

# BACKGROUND & FINDINGS



## TABLE OF CONTENTS

- PROJECT SUMMARY
- REQUESTED ACTIONS
- CONTEXT
  - Site
  - Existing Conditions & Historic Analysis
  - Land Use, Zoning & Boundaries
  - Streets & Circulation
  - Transit
  - Adjacent Properties
  - Surrounding Area
  - Related Cases
- PROJECT
  - Use
  - Density
  - Housing Replacement & Rent Stabilization
  - Height, Floor Area & Massing
  - Automobile Parking
  - Bicycle Parking
  - Setbacks
  - Open Space & Landscaping
  - Access
- DENSITY BONUS LEGISLATION BACKGROUND
- DENSITY BONUS FINDINGS
  - Eligibility Criteria
  - Incentives
  - Waivers
- CONDITIONAL USE PERMIT FINDINGS
- SPECIFIC PLAN PROJECT PERMIT COMPLIANCE REVIEW FINDINGS

# PROJECT SUMMARY

The project site is located at 10756 W Wilkins Ave in the Westwood Community Plan area. The site consists of a single lot with a total area of 6,774 square feet and is zoned [Q]RD1.5-1 with a General Plan Land Use designation of Low Medium II Residential. A vacant single family dwelling will be demolished to make way for the proposed development.

The proposed development is a new 5-story, 56' tall, 11-unit multi-family building. The unit mix is comprised of 5 one-bedroom units and 6 two-bedroom units. 2 of the units will be set aside for Very Low Income households.

The 11,941 square foot structure includes one level of subterranean parking containing a total of 6 automobile parking stalls. Future residents will be able to utilize 12 long-term bicycle stalls located in the subterranean garage and 1 short-term bicycle stall located on the sidewalk, in front of the residential lobby. The parking garage is accessed via a single driveway off Ohio Ave. The pedestrian entrance to the building is oriented toward Wilkins Ave and features a well-defined, double-height, easily recognizable lobby. Open space provided for the project includes three separate rooftop terraces, recreation rooms and private balconies. The architecture has been carefully thought through to enhance visual interest and the ground floor is treated to improve and enrich the overall pedestrian experience.

Proposed Development Program	
<b>Density</b>	11 units
<b>Height</b>	56-feet
<b>Square Footage</b>	11,941 sq ft
<b>Automobile Parking</b>	6 stalls
<b>Bicycle Parking</b>	13 stalls
<b>Open Space</b>	3,895 sq ft



10756 W Wilkins Ave

# REQUESTED ACTIONS

The following discretionary actions are requested:

1. Pursuant to CEQA Guidelines, Section 15332, Class 32, an Exemption from CEQA, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
2. Pursuant to LAMC Section 12.24.U.26., a Conditional Use Permit to allow a 102.5% density increase for 11 units w/ 2 @ VLI in lieu of the 35% max for 7 units w/ 1 @ VLI.
3. Pursuant to LAMC Section 12.22.A.25.(g)(2), an On-Menu Incentive for FAR increase of 20% from 3:1 to 3.6:1.
4. Pursuant to LAMC Section 12.22.A.25.(g)(3), an Off-Menu Incentive for Front Yard Setback reduction of 5' from 15' to 10' on Wilkins.
5. Pursuant to LAMC Section 12.22.A.25.(g)(3), an Off-Menu Incentive for Front Yard Setback reduction of 3' 5" from 15' to 11' 7" on Ohio (post-dedication) to match the neighbor's façade.
6. Pursuant to LAMC Section 12.22.A.25.(g)(3), a Waiver of Development Standards to increase height by 11' from 45' to 56'.
7. Pursuant to LAMC Section 12.22.A.25.(g)(3), a Waiver of Development Standards to allow 72% of open space to be above the ground level in lieu of the 25% allowable.
8. Pursuant to LAMC Section 11.5.7.C., a Project Permit Compliance Review for a project in the Westwood Community Multi-Family Specific Plan.
9. Pursuant to LAMC Section 16.50.E., Design Review for a project in the Westwood Design Review Board Specific Plan.



# CONTEXT

## SITE

The project site is located on one relatively flat lot totaling 6,774 square feet at 10756 W Wilkins Ave within the Westwood Community Plan Area. The property is legally described as Lot 1 of Block 30 of Tract 7803 with APN 4325-019-001. The site fronts on both Wilkins Ave and Ohio Ave, with approximately 109 feet of frontage on both streets. The Department of Building & Safety designates both Wilkins and Ohio to be the front yard, with the remaining interior lot lines as side yards (no rear yard).



Aerial View of the Site

## EXISTING CONDITIONS & HISTORIC ANALYSIS

The site currently contains a vacant 2,101 sq ft, 3-bedroom single-family dwelling built in 1936. Research was carried out utilizing a variety of sources to identify if the existing building warrants any potential historic consideration. In April of 2015, the Historic Resources Survey Report for the Westwood Community Plan Area was completed as part of the SurveyLA program for the City of Los Angeles. After review of the report and its subsections, Individual Resources, Non-Parcel Resources, Historic Districts, Planning Districts and Multi-Property Resources, no reference was found to the subject property. A review of the City of Los Angeles' Zone Information and Map Access System concludes that the existing improvements are not listed in any local, state or national register. Additionally, the subject property was searched against the City's Historic Places LA information system and no results were found that indicate the existing improvements contain any historic value.

St. Paul the Apostle Catholic Church and School across the street at 10750 Ohio Avenue does have historic designation with codes 2S2, 3S, 3CS and 5S3. While the adjacent structure is designated historic, nothing from the proposed building would alter or obscure character-defining features attributed to the St Paul the Apostle Catholic Church and School because there would be no potential change to setbacks, massing, scale and design visible from the public right-of-way. The proposed project height would not obscure or take away from the aesthetic of the historic resource due to physical separation by the street (Ohio Ave). Upon review of the project design and renderings prepared by Labyrinth Design Studio Inc., the proposed project would not alter or obscure character-defining features of the historic resource because the project is located outside of the historic resource boundaries and it will have no undue impact on the view from adjoining streets. In fact, the lot shape and the architecture of the balcony design at the corner “salutes” to the structure and can be found to be compatible. Additionally, there will be no impact on extant landscaping design and materials due to the distance between the sites which result in no impacts on views. Finally, the proposed project will not expand over the street that demarcates the edge of the historic resource. St Paul the Apostle Church and School will remain visible from the public right-of-way as users view the structure from any angle along Ohio Ave. Therefore, the proposed project will not result in a substantial negative visual impact on the established historic resource since the proposed project meets Rehabilitation Standards 9 and 10, which state that:

*“New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment”<sup>1</sup>*

*“New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”<sup>2</sup>*

The Standards recommendations for parking included in the proposed new projects state:

*“Designing required new parking so that it is as unobtrusive as possible, thus minimizing the effect on the historic character of the setting.”<sup>3</sup>*

The proposed project will include a subterranean parking garage that is unobtrusive and does not obscure the historic character of the setting. Lastly, if the new construction was to be demolished sometime in the future, it would not result in a substantial impact on the HPOZ.

