 - ii. No more than 50 percent of the required front and rear yards shall count toward the open space requirements as depicted on Sheets A0.1, L-1, and L-2 of "Exhibit A."
 - iii. A minimum of 50 percent of each of the required front, rear and side yards shall be landscaped as depicted on Sheets A0.1, L-1, and L-2 of "Exhibit A."
 - iv. Hardscape shall not be considered landscaping.

- v. Required side yards shall not be counted toward the open space requirements.
- vi. Contributing open space areas above the ground floor shall be setback a minimum of 10 feet in depth from the level immediately below it. Forty percent of these setback areas shall be landscaped.
- vii. The project shall provide a minimum of 1,969 square feet of open space on the ground Floor.
- viii. No more than 656 square feet of open space located above the ground floor shall contribute toward the 2,625 square feet of required open space.
- ix. The provided Open Space and Landscaping shall be consistent with Sheets A0.1, L-1, and L-2 of "Exhibit A,"

11. **Automobile Parking.**

- a. **Residential Parking.** Based upon the number of dwelling units proposed, a minimum of five residential automobile parking spaces shall be provided for the project. Automobile parking shall be provided consistent with TOC Guidelines. Parking for all residential units in an Eligible Housing Development for a Tier 3 project shall not be required to exceed one-half (.5) space per unit.

12. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.

13. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC 12.40 and Landscape Ordinance "Guidelines O." All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.

14. **Garage.** The project shall provide parking within one subterranean level. The height of the garage shall not extend more seven feet above the existing natural grade, measured to the floor elevation of the level immediately above the parking garage. The project shall enclose and provide mechanical ventilation for all portions above grade, except the driveway. The project shall lower the sidewalls at the driveway, or make portions of the sidewalls transparent in order to improve visibility when exiting the garage.

15. **Street Trees.** The project shall include street trees at a minimum ratio of one for every 30 lineal feet of street frontage abutting the project, as permitted by and in accordance with the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works. The project shall provide 36" box street tree(s) of at least twelve feet in height and not less than three inches in caliper at the time of planting. Deviation from this requirement shall only be to satisfy requirements set forth by the Bureau of Street Services to the contrary.

16. **Buffer.** The project shall provide an eight-foot tall split face decorative masonry wall with light sand stucco finish in LaHabra P-505 Agate stucco or similar along all property lines which immediately abut R1 zoned properties. The wall shall have a top cap and have the split face facing the single-family residences as depicted on Sheet A1.1 of "Exhibit A."

17. **Screening.** All structures on the roof, such as air conditioning units, antennae, and other equipment, except solar panels, shall be fully screened from view from any adjacent properties, as seen from the grade.

Administrative Conditions

18. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
19. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
20. **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.
21. **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.
22. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
23. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

BACKGROUND

Subject Property

The project site, located at 10757, 10757 ½, 10759 West Wilkins Avenue, occupies one parallelogram shaped and minimally sloped lot, developed with a three unit apartment building built in 1937. The project lot is 45 feet wide in the front and 76.70 feet wide in the rear with a depth of 183.27 feet on the east side and 151.91 feet on the west side. The lot is 9,833.3 square feet. The project is not within the Alquist-Priolo fault zone and a fault study is not required. It is near the Santa Monica Fault but not within it. A Geotechnical Report was conducted on the subject site and a Soils Approval letter was issued by LADBS on November 6, 2018 (LOG #105676). The project site is not located within a Fault Zone, Landslide Area, Liquefaction Zone, or a Very High Fire Severity Zone. The project site is in a Special Grading Area (BOE Basic Grid Map A-13372) and will require a Haul Route. The project is located in a Methane Zone and will be subject to Regulatory Compliance Measures. There are no known designated historic resources or cultural monuments on the subject site.

The project abuts two [Q]RD1.5-1 zoned properties to the east, which are developed with two-story multi-family apartment complexes. Properties immediately across the street and to the west of the subject property are zoned [Q]RD1.5-1 and developed with single-family residences and single, two, and three-story multi-family residences. The project site is approximately 181 linear feet from St. Paul the Apostle Church at the intersection of Selby, Ohio, and Wilkins Avenues and zoned [Q]RD1.5-1-O. The project site abuts R1-1-O zoned properties to the north and northeast, which are developed with single and two-story single-family homes. Approximately 475 linear square feet to the west of the project site and across Malcolm Avenue are single-family homes on R1-1 zoned lots.

The project fronts Wilkins Avenue, a Local Street with a designated right-of-way width of 60 feet and a designated roadway width of 36 feet. The road way and right-of-way are fully improved.

The project proposes the demolition of the existing apartment building and garage and the construction of a new five-story, maximum 55-feet in height, 16,803 square foot, multi-family apartment building consisting of 10 units over one level of subterranean parking containing 21 automobile stalls.

A Tree Report was not required as there are no protected trees on the subject site.

Zoning and Land Use Designation

The site is zoned [Q]RD1.5-1 and has a General Plan Land Use Designation of Low Medium II Residential. The Q condition on the project site was enacted through Ordinance 163,187 and requires that all projects with two or more units shall be subject to review by the Westwood Community Design Review Board. The project site is located in the Westwood Community Plan, the Westwood Community Multi-Family Specific Plan, The Westwood Community Design Review Board Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP, Ordinance 186,105 and 186,108). The Project is subject to Department of Transportation clearance of the WLA TIMP. The Westwood Community Design Review Board is required to review projects and make recommendations to the Director of Planning for Approval, Approval with Conditions, or Denial of projects within their jurisdiction. In addition, the project is within a Tier 3 designation of the Transit Oriented Communities Program. Pursuant to LAMC Section 12.22 A.31 and the TOC guidelines, the applicant requests a Transit Oriented Communities Compliance Review.

Transit Oriented Communities

The project qualifies for the Transit Oriented Communities ("TOC") Affordable Housing Incentive Program, which allows a variety of incentives for increased density, height, and floor area, among others, for Eligible Housing Projects. Measure JJJ was adopted by the Los Angeles City Council and established the TOC 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, as defined under existing State law.

The TOC Guidelines, adopted September 22, 2017 and amended on February 26, 2018, 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.**

The subject site is located within 2,640 feet from the Metro Purple Line Extension, Westwood/UCLA Station, and is eligible as a Tier 3 development in the Transit Oriented Communities Affordable Housing Incentive Program Guidelines, as indicated on the **revised TOC Referral Form dated January 2, 2019.**

Tier 3 Base Incentives require On-Site Restricted Affordable Units at the rate of 10 percent for Extremely Low Income, 14 percent for Very Low Income, or 23 percent for Lower Income, of the total number of units. Three Additional Incentives may be granted for projects that include at least 11 percent of the base units for Extremely Low Income Households, at least 15 percent of the base units for Very Low Income Households, at least 30 percent of the base units for Lower Income Households, or at least 30 percent of the base units for persons and families of Moderate Income in a common interest development.. The applicant is proposing two Very Low Income units of the total 10 units proposed, consistent with the Base Incentive requirements, and which make the project eligible for three Additional Incentives.

The project is eligible for the following Tier 3 Base Incentives, which are granted by-right for eligible TOC projects:

- a. **Density.** Increase the maximum allowable number of dwelling units permitted by up to 40 percent.

The RD1.5 Zone allows for a maximum residential density of one dwelling unit per 1,500 square feet of lot area. The subject lot totals 9,833.3 square feet, for a maximum base density of seven units. Los Angeles Municipal Code allows **6.55 units by-right**, however, the TOC Guidelines round base density up to the next whole number, resulting in seven. The TOC Guidelines Residential Density Incentive has an exception for properties in the "RD" Restricted Density Zone that limits the density increase for a Tier 3 property to 40 percent. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 10 units. The project is proposing 10 units.

- b. **Floor Area Ratio.** Percentage increase of up to 45 percent in the RD Zone.

In the RD1.5 Zone in Height District 1, the Los Angeles Municipal Code provides for a maximum FAR of 3:1. The project has a by-right floor area of 17,241 square feet. The project proposes 16,803 square feet and is not utilizing the Floor Area Ratio incentive.

- c. **Residential Parking.** Parking for all residential units in an Eligible Housing Development for a Tier 3 project shall not be required to exceed one-half space per unit.

The project is required to provide five parking spaces under the TOC incentive and is providing 21 spaces.

Pursuant to the TOC Guidelines, the project is eligible for, and has been granted three Tier 3 Additional Incentives to construct the proposed project:

- a. **Yard/Setback.** : In Tier 3 areas the TOC incentive for side and rear yard reductions allows up to a 30 percent decrease in the required width or depth of two individual yards or setbacks with the exception that yard reductions cannot be applied along any property line that abuts an R1 or more restrictive residential zoned property. The proposed project abuts R1-1-O zoned properties along the entire rear property line and along a portion of the northeast side property line.

The Westwood Community Multi-Family Specific Plan Section 6.E.2 *Yard Requirements*, states that projects which immediately abut an R1 or more restrictive zone on the rear property line shall have a rear yard of at least 20 feet in depth. Section 6.E.3 of the Specific Plan states that projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width.

The property is not utilizing reductions in the front, rear, or easterly side yards and maintains setbacks in these yards consistent with the requirements of Section 6 of the Westwood Community Multi-Family Specific Plan.

The project proposes a 5.6-foot westerly side yard consistent with the TOC Guidelines. The 5.6-foot side yard reflects a 30 percent reduction in the otherwise required 8-foot side yard in the RD1.5 Zone.

- b. **Open Space.** A 25 percent reduction from the Westwood Community Multi-Family Specific Plan Open Space requirement, allowing 2,625 square feet in lieu of 3,500 square feet.
- c. **Height Incentives.** A 22-foot increase in the building height, allowing a maximum 55 feet in lieu of the 33 feet otherwise allowed by the Westwood Community Multi-Family Specific Plan.

The table below provides a summary of the relevant and Specific Plan provisions for the subject property and requested TOC Base and Additional Incentives:

Incentives	Specific Plan	TOC Guidelines	Proposed
Density	6 units	10 units (40% increase)	10 units
FAR	3.0	4.35 (45% increase in RD Zone)	2.9
Residential Parking Spaces	32	5 (.5 spaces per unit)	21
Open Space	3,500 sf	2,625 sf (25% reduction)	2,627
Height	33'	55' (Two stories up to 22')	55'

Yard Incentives	LAMC/Specific Plan	TOC Guidelines	Proposed
Residential Front	15'	Not utilized	15'
Residential Rear	20'	Not utilized	26' to 40'
East Side	8' and 10'	Not utilized	10' and 13'
West Side	8'	5.6'	5.6'

Housing Replacement

The TOC Guidelines require a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. California Government Code Section 65915(c)(3), as amended by Assembly Bill 2222 and 2556, requires applicants of Density Bonus projects to demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households. Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) dated July 5, 2019, AB 2556 determined that no units are subject to replacement under AB2256, provisional and subject to verification by HCIDLA's Rent Division. The project satisfies the TOC Affordable Housing requirement by providing two units restricted to Very Low Income households. This is reflected in the Conditions of Approval.

FINDINGS

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

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

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

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

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

increase the scale of the project. Therefore, the site and project qualify for the TOC Affordable Housing Incentive Program as an Eligible Housing Development, and is eligible for the incentives granted therein.

