



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: DEC 22 2020

Case No. DIR-2019-6048-TOC-SPR-WDI-1A

Council District: 1 – Cedillo

CEQA: ENV-2016-273-MND-REC1

Plan Area: Northeast Los Angeles

Project Site: 135 – 153 West Avenue 34; 3401 – 3437 North Pasadena Avenue

Applicant: Jay Stark, R Cap Avenue 34, LLC
Representative: Andrew Brady, DLA Piper, LLP

Appellant: Patricia Camacho

At its meeting of **October 8, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Construction, use, and maintenance of a new, five-story, 514,756 square-foot mixed use building with 468 dwelling units, including 66 dwelling units set aside for Very Low Income Households (or 14 percent of the proposed density) and 16,395 square feet of commercial space. The development will be constructed within two phases and is designed as one building which includes two levels of subterranean parking across the entire site with three structures above that include residential and commercial uses. The structures will be four and five stories tall with a total of 311 automobile parking spaces, 35 short-term and 264 long-term bicycle parking spaces, and a total of 49,152 square feet of open space for residents.

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in Mitigated Negative Declaration, No. ENV-2016-273-MND adopted on August 22, 2017; and pursuant to CEQA Guidelines 15162 and 15164, as supported by the addendum dated December 2019, no major revisions are required to the Mitigated Declaration; and no subsequent EIR or negative declaration is required for approval of the Project;
2. **Denied the appeal in part and granted the appeal in part** of the Planning Director's determination dated June 12, 2020;
3. **Approved**, pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code (LAMC), a 70 percent increase in density bonus consistent with the provisions of the Transit Oriented Communities Affordable Housing Incentive Program for a Tier 3 project with a total of 468 dwelling units, including 66 dwelling units reserved for Very Low Income (VLI) Households occupancy for a period of 55 years, along with the following two Additional Incentives:
 - a. Setback. To permit the use of any or all the yard requirements for the RAS3 Zone in lieu of the [T][Q]CM-2D Zone; and
 - b. Transitional Height. To utilize the Transit Oriented Communities transitional height requirements in lieu of those found in LAMC Section 12.21.1 A.10;
4. **Approved**, pursuant to LAMC Section 12.37 I, a Waiver of Dedication and Improvement for a five-foot dedication and three-foot widening along Avenue 34 and a 15 feet by 15 feet chamfer or a 20 foot radius corner cut along northwest intersection of Avenue 34 and Pasadena Avenue, in

order to maintain the existing condition along Avenue 34 and the corner of Avenue 34 and Pasadena Avenue;

5. **Conditionally Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for the construction, use and maintenance of a new, five-story, mixed-use building with 468 dwelling units, and 16,395 square feet of commercial space in the [T][Q]CM-2D Zone;
6. **Adopted** the attached Modified Conditions of Approval; and
7. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Ambroz
Second: Perlman
Ayes: Khorsand, Millman, Mitchell
Nay: Mack
Absent: Choe, Leung

Vote: 5 – 1

Cecilia Lamas (Electronic Signature due to COVID-19)

Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is final and effective upon the mailing of this determination letter and not further appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedures (CEQA), Appeals Fact Sheet

c: Heather Bleemers, Senior City Planner
Oliver Netburn, City Planner
Michelle Carter, City Planning Associate

CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on October 8, 2020)

Pursuant to LAMC Section 12.22-A,31, 12.37 and 16.05, the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Base Incentives.**
 - a. **Residential Density.** The project shall be limited to a maximum density of 468 residential units, including On-site Restricted Affordable Units.
 - b. **Floor Area Ratio (FAR).** The project is permitted a maximum FAR of 3 to 1.
 - c. **Parking.**
 - i. **Automobile Parking.** The project shall provide a minimum of 0.5 automobile parking spaces per unit.
 - ii. **Bicycle Parking.** Bicycle parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the bicycle parking requirements has been requested or granted herein.
 - iii. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22-A,25.
 - iv. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by the Los Angeles Department of Housing and Community Investment (HCIDLA).
3. **Additional Incentives.**
 - a. **Setback.** The project shall be permitted the use of any or all the yard requirements for the RAS3 Zone.
 - b. **Transitional Height.** The project shall be permitted to utilize the Transit Oriented Communities transitional height requirements in lieu of those found in LAMC Section 12.21.1-A,10.

4. On-site Restricted Affordable Units.

- a. Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of HCIDLA to make 14% of the total number of units available to Very Low Income Households, as defined by HCIDLA, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event, the applicant reduces the proposed density of the project, the number of required reserved On-site Restricted Units may be adjusted, consistent with LAMC Section 12.22-A,31, to the satisfaction of HCIDLA. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant shall provide a copy of the recorded covenant to the Department of City Planning for inclusion in this file.
- b. The project shall be permitted to provide all required On-site Restricted Affordable Units for the entire project in Phase 1 of the proposed project, subject to the following conditions:
 - i. Prior to the issuance of a Certificate of Occupancy for Phase 1 of the proposed project, the applicant shall submit plans for both Phase 1 and 2 to HCIDLA. In designating the On-site Restricted Affordable Units, HCIDLA shall consider the design (including total square footage, bedroom size, closet space amenities, number of bathrooms, etc.) of all of the units to be constructed in both Phase 1 and 2; in addition, HCIDLA shall consider access to, and distribution of amenities; and
 - ii. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by HCIDLA.
- c. Prior to issuance of a building permit, the applicant shall execute and record a covenant to the satisfaction of HCIDLA to make no less than 115 studio units and 77 one-bedroom units (comprising 60% of the project's total market rate studio and one-bedroom units) available to Workforce Households (150% AMI), as defined by HCIDLA, at rental rates, as determined by HCIDLA, to be affordable to such households at rent levels in effect at the time leasing operations commence. This provision shall remain in effect until the initial full occupancy of covered units, and shall only affect the initial lease rate of each such unit. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to HCIDLA and the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements and fees established by HCIDLA.

5. Changes in On-site Restricted Units. Deviations that increase the number of On-site Restricted Units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,31.

6. Housing Replacement Requirements. The Housing and Community Investment Department has determined that the proposed project is not required to provide replacement units.

7. Mechanical Equipment. All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping.

8. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.

9. **Site Plan Review.**

a. **Architecture.**

- i. Submit Elevations for all facades of all three (3) structures that are consistent with the architecture, including design and materials, of the Elevations included in Exhibit "A", for review and approval by the Director.
- ii. Revised the Floor Plans for Building A at the emergency exits located toward the middle and western portion of the building to match the South Elevation, including window treatment, exterior staircase and other architectural elements.

b. **Vehicular Access.** In addition to vehicular access along Avenue 34, vehicular access shall be permitted from Pasadena Avenue via one (1) driveway located along the northerly property line.

c. **Mechanical Equipment Screening and Trash Containers.**

- i. All exterior mechanical equipment, including HVAC equipment, satellite dishes, cellular antennas and air conditioners, shall not be visible from public rights-of-way or adjacent residences or placed in window or door openings.
- ii. Trash storage bins shall be located within the building or a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building and screened with landscaping, so as not to be viewed from public right-of way or adjacent residences.

d. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.

e. **Landscaping and Street Trees.**

- i. The project shall provide a minimum of 219 trees.
- ii. 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.
- iii. All planters containing trees in grade shall have a minimum depth of 48 inches (48"). Those located on the rooftop area or above a parking garage shall have a minimum depth of 42 inches of soil and shall provide the minimum soil required to support the growth of healthy plants as follows, based on canopy at maturity:

Canopy at Maturity	Soil Volume
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15' - 19'	220 cu. ft.
20' - 24'	400 cu. ft.
25' - 29'	620 cu. ft.
30' - 34'	900 cu. ft.

- iv. Street trees shall be removed and planted as required by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. The actual number and location of new trees shall be determined at the time of tree planting.

- f. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

- g. **Solar Panels.** Solar thermal panels shall be installed on the project's rooftop space to be connected to the building's electrical system. A minimum 4% of the available roof area shall be reserved for the installation of a solar thermal system, to be installed prior to the issuance of a certificate of occupancy, in substantial conformance with the plans stamped "Exhibit A".