As such, the site is suitable for multi-family development and can easily accommodate the project due to its relatively flat topography, public street frontage and access to existing infrastructure, utilities, and services.

---

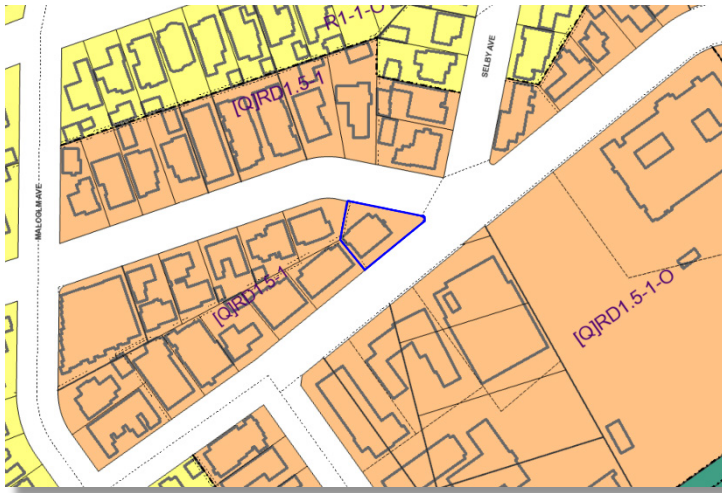
<sup>1</sup> National Parks Service, U.S. Department of the Interior (<https://www.nps.gov/tps/standards.htm>) “Secretary of the Interior’s Standards for Rehabilitation.”

<sup>2</sup> National Parks Service, U.S. Department of the Interior (<https://www.nps.gov/tps/standards.htm>) “Secretary of the Interior’s Standards for Rehabilitation.”

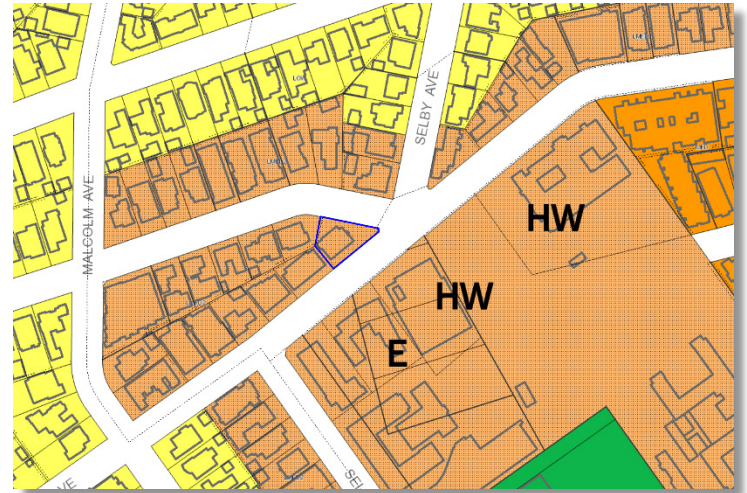
<sup>3</sup> National Parks Service, U.S. Department of the Interior (<https://www.nps.gov/tps/standards/rehabilitation/rehab/setting/htm>). “Secretary of the Interior’s Standards for Rehabilitation.”



# ZONING, GENERAL PLAN LAND USE DESIGNATION, SPECIFIC PLANS, SUPPLEMENTAL USE DISTRICTS AND OTHER NOTABLE BOUNDARIES



Zoning



General Plan Land Use Designation

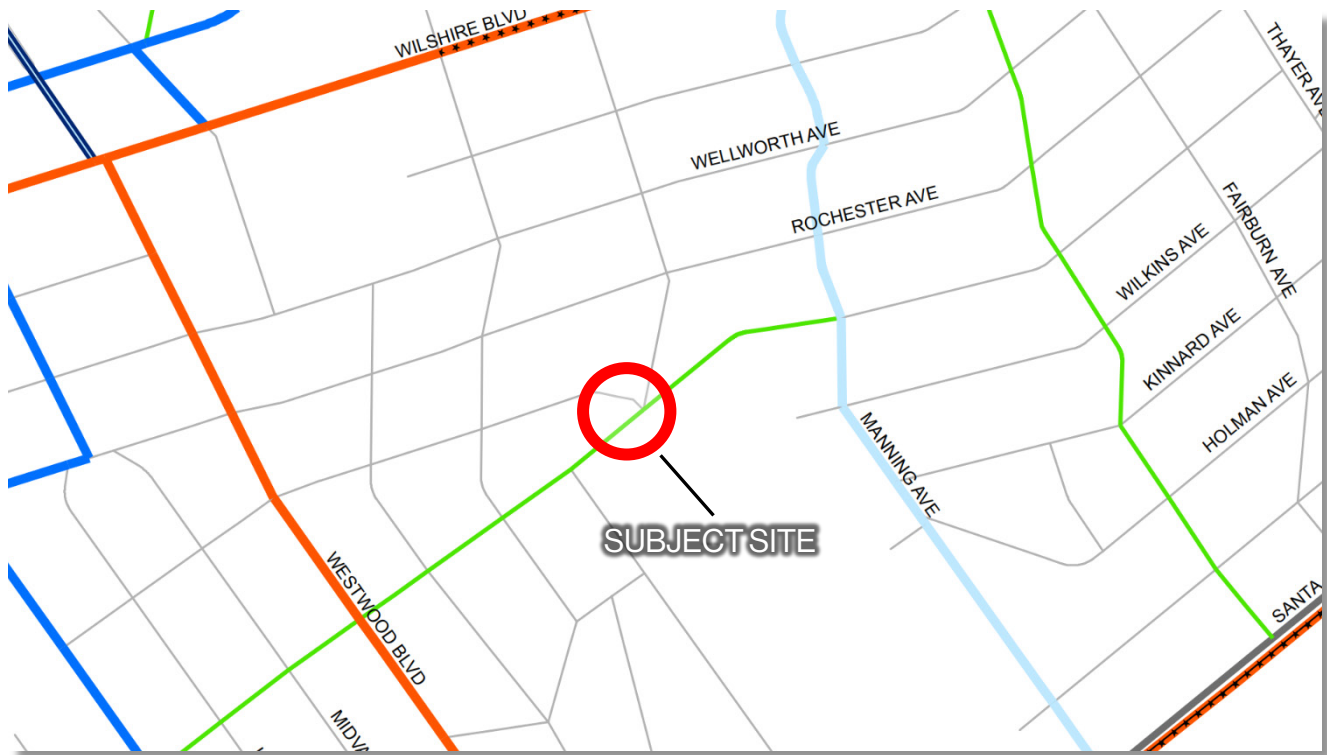
- Westwood Community Plan
  - The Plan designates the project site with the land use designation of Low Medium II Residential
  - The General Plan Footnotes that apply to the site do not have any impact on the proposed development program
- Zoning
  - The corresponding parcel is zoned [Q]RD1.5-1
- Westwood Community Multi-Family Specific Plan and DRB
- West LA Transportation Improvement and Mitigation Specific Plan
- Council District 5 (Katy Young Yaroslavsky)
- Tier 3 Transit Oriented Communities (TOC) Affordable Housing Incentive Area
  - Based on its proximity to the Metro D (Purple) Line – Westwood Station
- Transit Priority Area, which provides for certain CEQA exemptions

