DIRECTOR’S DETERMINATION
DENSITY BONUS & AFFORDABLE HOUSING INCENTIVES

August 6, 2014

Owner/Applicant:
J. Edward Smith
Lido Equities Group, LLC.
218 North Canon Drive
Suite C
Beverly Hills, CA 90210

Representative:
Sue Jagodzinski
SC Land use
217 Palos Verdes Boulevard
Suite 123
Redondo Beach, CA 90277

CASE NO. DIR 2013-2768-DB
CEQA: ENV 2013-2769-MND

Related Case: none
Location: 11811 & 11807 Culver Boulevard
Council District: 11
Area Planning Commission: West Los Angeles
Neighborhood Council: Del Rey
Plan Area: West Los Angeles
Plan Land Use: Medium Residential
Zone: R3-1
Legal Description: Lot 7 & 8, Tract 1971

Last day to appeal: August 21, 2014

DETERMINATION- Density Bonus/Affordable Housing Incentives Program

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.22 A.25, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

Approve the proposed 27 unit, 4-story multiple-family residential project with the following two incentives requested by the applicant for a project reserving fifteen percent or three (3) dwelling units of the twenty total “base” units for Very-Low Income Household Occupancy for a period of 30 years, subject to the conditions of approval below.

1. Height Increase: A 25% increase in the height requirement, allowing 56 feet in height in lieu of the required 45-feet.

2. Front Yard Decrease: A 3-foot decrease in the permitted 15-foot minimum front yard setback requirement to 12 feet.
3. **Side Yard Decrease:** A 1-foot, 7-1/2 inches decrease in the permitted 8-foot minimum easterly side yard setback requirement to 6 feet 4-1/2 inches.

**Adopt** Mitigated Negative Declaration ENV-2013-2769-MND as the project's environmental clearance pursuant to the California Environmental Quality Act and Section 21082.19(c)(3) of the California Public Resources Code.

**Adopt** the following Findings.
CONDITIONS OF APPROVAL

1. **Site Development**: Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped “Exhibit A” and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Plan Implementation Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.

2. **Residential Density**. The project shall be limited to a maximum density of 27 residential units including 7 Density Bonus Units.

3. **Affordable Units**. A minimum of three (3) units, that is, 15% of the base dwelling units, shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (C)(2).

4. **Changes in Restricted Units**. Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (9a-d).

5. **Housing Requirements**. Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make three (3) units available to Very-Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 30 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the City Planning Department for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the density bonus Legislation Background section of this determination.

6. **Automobile Parking**. Vehicle parking shall be provided consistent with LAMC 12.22 A.25, Parking Option 1, which permits one on-site parking space for each residential unit with one or fewer bedrooms; two on-site parking spaces for each residential unit with two to three bedrooms; and two-and-one-half parking spaces for each residential unit with four or more bedrooms. Based upon the number and type of dwelling units proposed, (11 one-bedroom units and 16 two-bedroom units) at least 43 parking spaces shall be provided. The applicant proposes 44 spaces.

7. **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) or the applicant selects Parking Option 2, or replacement of parking for bicycle parking as provided in LAMC Section 12.21 A for density bonus projects and no other condition of approval is affected (including the incentives); the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.
8. **Height.** The project shall be limited to 56 feet in height as measured per LAMC Sections 12.03 and 12.21.1. Rooftop equipment as permitted by Section 12.21.1 B shall be able to exceed the height limit.

9. **Front yard.** A minimum 12 foot front yard shall be maintained.

10. **Side yard.** A minimum easterly side yard of 6 feet 4-1/2 inches shall be maintained.

**Environmental Mitigation Compliance Conditions**

11. **Aesthetics (Light)** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way nor from above.

12. **Aesthetics (Glare)** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

13. **Air Pollution (Demolition, Grading, and Construction Activities)** All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403.

   a. Wetting could reduce fugitive dust by as much as 50 percent. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.

   b. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

   c. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

   d. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. Trucks having no current hauling activity shall not idle but be turned off.