Reduced Yard/Setback:

In residential zones, Eligible Housing Developments may utilize an incentive for yard reductions. In Tier 3 and Tier 4, the front yard reduction may be paired with one other individual yard reduction. The project does not request or propose any reductions in the required front yard setback. In Tier 3 areas the side and rear yard incentive allows up to a 30 percent decrease in the required width or depth of two individual yards or setbacks with the exception that yard reductions cannot be applied along any property line that abuts an R1 or more restrictive residential zoned property. The proposed project abuts R1-1-O zoned properties along the entire rear property line and along a portion of the northeast side property line

The Westwood Community Multi-Family Specific Plan Section 6.E.2 *Yard Requirements*, states that projects, which immediately abut an R1 or more restrictive zone on the rear property line, shall have a rear yard of at least 20 feet in depth. The project proposes a rear yard ranges from 26 to 40 feet. Section 6.E.3 of the Specific Plan states that projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width. The project proposes the east side yard to range from 10 feet to 13 feet. The property is not utilizing reductions in the front, rear, or easterly side yards and maintains rear and easterly side yard setbacks consistent with the requirements of Section 6 of the Westwood Community Multi-Family Specific Plan. The project proposes a 5.6-foot westerly side yard consistent with the TOC Guidelines. The 5.6-foot side yard reflects a 30 percent reduction in the otherwise required 8-foot side yard in the RD1.5 Zone.

The requested incentive is necessary to provide the affordable housing costs as defined in California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units. The westerly side yard setback reduction is necessary to build the affordable housing units.

Reduced Open Space:

The applicant has requested a 25 percent reduction in the Westwood Community Multi-Family Specific Plan required open space of 3,500 square feet, resulting in 2,625 square feet of required open space. The project is providing 2,627 square feet of open space, consistent with the TOC Incentives. The requested incentive will allow the developer to reduce open space requirements so the affordable housing units reserved for Very Low Income Households can be constructed and the overall space dedicated to residential uses increased.

Increased Height:

A restriction on height could limit the ability to construct the additional residential dwelling units, and specifically the Restricted Affordable Units. The project is financially feasible because of the increased flexibility the incentives allow the applicant in the building envelope.

Base Height + Incentive

The applicant has requested a Tier 3 Height Incentive, which allows for 22 additional feet. Height District 1 in the RD-1.5 zone allows for a maximum height of 45 feet. However, the Westwood Community Multi-Family Specific Plan (Q condition) Section

5.A *Land Use Regulations, Building Height*, states that projects shall be limited to a maximum of 33 feet if they immediately abut an R1 or more restrictive zone and if the average height of the single-family houses within 100 feet of the subject property is less than 34 feet. The subject property immediately abuts R1 zoned properties and the average height of single-family houses within 100 feet of the subject property is less than 34 feet. Therefore, the Tier 3 Height Incentive would allow a maximum height of 55 feet. The project is within that envelope at 55 feet and is consistent with the TOC guidelines.

TOC Height Exception

The TOC Height Exception applies to projects located on lots with a height limit of 45 feet or less. The Exception requires any height increases in excess of the first 11 feet above the base height to be stepped-back a minimum of 15 feet from the exterior face of the Ground Floor building along any street frontage.

The project site is in a [Q]RD1.5-1 zone, with a height limit of 33 feet. Therefore, along Wilkins Avenue, the project must step back after the first 11 feet of height increase over the base height of 33 feet, beginning at 44 feet. Therefore, at a height of 44 feet the project is setback from the exterior face of the Ground Floor of the building located along the street frontage for a total distance of 15 feet. The project complies with the required 15-foot setback from the exterior face of the building.

- b. ***The Incentive will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.***

There is no evidence in the record that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The finding that there is no evidence in the record that the proposed incentive(s) will have a specific adverse impact is further supported by the recommended CEQA finding. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. For example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings. The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Class 32 of the CEQA Guidelines. The Categorical Exemption (CE) could be adopted, including, on the basis that none of the potential environmental effects of the proposed Project would cause substantial adverse effects on human beings, the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources. Based on all of the above, there is no basis to deny the requested incentives.

DESIGN REVIEW FINDINGS

1. A recommendation was made by the Westwood Community Design Review Board, pursuant to Los Angeles Municipal Code Section 16.50:

The Design Review Board met on November 6, 2019 and convened a quorum of five Board Members. The vote was unanimous, recommending approval of the project, with conditions, since the project will substantially comply with Section 16.50, Subsection E of the Los Angeles Municipal Code as well as the relevant design guidelines and development provisions of the Westwood Community Multi Family Specific Plan.

Project Permit Compliance Findings

2. **The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**

- a. Section 5.A *Building Height* of the Specific Plan, limits building height when a project immediately abuts an R1 or more restrictive zone. If the average height of the single-family houses within 100 feet of the subject property are less than 34 feet, the building height shall be limited to a maximum of 33 feet in height. In cases where Base or Additional Incentives are permitted for a project under the TOC Guidelines, they shall be based off the otherwise allowable development standards for the property found in the Specific Plan. As such, the project complies with the Height Incentive of the TOC Guidelines, which allow an additional 22 feet over the base height of 33 feet in the [Q]RD1.5-1 Zone. The TOC Guidelines allow for a maximum height of 55 feet and the project is consistent. Furthermore, Condition No. 8 ensures that the proposed project will not exceed 55 feet.
- b. Section 5.B *Parking Standards*. The Specific Plan requires projects with more than four habitable rooms per unit to provide 3.25 parking spaces per unit. Of the parking spaces required, guest parking is required to be designated at a ratio of 0.25 spaces per unit. The project provides 10 units with more than four habitable rooms and therefore would be required to provide 32 parking spaces (3.25 x 10 units). Pursuant to Los Angeles Municipal Code Section 12.22 A.31, Automobile Parking is a Base Incentive in the TOC Guidelines and parking for a property in a Tier 3 area shall not be required to exceed .5 spaces per unit. The TOC Guidelines' parking incentive supersedes the Westwood Community Multi-Family Specific Plan Parking Standards. The TOC Guidelines require five parking spaces; however, the project is providing 21 parking spaces.
- c. Section 6.A.1 *Open Space*, of the Specific Plan requires 350 square feet of open space per unit for RD Zones, of which a minimum of fifty percent shall be landscaped and 75 percent shall be located on the ground floor. The Westwood Community Multi-Family Specific Plan would therefore require 3,500 square feet of open space for a 10-unit apartment complex. However, the applicant has requested an Additional Incentive for a 25 percent reduction in open space, for 2,625 square feet of required open space. The project is compliant with the TOC Guidelines for the provision of open space as detailed in the Transit Oriented Communities Findings and is providing 2,627 square feet of open space.

The Westwood Community Multi-Family Specific Plan requires 50 percent of required open space to be landscaped. The project is providing 2,627 square feet of total open space, consistent with the TOC Guidelines requirements, 1,312 square feet of which is required to be landscaped. The project is providing 2,132 square feet of landscaping, consistent with the Specific Plan requirements.

Section 6A.3 of the Specific Plan states that required open space shall be on the ground level, except that 25 percent of the required open space may be located above the ground level. Of the total required open space a minimum of 1,968.75 square feet is required to be on the ground floor and 656.25 square feet may be above the ground floor. The project is providing 1,971 square feet of open space on the ground floor and 656 square feet of open space above the ground floor.

Section 6.A.4 of the Specific Plan requires any open space above the ground floor that is counted toward the open space requirements to be setback a minimum of 10 feet in depth from the level immediately below it. Additionally, 40 percent of these setback areas are required to be landscaped. Two fifth floor decks are providing minimum setbacks of 14 feet and 15 feet from the levels immediately below and 656 square feet of open space, 272 square feet of which is landscaped, or 41 percent, consistent with the Specific Plan requirements.

Section 6.A.6 states that no more than 50 percent of the required front or rear yards shall count toward open space requirements. The required front yard area is 698 square feet and only 50 percent, or 349 square feet, is allowed to contribute to the required open space. The project is landscaping 387 square feet of the front yard area. The required rear yard area is 1,494 square feet and only 50 percent, or 747 square feet, is allowed to contribute to the required open space. The project is landscaping 1,242 square feet of the required rear yard setback. The areas in excess of the required rear yard setback may entirely count toward the required open space. There is 875 square feet of area in excess of the required rear yard setback that is contributing to the required open space and 764 square feet of it is landscaped. The project is consistent with the requirements of Section 6.A.6 of the Specific Plan. Side yards are not counted toward the required open space, consistent with Section 6.A.6, but are 50 percent landscaped.

- a. Section 6.B, *Walkways*, is not applicable because the width of the lot of the subject site is not 150-feet or more. As depicted in "Exhibit A", the lot width along the frontage of the site is approximately 45 feet.
- b. Section 6.C., *Building Setbacks*, is not applicable because the subject site is not directly across the street and within 200 feet of an R1 or more restrictive zone. According to ZIMAS properties directly across the street are zoned [Q]RD1.5-1.
- c. The proposed project substantially complies with Section 6.D, *Garage*, of the Specific Plan which allows only one level of a parking garage above the natural existing grade, up to a maximum of seven-feet in height, measured to the floor elevation of the level immediately above the parking garage. As depicted in "Exhibit A", (Sheets A-2.1 and A-3.2) the proposed project has one level of subterranean parking and no parking above natural grade. The Building Section depicted on Sheet A3.2 depicts a garage entry that slopes down from the sidewalk elevation, which is below the seven-foot maximum height permitted.
- d. The proposed project substantially complies with Section 6.E, *Yard Requirements*. Section 6.E.1 requires that a minimum of fifty percent of the required front, rear, and side yards be landscaped. As depicted in "Exhibit A", the project landscapes fifty percent of the front, rear, and side yards. Landscaped areas are comprised of 387 square feet in the front yard, 1,242 square feet in the rear yard, 764 square feet in the community area, 493 square feet in west side yard, and 657 square feet in the east side yard. As such, the proposed project complies with the landscaping requirements set forth in the Specific Plan.

Section 6.E.2 requires projects that immediately abut an R1 or more restrictive zone on the rear property line to have a rear yard of at least 20 feet in depth. Section 6.E.3 of the Specific Plan states that projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width. The property is not utilizing reductions in the front, rear, or easterly side yards and maintains rear and side yard setbacks consistent with the requirements of Section 6 of the Westwood Community Multi-Family Specific Plan. The project proposes a 5.6-foot westerly side yard consistent with the TOC Guidelines. The 5.6-foot side yard reflects a 30 percent reduction in the otherwise required 8-foot side yard in the RD1.5 Zone.

- e. Section 6.F, *Buffer*, requires projects that immediately abut an R1 or more restrictive zone to have and maintain an 8-foot-high split-face decorative masonry wall. The wall shall have a top cap and have the split face facing the single-family residence. Condition 16 requires the project to provide the 8-foot-high masonry wall as depicted on Sheet A1.1 of "Exhibit A." In addition, the Specific Plan requires that where the project abuts an R1 zoned property for every four linear feet of wall, one 15-gallon tree shall be planted at the edge of the wall. As depicted on Sheet L1 of "Exhibit A" the project is planting Carolina cherry 15 gallon trees spaced at four foot intervals along the wall where abutting the R1 zoned properties.
- f. The proposed project substantially complies with Section 6.G, *Screening*, of the Specific Plan which requires that structures on the roof be fully screened from view from adjacent properties, as seen from the grade, as conditioned under Condition 17. Additionally, mechanical equipment is located at grade and screened as depicted on Sheet A1.1 of "Exhibit A."
- g. The proposed project substantially complies with Section 7.A., *Landscape Standards*, General Requirements, which requires that a Landscape Plan be prepared by a licensed architect or landscape architect and submitted to the Westwood Community Design Review Board (DRB) for review and approval. In addition, the Landscape Plan is required to illustrate details of the plants and plant material (i.e., names, size at maturity, locations, planting schedule, irrigation plan) and must include a variety of plant materials. As depicted in "Exhibit A", the Landscape Plan has been prepared by a landscape architect, and includes: an irrigation plan; a variety of plant material, including grass and other ground cover, shrubs, and trees; and, clear identification of plant material locations, and size at maturity. The DRB reviewed and recommended approval of the Landscape Plan and Irrigation Plan at its regular meeting on November 6, 2019.
- h. Section 7.B., *Street Trees*, requires street trees to be approved by the Urban Forestry Division, Bureau of Street Services, Department of Public Works and to be planted at a minimum ratio of one for every 30 lineal feet of street frontage abutting the project. The Specific Plan also requires Street Trees to be at least 12 feet in height and not less than three inches in caliper at the time of planting. The subject site has a 45-foot frontage along Wilkins Avenue, which requires a minimum of one street tree. Condition Number 15 will require the street tree to be reviewed and approved by the Urban Forestry Division. In addition, the Design Review Board conditioned the project to have only one street tree and required it to be 36" box street tree, the type to be approved by Urban Forestry.
- i. The proposed project substantially complies with Section 8, *Design Review Procedures*, which requires that a proposed project be reviewed and approved in accordance with Design Review Board (DRB) procedures of Section 16.50 and the

Specific Plan procedures of Section 11.5.7 of the Los Angeles Municipal Code. The proposed project has been reviewed in accordance with the DRB and Specific Plan procedures of the Los Angeles Municipal Code. The review and recommendation of the Westwood Community DRB was based upon conformance with the criteria in the Westwood Community Design Review Board Specific Plan.