- h. **Pedestrian and Safety.**
 - i. Install pedestrian-activated crosswalk with in-pavement rapid flashing beacons or an equivalent system as approved by LADOT across Pasadena Avenue adjacent to the project site, subject to LADOT review and approval.
 - ii. Install continental striped crosswalk across Avenue 34 adjacent to the project site, subject to LADOT review and approval.
 - iii. Install road striping on Avenue 34, subject to LADOT review and approval.
 - iv. Coordinate with the Department of City Planning during the building permit plan check process regarding the installation of appropriate additional wayfinding and safety signage on Avenue 34 adjacent to the project site and on Artesian Street between Avenue 34.
 - v. Subject to the review and approval of BOE and City Planning Department, improve sidewalks adjacent to the Project Site on Avenue 34 consistent with the City's Vision Zero Policy.
 - vi. Install additional signage for westbound traffic on Avenue 33 to ensure cars stop at the "Wait Here" line when a train is oncoming adjacent to the Avenue 33/ Artesian Street rail crossing, subject to LADOT review and approval.
 - vii. Install a flashing signal on southbound Artesian Street and Avenue 33 that indicates "No Right Turn" and/or "Train Approaching" that would be triggered when trains pass through the crossing, subject to LADOT review and approval.

10. Waiver of Dedication and Improvements.

- a. A five-foot wide strip of land along Avenue 34 shall be dedicated to complete the 30-foot half right-of-way in accordance with Mobility Plan 2035.

- b. No roadway improvement shall be required for the widening of Avenue 34, maintaining the existing 17-foot half roadway.
- c. A five-foot sidewalk improvement (in addition to the existing sidewalk) shall be constructed within the dedicated area along Avenue 34 adjoining the property. The owner shall obtain the necessary permits and approvals from the Bureau of Engineering (BOE) and all sidewalk improvements shall to be done to the satisfaction of BOE.
- d. The project shall not be required to provide a 15-foot by 15-foot chamfer or a 20-foot radius corner cut along northwest intersection of Avenue 34 and Pasadena Avenue.

11. Ordinance No. 179,280.

- a. The project shall comply with all provision of Ordinance No. 179,280, except as otherwise permitted herein.
- b. Property owners shall satisfy any requirements from the State Department of Toxic Substances Control (DTSC) in relation to potential contamination on the subject site. Prior to the issuance of any clearances by the Department of City Planning (DCP), property owners shall provide to DCP a letter from DTSC that establishes DTSC's satisfaction that the subject site currently meets DTSC requirements for the proposed use or, alternatively, that establishes DTSC's satisfaction with the property owner's contamination testing plan for the proposed use.

12. Community Commercial Program.

- a. Applicant shall create a program to be approved by Council District 1 that provides opportunities for local small businesses operating within Lincoln Heights to lease one or more of the project's commercial spaces through, among other potential means, rent subsidies or other incentives. In addition, this program shall include the provision of opportunities for low or no rent utilization of the project's public open space areas along Pasadena Avenue for local vendors, which may include kiosks, other temporary structures, or other defined areas, to sell locally made or sourced products. The applicant may require such local vendors utilizing kiosks or other temporary structures to obtain any necessary permitting and provide a reasonable fair share of project provided insurance and security costs.

Environmental Conditions

13. Tree Removal (Non-Protected Trees).

- a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- b. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.

- c. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

14. Habitat Modification (Native Nesting Birds).

- a. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
- b. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
 - i. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a Qualified Biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
 - ii. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting habitat) until August 31.
 - iii. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
 - iv. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

15. Existing Toxic/Hazardous Construction Materials. (Lead Paint) Prior to the issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building of Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to Occupational Safety and Health Administration (OSHA) regulations.

16. Construction Activity Near Schools.

- a. The Applicant and contractors shall maintain ongoing contact with the administrators of Hillside Elementary School, Loreta Street Elementary School, and Los Angeles Leadership Academy Charter School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the Los Angeles

Unified School District (LAUSD) Transportation Branch (323) 342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.

- b. The Applicant shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- c. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on Pasadena Avenue, adjacent to the school.
- d. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on Pasadena Avenue, adjacent to the school, during school hours.

17. Schools Affected by Haul Route. Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.

18. Increased Noise Levels (Demolition, Grading, and Construction Activities). In addition to satisfying the noise-related conditions identified in [Q] Condition 10 of Ordinance 179,280, the project contractor shall erect a temporary noise-attenuating sound barrier along the perimeter of the Project Site's southerly and easterly property line to minimize construction noise levels at off-site properties. The sound wall shall be a minimum of 8 feet in height to block the line of site of construction equipment and off site receptors at the ground level. The sound barrier shall include ¾-inch plywood or other sound absorbing material capable of achieving a 10-dBA reduction in sound level.

19. Increased Noise Levels (Parking Structure Ramps).

- a. Concrete, not metal, shall be used for construction of parking ramps.
- b. The interior ramps shall be textured to prevent tire squeal at turning areas.

20. Police. The plans shall incorporate the Design Guidelines (defined in the following sentence) relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design," published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

21. Transportation and Traffic. In addition to the TDM measures, implementing measure(s) detailed in DOT's communication to the Planning Department (DOT Case No. CEN 15-43306 dated January 28, 2016, attached) shall be complied with.

22. Transportation Demand Management (TDM) Program.

- a. The purpose of a TDM plan is to reduce the use of single occupant vehicles (SOV) by increasing the number of trips by walking, bicycle, carpool, vanpool and transit. A TDM plan should include design features, transportation services, education, and incentives

intended to reduce the amount of SOV during commute hours. Through strategic building design and orientation, this project can facilitate access to transit, can provide a pedestrian-friendly environment, can promote non-automobile travel and can support the goals of a trip-reduction program.

- b. A preliminary TDM program shall be prepared and provided for DOT review prior to the issuance of the first building permit for this project and a final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project. The TDM program should include, but not be limited to, the following strategies:
 - i. Provide an internal Transportation Management Coordination Program with an on-site transportation coordinator;
 - ii. Design the project to ensure a bicycle, transit, and pedestrian friendly environment;
 - iii. Provide unbundled parking that separates the cost of obtaining assigned parking spaces from the cost of purchasing or renting residential units;
 - iv. Accommodate flexible/alternative work schedules and telecommuting programs;
 - v. A provision requiring compliance with the State Parking Cash-out Law in all leases;
 - vi. Coordinate with DOT to determine if the project location is eligible for future Integrated Mobility Hub (which can include space for a bike share kiosk, and/or parking spaces on-site for car-share vehicles);
 - vii. Provide on-site transit routing and schedule information;
 - viii. Provide a program to discount transit passes for residents/employees possibly through negotiated bulk purchasing passes with transit providers;
 - ix. Provide rideshare matching services;
 - x. Preferential rideshare loading/unloading or parking location;
 - xi. Contribute to a one-time fixed fee contribution of \$75,000 to be deposited into the City's Bicycle Plan Trust Fund to implement bicycle improvements in the vicinity of the project.

In addition to these TDM measures, DOT also recommends that the Applicant explore the implementation of an on-demand van, shuttle or tram service that connects the project employees to off-site transit stops based on the transportation needs of the project employees. Such a service can be included as an additional measure in the TDM program if it is deemed feasible and effective by the applicant.

23. The Applicant shall implement a TDM/TMP to reduce the project trip generation by 15 percent. Specifically, the project shall not exceed a driveway trip volume count of 179 trips during the a.m. peak hour and 222 trips during the pm peak hour, at full occupancy. To achieve this peak hour driveway trip volume requirement through implementation of an on-site Transportation Demand Management (TDM) Plan the project shall implement a Trip Monitoring Program (TMP).
24. The Applicant shall record a covenant and agreement to annually monitor and submit reports on the progress of the driveway trip reduction plan to DOT. Annual reports shall include a report on the observed trip generation and on the project's mode share. The detailed goals, objectives, terms and strategies of the TDM plan and reporting requirements shall be determined during the preparation of the final. The TDM plan is due prior to the issuance of any temporary or final certificate of occupancy permit for the project. The plan should also identify any appropriate penalties, should the project not achieve compliance with the targeted number of driveway trips within a year of exceeding the limits. The TMP shall continue until such time that the project has shown, for five (5) consecutive years, at a minimum of 85% occupancy, accomplishment of the peak hour driveway trip volume requirement as listed.