14. **Cultural Resources (Designated Historic-Cultural Resource)** Environmental impacts may result from project implementation due to impacts on a City designated Historic-Cultural Monument located on the project site. However, the potential impact will be mitigated to a less than significant level though compliance with the Secretary of the Interior's Standards for Historical Resources by the following measures:

   a. Prior to the issuance of any permit, the project shall obtain clearance from the Department of Cultural Affairs for the proposed work.
b. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

15. **Cultural Resources (Archaeological)** Environmental impacts may result from project implementation due to discovery of unrecorded archaeological resources. However, the potential impacts will be mitigated to a less than significant level by the following measures:

   a. If any archaeological materials are encountered during the course of project development, all further development activity shall halt and:

      1. The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.

      2. The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.

      3. The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.

      4. Project development activities may resume once copies of the archaeological survey, study or report are submitted to: SCCIC Department of Anthropology, McCarthy Hall 477, CSU Fullerton, 800 North State College Boulevard, Fullerton, CA 92834.

      5. Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.

      6. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

16. **Cultural Resources (Human Remains)** Environmental impacts may result from project implementation due to discovery of unrecorded human remains. In the event that human remains are discovered during excavation activities, the following procedure shall be observed:

   a. Stop immediately and contact the County Coroner: 1104 N. Mission Road, Los Angeles, CA 90033. 323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or 323-343-0714 (After Hours, Saturday, Sunday, and Holidays)

   b. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.

   c. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
d. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.

e. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or;

f. If the owner does not accept the descendent's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission. *Discuss and confer* means the meaningful and timely discussion careful consideration of the views of each party.

17. **Seismic** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

18. **Geotechnical Report** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

19. **Liquefaction Area** Environmental impacts may result due to the proposed project's location in an area with liquefaction potential. However, these potential impacts will be mitigated to a less than significant level by the following measures:

   a. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval.

   b. The project shall comply with the Uniform Building Code Chapter 18. Division1 Section1804.5 Liquefaction Potential and Soil Strength Loss.

   c. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration.

   d. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

   e. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
20. Green House Gas Emissions  The project will result in impacts resulting in increased green house gas emissions. However, the impact can be reduced to a less than significant level though compliance with the following measure(s):

a. Install a demand tank-less or instantaneous water heating system sufficient to serve the anticipated needs of the dwelling(s).

b. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

21. Explosion/Release (Existing Toxic/Hazardous Construction Materials)  Due to the age of the building(s) being demolished, toxic and/or hazardous construction materials may be located in the structure(s). Exposure to such materials during demolition or construction activities could be hazardous to the health of the demolition workers, as well as area residents, employees, and future occupants. However, these impacts can be mitigated to a less than significant level by the following measure:

a. (Asbestos) Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.

b. (Lead Paint) Prior to issuance of any permit for the 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 and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

22. Increased Noise Levels (Demolition, Grading, and Construction Activities)

a. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

b. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.

c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

d. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

Administrative Conditions

23. Final Plans. Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all the two final building permit construction
plans for final review and approval by the Department of City Planning. A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.

24. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.

25. **Approval, Verification and Submittals.** Copies of any approval, 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.

26. **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.

27. **Department of Building and Safety.** The granting of this determination by the Director of planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code chapter IX (Building Code). Any corrections and/or modifications to the plans made subsequent to this determination by a department of building and safety Plan Check Engineer that affect any part of the exterior design or the appearance of the project as approved by the director, and which are deemed necessary by the Department of building and Safety Code compliance, shall require a referral of the revised plane back to the Department of City Planning for additional review and sign-off prior to issuance of any permit in connection with these plans.

28. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.

29. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
PROJECT BACKGROUND

The proposed project is the demolition of three (3) single family dwellings on two (2) lots and the construction of a 27 unit, (4) four-story, 56-foot high, multiple-family project over an at grade parking garage.