CEQA FINDINGS

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

The project, located at 10757, 10757 ½, 10759 West Wilkins Avenue, is for the demolition of an existing three unit apartment building and detached rear garage and the construction of a new five-story, maximum 55-feet in height, 16,803 square foot, 10 unit multi-family apartment building over one level of subterranean parking containing 21 automobile stalls. The project is located in a Special Grading area and will require a haul route. The project is an in-fill development and qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

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

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

The current project is in an urbanized area and characterized as in-fill development, which qualifies for the Class 32 Categorical Exemption. As shown in the case file, the project is consistent with the applicable Westwood Community Plan designation and policies and all applicable zoning designations and regulations.

The site is zoned [Q]RD1.5-1 and has a General Plan Land Use Designation of Low Medium II Residential. The Q condition on the project site was enacted through Ordinance 163,187 and requires that all projects with two or more units to be subject to review by the Westwood Community Design Review Board. The project site is located in the Westwood Community Plan, the Westwood Community Multi-Family Specific Plan, The Westwood Community Design Review Board Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP, Ordinance 186,105 and 186,108). The Project is subject to Department of Transportation clearance of the WLA TIMP. The Westwood Community Design Review Board is required to review projects and make recommendations to the Director of Planning for Approval, Approval with Conditions, or Denial of projects within their jurisdiction. In addition, the project is within a Tier 3 designation of the Transit Oriented Communities Program.

The project fronts Wilkins Avenue, a Local Street with a designated right-of-way width of 60 feet and a designated roadway width of 36 feet. The road way and right-of-way are fully improved.

The project site occupies one parallelogram shaped and minimally sloped lot, currently developed with a three-unit apartment building built in 1937. The project lot is 45 feet wide in the front and 76.70 feet wide in the rear with a depth of 183.27 feet on the east

side and 151.01 feet on the west side. The lot is 9,833.3 square feet. The project is not within the Alquist-Priolo fault zone areas and a fault study is not required. It is near the Santa Monica Fault but not within it. A Geotechnical Report was conducted on the subject site and a Soils Approval letter was issued by LADBS on November 6, 2018 (LOG #105676). The project site is not located within a Fault Zone, Landslide Area, Liquefaction Zone, or a Very High Fire Severity Zone. The project site is in a Special Grading Area (BOE Basic Grid Map A-13372) and will require a Haul Route. The project is located in a Methane Zone and will be subject to Regulatory Compliance Measures. There are no known designated historic resources or cultural monuments on the subject site. A Tree Report was not required as there are no protected trees on the subject.

The project is utilizing Base and Additional Incentives under the Transit Oriented Communities Ordinance. As an RD zoned property in a Tier 3 Area the project (eligible based on allocation of affordable units) is eligible for a 40 percent density increase, FAR Bonus of 45 percent (allowing for a 4.35:1 FAR), reduced parking, reductions in yards, Open Space, and a Height increase. The Project is for a 10-unit, maximum of 55 feet in height, five-story apartment building with 16,803 square feet of floor area and one level of subterranean parking.

The RD1.5 Zone allows for a maximum residential density of one dwelling unit per 1,500 square feet of lot area. The subject lot totals 9,833.3 square feet, for a maximum base density of seven units. Los Angeles Municipal Code allows 6.55 units by-right, however, the TOC Guidelines round base density up to the next whole number, resulting in seven. The TOC Guidelines Residential Density Incentive has an exception for properties in the "RD" Restricted Density Zone that limits the density increase for a Tier 3 property to 40 percent. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 10 units. The project is proposing 10 units, consistent with the TOC Guidelines and Zoning regulations.

The Tier 3 FAR Incentive allows for a percentage increase in FAR up to 45 percent. Los Angeles Municipal Code provides for a maximum FAR of 3:1 in the RD1.5-1 Zone. The project has a by-right floor area of 17,241 square feet. The project proposes 16,803 square feet and is not utilizing the Floor Area Ratio incentive, and is consistent with the zoning regulations.

The project is required to provide five parking spaces under the TOC incentive and is providing 21 spaces, consistent with the requirements of Los Angeles Municipal Code 12.22-A.31.

The Westwood Community Multi-Family Specific Plan Section 6.E.2 *Yard Requirements*, states that projects which immediately abut an R1 or more restrictive zone on the rear property line shall have a rear yard of at least 20 feet in depth. Section 6.E.3 of the Specific Plan states that projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width. The property is not utilizing reductions in the front, rear, or easterly side yards and maintains rear and side yard setbacks consistent with the requirements of Section 6 of the Westwood Community Multi-Family Specific Plan. The project proposes a 5.6-foot westerly side yard consistent with the TOC Guidelines. The 5.6-foot side yard reflects a 30 percent reduction in the otherwise required 8-foot side yard in the RD1.5 Zone.

The project is utilizing the TOC Incentive of a 25 percent reduction in the Westwood Community Multi-Family Specific Plan Open Space requirement, allowing 2,625 square feet in lieu of 3,500 square feet. The project is providing 2,627 square feet of Open Space, consistent with the TOC Guidelines and Zoning regulations.

The TOC Guidelines allow for a maximum height of 55 feet and the project is 55 feet in height and five-stories. The project is consistent with the TOC Guideline's Height Incentive and Exception requirements.

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

The subject site is wholly within the City of Los Angeles, on a site that is approximately .23 acres (9,833.2 square feet). Lots adjacent to the subject site are developed with the following urban uses: multi-family residential consistent with the [Q]RD1.5-1 zone and Low Medium II Residential Land Use designation and single-family homes on R1-1-O zoned properties.

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

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species.

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

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

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:

- All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.

- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
- **Regulatory Compliance Measure RC-HAZ-2: Explosion/Release (Methane Zone):** As the Project Site is within a methane zone, prior to the issuance of a building permit, the Site shall be independently analyzed by a qualified engineer, as defined in Ordinance No. 175,790 and Section 91.7102 of the LAMC, hired by the Project Applicant. The engineer shall investigate and design a methane mitigation system in compliance with the LADBS Methane Mitigation Standards for the appropriate Site Design Level which will prevent or retard potential methane gas seepage into the building. The Applicant shall implement the engineer's design recommendations subject to DOGGR, LADBS and LAFD plan review and approval.
- **Regulatory Compliance Measure RC-HAZ-3: Explosion/Release (Soil Gases):** During subsurface excavation activities, including borings, trenching and grading, OSHA worker safety measures shall be implemented as required to preclude any exposure of workers to unsafe levels of soil-gases, including, but not limited to, methane.

These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a Vehicle Miles Traveled Analysis. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. These RCMs will ensure the project will not have significant impacts on noise, air quality, and water. The Project will also be governed by an approved haul route under City Code requirements, which will regulate the route hauling trucks will travel, and the times at which they may leave the site, thereby reducing any potential traffic impacts to less than significant. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter (Log #105676) for the proposed project and as it may be subsequently amended or modified. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

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

The project site will be adequately served by all public utilities and services given that the project site is developed, surrounded by urban uses, served by existing infrastructure, and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions.

There are five (5) Exceptions, which must be considered in order to find a project exempt under Class 32: (a) **Cumulative Impacts**; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

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

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes a ten-unit, maximum 55 feet-tall, five-story apartment building with 16,803 square feet of floor area and one level of subterranean parking in an area zoned and designated for such development. Properties in the vicinity are developed with multi-family residential buildings and single-family homes and the subject site is of a similar size and slope to nearby properties. Haul route approval will be subject to recommended conditions prepared by LADOT to be considered by the Board of Building and Safety Commissioners that will reduce the impacts of construction related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter (Log #105676) for the proposed project and as it may be subsequently amended or modified. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

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

The Project proposes to construct a 10-unit apartment building in an area zoned and designated for such development. The Subject Site is of a similar size and slope to nearby properties. The Floor Area, density, and height of the proposed project are consistent with the Zone and Transit Oriented Communities program.

The project abuts two [Q]RD1.5-1 zoned properties to the east, which are developed with two-story multi-family apartment complexes. Properties immediately across the street and to the west of the subject property are zoned [Q]RD1.5-1 and developed with single-family residences and single, two, and three-story multi-family residences. The project site is approximately 181 linear feet from **St. Paul the Apostle Church at the intersection of Selby, Ohio, and Wilkins Avenues** and zoned [Q]RD1.5-1-O. The project site abuts R1-1-O zoned properties to the rear and northeast which are developed single and two story single-family homes. Approximately 475 linear square feet to the west of the project site and across Malcolm Avenue are single-family homes on R1-1 Zoned lots.

The project is not within the Alquist-Priolo fault zone areas and a fault study is not required. It is near the Santa Monica Fault but not within it. A Geotechnical Report was conducted on the subject site and a Soils Approval letter was issued by LADBS on

November 6, 2018 (LOG #105676). The project site is not located within a Fault Zone, Landslide Area, Liquefaction Zone, or a Very High Fire Severity Zone. The project site is in a Special Grading Area (BOE Basic Grid Map A-13372) and will require a Haul Route. The project is located in a Methane Zone and will be subject to Regulatory Compliance Measures. There are no known designated historic resources or cultural monuments on the subject site.

Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

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

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The project site is located approximately 10 miles from State Route 27. Therefore, the Project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

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

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the Subject Site, nor any site in the vicinity, is identified as a hazardous waste site. Furthermore, the building permit history for the Project Site does not indicate the Site may be hazardous or otherwise contaminated and this exception does not apply.

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

The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND

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

The TOC Guidelines, adopted September 22, 2017 and amended on February 26, 2018 with technical clarifications, establish a tier-based system with varying development bonuses and

incentives based on a project's distance from different types of transit. The largest bonuses are reserved for those areas in the closest proximity to significant rail stops or the intersection of major bus rapid transit lines. Required affordability levels are increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

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

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

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

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available online at <http://planning.lacounty.org>.

Planning Department public offices are located at:

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

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

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

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

Only an applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property can appeal this Density Bonus Compliance Review Determination. Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density Bonus increase in units above the base density zone limits and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Section 12.22 A.25 of the LAMC, appeals of Density Bonus Compliance Review cases are heard by the City Planning Commission.

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either through the Department of City Planning website at <http://planning.lacity.org> or by calling (213) 482-7052 or (818) 374-5050. The applicant is further advised to notify any consultant representing you of this requirement as well.

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

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

Reviewed by:


Faisal Roble, Principal City Planner


Michelle Singh, Senior City Planner

Reviewed by:

Prepared by:


Elizabeth Gallardo, City Planner


Julia Duncan, City Planning Assistant

EXHIBIT F

CORRESPONDENCE

FIX THE CITY

August 13, 2019

Julia Duncan, Westwood Community Planner

Please distribute this letter to all Westwood DRB members prior to their reviewing

RE: 2019-2657-DRB-SPP-TOC, ENV-2019-2658-EAF (10757 WILKINS)

Dear Westwood DRB Members:

First, thank you for your service to our Westwood community.