25. Transportation Systems Management (TSM) Improvements. The Applicant shall implement the upgrades, detailed below by LADOT's ATSAC Section, through the B-Permit process. LADOT's ATSAC Section has identified the need to update the existing traffic signal system. Specifically, install one CCTV camera, a new type 2070 controller, and the necessary infrastructure (including, but not limited to, fiber optic and interconnect) to activate the new installation, at the Pasadena Avenue / Avenue 26 and Daly Street intersection. The video fiber / fiber optic improvements must be guaranteed prior to the issuance of any building permit and complete prior to the issuance of any certificate of occupancy. Temporary certificates of occupancy may be granted in the events of any delay through no fault of the applicant, provided that, in each case, the applicant has demonstrated reasonable efforts and due diligence to the satisfaction of DOT.

26. Construction Management Plan.

- a. A construction work site traffic control plan shall be submitted to DOT for review and approval prior to the start of any construction work. The plans shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. All construction related traffic shall be restricted to off-peak hours.
- b. All delivery truck loading and unloading shall take place on site or within the boundaries of an approved traffic control plan.

27. Transportation and Traffic (Construction). The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety at all times during the construction period.

28. Pedestrian Safety During Construction.

- a. The Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work space and vehicular traffic, and overhead protection, due to sidewalk closure or blockage, at all times.
- b. Should permanent pedestrian routes be unavailable due to construction, safe and accessible temporary pedestrian routes shall be provided adjacent to the project site.
- c. Covered walkways should be provided where pedestrians are exposed to potential injury from falling objects.
- d. The Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction and/or construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

Administrative Conditions

29. Final Plans. Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting

issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.

30. **Covenant.** Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
31. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
32. **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.
33. **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.
34. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
35. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
36. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
37. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null

and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.

38. Expedited Processing Section Fee. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

39. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including 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.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the

entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

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

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

- 1. 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 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 25 percent gross income based on area median income thresholds dependent on affordability levels. There were no substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law.

The list of base incentives in the Transit Oriented Communities Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include various types of relief that minimize restrictions on the size of the project. The base incentives are required to provide for affordable housing costs because the incentives by their nature may result in increasing the scale of the project.

The additional incentives requested to utilize any or all of the yard requirements for the RAS3 Zone and the TOC Transitional Height would result in building design and construction efficiencies that provide for affordable housing costs. Therefore, the Director finds that the incentives are 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.

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

There has been no evidence provided that indicated that the proposed incentives will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)).

The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The

proposed project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the project was determined to result in less than significant impacts with the incorporation of mitigation measures related to biological resources, hazards and hazardous materials, noise, police, and transportation and traffic as reflected in the addendum dated December 2019 to the previously adopted MND.

Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

3. The incentives/waivers are contrary to state or federal law.

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

WAIVER OF DEDICATION AND IMPROVEMENT FINDINGS

Pursuant to LAMC Section 12.37-I, the Director may waive, reduce, or modify the required dedication or improvement as appropriate after making any of the following findings, in writing, based on substantial evidence in the record.

- a. The dedication or improvement requirement does not bear a reasonable relationship to any project impact.*
- b. The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established.*
- c. The dedication or improvement requirement is physically impractical.*

4. The Director Finds, based on substantial evidence in the record that the dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established.

The City's General Plan Transportation Element was updated with Mobility Plan 2035 which aims to guide the continuing development of a citywide transportation system and provide efficient movement of people and goods to achieve a transportation system that will balance the needs of all road uses. The Plan recognizes that since the 1999 Transportation Element was adopted, "there has been growing interest in restricting streets from being widened to match their currently assigned designation." With this in mind, community and specific plans have been updated and/or introduced with added footnotes and street modifications that would restrict a street from future widening. Most streets retained its named designation "but the footnotes and modifications indicated that the street was not to be widened in the future."

Pasadena Avenue is designated as a Modified Avenue II, dedicated to a varying width of 76 to 81 feet, improved with asphalt roadway, curb, gutter, and concrete sidewalks. Avenue 34 is a Modified Local Street – Standard, dedicated to a width of 50 feet, and improved with asphalt roadway, curb, gutter, and concrete sidewalks. In order to comply with the applicable Mobility Plan 2035 standards, the project would be required to provide a five-foot dedication along Avenue 34 to provide half right-of-way of 30 feet, a three-foot widening along Avenue 34 to provide half roadway of 20 feet, and a 15-foot by 15-foot chamfer or a 20-foot radius corner cut along the northwest intersection of Avenue 34 and Pasadena Avenue.

This portion of Avenue 34 west of Pasadena Avenue terminates at Artesian Street. Given that Avenue 34 is effectively a dead-end street, the level of traffic does not warrant the increase roadway widening. Therefore, as Avenue 34 will not be utilized to the full extent of a typical Local Street within the next 20 years, the three-foot roadway improvement is not necessary to meet the City's mobility needs for the next 20 years.

In lieu of the aforementioned requirements, the project will provide the required five-foot dedication and a five-foot sidewalk widening improvement.

SITE PLAN REVIEW FINDINGS

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

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

Northeast Los Angeles Community Plan

The subject property is located within the Northeast Los Angeles Community Plan which was updated by the City Council on June 15, 1999. The Northeast Los Angeles Community Plan designates the subject property for Commercial Manufacturing land use, corresponding to the CM and P Zones. The subject property is zoned [T][Q]CM-2D. The proposed project advances the following goals, objectives and policies of the Community Plan:

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

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

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

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

- Policy 1-2.2: Locate higher residential densities near commercial and institutional centers, light rail transit stations, and major bus routes to encourage pedestrian activity and use of public transportation, providing that infrastructure, public service facilities, utilities, and topography will fully accommodate this development.
- Policy 1-2.3: Encourage mixed-use development in selected commercially-zoned areas.
- Objective 1-6: To promote and ensure the provision of fair and equal housing opportunities for all persons regardless of income and age groups or ethnic, religious, or racial background.
 - Policy 1-6.1: Promote individual choice in type, quality, price, and location of housing.
 - Policy 1-6.2: Promote mixed use in all multiple-family residential projects in commercial zones.
 - Policy 1-6.3: Ensure that redevelopment activity minimizes displacement of residents.

The proposed project is a new mixed-use development with a total of 468 dwelling units (including 66 units reserved for Very Low Income Households [for 55 years], and 115 studio units and 77 one-bedroom units reserved for Workforce Income Households [for the initial lease]) and 16,395 square feet of commercial floor area. The project increases the housing stock and satisfies the needs and desires of all economic segments of the community by maximizing the opportunity for individual housing choice, and displaces no residents. Additionally, the subject property is located less than a ½-mile from the Heritage Square Metro Gold Line Rail Station, thereby reducing vehicular trips to and from the project site and congestion around the site.

Lastly, the construction of 468 new dwelling units within a primarily commercial and industrial area will support the city's housing needs while protecting existing stable single-family and other lower density residential neighborhoods from encroachment by higher density residential.

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

- Objective 2-1: To conserve and strengthen potentially viable commercial areas in order to stimulate and revitalize existing businesses and create opportunities for appropriate new commercial development.
 - Policy 2-1.1: Consolidate commercial areas through appropriate planning and zoning actions to strengthen the economic base and expand market opportunities.

Policy 2-1.2: Protect commercially planned/zoned areas from encroachment by residential only development.

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

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

The subject property is zoned [T][Q]CM-2D (Commercial Manufacturing). The property is currently improved with industrial and commercial uses and associated surface parking lot. The proposed 468-unit mixed-use project includes 16,395 square feet of commercial floor area. The 16,395 square feet of commercial floor area is proposed as neighborhood-serving commercial retail uses within three (3) ground floor spaces that will serve the needs of the community and help stimulate and revitalize development within the area. In addition, the project will, through a community commercial program, provide opportunities for local small businesses operating within Lincoln Heights to lease one (1) or more of the project's commercial spaces through, among other potential means, rent subsidies or other incentives.

The project has been well-designed, prioritizing the pedestrian experience, minimizing the number of driveways, and providing a consistent and unified architectural design throughout the entire development. The project also provides 65,789 square feet of publicly accessible open space, which the general public will be able to access from Pasadena Avenue and Avenue 34.

Goal 3: Sufficient land for the range of industrial uses necessary to provide maximum employment opportunities, especially for local residents; that are safe for the environment and the work force; and have minimal adverse impact on adjacent uses and infrastructure resources.

Objective 3-1: To resolve conflicts between industrial uses and other adjacent uses.

Policy 3-1.1: Preserve existing industrial areas that have the greatest viability and compatibility and the least adverse impact on nearby uses.

Objective 3-2: To provide for existing and future industrial uses that contribute job opportunities for residents and minimize adverse environmental and visual impacts on the community.