## STREETS AND CIRCULATION

	Wilkins Ave	Ohio Ave	-
Classification	Local - Standard	Collector	-
<b>Highway Dedication</b>	<b>0'</b>	<b>3'</b>	-

The information in the table above was gathered from the Bureau of Engineering<sup>4</sup> and reflects the condition of the street that the project fronts on. Pursuant to the new Mobility Plan, Wilkins Avenue meets current standards and does not require a dedication, whereas Ohio Avenue requires 3-feet to satisfy the requirements of a Collector street. Both frontages are currently improved with curbs, but only Ohio Avenue is improved with a gutter.

<sup>4</sup> Bureau of Engineering PLUR dated August 24, 2023



Circulation Map of Westwood Community Plan

## TRANSIT

The project site is approximately 2,500 feet from the Metro D (Purple) Line Westwood Subway Station. As such, the Project meets the eligibility requirement for proximity to a Major Transit Stop.

The site offers several transit options that will serve future residents and visitors while aligning with the City's overall objective of placing multi-family housing near transit. Below are the transit opportunities within a 10-minute walk or 5-minute bike ride from the site:

Transit Type	Transit Name	Transit Stop	Distance (feet)	Walk Time (min)	Bicycle Time (min)	Drive Time (min)
Local Bus	Big Blue Bus 1, 8	Westwood/Ohio	1,200	4.4	1.4	0.5
Local Bus	Metro 20	Wilshire/Selby	1,500	5.5	1.8	0.6
Commuter Express	LADOT 431	Wilshire/Selby	1,500	5.5	1.8	0.6
Commuter Express	Santa Clarita Transit 792, 797	Wilshire/Glendon	1,800	6.6	2.1	0.7
Commuter Express	LADOT 534, 573	Wilshire/Glendon	1,800	6.6	2.1	0.7
Rapid Bus	Metro 720	Wilshire/Glendon	1,800	6.6	2.1	0.7
Local Bus	Big Blue Bus 2	Wilshire/Westwood	2,000	7.3	2.4	0.8
Local Bus	Metro 233	Wilshire/Westwood	2,000	7.3	2.4	0.8
Rapid	Metro 761	Wilshire/Westwood	2,000	7.3	2.4	0.8
Shuttle	UCLA Bruin Bus U901	Midvale/Ashton	2,250	8.2	2.7	0.9
Local Bus	Metro 4	Santa Monica/Overland	2,250	8.2	2.7	0.9
Local Bus	Metro 602	Westwood/Lindbrook	2,400	8.8	2.8	0.9
Rapid Bus	Big Blue Bus R12	Westwood/Lindbrook	2,400	8.8	2.8	0.9
Commuter Express	AVTA 786	Westwood/Lindbrook	2,400	8.8	2.8	0.9
Light Rail	Metro D (Purple) Line (future)	Wilshire/Gayley	2,500	9.2	3.0	0.9
Local Bus	Culver City 6, Big Blue Bus 17, 18	Wilshire/Veteran	3,000	11.0	3.6	1.1
Commuter Express	Long Beach Transit 405	Kinross/Veteran	3,200	11.7	3.8	1.2
Rapid Bus	Culver City R6	Kinross/Veteran	3,200	11.7	3.8	1.2

**Total Transit Opportunities: 18**

## ADJACENT PROPERTIES

Direction	Zone	Use
North	[Q]RD1.5-1	2-Story, 3-unit Apartment 2-Story, 5-unit Apartment
Northeast		2-Story, 4-unit Apartment
East	[Q]RD1.5-1-O	St Paul the Apostle Church and School
South	[Q]RD1.5-1-O	St Paul the Apostle Church and School
Southwest	[Q]RD1.5-1	2.5-Story, 6-unit Apartment
Northwest		2.5-Story, 4-unit Apartment

## SURROUNDING AREA

Significant and notable land uses near the subject property include:

- UCLA & UCLA Hospital
- Veterans Center
- Westwood Village
- Wilshire High Rises (res. and office)
- Century City
- Beverly Hills Golden Triangle

As demonstrated above, the project is located in close proximity to significant cultural landmarks, employment centers, and transit.

## RELATED CASES

- DIR-2022-3382-TOC-DRB-SPP-HCA – A previous iteration of the project that has since been withdrawn.



# PROJECT

## USE

The proposed project is a multi-family building consisting of 11 units, which is a permitted use in the [Q]RD1.5-1 zone. The Q condition associated with site was imposed by Ordinance 163,187 in 1988 and only serves to reinforce compliance with the Westwood Design Review Board.

## DENSITY

Development Standard	Permitted without DB	Permitted with DB @ 35%	Proposed @ 102.5%
Density	4 units	7 units	11 units

The project site consists of one lot totaling 6,774 square feet. Utilizing the RD1.5 density factor of 1 unit per 1,500 square feet of lot area, the base density results in 4 units.

The Density Bonus law allows for a 35% increase in density from the rounded up base density of 4 units which permits the project to have up to 7 units. That said, a Conditional Use Permit is requested herein to permit a density increase of 102.5% for a total of 11 units. To qualify for said density increase, the applicant must set-aside 38% of the base units of the project for Very Low-Income households. 38% of 5 results in 1.9 or 2 units, which the applicant will set-aside as Restricted Affordable Units for Very Low Income Households.

## HOUSING REPLACEMENT & RENT STABILIZATION

As per the SB 8 Replacement Unit Determination<sup>5</sup>, the applicant is required to replace 1 affordable unit. Since the existing structure is a single family dwelling on a single lot, it is exempt from the Rent Stabilization Ordinance and the proposed structure will similarly be exempt once built.