It is fortunate that DRB is not limited to recommending only design considerations. It can (and should) make findings regarding violation of the Westwood Community Plan and the Westwood Multi-Family Specific Plan as well as the Criteria for DRB recommendations. Below is a summary of key plan requirements.

10757 Wilkins violates fundamental protections provided by the Westwood Multi-Family Specific Plan regarding height (33-foot height limit), parks, parking, open space, and yards. This plan was adopted to provide a buffer for the R1 community, to prevent incompatible development as occurred on the Wilshire Corridor.

This project violates DRB Ordinance Criteria required to approve a project, as well as violations of the Westwood Community Plan and the Westwood Multi-Family Specific Plan:

1. DRB Section 6.B.1 “Whether all proposed structures conform to all of the provisions contained within the **Westwood Community Plan and any applicable specific plans** or design guidelines.” THE PROJECT IS NOT IN COMPLIANCE. The project is not compatible in scale and massing with the neighboring R1 properties that are on two sides of the site. The WW Community Plan calls for preserving the R1 community and providing a buffer from multi-family development:
2. Community Plan: One of its purposes is clearly stated: “Preserving and enhancing the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance” (p. II-2).
3. “Accordingly, the [Community] Plan has three fundamental premises. First, is limiting residential densities in various neighborhoods to their prevailing development density.” (p. III-1).

4. This project violates Policy 1-1.1 of the Westwood Community Plan: “1-1.1 Protect existing single-family residential neighborhoods from new out of scale development and other incompatible uses.” (p. III-3). The Program to implement this policy is: **“Program:** The Plan Map identifies lands where only single family development is permitted. These areas are protected by development standards which restrict the bulk, height, and density of commercial and multiple residential buildings within several Specific Plans.” (p. III-4).

5. Policy 1-1.2 similarly mandates implementation of the specific plans to protect residential communities: “Protect the quality of residential environment and promote the maintenance and enhancement of the visual and aesthetic environment of the community.

Program: Implement the Westwood Community Development Standards Specific Plan, the North Westwood Village Specific Plan, and the Wilshire-Westwood Scenic Corridor Specific Plan standards for design, parking, landscaping, height and bulk requirements.”

This project violates the protections guaranteed by the Westwood Multifamily Specific Plan to assure compatible development through a 33-foot height limit, bulk etc. open space requirements, parking requirements, yard requirements, etc. Specifically, this building is surrounded on two sides by R1 property and is therefore limited to 33 feet. TOC does not provide an exception to the Specific Plan.

6. Policy 1.2-2 “Changes of zone permitting densities in excess of those designated shall be approved only if adequate access and public services are available” (p. III-4). Tier 3 is a new zone that increases density and has not been processed by the city as a zone change nor has it been authorized by JJJ. Therefore, no increase in existing allowable density is permitted under the Westwood Community Plan.

7. Policy 1-3.1 “Require architectural and height compatibility for new infill development to protect the character and scale of existing residential neighborhoods.”

“Program: Implement design and landscaping standards within the Specific Plans for multiple-family residential development to ensure compatibility and adequate buffering from single family areas.” (p. III-5).

8. DRB Section 6.B.4: “Whether the proposed buildings are compatible with the surrounding buildings in terms of design, massing and architectural integrity.”
THIS BUILDING WILL NOT BE COMPATIBLE.

FIX THE CITY

9. DRB Section 6.B.8. “Whether the proposed development is in conformity with the Los Angeles Municipal Code and other applicable laws insofar as zoning and land use are involved.” THIS BUILDING NOT IN CONFORMITY WITH ZONING AND LAND USE LAWS (SEE ABOVE), AND WITH GENERAL PLAN FRAMEWORK MANDATORY POLICY 3.3.2.

Fix the City requests that the DRB recommend denial of this application because it violates the Westwood Multi-Family Specific Plan regarding height, open space, etc. The Specific Plan was adopted to prevent the very impacts that this project would impose on its R1 neighbors. The plan calls for buffers, compatibility in scale and massing.

In addition to the land-use plans cited above, TOC Incentives for this project are invalid because they were not included in JJJ. No substantive changes can be made to JJJ without submitting them to the voters. Thus, DRB has **duty and authority** to enforce this Specific Plan and assure compatible development.

1. **INADEQUATE REPLACEMENT OF RENTAL UNITS.** As stated in the hearing notice, the proposed project would replace a three-unit building. But the project is replacing only two of the three units, in violation of California Govt. Code Section 65915. The project is required to replace all three units. Therefore, DRB and the Director of Planning may not lawfully approve this project.
2. **NO LABOR STANDARD TO PROVIDE GOOD JOBS.** The project does not agree to the Labor Standard of Section 5 to provide prevailing wage and hire local residents. JJJ has two goals: increase affordable housing “while also creating good jobs with family-supporting wages.” This project does not create good jobs as defined by JJJ.
3. **TOC DOES NOT PROVIDE “ADDITIONAL INCENTIVES” SUCH AS HEIGHT.** JJJ TOC Incentives are limited to three specific incentives: (1) increased residential FAR, (2) increased residential density and (3) reduced residential parking. No other TOC incentives are included in Section 6 and thus any additional ones must be submitted to the voters under JJJ Section 5.A.
4. **TOC TIERS ARE A SUBSTANTIVE CHANGE FROM JJJ AND THUS REQUIRE VOTER APPROVAL (JJJ Section 5.A).** Tiers are new zones and require zone changes. Under JJJ Section 5.A, no substantive changes may be made unless they are submitted to the voters. Tiers cannot lawfully be used in the approval of a TOC project such as 10757 Wilkins Avenue.
5. **10757 WILKINS VIOLATES THE WESTWOOD MULTI-FAMILY SPECIFIC PLAN.** A Specific Plan Amendment is required for this project. Under JJJ, the project would be required to also pay prevailing wage and hire local residents.

6. **NO CLASS 32 EXEMPTION.** This project **does not qualify for a Class 32 Categorical Exemption** from CEQA because:
- it requires **mitigation from methane gas** as indicated on the Parcel Profile;
 - because of **cumulative impacts** of several other related TOC projects in this area that have not been analyzed for their environmental impacts (e.g., 1300 Westwood Boulevard, 1855 Westwood Boulevard, 2301 Westwood Boulevard, 1427 Greenfield, etc.);
 - the site is **not served by adequate public services** (fire and police response time fail to meet city goals for adequate response time) and infrastructure for the area is inadequate (increased air pollution, blackouts, sinkholes, broken sidewalks, etc.). LAFD Station 37 was described in a certified 2005 EIR for the Casden Pico project as small and understaffed. Nothing has changed except for increased demand and increased congestion that further slows response times.
 - The project **does not comply with General Plan Framework Mandatory Policy 3.3.2** which requires that increases over allowable density and intensity cannot be approved unless current infrastructure and public services are adequate. No substantial evidence has been provided for this project to make this finding. There is ample evidence that emergency services are inadequate, despite the heroic efforts of our first responders.
 - The project **violates the Westwood Community Plan and Westwood Multi-Family Specific Plan**. A Class 32 CE can only be granted if a project complies with **ALL** plans, zones, and land-use regulations. This project does not.

For documentation on response times, please see the record submitted by FTC re. the Expo TNP. We incorporate by reference all prior submissions to the City by FTC on TOC incentives and Class 32 Exemptions.

Sincerely,

Laura Lake

Laura Lake, Ph.D.

DIR-2019-2657-DRB-SPP-TOC -10757 W. Wilkins Ave. Los Angeles- Aug. 21, 2019

To julia.duncan@lacity.org Blind copy sonjatodd2001: yahoo.com <sonjatodd2001@yahoo.com>

Attention: Julia Duncan - LA City Dept of Planning.

Please convey this message to the DRB before they review the above referenced matter - Hearing set Aug. 21 -6:00 PM

To: Design Review Board Members:

This message is to express my opposition to the project at 10757 W. Wilkins Ave. as currently proposed.

I am, along with my two sisters, the owner of the 2 story 5 unit apartment building on the corner of Selby and Wilkins Ave.

The west side of my building abuts the east side of the proposed 10 unit project.

As my building is located on the corner of Wilkins and Selby avenues, it directly faces the intersection of Wilkins, Selby, and Ohio Avenues where all 3 streets intersect in front of St. Paul's Catholic church.

I grew up in Westwood in the family home my father built in the late 1940's, at the corner of Rochester and Westholme Aves. Since that time I have maintained a deep connection to and appreciation for this family residential area of Westwood.

The proposed project is not compatible with the surrounding residential area in that the proposed apartment complex's height, structure size, and density are out of character and scale with the surrounding neighborhood and W. Wilkins Ave. in particular.

This project falls well short of the zoning requirements used previously in construction of apartment buildings in this area, and specifically apartment buildings constructed in recent years on W. Wilkins Ave.

By proposing a 10 unit complex, while previous apartment projects only allowed 6 units, results in an unreasonable increase in the population density in this residential neighborhood as well as a corresponding increase in vehicle trips on Wilkins Ave. and through the intersection of Wilkins, Selby, and Ohio avenues.

It should be noted the driveway for the proposed building is approximately 100 feet from the above described intersection and will increase the number of vehicle trips through this intersection.

The proposed project's density and massive scale dramatically alters the residential character and style of the surrounding neighborhood and existing apartment buildings on W. Wilkins Ave.

In addition, the 55 foot high height and overall size of the proposed building will block sunlight from reaching the west side of my building and, as a consequence, during many months of the year permanent shade or early darkness will occur on the west side and rear surface areas of my building. The proposed building will cast a giant shadow over my building.

I strongly believe the proposed project has not fully taken into consideration the additional vehicle trips that will occur the area of W. Wilkins ave.

Vehicle trips on Selby, Wilkins, and Ohio avenues are high due to the number of daily vehicles trips on school days bringing and picking up children attending St Paul's Catholic school. Also vehicle trips are high volume since St. Paul's church conducts mass services, wedding events, or other special activities that draw vehicle arrivals and departures.

Traffic volume is also increased on account of Emerson middle school as the majority of vehicles travel through the intersection and proceed south on Selby Ave. to the school two blocks away.

Increasing additional vehicle parking for the proposed project exacerbates an already overloaded local street system especially the intersection of Selby, Wilkins, and Ohio avenues mentioned above.

In this area Westwood, including W. Selby Ave, emergency response times for Los Angeles police, Fire Department, and medical emergency vehicles are dangerously slow and over burdened. I understand there are

several recent studies that document the response times for these agencies and concluded these agencies continue fail to meet response time standards established for these agencies.

Should the DRB determine they have insufficient data to make a determination on the issue of appropriate response times of police, fire, and medical emergency vehicles, it is respectfully requested a further study or survey of this area of Westwood be conducted on the issue of emergency response times.

In view of my statements, it is respectfully requested the proposed apartment complex at 10757 W. Wilkins ave. be scaled back to a maximum of 6 units with a maximum height of 33 feet, with no reduction in side yard set backs and open areas.

Thank you for your consideration in this matter.

John Gaustad



Julia Duncan <julia.duncan@lacity.org>

DIR-2019-2657-DRB-SPP-TOC - 10757 W. Wilkins Ave.

3 messages

Eva Gaustad <eva.gaustad@gmail.com>
To: Juli Duncan <Julia.duncan@lacity.org>

Mon, Aug 19, 2019 at 8:18 PM

Dear Ms. Duncan,

After reviewing the project description, I object to the proposed project at 10757 W. Wilkins Ave because the height, and overall scale of this building will negatively impact the enjoyment and use of my apartment as well as the residents of Wilkins Ave.

For the past 11 years I have resided at [1447 Selby Ave. Los Angeles](#), an apartment unit in the building immediately to the east of the project property. I live on the second floor of this building with 2 bedroom windows facing to the west and a staircase with a landing also facing to the west. The proposed building is to the immediate west of my apartment building.