Policy 3-2.1: Designate lands for the continuation of appropriate existing industry and development of new industrial parks, research and development uses, light manufacturing, and similar uses that are compatible with nearby uses, provide employment opportunities, and have minimal impact on the environment.

Policy 3-2.2: Require compatibility through design treatments, compliance with environmental protection standards, and health and safety requirements for industrial uses that adjoin residential neighborhoods and commercial uses.

The subject property is zoned [T][Q]CM-2D (Commercial Manufacturing) and is currently improved with industrial and commercial uses and associated surface parking lot. The proposed 468-unit mixed-use development includes 16,395 square feet of commercial floor area that will provide neighborhood serving uses to support the surrounding and create job opportunities in the community. In addition, the project will, through a community commercial program, provide opportunities for local small businesses operating within Lincoln Heights to lease one (1) or more of the project's commercial spaces through, among other potential means, rent subsidies or other incentives. The project have been conditioned to compatible through design treatments, compliance with environmental protection standards, and health and safety requirements.

Therefore, the proposed 468-unit, mixed-use development is consistent with the goals, objectives and policies of the Northeast Los Angeles Community Plan.

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

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

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

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

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

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

neighborhoods, and existing or potential public transit corridors and stations.

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

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

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

The proposed project will result in the development of a mixed-use building that will provide 468 dwelling units, including 66 units reserved for Very Low Income Households (for 55 years), and 115 studio units and 77 one-bedroom units reserved for Workforce Income Households (for the initial lease), and 16,395 square feet of commercial space thereby contributing toward and facilitating the City's long-term economic viability and vision for a more liveable city. In addition, the project will, through a community commercial program, provide opportunities for local small businesses operating within Lincoln Heights to lease one (1) or more of the project's commercial spaces through, among other potential means, rent subsidies or other incentives.

The project is not located within an existing residential neighborhood, and its proximity to the Heritage Square Metro Gold Line Rail Station is consistent with the policy of locating mixed-use developments in proximity to rail and bus transit stations and corridors, while at the same time conserving existing neighborhoods. The approval of the requested TOC allows for more intense use of the subject property, while reducing vehicular trips to and from the project, vehicle miles traveled, and air pollution.

The project site is zoned for commercial manufacturing uses and is currently developed with industrial and commercial uses and associated surface parking lot. The development of the site will enable the City to conserve nearby existing stable residential neighborhoods and lower-intensity commercial districts by allowing controlled growth away from such neighborhoods and districts. Therefore, the proposed 468-unit mixed use building with

16,395 square feet of commercial space is consistent with the Distribution of Land Use goals, objectives and policies of the General Plan Framework Element.

The **Housing Element** is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element includes the following objectives and policies relevant to the instant request:

Goal 1: Housing Production and Preservation.

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1.1.3: Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.

Objective 1.4: Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.

Policy 1.4.1: Streamline the land use entitlement, environmental review, and building permit processes, while maintaining incentives to create and preserve affordable housing.

The approval of the request would permit 468 dwelling units through the TOC process with 66 dwelling units set aside for Very Low Income Households. In addition, the project will make 115 studio units and 77 one-bedroom units reserved for Workforce Income Households (for the initial lease). The project would achieve the production of new housing opportunities, meeting the needs of the city, while ensuring a range of different housing types (studio, one- and two-bedroom rental units) that address the needs of the city's households.

Additionally, to reduce regulatory and procedural barriers that may impede the production of housing at all income levels and needs the project proposes all affordable units will be provided in Phase 1 of the construction of the project.

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

The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Pasadena Avenue, abutting the property to the east, is designated as a Modified Avenue II dedicated to a varying width of 76 to 81 feet, improved with asphalt roadway, curb, gutter, and concrete sidewalks. Additionally, Avenue 34, abutting the property to the south, is a Modified Local Street-Standard dedicated to a width of 50 feet, improved with asphalt roadway, curb, gutter, and concrete sidewalks.

Pasadena Avenue is part of the Bicycle Lane Network and identified as a Tier 2 Bicycle Lane, and is part of the Pedestrian Enhanced Districts.

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

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

Vehicular access to the project site will be provided via a two-way driveway off Avenue 34. One (1) driveway along Pasadena Avenue is permitted. The existing driveways will be removed. Pedestrian access will be off of Pasadena Avenue. Pasadena Avenue will be activated with new commercial uses and publicly accessible open space, which will create a safe and comfortable walking environment.

The project will include pedestrian safety features such as pedestrian-activated crosswalk with in-pavement rapid flashing beacons or an equivalent system, striped crosswalk across Avenue 34 adjacent to the project site, striping on Avenue 34, installation of appropriate wayfinding and safety signage on Avenue 34 adjacent to the project site and on Artesian Street between Avenue 34 and Avenue 33, among other features.

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

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

Policy 3.5: Support "first-mile, last-mile solutions" such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major bus stops (transit stops) to maximize multi-modal connectivity and access for transit riders.

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

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

The project's proximity to existing regional transit services (within ½ mile of the Heritage Square Metro Gold Line Rail Station) will reduce vehicular trips to and from the project, vehicle miles traveled, and will contribute to the improvement of air quality. The adjacency of the regional transit services along with the creation of 468 dwelling units, ties the proposed project into a regional network of transit and housing.

In addition, the project will provide a total of 228 bicycle parking spaces (28 short-term and 200 long-term bicycle parking spaces) in storage rooms located within the parking garages to provide bicyclists with convenient, secure and well-maintained bicycle parking facilities to support "first-mile, last-mile solutions" to maximize multi-modal connectivity and access for transit riders.

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

As conditioned, the project shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

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

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

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

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

As conditioned, a minimum of 4% of the available roof area shall be reserved for the installation of a solar thermal system. Therefore, the project is in conformance with the goals and policies of the Air Quality Element.

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

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

The subject property is a 219,296 square-foot (5.03 acre) lot comprised of seven (7) contiguous parcels with a frontages along Avenue 34 and Pasadena Avenue. The subject property is currently developed with industrial and commercial uses and associated surface parking lot.

The land use and zoning within close proximity of the subject site are within commercial manufacturing, residential, urban center zoning district (as stipulated by the Cornfield/Arroyo Seco Specific Plan) and public facilities zones and are generally developed residential single-family, and commercial manufacturing structures. The property to the north abutting the site is zoned UC(CA) and is currently vacant. The properties to east, cross Pasadena Avenue are zoned [Q]RD2-1D, [Q]RD1.5-1D, [Q]PF-1D and [T][Q]CM-2D and are developed with commercial, educational, and multi-family

residential uses. The properties to the south, across Avenue 34 are zoned UC(CA) and are improved with commercial and a single-family residential structure. The property to the west is zoned PF-1 and is developed with the Metro Gold Line light rail.

The proposed 519,829 square foot, five-story mixed-use building located on a 219,296 square foot lot is compatible with the existing and future surrounding developments. The project is within the allowable 3 to 1 FAR and provides the required setbacks as allowed by the RAS3 Zone. Additionally, the project will comply with transitional height requirements in lieu of those found in LAMC 12.21.1-A,10 to ensure compatibility with the adjacent uses.

The proposed project is the construction, use, and maintenance of a new, five-story, 519,829 square-foot mixed use building with 468 dwelling units, including 66 units reserved for Very Low Income Households (for 55 years), and 115 studio units and 77 one-bedroom units reserved for Workforce Income Households (for the initial lease) and two (2) levels of subterranean parking.

The project is designed as one (1) building which includes two (2) levels of subterranean parking across the entire site and with three (3) structures that include residential and commercial uses. The structures will be four (4) and five (5) stories tall with a total of 222 studio, 152 one-bedroom, and 94 two-bedroom dwelling units, and a total of 49,152 square feet of open space for residents.

The project also includes approximately 65,789 square feet of publicly accessible open space, that the general public will be able to access from Pasadena Avenue and Avenue 34. As part of the publicly accessible open space, the project will include a north-south pedestrian pathway as required by the associated "Q" Conditions.

The project will provide 287 residential automobile parking spaces located within two (2) subterranean levels. Twenty-four off-street parking spaces will be provided for the commercial space which will be located within the two (2) subterranean parking levels. Vehicular access to the proposed project will be provided via a driveway off of Avenue 34. All private residential parking spaces and the commercial parking spaces would be accessed via this driveway and will not be visible from the street. An additional driveway off of Pasadena Avenue is permitted.