## HEIGHT, FLOOR AREA & MASSING

Development Standard	Permitted without TOC Incentive	Permitted with TOC Base Incentive	Proposed
Height (feet/stories)	45' / No limit	56' / No limit	56' / 5-stories
FAR/Square Footage	3:1 / 9,435 sq ft	4.35:1 / 12,737 sq ft	3.6:1 / 11,941 sq ft

The subject site has a Height District of 1, which yields a Floor-to-Area Ratio (FAR) of 3:1 for the RD1.5-1 zone based on the site's buildable area<sup>6</sup> which is 3,261 square feet. The applicant is utilizing the DB On-Menu Incentive to increase the permitted FAR to 3.6:1, resulting in the floor area of 11,941 square feet.

The subject site zoning has a 45-foot height limit and no story limit. The Westwood Specific Plan does not regulate height for this site. A Waiver of Development Standards is requested

<sup>5</sup> As verified by Los Angeles Housing Department staff via the SB 8 Replacement Unit Determination dated July 18, 2023

<sup>6</sup> The allowable FAR for each zone is listed in Los Angeles Municipal Code Section 12.21.1

to allow an 11-foot height increase. The proposed height of the building is 5-stories and 56' tall, thereby complying with the allowable height for the zone and DB law.

The massing of the building features varied architectural treatments and materials that accentuate the building form. The design integrates smooth stucco, metal fascia, clear tempered glass, and dark bronze aluminum windows and doors, which are incorporated harmoniously throughout the building's exterior effectively breaking up the massing of the street wall. The architectural design of the building speaks to a contemporary style that is harmonious with the newer housing stock in the neighborhood, and the featured materials compliment the style. The ground floor is treated with materials to differentiate it from the rest of the building and the colored panel patterns were thoughtfully designed to further break up the massing and enhance the overall aesthetic, both from a pedestrian standpoint, as well as appreciating the overall building design from afar.

## **AUTOMOBILE PARKING**

Per AB 2097, the project is not required to provide any parking due to its proximity to a Major Transit Stop. The site is within ½ mile of the Metro D (Purple) Line – Westwood Station. The project exceeds the requirement by providing a total of 6 residential automobile stalls for its future residents.

## **BICYCLE PARKING**

LAMC 12.21.A.16. outlines the requirements for bicycle parking. For the subject 11-unit project, the required residential long-term bicycle parking is 11 stalls, and the required short-term bicycle parking is 1 stall. The project meets the required bicycle parking numbers by providing a total of 13 bicycle stalls (12 long-term & 1 short-term). The long-term bicycle stalls are provided on the subterranean parking level, providing easy access for future users. The short-term bicycle is located on the sidewalk, in front of the residential lobby and with good visibility for visitors.

## **SETBACKS**

The site setbacks are regulated as a function of the site's RD1.5 zoning requirement. The table below demonstrates the setbacks required per the RD1.5 zone, with necessary increases in the setback for multi-story buildings. The site's RD1.5 zoning requirement results in 8-foot side yards for a 5-story building, which are provided. LADBS has determined<sup>7</sup> that the site has two front yards, one on Wilkins Ave and the other on Ohio Ave. Off-Menu Incentives are requested herein to reduce said front yard requirements, as the site's shape is unique and makes the buildable area unusually small. A 5-foot decrease is requested along Wilkins to reduce the front yard from 15-feet to 10-feet. The request does not impede the established street wall along Wilkins Ave as the subject site bends and is not linear with the remainder of Wilkins Ave. The street wall across the street consists of one sole lot, 10751 Wilkins Ave, and the setback provided along Wilkins for that site is approximately 7-feet, which is less than the proposed 10-feet for the subject site. Along Ohio Avenue, a reduced setback is requested herein to match the façade of the westerly

---

<sup>7</sup> LADBS Yard Determination dated May 12, 2021

neighbor. The table below summarizes the setback requirements and proposals. LADBS has determined that no rear yards exist for the subject site.

Development Standard	Required without DB Incentive	Permitted with DB On-Menu Incentive	Proposed
<b>Front Yard Setback (Wilkins Ave)</b>	15'	12'	10' *
<b>Front Yard Setback (Ohio Ave)</b>	15'	12'	11.5' *
<b>Side Yard Setback (Southwest PL)</b>	8'	6.4'	8'
<b>Rear Yard Setback (Northwest PL)</b>	8'	6.4'	8'

\* via DB Off-Menu Incentive

## OPEN SPACE & LANDSCAPING

The open space for the project is regulated by the Westwood Community Multi-Family Specific Plan. The plan requires that projects in the RD zone provide 350 square feet of open space per unit. Based on the proposed unit count, the required open space is 3,850 square feet. The project meets said requirement by provided 3,895 sq ft of open space. The plan also requires that only 25% of the required open space be provided above the ground level. A Waiver of Development Standards is requested to allow 72% of the open space to be provided above the ground level.

Open Space Area	Square Footage
Front Yards (qualified per Westwood SP)	1,111
3 <sup>rd</sup> Floor Terrace	547
5 <sup>th</sup> Floor Terrace	229
Rooftop Deck #1	1,329
Rooftop Deck #2	679
<b>TOTAL</b>	<b>3,895</b>

The landscaping of the project was thoughtfully designed based on the site constraints and proposed open space program. The ground floor consists of a landscaping program which features Strawberry trees, Olive trees and various shrubbery. The existing palm tree on the sidewalk will be maintained and three new street trees will be proposed along Ohio Avenue, which will serve to simultaneously soften the façades as well as the residential entry, while improving air quality, preventing the heat island effect and providing passive cooling opportunities. The palm trees on the 3<sup>rd</sup> floor terrace will create a striking visual appearance against the backdrop of the building as the massing is brought back in said area. This creates privacy for the proposed users, neighbors, and architectural interest. The 5<sup>th</sup> floor terrace and its landscaping program achieves a similar effect. Additionally, the rooftop decks are designed to afford tenants a place to encourage community building, get fresh air and catch a beautiful view of the cityscape.



## **ACCESS**

Pedestrian access is provided via the residential lobby fronting Wilkins Ave. The residential entry is designed with double-height glass to be easily identifiable and a focal point for the architecture through the incorporation of materials, lighting, signage and articulation. The access to the subterranean parking garage is provided off Ohio Ave. The driveway is the minimum width possible, thereby reducing conflicts with pedestrians. It is also being moved from the existing driveway on Wilkins Ave to reduce potential conflicts with other driveways. The current driveway on Wilkins is directly adjacent to another driveway, while the driveway location proposed on Ohio is not near other driveways and furthest from the intersection possible. The trash room is located in the subterranean floor.

# DENSITY BONUS LEGISLATION BACKGROUND

The California State Legislature has declared that "the availability of housing is of vital statewide 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."<sup>8</sup> Further, the Legislature has also declared that "California is experiencing a housing supply crisis, with housing demand far outstripping supply. In 2018, California ranked 49<sup>th</sup> out of the 50 states in housing units per capita."<sup>9</sup> With Senate Bill 330, the Housing Crisis Act of 2019, the Legislature intends to "suspend certain restrictions on the development of new housing during the period of the statewide emergency" and to "work with local governments to expedite the permitting of housing in regions suffering the worst housing shortages and highest rates of displacement."