My line of sight views to the west from my two bedroom windows and staircase landing will be obstructed due to the height and size of the proposed building. From my bedroom windows and staircase landing, I now have unobstructed views to the west which will be eliminated or drastically reduced due to the height and size of the proposed building.

In addition, the height of the the proposed building will block natural light from the west and cast a shadow over my west facing windows, staircase landing, as well as the west rear surface areas directly below my apartment.

Also in my building on the southwest corner I have, along with the other 4 tenants, the use of an enclosed garden area with patio, dining table and chairs.

I often, along with other occupants in my building, use this private area for meals and entertaining. This garden/patio area is located in the southwest corner of my building's property surrounded by a fence on the west and south to provide privacy from those using the sidewalk or vehicles passing by on Wilkins Ave.

However, this garden/patio privacy will be totally lost due to the excessive height of the proposed building - 5 stories and 55 feet high. Many of the occupants on the east side of the proposed building will be able to look to the east and directly down into my private garden/patio area from their 3, 4 ,or 5 story apartment unit.

Also the proposed 10 apartment units, instead of the usual 6 units for this area of Wilkins Ave, unreasonably increase the population and vehicle density of the immediate streets. The proposed building's driveway is within 100 feet of the intersection of Wilkins, Selby, and Ohio avenues, the intersection where St. Paul the Apostle catholic church is located.

As a result, this intersection has a very high volume of vehicle trips per day due to St. Paul's church school, daily mass services, trips to Westwood Blvd businesses as well as trips to Emerson Middle School, two blocks south on Selby Ave.

Please consider the objections I have detailed above and reduce the number of apartment units to 6, the usual number for apartment buildings on this block of Wilkins Ave. The overall size and mass of the proposed building is completely out of proportion to the existing apartment buildings on Wilkins Ave. The proposed building changes the character of Wilkins Ave. to the detriment of all residents of Wilkins Ave.

Thank you for your consideration of my objections to the proposed apartment building.

Eva Gaustad

[1447 Selby Ave.](#)[Los Angeles, CA. 90024](#)

Julia Duncan <julia.duncan@lacity.org>
To: Eva Gaustad <eva.gaustad@gmail.com>

Wed, Aug 21, 2019 at 9:21 AM

Good Morning Eva,

I apologize for the delay in getting back to you. I just returned from vacation yesterday. Thank you for sending your comment. I am confirming receipt of your email, have included it in the file, and will distribute to the board. Please let me know if you have any questions.

Sincerely,

Julia



Julia Duncan
City of Los Angeles
Department of City Planning
West/Coastal/South Project Planning
T: (213) 978-1172; julia.duncan@lacity.org
[200 N. Spring St., Room 721](#)
[Los Angeles, CA. 90012](#)
<http://cityplanning.lacity.org/>

[Quoted text hidden]

Julia Duncan <julia.duncan@lacity.org>
To: Eva Gaustad <eva.gaustad@gmail.com>

Fri, Oct 25, 2019 at 9:17 AM

The item is returning for public hearing on November 6th and I have attached the Agenda if you would like to attend.



Julia Duncan
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 721
Los Angeles, CA 90012
Planning4LA.org
T: (213) 978-1172 |



[Quoted text hidden]

11-06-2019 Agenda.pdf
194K



Julia Duncan <julia.duncan@lacity.org>

new building at 10757 Wilkins Ave , Los Angeles CA 900242 messages

Claudia Lizzani <claudializzani@gmail.com>
To: Julia.duncan@lacity.org

Thu, Aug 22, 2019 at 9:07 AM

Good morning Mrs Duncan,

my name is Claudia Lizzani and I am a resident at 10751 Wilkins ave , Los Angeles CA 90024.

I am writing to you in regards of the building at 10757 Wilkins Ave, Los Angeles, Ca 90024; the current plan is out of character with the neighborhood and a 55 ft tall building is just too high for this street. It will block the sun and light and will affect me personally since I live next door. I hope you can review the project and scale it down. Unfortunately I wasn't able to attend the WESTWARD COMMUNITY DEISGN REVIEW BOARD meeting yesterday, August 21, at the Belmont Village Senior Living Westwood 10475 Wilshire Blvd. (0024 , but I hope you will consider this email as my attendance.

Thank you very much

Best

Claudia Lizzani

Julia Duncan <julia.duncan@lacity.org>
To: Claudia Lizzani <claudializzani@gmail.com>

Thu, Aug 22, 2019 at 4:22 PM

Good Afternoon Claudia,

Thank you for sending your comments. They have been received!

Sincerely,

Julia



Julia Duncan
City of Los Angeles
Department of City Planning
West/Coastal/South Project Planning
T: (213) 978-1172; julia.duncan@lacity.org
200 N. Spring St., Room 721
Los Angeles, CA. 90012
<http://cityplanning.lacity.org/>

[Quoted text hidden]



Julia Duncan <julia.duncan@lacity.org>

10757 Wilkins Avenue

2 messages

hmb freeman <hmbfreeman@gmail.com>
To: julia.duncan@lacity.org

Mon, Aug 26, 2019 at 12:02 PM

Dear Ms. Duncan,

Last Wednesday, I attended the meeting regarding the Wilkins project and was extremely disappointed by the board's comments implying approval. The proposed project is directly behind my home and would have a very negative impact on my abode. Firstly, privacy, it would be quite literally, in my back yard. The height is out of all proportion with the surroundings. Secondly, the afternoon sun reflecting off the numerous windows would be blinding, thirdly, all natural light would be reduced and lastly the traffic. As you know, St Paul's church and St. Paul's school meet at the confluence of Wilkins, Ohio and Selby avenues, already at capacity vis a vis traffic, Emmerson School is also accessed by these streets. Overflow cars from those visiting the aforementioned institutions are forced to park on Rochester to which I have no objection. However, adding to the current parking / traffic situation would be untenable.

The proposed building is simply too big and should not be approved as is. What happened to the so called "buffer zone" which was designed to prevent such over building?

With respect to the comments made, that current area residents are somehow stuck in the past and resistant to change were both arrogant and untrue, also insulting.

I stand firmly against developers' rights always being favored over the rights of people such as myself.

For all the reasons listed, I urge you to vote against this proposed five story building

Respectfully,

Helena Freeman

--

My 

Julia Duncan <julia.duncan@lacity.org>
To: hmb freeman <hmbfreeman@gmail.com>

Mon, Aug 26, 2019 at 1:36 PM

Good Afternoon Helena,

I am writing to let you know I received your email.

Sincerely,

Julia



Julia Duncan
City of Los Angeles
Department of City Planning
West/Coastal/South Project Planning
T: (213) 978-1172; julia.duncan@lacity.org
[200 N. Spring St., Room 721](#)
[Los Angeles, CA. 90012](#)

10/1/2019

City of Los Angeles Mail - 10757 Wilkins Avenue

<http://cityplanning.lacity.org/>

[Quoted text hidden]



Julia Duncan <julia.duncan@lacity.org>

10757 Wilkins Ave

2 messages

Kim Masters <kim.masters@gmail.com>
To: julia.duncan@lacity.org

Wed, Aug 28, 2019 at 11:51 AM

Hello. As a resident of Westwood, I want to register my strong objection to this development. It is completely oversized and will destroy the character of the neighborhood.

Julia Duncan <julia.duncan@lacity.org>
To: Kim Masters <kim.masters@gmail.com>

Wed, Aug 28, 2019 at 3:50 PM

Thank you for sending Kim. I am writing to acknowledge receipt of your comments.

Sincerely,

Julia



Julia Duncan
City of Los Angeles
Department of City Planning
West/Coastal/South Project Planning
T: (213) 978-1172; julia.duncan@lacity.org
[200 N. Spring St., Room 721](http://cityplanning.lacity.org/)
[Los Angeles, CA. 90012](http://cityplanning.lacity.org/)
<http://cityplanning.lacity.org/>

[Quoted text hidden]



Julia Duncan <julia.duncan@lacity.org>

Opposition to proposed development at 10757 Wilkins Avenue

3 messages

Devon Kaiser <devon_kaiser@hotmail.com>

Sat, Aug 31, 2019 at 3:49 PM

To: "julia.duncan@lacity.org" <julia.duncan@lacity.org>, "paul.koretz@lacity.org" <paul.koretz@lacity.org>

Good Afternoon,

I am a long time resident of Westwood and a neighbor of the proposed development at [10757 Wilkins Avenue](#) (90024). Like many of my fellow neighbors, we were drawn to this area for its charm and commitment to maintaining the integrity of the tract, which still contains, although in regrettably dwindling numbers, lovely Spanish style, single-family homes.

The proposed development at 10757 Wilkins Avenue is plainly awful! While the design most certainly does not fit the rest of the neighborhood, it is obscene that the developer is asking for a building 5 STORIES in height! The building code for this neighborhood very clearly states a maximum height of 33 feet. How a building this size could be approved for development is beyond anything I can imagine. I built my own home three years ago a block away and was held against very strict building codes and guidelines, so why should this development be granted anything different?

Please consider this request in NOT approving permission to building the proposed design at [10757 Wilkins Avenue](#). The neighborhood will thank you!!

Respectfully,

Devon Farley
[10732 Rochester Avenue](#)

Julia Duncan <julia.duncan@lacity.org>

Wed, Sep 4, 2019 at 8:17 AM

To: Devon Kaiser <devon_kaiser@hotmail.com>

Cc: "paul.koretz@lacity.org" <paul.koretz@lacity.org>

Good Morning Devon,

I wanted to let you know I received your email and will include in the case file.

Sincerely,

Julia



Julia Duncan
City of Los Angeles
Department of City Planning
West/Coastal/South Project Planning
T: (213) 978-1172; julia.duncan@lacity.org
[200 N. Spring St., Room 721](#)
[Los Angeles, CA. 90012](#)
<http://cityplanning.lacity.org/>

[Quoted text hidden]

Devon Kaiser <devon_kaiser@hotmail.com>
To: Julia Duncan <julia.duncan@lacity.org>
Cc: "paul.koretz@lacity.org" <paul.koretz@lacity.org>

Wed, Sep 4, 2019 at 10:22 AM

Good Morning!

Thank you very much for the consideration of the matter. The building is out of character and size for the neighborhood. There is a 33 foot height limit for a reason.

Regards,

Devon Farley

Sent from my iPhone

[Quoted text hidden]



Julia Duncan <julia.duncan@lacity.org>

DIR-2019-2657-DRB-SPP-TOC - Hearing Date: Oct 2, 2019 -6:00 PM2 messages

JOHN GAUSTAD <jgaustad1@cox.net>
Reply-To: JOHN GAUSTAD <jgaustad1@cox.net>
To: Julia.duncan@lacity.org

Tue, Oct 1, 2019 at 9:34 AM

Attention: Juila Duncan - LA City Dept. of Planning

Please convey this message, as well as the attachment, to the Westwood DRB before they review the above referenced matter.

Hearing set for Oct. 2 - 6:00 PM.

To: Westwood Design Review Board Members:

I previously communicated to the Westwood DRB my opposition to the above project at 10757 W. Wilkins Ave. See attached letter dated Aug. 19, 2019. This message is a supplement to my prior objections and incorporates by reference my letter of Aug. 19, 2019.

DRB is not limited to providing only design and material considerations. DRB is also tasked to determine if a project conforms with the provisions of the Westwood Community Plan and any applicable specific plans. DRB is mandated to protect existing single-family residential neighborhoods from out of scale development. Development standards are to restrict the bulk, height, and density of multiple residential buildings.

The 10757 W. Wilkins project is not in compliance with the Westwood Community Multi-Family Specific Plan in that the project is incompatible with the surrounding neighborhood by allowing a building height of 55 feet and not the 33 foot height as provided in the Specific Plan.