The project will include pedestrian safety features such as pedestrian-activated crosswalk with in-pavement rapid flashing beacons or an equivalent system, striped crosswalk across Avenue 34 adjacent to the project site, striping on Avenue 34, installation of appropriate wayfinding and safety signage on Avenue 34 adjacent to the project site and on Artesian Street between Avenue 34 and Avenue 33, among other features.

Height, Bulk, and Setbacks

The project is zoned [T][Q]CM-2D and proposes a maximum height of 75 feet. The [T][Q]CM-2D zone does not have a maximum height limit.

The project has a maximum FAR of 3:1. The [T][Q]CM-2D zone has a maximum permitted FAR of 3:1 and 4.5:1 FAR permitted by the TOC Base Incentive.

The height, bulk, and setbacks of the subject project are consistent with the existing development in the immediate surrounding area and with the underlying [T][Q]CM-2D Zone. Therefore, in consideration of other existing and future development in the area, the project is consistent with the surrounding.

Parking

As an Eligible Housing Development in TOC Tier 3, the project is entitled to base incentives including providing ½ parking space per unit and a reduced number of commercial automobile parking spaces. The project will provide a total of 311 automobile parking spaces (287 residential automobile parking spaces and 24 commercial automobile parking spaces) and 264 long-term bicycle parking spaces. 35 short-term bicycle parking stalls will be located within the building within close proximity to the commercial spaces and will be accessible from Pasadena Avenue and Avenue 34.

The proposed parking is located within the building and therefore will not be visible from the public right-of-way. Pedestrian access will be located from Pasadena Avenue and Avenue 34. Vehicular ingress and egress for the parking will be located on Avenue 34, with an additional driveway off of Pasadena Avenue permitted. Therefore, the parking facilities will be compatible with the existing and future developments in the neighborhoods.

Lighting

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

On-Site Landscaping

The project will provide approximately 49,152 square feet total of open space, which includes a 2,141 square foot interior amenity space on the ground floor of Building A, a 29,395 square foot south courtyard with a pool, spa and lounge areas, a 1,616 square foot interior amenity space on the ground floor of Building B, a 14,976 square foot north courtyard that includes lounge areas and community dining space, a 1,024 interior amenity space on the ground floor of Building C. Additionally, the project includes 24,575 square feet of landscaped area distributed throughout the project. The project has been conditioned so that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks will be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect. The planting of any required trees and street trees will be selected and installed per the Bureau of Street Services, Urban Forestry Divisions' requirements. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

Loading/Trash Area

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

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

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

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

The project proposes provide a variety of unit types which includes: 222 studio units, 152 one-bedroom units, and 94 two-bedroom units. Pursuant to LAMC section 12.21-G, the project would be required to provide 49,150 square feet of open space. As approved, the project will provide 49,152 square feet of open space. The project provides approximately 49,152 square feet total of open space, which includes a 2,141 square foot interior amenity space on the ground floor of Building A, a 29,395 square foot south courtyard with a pool, spa and lounge areas, a 1,616 square foot interior amenity space on the ground floor of Building B, a 14,976 square foot north courtyard that includes lounge areas and community dining space, a 1,024 interior amenity space on the ground floor of Building C. The project also provides 65,789 square feet of publicly accessible open space, which the general public will be able to access from Pasadena Avenue and Avenue 34. Additionally, the project includes 24,575 square feet of landscaped area distributed throughout the project.

ADDITIONAL MANDATORY FINDINGS

4. After consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2016-273-MND adopted on August 22, 2017; and pursuant to CEQA Guidelines 15162 and 15164, as supported by the addendum dated December 2019, no major revisions are required to the Mitigated Declaration; and no subsequent EIR or negative declaration is required for approval of the project.
5. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, which is categorized as an area of minimal flood hazard.

FINDINGS

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

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

- 1. 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 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 25 percent gross income based on area median income thresholds dependent on affordability levels. There were no substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law.

The list of base incentives in the Transit Oriented Communities Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include various types of relief that minimize restrictions on the size of the project. The base incentives are required to provide for affordable housing costs because the incentives by their nature may result in increasing the scale of the project.

The additional incentives requested to utilize any or all of the yard requirements for the RAS3 Zone and the TOC Transitional Height would result in building design and construction efficiencies that provide for affordable housing costs. Therefore, the Director finds that the incentives are 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.

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

There has been no evidence provided that indicated that the proposed incentives will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)).

The project does not involve a contributing structure in a designated Historic Preservation

Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The proposed project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the project was determined to result in less than significant impacts with the incorporation of mitigation measures related to biological resources, hazards and hazardous materials, noise, police, and transportation and traffic as reflected in the addendum dated December 2019 to the previously adopted MND.

Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

3. The incentives/waivers are contrary to state or federal law.

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

WAIVER OF DEDICATION AND IMPROVEMENT FINDINGS

Pursuant to LAMC Section 12.37-I, the Director may waive, reduce, or modify the required dedication or improvement as appropriate after making any of the following findings, in writing, based on substantial evidence in the record.

- a. The dedication or improvement requirement does not bear a reasonable relationship to any project impact.*
- b. The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established.*
- c. The dedication or improvement requirement is physically impractical.*

4. The Director Finds, based on substantial evidence in the record that the dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established.

The City's General Plan Transportation Element was updated with Mobility Plan 2035 which aims to guide the continuing development of a citywide transportation system and provide efficient movement of people and goods to achieve a transportation system that will balance the needs of all road uses. The Plan recognizes that since the 1999 Transportation Element was adopted, "there has been growing interest in restricting streets from being widened to match their currently assigned designation." With this in mind, community and specific plans have been updated and/or introduced with added footnotes and street modifications that would restrict a street from future widening. Most streets retained its named designation "but the footnotes and modifications indicated that the street was not to be widened in the future."

Pasadena Avenue is designated as a Modified Avenue II, dedicated to a varying width of 76 to 81 feet, improved with asphalt roadway, curb, gutter, and concrete sidewalks. Avenue 34 is a Modified Local Street – Standard, dedicated to a width of 50 feet, and improved with asphalt roadway, curb, gutter, and concrete sidewalks. In order to comply with the applicable Mobility Plan 2035 standards, the project would be required to provide a five-foot dedication along Avenue 34 to provide half right-of-way of 30 feet, a three-foot widening along Avenue 34 to provide half roadway of 20 feet, and a 15-foot by 15-foot chamfer or a 20-foot radius corner cut along the northwest intersection of Avenue 34 and Pasadena Avenue.

This portion of Avenue 34 west of Pasadena Avenue terminates at Artesian Street. Given that Avenue 34 is effectively a dead-end street, the level of traffic does not warrant the increase roadway widening. Therefore, as Avenue 34 will not be utilized to the full extent of a typical Local Street within the next 20 years, the three-foot roadway improvement is not necessary to meet the City's mobility needs for the next 20 years.

In lieu of the aforementioned requirements, the project will provide the required five-foot dedication and a five-foot sidewalk widening improvement.

SITE PLAN REVIEW FINDINGS

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

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

Northeast Los Angeles Community Plan

The subject property is located within the Northeast Los Angeles Community Plan which was updated by the City Council on June 15, 1999. The Northeast Los Angeles Community Plan designates the subject property for Commercial Manufacturing land use, corresponding to the CM and P Zones. The subject property is zoned [T][Q]CM-2D. The proposed project advances the following goals, objectives and policies of the Community Plan:

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

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

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

Objective 1-2: To allocate land for new housing to accommodate a growth of population that is consistent with and promotes the health, safety, welfare, convenience, and pleasant environment of those who live

and work in the community based on adequate infrastructure and government services, especially schools.

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

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

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

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

Policy 1-6.2: Promote mixed use in all multiple-family residential projects in commercial zones.

Policy 1-6.3: Ensure that redevelopment activity minimizes displacement of residents.

The proposed project is a new mixed-use development with a total of 468 dwelling units (including 66 units reserved for Very Low Income Households [for 55 years], and 115 studio units and 77 one-bedroom units reserved for Workforce Income Households [for the initial lease]) and 16,395 square feet of commercial floor area. The project increases the housing stock and satisfies the needs and desires of all economic segments of the community by maximizing the opportunity for individual housing choice, and displaces no residents. Additionally, the subject property is located less than a ½-mile from the Heritage Square Metro Gold Line Rail Station, thereby reducing vehicular trips to and from the project site and congestion around the site.