Year after year the California State Legislature has passed bills strengthening the Density Bonus law to provide more opportunities to utilize the program. This is punctuated by Assembly Bill 2501 (2016), which added subdivision (r) to Government Code § 65915 reiterating that the Density Bonus law "shall be interpreted liberally in favor of producing the maximum number of total housing units." Case law is consistent with the stated goals to maximize housing production, as evidenced most recently by City of San Diego/Greystar vs Bankers Hill.

With Senate Bill 1818 (2004), state law created a requirement that local jurisdictions approve a density bonus and parking relief and up to three "concessions or incentives" for projects that include defined levels of affordable housing in their projects. Government Code § 65915(k) defines a "concession or incentive" as:

- (1) *A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).*
- (2) *Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.*
- (3) *Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).*

Further, Government Code § 65915(o) defines a "development standard" as:

---

<sup>8</sup> Government Code § 65580(a) and (d)

<sup>9</sup> CA LEGIS 654 (2019). 2019 Cal. Legis. Serv. Ch. 654 (S.B. 330)

*“Development standard” includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.*

As such, the State intended to make the definition broad and widely applicable across a multitude of jurisdictions. Neither State nor City law specifies the type of incentive or concession that a developer may request. Utilization of the Density Bonus Incentives supersedes requirements of the Los Angeles Municipal Code. The law requires City’s to grant said incentives, unless the city makes a **written finding based upon substantial evidence** that the concession or incentive does not result in identifiable and actual cost reduction, of which the City shall bear the burden of proof for denial of a requested concession or incentive<sup>10</sup>. Similarly, the City is required to grant “waivers or reductions” that will have the effect of physical precluding the construction of a development that provides the requisite amount of affordable units at the densities or with the concessions or incentives permitted under this section.

The “Project” section of this document demonstrates how the ministerial density bonus and parking reduction is utilized, as well as how each Incentive and Waiver is utilized. The next section makes the necessary findings for the Incentives and Waivers.

---

<sup>10</sup> Government Code § 65915(d)(4)



# DENSITY BONUS FINDINGS

## DENSITY BONUS ON-MENU INCENTIVES ELIGIBILITY CRITERIA

Pursuant to LAMC Section 12.22.A.25(e)(2), 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.**

The façade of the proposed project will feature a variety of different materials and changes in plane to ensure that the façade will not be a flat surface. Materials used for the proposed building facade fronting on both Wilkins and Ohio Ave will feature a thoughtful blend of the following materials:

- Dark bronze corrugated metal
- Oatmeal Portland cement plaster
- Bronze aluminum doors and windows
- Landscape planters along the ground floor
- Dark bronze metal fascia panels
- Frameless tempered glass railings

The materials are used in combination with each other to prevent any architectural element from being monotonous. The projecting balconies, variety in materials used and façade articulation significantly breaks up the massing of the building. The architectural placement of materials differentiates key components of the façade while tying together the design as a whole. The projecting balconies of various sizes and shapes placed throughout the building ensure that at any angle the building is viewed, there is no perception of a flat surface. Other accents, such as the thoughtfully placed planters, shielded light fixtures, and a centralized, focused entrance all contribute to a collection of design elements that prevents the structure and façade from being repetitive and aesthetically mundane, but rather an articulated plane that is interesting to the eye and enhances the scale and interest of the building's frontage.

**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.**

The proposed building very clearly fronts on Wilkins Ave, as evidenced by the location of the main pedestrian entrance. The pedestrian entrance to the residential lobby on the ground floor has been accentuated and identified by house numbers, planters and light fixtures that serve to distinguish it from the rest of the building. Additionally, along Ohio Ave, the consistent landscape planters that wrap the corner of the building and end at the driveway, along with the balconies placed along said façade serve to orient to that street frontage as well.

- 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 a City of Los Angeles designated Historic-Cultural Monument (HCM).**

The 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 the LAMC.**

The Housing Development Project is not located on a substandard street in a Hillside Area, nor is it located in a Very High Fire Hazard Severity Zone.

## **DENSITY BONUS INCENTIVES COMPLIANCE FINDINGS**

Government Code Section 65915 and LAMC Section 12.22.A.25(c) state that the Commission **shall approve** a density bonus and requested incentive(s) unless the commission finds that<sup>11</sup>:

- a) The Incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.**

The record does not contain substantial evidence that would allow the Planning Commission to make a finding that the requested incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs per State Law. The California Health and 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 depending on affordability levels.

The proposed project complies with the applicable regulations, standards and provisions of the State Density Bonus Law. With a base permitted density of 5 units, a 35% density bonus would allow for 2 additional units, for a total of 7 units. Requested herein is a CUP to allow 11 units, which requires 38% of the base units to be reserved for restricted affordable units. The project is providing two (2) units, or 38% of the permitted base density of the project, as Very Low Income restricted affordable units, which permits three incentives<sup>12</sup>.

### Increase in Floor Area (On-Menu)

---

<sup>11</sup> Government Code § 65915(d)(1)

<sup>12</sup> Government Code § 65915(d)(2)

The project is subject to the “1” Height District, which limits FAR to 3.0:1 feet for the RD1.5 zone. The requested FAR incentive allows an increase of up to 35% to the base FAR of 3.0:1, resulting in a FAR of 4.05:1. The project only requires 3.6:1 FAR, or a 20% increase. Utilization of the FAR incentive enables the developer to expand the building envelope so the density bonus and restricted affordable units can be constructed, provide for design efficiencies, and allow the overall space dedicated to residential uses to be increased. The incentive supports the applicant’s decision to set aside the specified number of dwelling units as Restricted Affordable Units for 55 years.

### Reduction in Front Yard Setbacks (Off-Menu)

The site setbacks are regulated as a function of the site’s RD1.5 zoning requirement. LADBS has determined<sup>13</sup> that the site has two front yards, one on Wilkins Ave and the other on Ohio Ave. The project would be required to provide a 15-foot front yard setback per LAMC 12.09.1.B.1. The applicant has requested Off-Menu Incentives to allow a reduction in the required front yard setbacks. The site’s shape is unique and makes the buildable area unusually small. A 5-foot decrease is requested along Wilkins to reduce the front yard from 15-feet to 10-feet. The request does not impede the established street wall along Wilkins Ave as the subject site bends and is not linear with the remainder of Wilkins Ave. The street wall across the street consists of one sole lot, 10751 Wilkins Ave, and the setback provided along Wilkins for that site is approximately 7-feet, which is less than the proposed 10-feet for the subject site. Along Ohio Avenue, a reduced setback is requested herein to match the façade of the westerly neighbor.