This project is surrounded on 2 sides by R1 properties that abut the project therefore the proposed building must be limited to 33 feet in height. With this proposed project there are no exceptions allowed to the Westwood Multi-Family Specific Plan to the 33 foot height limit. The Specific Plan is not superseded or amended by other programs that may provide height incentives.

The allowance incentive of a 30% reduction in side yard setbacks and 25% reduction in open space directly violates the protections for single family residences in the Westwood Community Multi-Specific Plan. The Specific Plan does not provide for side yard and open space reductions for this project.

The incentives allowed for this project increase the density of the neighborhood and make this project incompatible with the surrounding single family neighborhood. The character and scale of the existing residential area is compromised by the height incentive and side yard and open space reductions. There little or no buffer between single-family residential structures and this multi-family project.

Allowing for additional density is not to be approved unless adequate access and public services such as police and fire are available. To my knowledge no showing has been provided regarding the adequacy of these services for this neighborhood.

The Westwood Multi-Family Specific Plan was specifically enacted to prevent the negative impacts this project will bring to single family neighbors. The Specific Plan requires buffers, compatibility in scale, and avoidance of massing. The proposed project does not meet these objectives.

Lastly, the Westwood Community DRB - Specific Plan expressly provides the DRB shall make its recommendation based on various criteria including " whether the proposed building is compatible with the surrounding buildings in terms of design, massing, and architectural integrity."

It is submitted this project does not meet the above criteria and accordingly, the project must be modified to reduce the height and to increase side yard and open space areas so as to meet the Specific Plan criteria before approval may be granted.

Thank you for your consideration in this matter.

John K. Gaustad

 **DRBHearing.pdf**
786K

Julia Duncan <julia.duncan@lacity.org>
To: JOHN GAUSTAD <jgaustad1@cox.net>

Tue, Oct 1, 2019 at 2:27 PM

Good Afternoon John,

Per our conversation this morning, I will include these comments in the case folder and will send to the Board members for consideration.

Sincerely,

Julia



Julia Duncan
City of Los Angeles
Department of City Planning
West/Coastal/South Project Planning
T: (213) 978-1172; julia.duncan@lacity.org
[200 N. Spring St., Room 721](http://200.N.Spring.St.,Room.721)
[Los Angeles, CA. 90012](http://LosAngeles.CA.90012)
<http://cityplanning.lacity.org/>

[Quoted text hidden]



Julia Duncan <julia.duncan@lacity.org>

Project on Wilkins

3 messages

Linda Smukler <pricetag214@yahoo.com>
To: julia.duncan@lacity.org

Sun, Oct 20, 2019 at 10:01 PM

I am writing again to tell you to please object to this 5 story building on Wilkins. It is practically in my back yard. Not only will it block the light but the noise from a ten unit building in a residential area is cruel and unfair.

Please send me the information about the meeting on Nov 6

Thank you

Linda Smukler

Sent from my iPhone

Julia Duncan <julia.duncan@lacity.org>
To: Linda Smukler <pricetag214@yahoo.com>

Mon, Oct 21, 2019 at 11:37 AM

Good Morning Linda,

I am writing to confirm receipt of your correspondence and have included it in the file.



Julia Duncan

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 721

Los Angeles, CA 90012

Planning4LA.org

T: (213) 978-1172 |



[Quoted text hidden]

Julia Duncan <julia.duncan@lacity.org>
To: Linda Smukler <pricetag214@yahoo.com>

Fri, Oct 25, 2019 at 9:01 AM

The item is returning for public hearing on November 6th and I have attached the Agenda if you would like to attend.



Julia Duncan

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 721

Los Angeles, CA 90012

Planning4LA.org

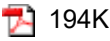
T: (213) 978-1172 |



On Sun, Oct 20, 2019 at 10:01 PM Linda Smukler <pricetag214@yahoo.com> wrote:

[Quoted text hidden]

11-06-2019 Agenda.pdf





Julia Duncan <julia.duncan@lacity.org>

Wilkins project at 10757

4 messages

Sonya Canton <mabanag@me.com>

Sun, Oct 20, 2019 at 12:20 PM

To: julia.duncan@lacity.org, paulkoretz@lacity.org

Dear Ms. Duncan and Mr. Koretz,

I am writing to both of you to voice my opposition towards the approval of the 10757 Wilkins project.

My house is directly behind this proposed building and it will affect me in a lot of ways.

First, The shade that it will project to my direction could be detrimental to my fruit trees and other plants. In this day of climate changes, I am trying to be self sufficient in making sure, that I have some form of food if and when this catastrophic event happens.

Second, In my neighborhood, I am the first to put solar panels (2009) so, there is great a possibility that it will either block or lessen the ability of my panels to gather electricity which I need to lower my electrical bills. I also charge both my electric cars when the sun is up.

Third, Naturally, the establishment of more housing will increase traffic and it is well known that the Westwood area is one of the most congested part of West LA.

Fourth and To top it off more traffic adds to more pollution due to increased habitation and vehicles. It will also exacerbate medical problems associated with pollutants.

These are just a few of my concerns. Please consider my request favorably.

Sincerely yours,

Sonya Canton

Sent from my iPhone

Sent from my iPhone

Sent from my iPhone

Julia Duncan <julia.duncan@lacity.org>

Mon, Oct 21, 2019 at 10:56 AM

To: Sonya Canton <mabanag@me.com>

Cc: paulkoretz@lacity.org

Thank you for you for sending your comments. They have been received.

**Julia Duncan**

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 721

Los Angeles, CA 90012

Planning4LA.org

T: (213) 978-1172 |



[Quoted text hidden]

Julia Duncan <julia.duncan@lacity.org>

Fri, Oct 25, 2019 at 9:02 AM

To: Sonya Canton <mabanag@me.com>

The item is returning for public hearing on November 6th and I have attached the Agenda if you would like to attend.



Julia Duncan
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 721
Los Angeles, CA 90012
Planning4LA.org
T: (213) 978-1172 |



On Sun, Oct 20, 2019 at 12:20 PM Sonya Canton <mabanag@me.com> wrote:

[Quoted text hidden]



11-06-2019 Agenda.pdf
194K

Sonya Canton <mabanag@me.com>
To: Julia Duncan <julia.duncan@lacity.org>

Fri, Oct 25, 2019 at 9:16 AM

I appreciate your info. Looking forward to meeting you.

Sonys

Sent from my iPhone

On Oct 25, 2019, at 9:02 AM, Julia Duncan <julia.duncan@lacity.org> wrote:

[Quoted text hidden]

<11-06-2019 Agenda.pdf>



Julia Duncan <julia.duncan@lacity.org>

Project on 10757 Wilkins Ave, LA CA 90024

2 messages

MZarrabian <mzarrabian@att.net>

Tue, Oct 22, 2019 at 9:27 AM

To: julia.duncan@lacity.org, paulkoretz@lacity.org

Dear Ms. Duncan and Mr. Koretz,

I am writing to both of you to voice my opposition towards the approval of the 10757 Wilkins project.

My house is across this proposed building and it will affect us negatively in several ways.

The shade projected by this development is detrimental and blocks crucial sunlight to trees, plants, solar panels for electricity.

Development of more dense housing such as 10757 Wilkins (which takes advantage of loop holes) will increase traffic and it is well known that the Westwood area is one of the most congested part of West LA.

And, more pollution due to increased habitation and vehicles. It will also exacerbate medical problems associated with pollutants.

Please oppose the development at [10757 Wilkins](#) LA CA 90024.

Thank you,

Michael Zarrabian

Julia Duncan <julia.duncan@lacity.org>

Fri, Oct 25, 2019 at 9:00 AM

To: MZarrabian <mzarrabian@att.net>

Cc: paulkoretz@lacity.org

Good Morning,

Thank you for sending your comment, it has been included in the file.

The item is returning for public hearing on November 6th and I have attached the Agenda if you would like to attend.

**Julia Duncan**

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 721

Los Angeles, CA 90012

Planning4LA.org

T: (213) 978-1172 |



[Quoted text hidden]

**11-06-2019 Agenda.pdf**

194K



Julia Duncan <julia.duncan@lacity.org>

Westwood DRB Meeting Wednesday November 6, 20192 messages

Steven Carbone <sscarbone@verizon.net>
To: Julia Duncan <julia.duncan@lacity.org>

Sun, Oct 27, 2019 at 6:54 PM

Ms. Duncan, please kindly note the opinion of Dr. Lake, a recognized local real estate expert. I do not have the developer's email. Perhaps you could forward this to his rep.

Begin forwarded message:

From: Laura Lake <laura.lake@gmail.com>
Subject: Re: Westwood DRB Meeting Wednesday November 6, 2019
Date: October 24, 2019 at 12:55:45 PM PDT
To:

Dear Neighbors:

I live near this site and have filed detail opposition testimony. I have followed this project's requests as a board member of Fix the City, which has sued the City over granting incentives/bonuses to [10400 Santa Monica Blvd.](#) (the "Pumpkin Patch") at the corner of Beverly Glen and Santa Monica Blvd., and is challenging other Westwood projects. We cannot challenge every project, but we want to share with you what we have learned so far.

I encourage you to read Section 6 of Measure JJJ. It determines what kind of bonuses/incentives can be granted to this property. I've attached it for your review. (see pages 20-24). The Design Review Board must make a recommendation that this project complies with the Specific Plan. It does not. It violates the height, open space and required yards as well as parking. I'm attaching the Westwood Multi-Family Specific Plan as well, for your review.

HERE ARE SOME TALKING POINTS:

The bonuses requested for 10757 Wilkins, were never included in Measure JJJ. There is no basis to grant the requested incentives unless the developer seeks amendments to the Westwood Multi-Family Specific Plan. Measure JJJ Section 5.A states that no substantive changes may be made unless approved by the voters.

JJJ requires the Labor Standard (prevailing wage) as mandated by JJJ. Remember, this was the Affordable Housing and Good Jobs Initiative.

If the city wants to add incentives to JJJ, it must go back to the voters.

JJJ/TOC only permits an increase in square footage (FAR), density (number of dwelling units) and reduced parking. It does not grant extra height, reduced yards or setbacks or reduced open space. It does not exempt a project from our Westwood Multi-Family Specific Plan.

TOC "Tiers" are not part of JJJ. Thus the basis for calculating the bonus is unlawful.

The approvals requested by 10757's owner/developer are not permitted under current city law and are not authorized by JJJ.

- Height is limited to 33-feet by the Specific Plan because the site abuts R-1 properties on two different sides..
- Open space is regulated by the Specific Plan

- Yards and setbacks are also regulated by the Specific Plan and City Code.

Hope this helps! Fix the City is committed to keeping our neighborhoods safe and livable. Go Team Westwood!

Laura Lake, Ph.D.
FIX THE CITY

2 attachments

 **JJJ Ordinance.pdf**
1425K

 **WWDCOMM.pdf**
413K

Julia Duncan <julia.duncan@lacity.org>
To: Steven Carbone <sscarbone@verizon.net>

Thu, Oct 31, 2019 at 11:03 AM

I am receipt of your comments. Thank you for sending.



Julia Duncan

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 721

Los Angeles, CA 90012

Planning4LA.org

T: (213) 978-1172 |



[Quoted text hidden]



Julia Duncan <julia.duncan@lacity.org>

Design reviewboard meeting 10747 Wilkins

2 messages

Sonya Canton <mabanag@me.com>

Sun, Nov 10, 2019 at 8:00 AM

To: Julia Duncan <julia.duncan@lacity.org>, paulkoretz@lacity.org

Dear Miss Duncan and Mr. Koretz:

I attended the 11/6 review board meeting and realized they were not the group who determines legality and matters that deals with the questions of traffic congestion, increased pollution, and climate change effects nor were they seemed to not be concerned of how this five story building that looks like an office building affects the R-1 neighbors behind it.