In accordance with Senate Bill 1818, the applicant is proposing to utilize Section 12.22 A 25 (Density Bonus) of the Los Angeles Municipal Code (LAMC), which permits a density bonus of 35%. This allows for 27 total dwelling units in lieu of the otherwise maximum density of 20 dwelling units on the property. A density bonus is automatically granted in exchange for the applicant setting aside a portion of the dwelling units, in this case three dwelling units, for habitation by Very Low Income Households for a period of 30 years. Consistent with the Density Bonus Ordinance, the Applicant is also automatically granted a reduction in required parking. The Applicant selected Parking Option One, which requires 43 parking spaces, and 44 are proposed.

As permitted in Section 12.22.A 25 the applicant is requesting three (3) incentives that will facilitate the provision of affordable housing at the site: an increase in the maximum permitted height of 45 feet to 56 feet, and a reduction in the front and easterly side yard setbacks.

Pursuant to Section 12.22.A 25(e) (2) of the LAMC, in order to be eligible for any on menu incentives, a Housing Development Project (other than an Adaptive Reuse project shall comply with the following criteria, which it does:

a. The façade of any portion of a building that abuts a street shall be articulated with a change of material or a break in plane, so that the façade is not a flat surface.

As evident from the elevation drawings and the floor plans displayed in Exhibit “A”, both facades on Avon Way and Culver Boulevard – north and west elevations respectively, are designed with balconies that project out from the envelope of the building. However, the arrangement of the balconies vary from one facade to another. In addition and as evident from said elevations, by introducing various colors and building construction materials, the architect is creating visual interest by thereby accenting different planes of the building. It is due to incorporating these collective elements into the above referenced facades that articulated planes have been achieved.

b. All buildings must be oriented to the street by providing entrances, windows, architectural features and/or balconies on the front and along any street facing elevation.

As evident from the architectural drawings displayed in Exhibit “A”, the building is oriented toward Culver Boulevard. It is in this elevation that the pedestrian entrance to the building is depicted. The glass entry opens into a lobby which leads to an elevator and a staircase. Furthermore, and as depicted on the floor plan and elevation drawings, the living rooms of all of the units facing Culver Boulevard and Avon Way leads into a balcony. It is noteworthy that in addition to these balconies being partially recessed into the façade of the building, the south and north elevation drawings depict changes in the plane of the building that when coupled with the various colors shown, help further articulate these building facades.

c. The Housing Development Project shall not involve a contributing structure in a designated Historic Preservation Overlay Zone (HPOZ) and shall not involve a structure that is City of Los Angeles designated Historic-Cultural Monument (HCM).
The proposed project is not located within a designated Historic Preservation Overlay Zone, nor does it involve a property that is designated as a City Historic-Cultural Monument.

d. The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of this Code.

The proposed project is not located on a substandard street in a Hillside Area, or in a Very High Fire Hazard Severity Zone. It is located on a standard street in a topographically flat portion of the City.

DENSITY BONUS AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

1. Pursuant to Section 12.22 A.25 (c) of the LAMC the Director shall approve a Density Bonus and requested Incentives(s) unless the Director finds that:

   a. The incentives are not necessary in order for affordable housing costs as defined in the California Health and Safety Code Section 500052.5 or Section 50053 for rents for the affordable units.

   The incentives are necessary to provide for affordable housing costs per State Law. The reduction in the required front and easterly side yard setbacks and the increase in height are necessary to increase the project's building envelope so that the seven density bonus units being constructed are consistent with the number of bedrooms and amenities that are incorporated in the three (3) set aside units. The subject site is comprised of two lots that have a frontage of 110 feet and a depth of 152.3 feet. The site measures 16,753 square feet in area and is permitted 20 dwelling units based on the R3 zone. The project is also allocated seven additional density bonus units for a total project of 27 units. The Bureau of Engineering is requiring a 10-foot dedication along Culver Boulevard. Once the yard requirements are deducted (eight foot side yards and the 15 foot front and rear yards), the building footprint is constrained, which makes it difficult to construct the number of density bonus units being granted.