Strict compliance with the yard requirements would reduce the buildable area for new development thereby restricting the number and range of units that could be developed. The requested incentives allow the developer to reduce setback requirements so the affordable housing units can be constructed and the overall space dedicated to residential uses is increased. The requested decrease in setbacks would allow an expanded building envelope and design efficiencies that will facilitate the provision of additional density bonus units, which will offset the cost of the inclusion of the required affordable units. The provided setbacks at 10-feet and 11-feet 7-inches surpasses the minimum California Building Code requirements. The proposed incentives will allow the provision of a habitable, quality unit, while meeting current building code requirements.

It is important to note that case law has ruled that the decision-maker cannot impose a condition that nullifies the effect of the density bonus<sup>14</sup>.

---

<sup>13</sup> LADBS Yard Determination dated May 12, 2021

<sup>14</sup> Louise Apt LLC vs City of Los Angeles, 2008 – Key provisions of the Writ of Mandate, “*The Commission does not contend that the statute is invalid or inapplicable to it, or that it does not have a ministerial duty to provide the density bonus and height concessions sought by the developer, but it refused to grant those benefits to petitioner without imposing a condition that nullified the effect of the density bonus. Although the C3 zone permits a building 45 feet high, the Planning Commission required petitioner to taper his building... The effect of such requirement is to nullify the density bonus by decreasing the amount of rentable space in the development...*

*The action taken by the Planning Commission is arbitrary, capricious, and is not justified by any evidence. It is an abuse of discretion because it constitutes a refusal to comply with the literal wording and the legislative intent of Government Code section 65915 (d) (1).*



- b) The Incentive will have 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 is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.**

There is no evidence that the proposed density bonus incentives will have a specific adverse impact upon public health and safety, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete."<sup>15</sup>

The project does not involve a historic structure, is not located on a substandard street in a hillside area, a Very High Fire Hazard Severity Zone, or Alquist-Priolo Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. The proposed project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) and accordingly, a Class 32 Categorical Exception was prepared to demonstrate that the project would not result in any significant impacts to the environment. There is no substantial evidence in the record that the proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, and on property listed in the California Register of Historic Resources. Therefore, there is no substantial evidence that the proposed incentives will have a specific adverse impact on public health and safety or on any real property listed in the California Register of Historical Resources.

- c) The concession or incentive would be contrary to state or federal law.**

There is no substantial evidence in the record indicating that the requested Incentives are contrary to any State or federal laws.

## **WAIVERS / REDUCTIONS OF DEVELOPMENT STANDARDS**

In no case may The City apply any development standard that will have the effect of physically precluding the construction of this development, unless the decision-maker finds that<sup>16</sup>:

- 1. The waiver or reduction of development standards will have the effect of physically precluding the construction of a development meeting the criteria of**

---

*A writ is to issue commanding the present members of the Planning Commission to vacate its determination of February 13, 2008, and to grant petitioner a height limit concession increasing the permitted height..."*

<sup>15</sup> 65589.5(d)(2)

<sup>16</sup> Government Code § 65915(e)(1)

**subdivision (b) [the affordable set-aside percentage] at the densities or with the concessions or incentives permitted under this section [the State Density Bonus Law].**

Pursuant to Government Code § 65915(e)(1), a housing development project may request other waivers or reductions of development standards that will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted under the State Density Bonus Law. Without the below Waiver, the existing development standards would preclude development of the proposed density bonus units, restricted affordable units, and project amenities:

Increase in Height

The project is subject to the “1” Height District, which limits height to 45 feet for the RD1.5 zone. The requested height incentive allows an increase of 11 feet in building height, equal to a maximum building height of 56 feet. Although the underlying zone does not limit the number of stories, the project is limited by building height. Utilization of the height incentive enables the construction of an additional level, and thus facilitates the Density Bonus units. The additional units support the applicant's decision to reserve two (2) units for Very Low Income households. The requested On-Menu Incentive will allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential uses is increased.

Denying the requested height waiver would prevent construction of the project at the proposed density and with the requested incentives. The additional 11-feet allows for an additional story of construction, without which, the project would lose two or more units. Without the height increase, it would not be physically possible to accommodate the two displaced units that would have otherwise occupied said space. Denial of the Waiver would force a substantial redesign that would require substantially smaller sized units and less square footage and denies the project from providing comfortable unit sizes, which is an amenity of the proposed project and directly in conflict with case law<sup>17</sup>. Further, the loss of floor area would, in turn, directly limit the project's ability to construct residential dwelling units (including affordable units) which are of a sufficient size.

---

<sup>17</sup> Bankers Hill 150 v. City of San Diego w/ Greystar GP II, LLC as Real Parties in Interest (2022). Key provisions of ruling, “The Association contends on appeal that the Project's design was not dictated by the density bonus and related incentives, but rather by the inclusion of a large courtyard... The Association relies on the suggestion by a city councilmember that without the courtyard the Project could have been “built more horizontally” (i.e., shorter) to imply that if the courtyard were eliminated, the Project could be redesigned to be shorter and less bulky... This precise argument was raised and rejected in *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, which also involved a density bonus project designed with a courtyard. The First District considered the history of the Density Bonus Law's language and concluded that when a developer proposes a project that qualifies for a density bonus, the law provides a developer with broad discretion to design projects with additional amenities even if doing so would conflict with local development standards. The court held that nothing in the Density Bonus Law “requires the applicant to strip the project of amenities, such as an interior courtyard, that would require a waiver of development standards. Standards may be waived that physically preclude construction of a housing development meeting the requirements for a density bonus, period. (§ 65915, subd. (e)(l).) The statute does not say that what must be precluded is a project with no amenities, or that amenities may not be the reason a waiver is needed.” (Id. at pp. 1346-1347.)

## Open Space Provided Above Ground Level

The Westwood Specific Plan requires that the required project open space be provided on the ground level, except that up to ¼ of the required open space may be provided above the ground level<sup>18</sup>. The Plan also requires that all open space be open from the ground to the sky<sup>19</sup>. This is conceivably to encourage the low-density apartment complexes that were common at the early development of the Westwood area. These low-density apartment complexes typically provided a large ground-level courtyard. The requirement to provide 75% of the required open space on the ground level and be open to the sky drastically reduces the building footprint. The reduced footprint significantly reduces the amount of square footage that can be built, especially since for every square foot of building footprint that is lost, five square feet is lost overall for a 5-story building. Strict adherence to the Specific Plan's open space requirements would require an additional 1,810 square feet of open space on the ground floor<sup>20</sup>, which if open to the sky as required, equates to many more square feet lost of actual building above the ground level. The additional 1,810 square feet of open space that would be required on the ground floor is over 60% of the overall building footprint. Denial of the waiver would have the effect of physically precluded the construction of the proposed project since there would not be enough space for the 2 Very Low Income Units and 9 market-rate units. Accordingly, the Waiver is necessary at the proposed density with the incentives permitted.