Lastly, the construction of 468 new dwelling units within a primarily commercial and industrial area will support the city's housing needs while protecting existing stable single-family and other lower density residential neighborhoods from encroachment by higher density residential.

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

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

Policy 2-1.1: Consolidate commercial areas through appropriate planning and zoning actions to strengthen the economic base and expand market opportunities.

Policy 2-1.2: Protect commercially planned/zoned areas from encroachment by residential only development.

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

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

The subject property is zoned [T][Q]CM-2D (Commercial Manufacturing). The property is currently improved with industrial and commercial uses and associated surface parking lot. The proposed 468-unit mixed-use project includes 16,395 square feet of commercial floor area. The 16,395 square feet of commercial floor area is proposed as neighborhood-serving commercial retail uses within three (3) ground floor spaces that will serve the needs of the community and help stimulate and revitalize development within the area. In addition, the project will, through a community commercial program, provide opportunities for local small businesses operating within Lincoln Heights to lease one (1) or more of the project's commercial spaces through, among other potential means, rent subsidies or other incentives.

The project has been well-designed, prioritizing the pedestrian experience, minimizing the number of driveways, and providing a consistent and unified architectural design throughout the entire development. The project also provides 65,789 square feet of publicly accessible open space, which the general public will be able to access from Pasadena Avenue and Avenue 34.

Goal 3: Sufficient land for the range of industrial uses necessary to provide maximum employment opportunities, especially for local residents; that are safe for the environment and the work force; and have minimal adverse impact on adjacent uses and infrastructure resources.

Objective 3-1: To resolve conflicts between industrial uses and other adjacent uses.

Policy 3-1.1: Preserve existing industrial areas that have the greatest viability and compatibility and the least adverse impact on nearby uses.

Objective 3-2: To provide for existing and future industrial uses that contribute job opportunities for residents and minimize adverse environmental and visual impacts on the community.

Policy 3-2.1: Designate lands for the continuation of appropriate existing industry and development of new industrial parks, research and development uses, light manufacturing, and similar uses that are compatible with nearby uses, provide employment opportunities, and have minimal impact on the environment.

- Policy 3-2.2: Require compatibility through design treatments, compliance with environmental protection standards, and health and safety requirements for industrial uses that adjoin residential neighborhoods and commercial uses.

The subject property is zoned [T][Q]CM-2D (Commercial Manufacturing) and is currently improved with industrial and commercial uses and associated surface parking lot. The proposed 468-unit mixed-use development includes 16,395 square feet of commercial floor area that will provide neighborhood serving uses to support the surrounding and create job opportunities in the community. In addition, the project will, through a community commercial program, provide opportunities for local small businesses operating within Lincoln Heights to lease one (1) or more of the project's commercial spaces through, among other potential means, rent subsidies or other incentives. The project have been conditioned to compatible through design treatments, compliance with environmental protection standards, and health and safety requirements.

Therefore, the proposed 468-unit, mixed-use development is consistent with the goals, objectives and policies of the Northeast Los Angeles Community Plan.

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

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

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

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

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

- Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are

differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

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

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

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

The proposed project will result in the development of a mixed-use building that will provide 468 dwelling units, including 66 units reserved for Very Low Income Households (for 55 years), and 115 studio units and 77 one-bedroom units reserved for Workforce Income Households (for the initial lease), and 16,395 square feet of commercial space thereby contributing toward and facilitating the City's long-term economic viability and vision for a more liveable city. In addition, the project will, through a community commercial program, provide opportunities for local small businesses operating within Lincoln Heights to lease one (1) or more of the project's commercial spaces through, among other potential means, rent subsidies or other incentives.

The project is not located within an existing residential neighborhood, and its proximity to the Heritage Square Metro Gold Line Rail Station is consistent with the policy of locating mixed-use developments in proximity to rail and bus transit stations and corridors, while at the same time conserving existing neighborhoods. The approval of the requested TOC allows for more intense use of the subject property, while reducing vehicular trips to and from the project, vehicle miles traveled, and air pollution.

The project site is zoned for commercial manufacturing uses and is currently developed with industrial and commercial uses and associated surface parking lot. The development

of the site will enable the City to conserve nearby existing stable residential neighborhoods and lower-intensity commercial districts by allowing controlled growth away from such neighborhoods and districts. Therefore, the proposed 468-unit mixed use building with 16,395 square feet of commercial space is consistent with the Distribution of Land Use goals, objectives and policies of the General Plan Framework Element.

The **Housing Element** is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element includes the following objectives and policies relevant to the instant request:

Goal 1: Housing Production and Preservation.

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1.1.3: Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.

Objective 1.4: Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.

Policy 1.4.1: Streamline the land use entitlement, environmental review, and building permit processes, while maintaining incentives to create and preserve affordable housing.

The approval of the request would permit 468 dwelling units through the TOC process with 66 dwelling units set aside for Very Low Income Households. In addition, the project will make 115 studio units and 77 one-bedroom units reserved for Workforce Income Households (for the initial lease). The project would achieve the production of new housing opportunities, meeting the needs of the city, while ensuring a range of different housing types (studio, one- and two-bedroom rental units) that address the needs of the city's households.

Additionally, to reduce regulatory and procedural barriers that may impede the production of housing at all income levels and needs the project proposes all affordable units will be provided in Phase 1 of the construction of the project.

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

The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Pasadena Avenue, abutting the property to the east, is designated as a Modified Avenue II dedicated to a varying width of 76 to 81 feet, improved with asphalt roadway, curb, gutter, and concrete sidewalks. Additionally, Avenue 34, abutting the property to the south, is a Modified Local Street-Standard dedicated to a width of 50 feet, improved with asphalt roadway, curb, gutter, and concrete sidewalks.

Pasadena Avenue is part of the Bicycle Lane Network and identified as a Tier 2 Bicycle Lane, and is part of the Pedestrian Enhanced Districts.

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

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

Vehicular access to the project site will be provided via a two-way driveway off Avenue 34. One (1) driveway along Pasadena Avenue is permitted. The existing driveways will be removed. Pedestrian access will be off of Pasadena Avenue. Pasadena Avenue will be activated with new commercial uses and publicly accessible open space, which will create a safe and comfortable walking environment.

The project will include pedestrian safety features such as pedestrian-activated crosswalk with in-pavement rapid flashing beacons or an equivalent system, striped crosswalk across Avenue 34 adjacent to the project site, striping on Avenue 34, installation of appropriate wayfinding and safety signage on Avenue 34 adjacent to the project site and on Artesian Street between Avenue 34 and Avenue 33, among other features.

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

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

Policy 3.5: Support "first-mile, last-mile solutions" such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major bus stops (transit stops) to maximize multi-modal connectivity and access for transit riders.

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

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

The project's proximity to existing regional transit services (within ½ mile of the Heritage Square Metro Gold Line Rail Station) will reduce vehicular trips to and from the project, vehicle miles traveled, and will contribute to the improvement of air quality. The adjacency of the regional transit services along with the creation of 468 dwelling units, ties the proposed project into a regional network of transit and housing.

In addition, the project will provide a total of 228 bicycle parking spaces (28 short-term and 200 long-term bicycle parking spaces) in storage rooms located within the parking garages to provide bicyclists with convenient, secure and well-maintained bicycle parking

facilities to support “first-mile, last-mile solutions” to maximize multi-modal connectivity and access for transit riders.

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

As conditioned, the project shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

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

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

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

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

As conditioned, a minimum of 4% of the available roof area shall be reserved for the installation of a solar thermal system. Therefore, the project is in conformance with the goals and policies of the Air Quality Element.

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

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

The subject property is a 219,296 square-foot (5.03 acre) lot comprised of seven (7) contiguous parcels with a frontages along Avenue 34 and Pasadena Avenue. The subject property is currently developed with industrial and commercial uses and associated surface parking lot.

The land use and zoning within close proximity of the subject site are within commercial manufacturing, residential, urban center zoning district (as stipulated by the Cornfield/Arroyo Seco Specific Plan) and public facilities zones and are generally developed residential single-family, and commercial manufacturing structures. The

property to the north abutting the site is zoned UC(CA) and is currently vacant. The properties to east, cross Pasadena Avenue are zoned [Q]RD2-1D, [Q]RD1.5-1D, [Q]PF-1D and [T][Q]CM-2D and are developed with commercial, educational, and multi-family residential uses. The properties to the south, across Avenue 34 are zoned UC(CA) and are improved with commercial and a single-family residential structure. The property to the west is zoned PF-1 and is developed with the Metro Gold Line light rail.