   Increased Height

   The 11-foot height increase being requested over the maximum permitted height of 45 feet will allow the construction of four stories and at grade parking. The increased height will allow for standard industry ceiling heights of nine feet and expand the building envelope. In addition, the increased height will allow for all 44 required parking spaces to be provided in an at grade parking garage thereby avoiding the additional construction and ongoing maintenance costs associated with subterranean parking, which could make this project infeasible. [An internet search of the cost of building one subterranean parking garage in the City of Los Angeles yielded various costs estimates from $45,000 to $60,000 depending on the location of the building, cost of land, size of lot, water table level type of soil conditions, etc.]
Reduction in Front and Side Yard Setbacks

The requested 20% reduction in front yard and easterly side yard setbacks is necessary in order to provide at-grade parking with 44 spaces without encumbering the project with exorbitant costs of developing a subterranean garage. As stated earlier, the cost of building one subterranean parking garage in the City of Los Angeles is very high. In addition, the three foot reductions in the front yard will allow the building floor area footprint to expand and compensate the developer for the 10 foot dedication that has reduced the size of the subject site.

In conclusion, the requested three incentives work in tandem with each other to insure that by providing more floor area, spreading out the building footprint and avoiding a subterranean garage level, the costs per square foot of construction are reduced and can cover the costs of the set aside units.

b. The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources. A specific adverse impact is defined as, “a significant, quantifiable, direct, and an unavoidable impact based on objectives, identified written public health or safety standards, policies, or conditions as existed on the date the application was deemed complete” (LAMC Section 12.22 A.25(b).

The proposed incentive(s) will not have a Specific Adverse Impact. A Specific Adverse Impact is defined as “a significant, quantifiable, direct and unavoidable impact based on objective, identified written public health or safety standards, policies, or the conditions as existed on the date the application deemed complete” (LAMC Section 12.22 A.25(b). The project and potential impacts were analyzed in accordance with the City’s Environmental Quality Act Guidelines and the City’s L.A. CEQA Threshold Guide. These two documents establish standards and thresholds of significant impact, and provide data for determining whether or not the impacts of the proposed project reach or exceed thresholds. Analysis of the proposed project involved the preparation of the Mitigated Negative Declaration (MND) (ENV-2013-2769), and it was determined that the proposed project may have an impact on the following environmental factors: aesthetic, air quality, biological (trees), cultural resources, geological and soils, greenhouse gas emission, noise, population. Mitigation measures will reduce any identified impacts to less than significant, and are imposed as Conditions of Approval herein (conditions 11-22). Therefore there is no substantial evidence that the proposed project will have a Specific Adverse Impact on the Physical environment, or on public health and safety.

2. The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically possible.

A Mitigated Negative Declaration, ENV-2013-2769-MND, was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND (and incorporated into the Conditions of Approval herein), there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency’s independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.
DENSITY BONUS LEGISLATION BACKGROUND

The California State Legislature has declared that “the availability of housing is of vital state-wide importance,” and has determined that state and local governments have a responsibility to “make adequate provision for the housing needs of all economic segments of the community.” Section 65915 provides that an applicant must agree to, and the municipality must ensure, the “continued affordability of all low and very low income units that qualified the applicant” for the density bonus.

Under Government Code Section 69515(a), 65915(d)(2)(C) and 65915(d)(3) the City of Los Angeles complied with the State Density Bonus law by adopting density bonus regulations and procedures as codified in Section 12.22 A.25 of the Los Angeles Municipal Code. Section 12.22 A.25 creates a procedure to waive or modify zoning code standards which may prevent, preclude or interfere with the effect of the density bonus by which the incentive or concession is granted, including legislative body review. The Ordinance must apply equally to all new residential development.