**2. The waiver will have 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 is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.**

There is no evidence that the proposed density bonus incentives will have a specific adverse impact upon public health and safety, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete."<sup>21</sup>

The project does not involve a historic structure, is not located on a substandard street in a hillside area, a Very High Fire Hazard Severity Zone, or Alquist-Priolo Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. The proposed project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) and accordingly, a Class 32 Categorical Exception was prepared to demonstrate that the project would not result in any significant impacts to the environment. There is no substantial evidence in the record that the proposed

---

<sup>18</sup> Section 6.A.3. of the Westwood Community Multi-Family Specific Plan

<sup>19</sup> Section 4.A. of the Westwood Community Multi-Family Specific Plan

<sup>20</sup> 75% of the total open space of 3,895 sq ft less 1,111 provided in front yards

<sup>21</sup> 65589.5(d)(2)

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

**3. The concession or incentive would be contrary to state or federal law.**

There is no substantial evidence in the record indicating that the requested Incentives are contrary to any State or federal laws.



# CONDITIONAL USE PERMIT FINDINGS

The following is a delineation of the findings and the application of the relevant facts as related to the request for a Conditional Use Permit to allow a 60 percent Density Bonus, or 53 residential units.

**a) The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The project requests a Conditional Use Permit for an increase in density in excess of 35 percent pursuant to LAMC 12.24 U.26, for a total of 11 units. The base density of the site yields 5 units, as such, to achieve 11 units, a density increase of 102.5% is required. State Density Bonus law permits density increases administratively up to 35%, which yields 7 units for this site. The request herein would result in an additional 4 units, for a total of 11 units. In exchange for the density increase, the project is required to set-aside 38% of the base density for Very Low Income households, which results in 2 Very Low Income units (one additional unit than would otherwise be required administratively with an 11% set-aside). This calculation of set aside affordable units is found to be consistent with the requirement that any project which requests a density bonus increase beyond 35 percent should appropriately extend the existing set aside charts located in the City's Density Bonus Ordinance, LAMC 12.22.A.25. As such, the percentage of Density Bonus is increased by 2.5 percent for every additional 1 percent of Very Low Income Units provided.

According to the 2013 Housing Element of the City of Los Angeles General Plan, pages 1-14, 29 percent of total households in Los Angeles City are in the Very Low Income Category and 16.1 percent are in the Low Income Category; therefore, almost half of the City's residents are in the Very Low or Low Income Categories. Additionally, the Housing Element shows that of the 29 percent Very Low Income Households, 82 percent are renters and 18 percent are owners; and of the 16.1 percent Low Income households, 73 percent are renters and 27 percent are owners, demonstrating that a significant number of Los Angeles' Very Low and Low Income Households are renters. The City has determined that the shortage of affordable housing is an ongoing crisis in the City of Los Angeles. Therefore, the increased intensity of the proposed development will be offset by the Project's ability to provide the number of affordable units required by the City's Density Bonus policy.

The project will perform a function by replacing the existing vacant single-family use with a new 11-unit residential development, thereby adding to the city's housing stock without displacing any households or rent controlled units. Therefore, the proposed 11-unit residential development, including the 2 units set aside for Very Low Income Households, will provide new market rate and affordable housing near a major transit node, thus performing a function that is essential and beneficial to the community, city and the region.

**b) The project's location, size, height, operation and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

The project is located on a site that currently consists of a vacant single family dwelling that is not subject to rent control. The project will demolish the existing structures to build a new 5-story, 11,941 square-foot, 11-unit multi-family development, 2 of which will be set-aside for Very Low Income households. A subterranean garage consisting of 6 automobile and 12 bicycle parking spaces will be provided, even though AB 2097 prohibits required parking. The site is comprised of one (1) irregular corner lot with two front yards and approximately 109 feet of frontage along both Wilkins and Ohio Avenue, for a total lot size of approximately 6,774 square feet. The subject property is zoned [Q]RD1.5-1 located within the Westwood Community Plan area. The project site is located in an urbanized area surrounded by a mix of residential, commercial retail/restaurant, commercial office, and religious uses. Immediately abutting the property are all multi-family uses with a church and school to the south, all of which are similarly zoned RD1.5.  $\frac{1}{4}$  of a mile to the west and north are both busy commercial thoroughfares, with Westwood Blvd to the west and Wilshire Blvd to the north. The transit study earlier in this report demonstrates the rich transit opportunities that are nearby. The subject property is not adjacent to any single-family zoned properties. Rather, it is surrounded by properties zoned for medium residential uses. Therefore, the construction of the housing development will serve to benefit the neighborhood rather than degrade it.

The subject property contains two on-site trees and five street trees, none of which are protected tree species per Los Angeles City ordinance. All five street trees will be maintained along Wilkins Avenue and three new street trees will be planted along Ohio. The two on-site trees will be removed to be replaced by six trees at 24" box size and many more at the 15-gallon size.

Construction of the housing development will serve to benefit the neighborhood rather than degrade it. The façades are well-articulated and feature a prominent ground design that distinguishes it from the upper levels. The residential lobby and offices at the ground level engage pedestrians along Wilkins Avenue and the driveway positioned on Ohio Avenue was planned to minimize potential conflicts with other vehicles and pedestrians (see the Access section of this report). Well-designed landscaping will create a pleasing transition from the pedestrian realm of the sidewalk to the façade of the building. Therefore, the project is compatible with the surrounding neighborhood and will not adversely affect nor degrade adjacent properties, surrounding neighborhood, or the public health, safety, or welfare.

With the exception of the requests herein, the proposed project is otherwise entirely consistent with the requirements of the underlying zone. The project's significant features, including the proposed building's use, density, height, and FAR, are permitted by the underlying zone and the provisions of Density Bonus law.

Given the proposed project's location within the Westwood Community Plan area, along with the existing development in the immediate vicinity of the subject property and its proximity to commercial thoroughfares, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect

adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

**c) The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable Community Plan, and any applicable Specific Plan.**

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing and Conservation. 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.

The Project is in compliance with the following Elements of the General Plan: Framework Element, Housing Element, Mobility Element, the Land Use Element of the Westwood Community Plan and the Westwood Community Multi-Family Residential Specific Plan.

**Framework Element**

The Citywide General Plan Framework Element is a guide for communities to implement growth and development policies by providing a comprehensive long-range view of the City as a whole. The Element establishes categories of land use that are broadly described by ranges of intensity/density, heights, and lists of typical uses. The definitions reflect a range of land use possibilities found in the City's already diverse urban, suburban, and rural land use patterns. The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services. The Proposed Project would be in conformance with following goals of the Framework as described below.