The proposed 519,829 square foot, five-story mixed-use building located on a 219,296 square foot lot is compatible with the existing and future surrounding developments. The project is within the allowable 3 to 1 FAR and provides the required setbacks as allowed by the RAS3 Zone. Additionally, the project will comply with transitional height requirements in lieu of those found in LAMC 12.21.1-A,10 to ensure compatibility with the adjacent uses.

The proposed project is the construction, use, and maintenance of a new, five-story, 519,829 square-foot mixed use building with 468 dwelling units, including 66 units reserved for Very Low Income Households (for 55 years), and 115 studio units and 77 one-bedroom units reserved for Workforce Income Households (for the initial lease) and two (2) levels of subterranean parking.

The project is designed as one (1) building which includes two (2) levels of subterrean parking across the entire site and with three (3) structures that include residential and commercial uses. The structures will be four (4) and five (5) stories tall with a total of 222 studio, 152 one-bedroom, and 94 two-bedroom dwelling units, and a total of 49,152 square feet of open space for residents.

The project also includes approximately 65,789 square feet of publicly accessible open space, that the general public will be able to access from Pasadena Avenue and Avenue 34. As part of the publicly accessible open space, the project will include a north-south pedestrian pathway as required by the associated "Q" Conditions.

The project will provide 287 residential automobile parking spaces located within two (2) subterranean levels. Twenty-four off-street parking spaces will be provided for the commercial space which will be located within the two (2) subterranean parking levels. Vehicular access to the proposed project will be provided via a driveway off of Avenue 34. All private residential parking spaces and the commercial parking spaces would be accessed via this driveway and will not be visible from the street. An additional driveway off of Pasadena Avenue is permitted.

The project will include pedestrian safety features such as pedestrian-activated crosswalk with in-pavement rapid flashing beacons or an equivalent system, striped crosswalk across Avenue 34 adjacent to the project site, striping on Avenue 34, installation of appropriate wayfinding and safety signage on Avenue 34 adjacent to the project site and on Artesian Street between Avenue 34 and Avenue 33, among other features.

Height, Bulk, and Setbacks

The project is zoned [T][Q]CM-2D and proposes a maximum height of 75 feet. The [T][Q]CM-2D zone does not have a maximum height limit.

The project has a maximum FAR of 3:1. The [T][Q]CM-2D zone has a maximum permitted FAR of 3:1 and 4.5:1 FAR permitted by the TOC Base Incentive.

The height, bulk, and setbacks of the subject project are consistent with the existing development in the immediate surrounding area and with the underlying [T][Q]CM-2D Zone. Therefore, in consideration of other existing and future development in the area, the project is consistent with the surrounding.

Parking

As an Eligible Housing Development in TOC Tier 3, the project is entitled to base incentives including providing ½ parking space per unit and a reduced number of commercial automobile parking spaces. The project will provide a total of 311 automobile parking spaces (287 residential automobile parking spaces and 24 commercial automobile parking spaces) and 264 long-term bicycle parking spaces. 35 short-term bicycle parking stalls will be located within the building within close proximity to the commercial spaces and will be accessible from Pasadena Avenue and Avenue 34.

The proposed parking is located within the building and therefore will not be visible from the public right-of-way. Pedestrian access will be located from Pasadena Avenue and Avenue 34. Vehicular ingress and egress for the parking will be located on Avenue 34, with an additional driveway off of Pasadena Avenue permitted. Therefore, the parking facilities will be compatible with the existing and future developments in the neighborhoods.

Lighting

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

On-Site Landscaping

The project will provide approximately 49,152 square feet total of open space, which includes a 2,141 square foot interior amenity space on the ground floor of Building A, a 29,395 square foot south courtyard with a pool, spa and lounge areas, a 1,616 square foot interior amenity space on the ground floor of Building B, a 14,976 square foot north courtyard that includes lounge areas and community dining space, a 1,024 interior amenity space on the ground floor of Building C. Additionally, the project includes 24,575 square feet of landscaped area distributed throughout the project. The project has been conditioned so that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks will be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect. The planting of any required trees and street trees will be selected and installed per the Bureau of Street Services, Urban Forestry Divisions' requirements. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

Loading/Trash Area

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

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

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

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

The project proposes provide a variety of unit types which includes: 222 studio units, 152 one-bedroom units, and 94 two-bedroom units. Pursuant to LAMC section 12.21-G, the project would be required to provide 49,150 square feet of open space. As approved, the project will provide 49,152 square feet of open space. The project provides approximately 49,152 square feet total of open space, which includes a 2,141 square foot interior amenity space on the ground floor of Building A, a 29,395 square foot south courtyard with a pool, spa and lounge areas, a 1,616 square foot interior amenity space on the ground floor of Building B, a 14,976 square foot north courtyard that includes lounge areas and community dining space, a 1,024 interior amenity space on the ground floor of Building C. The project also provides 65,789 square feet of publicly accessible open space, which the general public will be able to access from Pasadena Avenue and Avenue 34. Additionally, the project includes 24,575 square feet of landscaped area distributed throughout the project.

ADDITIONAL MANDATORY FINDINGS

4. After consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2016-273-MND adopted on August 22, 2017; and pursuant to CEQA Guidelines 15162 and 15164, as supported by the addendum dated December 2019, no major revisions are required to the Mitigated Declaration; and no subsequent EIR or negative declaration is required for approval of the project.
5. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, which is categorized as an area of minimal flood hazard.

COVID-19 UPDATE

Interim Appeal Filing Procedures

March 27, 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described below.

OPTION 1: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

STEP 1:

Email planning.figcounter@lacity.org with the subject line: **"Request to File Appeal."** In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles (\$109.47 for an aggrieved party, not the Project Applicant.)

Mail the appeal application to:

Department City Planning - Metro DSC
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.

OPTION 2: DROP OFF AT DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

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

FACT SHEET

Planning Entitlement Appeals

Summary

Discretionary planning decisions in Los Angeles can be appealed, at times, to one of the eight City Commissions that oversee planning-related issues and, in some instances, directly to the City Council. These appeals provide members of the public with an opportunity to challenge certain planning decisions, exercising their rights in accordance with the Los Angeles Municipal Code (LAMC). City Planning has developed an informational fact sheet, complete with frequently asked questions, to inform the public of their rights and opportunities for filing project appeals.

Background

The LAMC outlines a process to allow members of the public to appeal land use decisions that are issued by the City. Appeals are intended to challenge the merits of the decision, specifically to contend that a decision maker erred or abused their discretion. To allow community members the ability to appeal qualifying planning decisions at a minimal personal cost, City Planning has consistently (and significantly) subsidized non-applicant appeal fees. This has allowed individuals to be part of a fair and equitable process, one which has provided the public with the opportunity to question certain decisions.

The Department has developed a fact sheet to further clarify the process for filing project-related appeals. This document will be updated periodically, as needed. For additional information, please contact the planning staff located at the Figueroa Plaza (Downtown), Marvin Braude (Van Nuys), or West Los Angeles Development Services Centers preferably via email at planning.figcounter@lacity.org.

Frequently Asked Questions

Where are project appeals filed?

Appeals can be filed at any of the three Development Services Centers (DSCs)—[Downtown, Van Nuys, and West Los Angeles](#)—where planning staff is located. A physical drop off area has been set up at each location to allow applicants to submit their applications, without having to file an initial appointment or enter the premises. As an additional option, the Department has also created an online portal for electronic appeal applications. Click this [link](#) to access the online forms and submit the relevant information electronically.

How long do applicants have to submit a project-related appeal?


An appeal must be filed within a specified period of time as established by the LAMC—varying in length from 10 to 15 days of the issuance of the Letter of Determination (LOD), depending on the planning entitlements being appealed. As a point of reference, deadlines for filing appeals are noted in the [Los Angeles Municipal Code](#) (LAMC) and typically also identified within the LOD.

Where can applicants access the appeal form and corresponding instructions?

The appeal form and instructions can be found [here](#). Both an applicant and “aggrieved party” (a community member opposing the decision) may choose to file an appeal. All appeals will be processed at the same time. Each appeal form represents one appeal, regardless of the number of individuals who have signed the appeal form. For certain planning entitlements, such as determinations for projects that file under the Density Bonus and [Transit Oriented Communities Incentive](#) Programs, appeals are limited to adjacent and abutting owners of property or occupants, as specified in the implementing State and/or local statute. Neighborhood Councils and/or City-appointed decision-making bodies may not file an appeal.