In exchange for setting aside a defined number of affordable dwelling units within a development, applicants may request up to three incentives in addition to the density bonus and parking relief which are permitted by right. The incentives are deviations from the City’s development standards, thus providing greater relief from regulatory constraints. Utilization of the Density Bonus/Affordable Housing Incentives Program supersedes requirements of the Los Angeles Municipal Code and underlying ordinances relative to density, number of units, parking, and other requirements relative to incentives, if requested.

For the purpose of clarifying the Covenant Subordination Agreement between the City of Los Angeles and the United States Department of Housing and Urban Development (HUD), note that the covenant required in the Conditions of Approval herein shall prevail unless pre-empted by State or Federal Law.

FINANCIAL ANALYSIS/PRO-FORMA

Per the Affordable Housing Incentive Density Bonus provisions of the LAMC (Section 12.22 A25) proposed projects that involve on-menu incentives are required to complete the Department's Master Land Use Permit Application form, and no supplemental financial data is required. Each of the on-menu incentives is limited in scope. When the menu of incentives was adopted by ordinance, the impacts of each were assessed in proportion to the benefits gained with a set-aside of affordable housing units. Additional supporting documentation at the time of requesting on-menu incentives was determined not necessary. Therefore, a pro-forma illustrating construction costs and operating income and expenses is not a submittal requirement when filing a request for on-menu incentives.

For the purpose of clarifying the Covenant Subordination Agreement between the City of Los Angeles and the United States Department of Housing and Urban Development (HUD) note that the covenant required in the Conditions of Approval herein shall prevail unless pre-empted by State or Federal law.

OBSERVANCE OF CONDITIONS-TIME LIMIT-LAPSE OF PRIVILEGES

The approval granted herein shall be for a period of three (3) years from the effective date. If building permits are not issued and construction work is not begun within such time and carried on diligently so that building permits do not lapse, this approval shall become null and void. The applicant is advised that this approval is not a permit or license and that permits and licenses required by law must be obtained from the proper public agency.
TRANSFERABILITY

In the event the property is sold or leased to any persons or corporation other than the applicant, it is incumbent on the applicant to advise such person or corporation regarding the conditions of approval. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

FINAL PLAN SIGN OFF AND APPROVAL

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the San Fernando Valley. In order to assure that you receive services without waiting, applicants are encouraged to schedule an appointment with the Development Services Center by calling (213) 482-7077 (Figueroa Plaza) or (818) 374-5050 (Marvin Braude Building) San Fernando Valley or through the Department of City Planning website at http://cityplanning.lacity.org. The applicant is further advised to notify any consultant representing you of this requirement.

EFFECTIVE DATE AND APPEAL PERIOD

The Director of Planning’s determination on this matter will become affective 15 days after the date of this Determination, unless an appeal is filed with the City Planning Commission. Such an appeal must be in writing, on the prescribed forms, accompanied by the required fee and received and receipted at a Public Office of the Department of City Planning on or before the effective date, or the appeal will not be accepted. Department of City Planning public offices are located at:

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

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

Note: Only abutting property owners and residents can appeal the Affordable Housing Incentives portion of this determination. Per the Density Bonus Provision of the State Law the Density Bonus increase in units above the zone limits and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Section 12.22 A.25 of the LAMC, appeals of Density Bonus Compliance Review cases are heard by the City Planning Commission.

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

Approved by:

Daniel Scott, Principal Planner

Reviewed by:

Shana Bonstin, Senior City Planner

Reviewed by:

Kevin Jones, City Planner

Prepared by:

D. Solaiman Tehrani, ASLA,
david.solaiman-tehrani@lacity.org

cc: Councilmember Mike Bonin, 11th District
Adjoining and Abutting Property Owners
Los Angeles Housing and Community Investment Department