The board was pleased with the architect design and changes so they approved the design and informed all attendants that our comments will be given to the Director who approves all plans.

I vehemently oppose construction of this tall building behind my house. I have solar panels and I'm also building an ADU that will incorporate solar panels as well.

Appreciate your looking into this matter. A three story high building would be more appropriate.

Thank you,
Sonya

Sent from my iPhone

Julia Duncan <julia.duncan@lacity.org>

Wed, Nov 13, 2019 at 8:46 AM

To: Sonya Canton <mabanag@me.com>

Cc: paulkoretz@lacity.org

Thank you for your comments Sonya, they have been received and included in the case file.

**Julia Duncan**

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 721

Los Angeles, CA 90012

Planning4LA.org

T: (213) 978-1172 |



[Quoted text hidden]



Julia Duncan <julia.duncan@lacity.org>

Fwd: Special Letter from the Pastor

5 messages

STEVE CARBONE <sscARBONE@verizon.net>

Sat, Dec 14, 2019 at 7:55 AM

To: Julia Duncan <julia.duncan@lacity.org>

Cc: Carl Shusterman <Carl_90024@yahoo.com>, hmb freeman <hmbfreeman@gmail.com>, JOHN GAUSTAD <jgaustad1@cox.net>, Laura Lake <laura.lake@gmail.com>, Sonya Canton <mabanag@me.com>, ccampisi39@aol.com

We hope you saw this but gives another reason to oppose the Wilkins project

Begin forwarded message:

From: "Father Gilbert Martinez, CSP" <gmartinez@sp-apostle.org>**Subject:** Special Letter from the Pastor**Date:** December 13, 2019 at 6:02:12 AM PST**To:** sscARBONE@verizon.net**Reply-To:** gmartinez@sp-apostle.org

Saint Paul the Apostle Catholic Community

SPECIAL LETTER REGARDING TRAFFIC

Dear Friends,

As you may know, a traffic accident on Wednesday, December 11th just after school pick-up, around 3pm, in front of the Church at the intersection of Ohio Avenue, Selby Avenue, and Wilkins Avenue was a shock and a wake-up call for our community.

First, the accident involved a school family and, thankfully, no one was injured except for minor bruises and emotional shock. Some students were close enough to witness the accident. That they were not injured or worse underscores our good fortune and the urgency of addressing traffic safety.

Second, I want to re-emphasize the need to follow traffic safety guidelines. Slow down. Don't jaywalk. Don't text. Make full stops at the corners, especially at that unusual intersection where three avenues intersect. Take a beat -- I know driving and parking in LA is a challenge after a long day of work or in between drop-off and pick-up to appointments, meetings, or sports activities,

but only a split second lies between a near miss and tragic consequences. The season of Advent calls us to patience, an essential virtue in LA traffic.

Finally, safety has been my and Principal Pinkofsky's number one administrative priority since we joined the community in the summer of 2018. Since then, we have had a number of parish and school staff and Parents Working with Children (PWC) discussions about traffic safety.

At the time of the accident, we were preparing to engage in a study to produce viable options for the improvement of traffic flow. Indeed, the contract with Hirsch/Green Transportation Consulting, Inc., to provide "Transportation Consulting Services Related to Evaluation of the Existing Student-Related Drop-Off and Pick-Up Operations" was on my desk for signature. The contract has been signed and we'll begin the process immediately.

Hirsch Green Transportation Consulting comes highly recommended from other schools which have congested traffic flows. The study involves observation of traffic flows, review of the site in relationship to traffic around the campus, and the development of options for improved and safer flows of traffic. The firm also expedites filings with city agencies, if necessary.

We are committed to expediting the work of the firm we have engaged and implementing solutions as quickly as possible, even as the holidays approach. We will also look at temporary measures.

I also want you to know that myself, Father Jerry, Mrs. Pinkofsky, Val, our security officer, faculty and staff were present to assist and provide comfort. But, I was most impressed with the students who were present. Older students took care of younger students and those who were shocked by the suddenness and violence of cars crashing into one another, a profound testament to the character and compassion of our student body.

As we prepare for Christmas, we give thanks to God for accompanying us through our children, through one another, and those in need.

Advent Peace and Blessings,

Father Gil

Father Gilbert Martinez, CSP
St. Paul the Apostle Catholic Community
10750 Ohio Avenue, Los Angeles, CA 90024
424-832-5160
gmartinez@sp-apostle.org
www.sp-apostle.org

Find us on **Facebook**

Gilbert Martinez | [10750 Ohio Ave, Los Angeles, CA 90024](#)

[Unsubscribe sscarbone@verizon.net](#)

[Update Profile](#) | [About Constant Contact](#)

Sent by gmartinez@sp-apostle.org in collaboration with



hmb freeman <hmbfreeman@gmail.com>

Sat, Dec 14, 2019 at 9:18 AM

To: STEVE CARBONE <sscarbone@verizon.net>

Cc: Carl Shusterman <Carl_90024@yahoo.com>, JOHN GAUSTAD <jgaustad1@cox.net>, Julia Duncan <julia.duncan@lacity.org>, Laura Lake <laura.lake@gmail.com>, Sonya Canton <mabanag@me.com>, ccampisi39@aol.com

Dear Steve,

Thank you so much for sharing Father Martinez's letter. It confirms the statements made by residents of the area at the public hearings.

I have called Councilman Koretz and emailed him twice. All these weeks later, I am still awaiting a response. I'm not holding my breath.

I thank you again for your hard work Steve.

Warmest regards,

Helena Freeman

[Quoted text hidden]

--

My 

Laura Lake <laura.lake@gmail.com>

Sat, Dec 14, 2019 at 10:49 AM

To: Julia Duncan <julia.duncan@lacity.org>

Hi Julia,

Please add this letter on traffic accidents from Saint Paul the Apostle Church to the 10757 Wilkins file.

Best,

Laura

[Quoted text hidden]

--

Laura Lake, Ph.D.

Cell 310-497-5550

Julia Duncan <julia.duncan@lacity.org>

Mon, Dec 16, 2019 at 8:49 AM

To: Laura Lake <laura.lake@gmail.com>

It has been included in the file.

Thank you!

Julia Duncan



Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 721

Los Angeles, CA 90012

Planning4LA.org

T: (213) 978-1172 |



[Quoted text hidden]

Julia Duncan <julia.duncan@lacity.org>

Mon, Dec 16, 2019 at 8:49 AM

To: STEVE CARBONE <sscarbone@verizon.net>

Cc: Carl Shusterman <Carl_90024@yahoo.com>, hmb freeman <hmbfreeman@gmail.com>, JOHN GAUSTAD <jgaustad1@cox.net>, Laura Lake <laura.lake@gmail.com>, Sonya Canton <mabanag@me.com>, ccampisi39@aol.com

Good Morning Steve,

Thank you for sending. The letter has been included in the case file.

Have a wonderful Holiday season.



Julia Duncan

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 721

Los Angeles, CA 90012

Planning4LA.org

T: (213) 978-1172 |



On Sat, Dec 14, 2019 at 7:55 AM STEVE CARBONE <sscarbone@verizon.net> wrote:

[Quoted text hidden]

EXHIBIT G

DCP HOUSING UNIT

**TRANSIT ORIENTED COMMUNITIES REFERRAL
FORM**



REFERRAL FORMS:

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

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

CITY STAFF USE ONLY

Referral To: <input checked="" type="checkbox"/> Planning DSC - Filing <input type="checkbox"/> HCIDLA <input type="checkbox"/> DBS <input type="checkbox"/> Funding <input type="checkbox"/> SB35 <input type="checkbox"/> Other: _____	
NOTES: <i>Revision. Site qualified for Tier 3</i>	
Planning Staff Name and Title <i>Anda Karapetian / Planning Assistant</i>	Planning Staff Signature <i>[Signature]</i>
Date Approved <i>1/2/2019</i>	Expiration Date <i>6/30/2019</i>

I. Project Information – To be completed by applicant

1. PROJECT LOCATION/ ZONING

Project Address: 10757, 10757 1/2, 10759 W WILKINS AVE
 Applicant Name and Phone/Email: EZ PERMITS, LLC - SEAN NGUYEN 213-880-6289 / sean@ezpermitsllc.com
 Assessor Parcel Number(s): 4325014015
 Community Plan: Westwood Number of Lots: 1 Lot Size: 9,833.3 (sq ft) s.f.
 Existing Zone: IQRD1.5-1 Land Use Designation: Low Medium II Residential
☒ Specific Plan
 ☐ HPOZ
 ☒ DRB
 ☐ Enterprise Zone
 ☐ CRA
 ☐ CPIO
☒ Q-condition/ D-limitation/ T-classification (please specify): Westwood Community Plan Multi Family Residential
☐ Other pertinent zoning information (please specify): _____
☒ Location of Major Transit Stop (please specify the intersection or metro stop)¹: WESTWOOD AND OHIO

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

2. TRANSPORTATION QUALIFIERS

Qualifier #1 (rail name & stop, ferry terminal or bus #): Westwood UCLA Station / Purple Line Extension
 Service Interval # 1: _____ [420 min / # of trips]²
 Service Interval # 2: N/A [420 min / # of trips]
 Qualifier #2 (rail name & stop, ferry terminal or bus #): _____
 Service Interval # 1: _____ [420 min / # of trips]
 Service Interval # 2: N/A [420 min / # of trips]

TOC Tier³:
☐ Tier 1
☐ Tier 2
☒ Tier 3
☐ Tier 4
 Planning Staff Initials: A.K

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

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

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

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

3. DESCRIPTION OF PROPOSED PROJECT

NEW 10- UNITS APARTMENT BUILDING - 1-LEVEL OF SUBTERRANEAN PARKING 5 RESIDENTIAL STORIES.

2 Units set aside for Very Low Income and 8 Units will be Market Rate

Request for additional incentives - Increase In Building Height - 22 FEET = proposed height 55'-0" and

OPEN SPACE REDUCTION- 25% reduction, Reduce Sideyard (West side) to 5'-6" in lieu of 8 feet minimum.

4. EXISTING USE

A. Describe Existing Development: 3 UNITS

Characteristic of existing use Dwelling Unit (DU), Commercial/ Industrial, or Other	Existing # of Units or Non-Residential SF	Existing # of Units or Non-Residential SF To Be Demolished	Proposed ⁴ # of Units or Non-Residential SF
Guest Rooms			
Studio			
One Bedroom			
Two Bedrooms	3		6
Three Bedrooms			4
_____ Bedrooms			
Non-Residential Square Feet			
Other:			

B. Previous Cases Filed

	(1)	(2)	(3)
Case Number(s):	TT-54034		
Date Filed:	12/03/2002		
Date Approved:	07/10/2003		
End of Appeal Period:	07/21/2003		
Environmental No.	ENV-2002-6942-MND		

5. TYPE OF APPLICATION

- ☒ Transit-Oriented Communities (per TOC Guidelines) with **Base Incentives** filed in conjunction with another discretionary approval.
- ☒ Transit-Oriented Communities (per TOC Guidelines) with **Additional Incentives** (*please specify, max of three*):
 - 1) Increase In Building Height - 22 FEET = proposed height 55'-0"
 - 2) OPEN SPACE REDUCTION- 25% reduction
 - 3) Reduce Sideyard (West side) to 5'-6" in lieu of 8 feet minium.
- ☐ If applicable, projects adhering to the Labor Standards in LAMC 11.5.11 may be granted two more **Additional Incentives** as listed in the TOC Guidelines (*please specify*):
 - 4)
 - 5)
- ☐ Site Plan Review per LAMC Sec. 16.05
- ☒ Specific Plan Project Permit Compliance per LAMC Sec. 11.5.7.C
- ☐ Community Design Overlay per LAMC Sec. 13.08
- ☐ Coastal Development Permit per LAMC Sec. 12.20.2 or 12.20.2.1
- ☐ Tract or Parcel Map per LAMC Sec. 17.00 or 17.50
- ☐ Other entitlements requested (*please specify*):