Who decides the outcome of project appeals?

Letters of Determination are issued by the Director of Planning (DIR), Associate Zoning Administrator (AZA), Deputy Advisory Agency (DAA), Area Planning Commission



(APC), or City Planning Commission (CPC). Depending on the initial decision-maker, there are three appellate bodies for planning cases in Los Angeles: the Area Planning Commissions, the City Planning Commission, and the City Council. The LAMC establishes appeal procedures including which types of decisions are eligible for a first- and second-level appeal (meaning that in some cases, the project can be appealed again to a higher decision maker).

How long does the City have to consider the appeal of a land use decision?

According to the LAMC, the City must process appeals under strict time limits. Depending on the planning entitlements, the date that an appeal hearing must be scheduled varies between 30 days from appeal submittal up to 75 days from the last day of the appeal period. These time periods may be extended if there is mutual agreement between the applicant and the City. The LAMC does not, however, allow a non-applicant to request an extension beyond this allotted time period for project appeals.

How (and when) are notifications sent notifying the appellant of their hearing date?

The LAMC specifies the timelines by which appeal hearings must be held. In general, appellants receive notice of their upcoming hearing at least 10 days prior to the hearing date. Notices for some appeal hearings may be published in a local newspaper. If unavailable to attend the date of the hearing, the appellant can submit written comments to the decision-maker or appoint a representative to provide public testimony on their behalf at the public hearing.

Who from City Planning can provide assistance, should there be any questions?

Planning staff at the DSCs serve as a main point of contact for [general inquiries](#). Once a project appeal has been submitted, questions can be directed to the assigned planner, who will process the appeal and take it to the hearing. The contact information for the assigned planner may be found on the Department's [Planning Case Tracking System \(PCTS\)](#).

When can documents be sent to the appellate decision maker who will hear the appeal?

In addition to the appeal application, the appellant may submit documents for the official public record at the time the appeal is filed. If there is a need to provide additional documents after the appeal has been filed, the appellant can send them to the planner assigned to the appeal. Information submitted after a staff recommendation report has been drafted will be included in the public record, but it will not have been considered at the time of the writing of the staff report.

City Planning's Commission Office requires that supplemental information be provided more than 48 hours in advance of the hearing, and meet the criteria as outlined below.

REQUIREMENTS FOR COMMISSION SUBMISSION OF MATERIALS

Regular Submissions: Initial Submissions, not limited as to volume must be received no later than by 4:00 pm on the Monday of the week prior to the week of the Commission meeting. Materials must be emailed to the assigned staff and Commission identified on the project's public hearing notice.

Rebuttal Submissions: Secondary Submissions in response to a Staff Recommendation Report and/or additional comments must be received electronically no later than 48 hours prior to the Commission meeting. For the Central, South Los Angeles and Harbor Area Planning Commissions, materials must be received no later than by 3:00 pm, Thursday of the week prior to the Commission meeting. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on this announcement.

Day of Hearing Submissions: Submissions less than 48 hours prior to, and including the day of the hearing, must not exceed two (2) written pages, including exhibits, and must be submitted electronically to the staff and Commission identified on the project's public hearing notice. Photographs do not count toward the page limitation.

Non-Complying Submissions: Submissions that do not comply with these rules will be stamped "File Copy. Non-complying Submission." Non-complying submissions will be placed into the official case file, but they will not be delivered to or considered by the Commission and will not be included in the official administrative record for the item at issue.

Commission email addresses:

City Planning Commission: cpc@lacity.org

Central Los Angeles Area Planning Commission: apccentral@lacity.org

East Los Angeles Area Planning Commission: apceastla@lacity.org

Harbor Area Planning Commission: apcharbor@lacity.org

North Valley Area Planning Commission: apcnorthvalley@lacity.org

South Valley Area Planning Commission: apcsouthvalley@lacity.org

South Los Angeles Area Planning Commission: apcsouthla@lacity.org


West Los Angeles Area Planning Commission: apcwestla@lacity.org

Are appellants required to sit through the entire meeting when there are multiple items on the agenda?

The answer is no; however, the agenda items can be taken out of order. Therefore, it is in the interest of each appellant to attend the full meeting at the scheduled start time, until their item is taken up for consideration. Depending on how many items are on the agenda, and the agenda order, your item could be heard very quickly or you may have to wait through several items which could take a few hours. As a point of reference, commission meetings for Area Planning Commissions and City Planning Commission generally start at 4:30 PM and 8:30 AM, respectively. For additional details, please consult the “[Events Calendar](#)” on City Planning’s website. For City Council and Council Committee meetings, please consult the Meeting Calendar page for [City Council](#) and [Committees](#).

Will the appellant have an opportunity to speak during the hearing?

Following the presentation by the planner assigned to the appeal case, the appellant can present their case. After the appellant’s presentation, the project applicant will be given an equal amount of time to provide a rebuttal to the appellant’s presentation. There is often time for an additional rebuttal by the applicant or appellant. While there are exceptions to the rule, the appellate body may invite the appellant to respond to



questions. It is important to note that the appellate body will not engage in a back and forth conversation with either the applicant or appellant. This is done to be both fair and consistent in the amount of time allocated to each party.

What is the format and structure of a typical hearing for a project appeal?

Each appellate body follows a slightly different set of procedures when hearing project appeals. That said, there are a number of common features that apply regardless of whether the appellate body is the Area Planning Commission, Cultural Heritage Commission, City Planning Commission, or City Council. A formal public meeting structure is always maintained in order to ensure a fair and predictable process—one where all sides are heard, and the meeting is conducted in an orderly manner. In the case when a planning commission is the appellate body, there are additional steps, such as: a presentation from the Department, an opportunity for the appellant to testify, a forum for the applicant to offer their rebuttal, and time reserved for public testimony. This would take place leading up to any formal action on the part of the commissioners, as it relates to a project appeal.


To slow the spread of COVID-19, City Planning has implemented new procedures for public hearings and outreach meetings in order to practice proper physical distancing protocols. Until notified otherwise, commission meetings will be conducted virtually to allow applicants and the public to participate using a webcam or by telephone. For more information, consult the City Planning's [website](#) with detailed instructions.

How much time does the appellant have to present their argument?

The time allocated to the appellant for the purposes of their presentation varies. It is ultimately determined by the appellate body and communicated at the start of the meeting. More often than not, appellants are allocated five to 10 minutes to make their presentation. Project appeals that are heard by City Council follow slightly different procedures, which the assigned planner can explain.

Is there a need for the appellant to submit a PowerPoint presentation?

Appellants can prepare a PowerPoint presentation, in addition to making verbal remarks when it is their turn to speak. If a PowerPoint is being prepared, the appellant should



submit the document to City Planning no less than 72 hours in advance of the meeting. The assigned planner will coordinate the submission for the appellant.

What role does the planner assigned to this project play during the appeal process?

The role of the assigned planner is to ensure that an appellant is notified of the appeal hearing as an interested party, to provide them with a courtesy copy of the staff report if prepared, and to make sure that all parties are informed of the outcome or final decision of the appeal. The assigned planner will analyze the appeal points and prepare a staff recommendation report responding to each of the points raised by the appellant. At the hearing, the assigned planner will make a presentation to the decision maker. All information about the case is available for public view in the case file, and the Planner can assist in making an appointment to review it. The planner can also ensure that translation and special accommodations for individuals with disabilities can be provided at the public hearing, if requested.

What happens after the Appellate Body issues a formal decision, one way or another?

After the Commission takes a vote, a formal Letter of Determination is issued. If the decision is not further appealable, this concludes the appeal process. Under the LAMC and City Charter, only certain Commission-level appellate decisions are further appealable to City Council.

When can a CEQA appeal be filed?

Generally, a standalone CEQA appeal to the City Council may only be filed if a project's land use determination is not further appealable to the City Council (with some exceptions). If a determination made by an Area Planning Commission or City Planning Commission is further appealable to the City Council, the City Council will consider CEQA related appeal points made by an appellant when considering the entire appeal of the project.



When should appellants fill out the CEQA Appeal Form?

The CEQA Appeal form shall only be used if the Area Planning Commission or City Planning Commission issues a determination for a project that is not further appealable. In these situations, an individual may file an appeal of a project's CEQA clearance to the City Council. Forms and procedures for the appeal of CEQA documents can be found here listed under "CEQA Appeal Application."