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

6. ENVIRONMENTAL REVIEW

☐ Environmental Review Not Required – Project is Ministerial.⁵ Please Explain: _____

☒ Not filed

☐ Filed (indicate case number): _____

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

- | | | |
|---|---|---|
| <input type="checkbox"/> For Sale | <input type="checkbox"/> Moderate Income | <input type="checkbox"/> Other (please describe): _____ |
| <input checked="" type="checkbox"/> For Rent | <input checked="" type="checkbox"/> Market Rate | _____ |
| <input type="checkbox"/> Extremely Low Income | <input type="checkbox"/> Mixed Use | _____ |
| <input checked="" type="checkbox"/> Very Low Income | <input type="checkbox"/> Senior | _____ |
| <input type="checkbox"/> Low Income | <input type="checkbox"/> Chronically Homeless | _____ |

8. DENSITY CALCULATION**A. Base Density: Maximum density allowable per zoning**

Lot size	<u>9833</u>	s.f. (a)
Minimum area per dwelling unit	<u>1500</u>	s.f. of lot area per unit (b)
Units allowed by right (per LAMC)	<u>6</u>	units (c) [c = a/b, round down to whole number]
Base Density	<u>7</u>	units (d) [d = a/b, round up to whole number]

B. Maximum Allowable Density Bonus:

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

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

	<u>Total</u>	<u>HCD (State)</u>	<u>HUD (TCAC)</u>
Market Rate	<u>8</u>	<u>N/A</u>	<u>N/A</u>
Managers Unit(s) - Market Rate	<u> </u>	<u>N/A</u>	<u>N/A</u>
Extremely Low Income	<u> </u>	<u> </u>	<u> </u>
Very Low Income	<u>2</u>	<u>2</u>	<u> </u>
Low Income	<u> </u>	<u> </u>	<u> </u>
Moderate Income	<u> </u>	<u> </u>	<u> </u>
 TOTAL # of Units Proposed	 <u>10</u>	 <u> </u>	 <u> </u>
TOTAL # of Affordable Housing Units	<u>2</u>	<u> </u>	<u> </u>
 Number of Density Increase Units	 <u>4</u>	 <u> </u>	 <u> </u>
Percent Density Increase Requested	<u>40%</u>	<u> </u>	<u> </u>
Percent of Affordable Set Aside	<u>20%</u>	<u> </u>	<u> </u>

(h) [If f>c, then h=f-c; if f<c, then h= 0]
 (i) [i = 100 x (f/d - 1)]
 (j) [g/f, round down to a whole number]

Other Notes on Units: _____

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

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

- 9. SITE PLAN REVIEW CALCULATION** An application for Site Plan Review may be required for projects that meet any of the Site Plan Review thresholds as outlined in LAMC Section 16.05.C. unless otherwise exempted per Section 16.05.D. For Transit Oriented Communities projects involving bonus units, please use the formula provided below to determine if the project meets the Site Plan Review threshold for unit count. If project meets the threshold(s) but qualifies under the exemption criteria per Section 16.05.D please confirm exemption with Department of City Planning's DSC Housing Unit.

6 units allowed by right (permitted by LAMC) – 3 existing units = 3 units

- ☐ YES, Site Plan Review is required, if proposed by right units minus existing units is equal to or greater than 50⁷
☒ NO, Site Plan Review is not required, if Base Density units minus existing units is less than 50
☐ Exempt (please specify): _____

10. INCENTIVES

A. Base Incentives (Please check all that apply)

- ☐ (1) Floor Area Ratio⁸:

	FAR (whichever is greater)
Tier 1	40% or 2.75:1 in commercial zone
Tier 2	45% or 3.25:1 in commercial zone
Tier 3	50% or 3.75:1 in commercial zone
Tier 4	55% or 4.25:1 in commercial zone
RD Zones or Specific Plans/Overlay Districts that Regulate FAR	45%, unless Tier 1
If Base FAR < 1.25:1	2.75:1
Greater Downtown Housing Incentive Area⁹	40%

Final Floor Area Ratio¹⁰ Required (per LAMC) 3:1 Proposed (per TOC) NO CHANGE

- ☒ (2) Parking Reductions Allowed

Minimum Parking Requirements		
	Residential	Ground Floor Commercial
Tier 1	0.5 spaces per bedroom	10% Reduction
Tier 2	1 space per unit	20% Reduction
Tier 3	0.5 space per unit	30% Reduction
Tier 4	No parking requirements	40% Reduction
100% Affordable Housing	No parking requirements	

Total number of bedrooms 24
 Total number of residential units 10
 Non-residential Parking per code _____

Required (per LAMC) Proposed (per TOC)
 Final Residential Parking 32 5
 Final Non-Residential Parking _____

Other Parking Notes: 5 Standard

⁷ Site Plan Review may also be required if other characteristics of the project exceeds the thresholds listed in Sec. 16.05 of the LAMC.

⁸ Refer to TOC Guidelines Section VI.1.b. for exceptions

⁹ Calculated per LAMC 12.22 A.29(c)(1)

¹⁰ Refer to TOC Guidelines Section VI.1.b. for exceptions

B. Qualification for Additional Incentives: (Please check only one)

Minimum Required Restricted Affordable Housing Units, calculated as a percentage of the base density allowed on the date of the application.

Incentives	% Extremely Low Income	% Very Low Income	% Low Income
One	<input type="checkbox"/> 4%	<input type="checkbox"/> 5%	<input type="checkbox"/> 10%
Two	<input type="checkbox"/> 7%	<input type="checkbox"/> 10%	<input type="checkbox"/> 20%
Three	<input type="checkbox"/> 11%	<input checked="" type="checkbox"/> 15%	<input type="checkbox"/> 30%

C. Additional Incentives (Please check selected incentives as qualified according to Section 9B)

- | | Required (per LAMC) | Proposed (per TOC) |
|---|---------------------|--------------------|
| <input type="checkbox"/> (1) Yard/Setback (each yard counts as 1 incentive in Tiers 1 and 2; two yards count as 1 in Tiers 3 and 4) | | |
| <input type="checkbox"/> RAS 3 Yards (only for commercial zones – please specify numbers below, but only check this box) | | |
| <input type="checkbox"/> Front | _____ | _____ |
| <input type="checkbox"/> Rear | _____ | _____ |
| <input checked="" type="checkbox"/> Side (1) | 8'-00" | 5'-6" (West side) |
| <input type="checkbox"/> Side (2) | _____ | _____ |

	Side and Rear Yards
Tier 1	25%
Tier 2	30%
Tier 3	30% or depth of two yards
Tier 4	35% or depth of two yards
When Abutting R1 or More Restrictive Zones	No Reductions Allowed

- | | | |
|--|-----------------|-----------------|
| <input type="checkbox"/> (2) Lot Coverage | _____ | _____ |
| <input type="checkbox"/> (3) Lot Width | _____ | _____ |
| <input checked="" type="checkbox"/> (4) Height/ # of Stories | 45' / 4 stories | 55' / 5 stories |

	Height
Tier 1	11 feet for one story
Tier 2	11 feet for one story
Tier 3	22 feet for two stories
Tier 4	33 feet for three stories
Lots with Height Limits of 45 feet or less	Second and third additional stories must be stepped-back at least 15 feet from any frontage

Transitional Height (check one): ☐ Per LAMC ☐ Per TOC Guidelines¹¹ ☒ Not Applicable

- | | | |
|--|--------------------------|-------|
| <input checked="" type="checkbox"/> (5) Open Space | 3500 (specific Plan) | 2627 |
| <input type="checkbox"/> (6) Density Calculation | _____ | _____ |
| <input type="checkbox"/> (7) Averaging (all count as 1 incentive – mark as many as needed) | | |
| FAR | <input type="checkbox"/> | |
| Density | <input type="checkbox"/> | |
| Parking | <input type="checkbox"/> | |
| Open Space | <input type="checkbox"/> | |
| Vehicular Access | <input type="checkbox"/> | |
| <input type="checkbox"/> (8) Public Facility Zone | _____ | _____ |

TOTAL # of Additional Incentives Requested: 23

Other Incentive Notes: _____

¹¹ Please provide elevations that show the 45 degree angle as allowed by the TOC guidelines to determine the allowed height.

11. COVENANT:

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

12. REPLACEMENT UNITS:

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

- A. Units subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income? N/A
- B. Units occupied by lower or very low income households below 80% AMI per California Department of Housing and Community Development Department levels not already listed above? N/A
- C. Units subject to the Rent Stabilization Ordinance not already listed above? YES
- D. Units that have been vacated or demolished in the last 5 years? N/A
- E. Per AB 2556, are the number of replacement units and number of bedrooms equivalent to that being demolished (as shown on Existing Development Table on page 2 above)? YES

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

EXHIBIT H


HCIDLA AB 2556 DETERMINATION



Eric Garcetti, Mayor
Rushmore D. Cervantes, General Manager

DATE: July 5, 2019

TO: 530 N Francisca, LLC, a California limited liability company, Owner

FROM: Marites Cunanan, Senior Management Analyst I 
Los Angeles Housing and Community Investment Department

SUBJECT: **AB 2556 (TOC) Determination for
10757-10759 West Wilkins Avenue, Los Angeles, CA 90024**

Based on the Application for an Affordable Unit Determination (Application) submitted by Sean Nguyen on behalf of 530 N Francisca, LLC, a California limited liability company (Owner), the Los Angeles Housing + Community Investment Department (HCIDLA) has determined that no units (as detailed below) are subject to replacement under AB 2556 (formerly AB 2222).

Information about the existing property for the five (5) years prior to the date of the Application is required in order to make a determination. HCIDLA received the Application on or about June 13, 2019, so HCIDLA must collect data from June 2014 to June 2019.

Owner acquired the property commonly known as:
10757-10759 W. Wilkins Ave. under APN 4325-014-015, Lot 15 on December 15, 2017 per Grant Deed.

Department of City Planning (ZIMAS), County Assessor Parcel Information (LUPAMS), DataTree database, Billing Information Management System (BIMS) database, and the Code, Compliance and Rent Information System (CRIS) database, indicates a use code of "0300 – Residential – Three Units" for the property commonly known as 10757-10759 W. Wilkins Ave. Google Earth images and Internet Search confirms that the property contains a multifamily structure. Per the Rent Stabilization Ordinance (RSO) Unit, the property received an exemption from the RSO because it was Ellis'd in 2003.

The Los Angeles Department of Building and Safety database indicates that the Owner has not applied for a new Building Permit but has applied for Demolition Permits 18019-20000-06282 and 18019-20000-05950.

Per the Application received by HCIDLA on or about June 13, 2019, the Owner plans to construct a ten (10) unit apartment building, pursuant to Transit Oriented Communities (TOC) guidelines.

HCIDLA has determined that there were no residential units built or demolished on the properties within the last five (5) years. No AB 2556 replacement affordable units are required. Please note, this AB 2556 determination only applies if the proposed project is a rental TOC project and NOT condominiums. In the event the project changed to condominiums, the owner needs to request an AB 2556 amendment to reflect 100% replacement of the units. This AB 2556 determination will also apply if the proposed project is changed pursuant to Density Bonus (DB) guidelines.

****WARNING****

LOT TIES AND EXISTING PRE-1978 SINGLE FAMILY DWELLING ON ONE LOT

ISSUE:	Is a LOT TIE required for the NEW project?
IF NO:	Owner's existing Rent Stabilization (RSO) replacement obligation, if any, remains the SAME as above.
IF YES:	Owner's existing RSO replacement obligation, if any, will INCREASE by one and the new project will also be subject to the RSO, unless the existing single family dwelling is demolished before the lots are tied.

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

If you have any questions regarding this determination, please contact Jacob Comer at Jacob.comer@lacity.org.

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

MAC:jc