**Chapter 3: Land Use**

**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.*

**Objective 3.7:** *Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.*

**Objective 3.15:** *Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities, and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.*

**Policy 3.15.3:** Increase the density generally within one quarter mile of transit stations, determining appropriate locations based on consideration of the surrounding land use characteristics to improve their viability as new transit routes and stations are funded in accordance with Policy 3.1.6.

The Framework Element establishes land use categories whose locations are depicted on the Long-Range Land Use Diagram. These categories are broadly described by ranges of intensity, density, height, and use. The Project Site is designated for High Medium Residential Land Use. High Medium Residential areas contain a mostly multi-family uses, with occasional mixed-use buildings in the neighborhood. The increased density minimizes automobile trips and encourages walking to and from nearby transit stations.

The Proposed Project involves the construction of a five-story, multi-family project that includes 11 dwelling units. The site is located approximately 2,500 feet from the Metro D (Purple) Line Westwood Station. The project will not only concentrate residential development near existing transit stations, but will provide opportunities to increase the amount of pedestrian activity and safety by introducing more permanent eyes on the street. By increasing density for Angelenos near major transit stops, the Proposed Project would be consistent with the Framework Element.

## **Housing Element**

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The Proposed Project would be in conformance with following goals of the Housing Element as described below.

### **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 1.1.2:** Expand affordable rental housing for all income groups that need assistance.

**Policy 1.2.2:** Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing.

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

### **Goal 2: Safe, Livable, and Sustainable Neighborhoods**

**Objective 2.2:** Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.

**Policy 2.2.2:** Provide incentives and flexibility to generate new multi-family housing near transit and centers, in accordance with the General Plan Framework Element, as reflected in Map ES.1.

**Policy 2.2.3:** Promote and facilitate a jobs/housing balance at a citywide level.



**Objective 2.4:** *Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.*

**Policy: 2.4.1:** *Promote preservation of neighborhood character in balance with facilitating new development.*

**Objective 2.5:** *Promote a more equitable distribution of affordable housing opportunities throughout the City.*

**Policy 2.5.2:** *Foster the development of new affordable housing units citywide and within each Community Plan area.*

The project will replace a vacant single family dwelling with 11 residential dwelling units. While the project would only be required to set aside one unit for Very Low Income households at the administrative density increase maximum of 35%, due to setting aside 38% of the base density, the project will provide 2 Very Low Income units. Thus, the project will result in a net increase of 10 dwelling units (two of which are affordable and the remaining market-rate) in close proximity to jobs, transit and other amenities. The Housing Element encourages more housing units to accommodate the City's projected growth and envisions a variety of unit types and sizes and amenities that can satisfy the needs and demand of people of all income levels, races, and ages. The Housing Element indicates that not only are more housing units needed to accommodate the City's growth, but that these units need to be a broader array of typologies to meet evolving household types and sizes. The Project will offer a range of apartment types and sizes, with a mix of one-, and two-bedroom units. To ensure the livability of these housing units, the Project includes 3,895 square feet of open space for residents, including a recreation room, three separate roof terraces, and private balconies. In addition, by providing 2 Very Low Income units and 9 market-rate units, the project will be achieving the Housing Element goal of promoting mixed-income developments in transit-oriented communities.

### **Mobility Element**

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. The Proposed Project would be in conformance with following goals of the Housing Element as described below.

#### **Chapter 3: Access for All Angelenos**

**Objective:** *Ensure that 90 percent of households have access within one mile to the Transit Enhanced Network by 2035.*

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

The proposed multi-family building is a pedestrian-oriented development that provides affordable and market-rate housing in proximity to several transit options. As previously mentioned, the site is located within approximately ½ mile of the Metro D (Purple) Line – Westwood Station and a plethora of bus routes. These transit stations provide access

to employment centers and jobs, local and regional destinations, and other neighborhood services for project residents. The project will also allow for reduction of vehicle trips by placing residential within proximity to public transit. The project as designed is consistent with the Mobility Element because residents will have easy access to work opportunities and essential services, and greater mobility is assured by the plentiful transit options offered by the Metro Rail and bus lines, as well as other operators, such as Antelope Valley Transit Authority, Big Blue Bus, Culver City Bus, LADOT DASH, and more, which are detailed in the transit study section earlier in this report. The availability of many transit options along the commercial corridors of Westwood, Wilshire, and Santa Monica Boulevards creates a lesser need for the use of personal vehicles. Furthermore, the location of the ground floor residential lobby will facilitate a pedestrian-oriented environment by providing transparency at the street level, and activating the streets with greater pedestrian activity, as residents will be encouraged to walk and use public transit. In addition, the Mobility Plan incorporates the complete streets principles to accommodate all modes of transportation including foot traffic and bicyclists. The Project also provides 13 bicycle parking spaces within a convenient, secure, and easily accessible parking facility. As such, the Project conforms to the goals, objectives, and policies of the Mobility Element.

### **Land Use Element – Westwood Community Plan**

The Westwood Community Plan was adopted by the City Council on July 27, 1999. The Community Plan’s purpose is “Maximizing development opportunities around future transit systems while minimizing any adverse impacts on residential neighborhoods”, as well as “Preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of compatible housing opportunities”. The proposed project would be in conformance with following goals of the Land Use Element as described below.

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

***Objective 1-1:*** *To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.*

***Policy 1-1.1:*** *Protect existing single family residential neighborhoods from new out-of-scale development and other incompatible uses.*

***Policy 1-1.2:*** *Protect the quality of residential environment and promote the maintenance and enhancement of the visual and aesthetic environment of the community.*

***Policy 1-1.3:*** *Provide for adequate multi-family residential development.*

***Objective 1-2:*** *To coordinate residential density with infrastructure and to reduce vehicular trips and pass-through traffic in single family neighborhoods by developing new multiple family housing in proximity to services and facilities.*

***Policy 1-2.1:*** *Locate higher density residential within designated multiple family areas and near commercial centers and major bus routes where public service facilities and infrastructure will support this development.*

**Objective 1-4:** To promote the adequacy and affordability of multiple-family housing and increase its accessibility to more segments of the population.

**Policy 1-4.1:** Promote greater individual choice in type, quality, price and location of housing, including student housing within one mile of the UCLA campus.

**Policy 1-4.2:** Ensure that new housing opportunities minimize displacement of residents.

The Westwood Community Plan designates the site for Low Medium II Residential land uses with a range of corresponding zones, including RD1.5. The project is in line with the Westwood Community Plan overall goals, objectives and policies by locating a well-designed, mixed-income project near commercial centers and transit, but also away from established single-family neighborhoods. The project proposes a multi-family development in an area that is close to a major transit station (Metro D Line Westwood Station) and various bus routes, connecting the project to other regional and local destinations as well as employment centers and retail services. The project minimizes displacement of residents and brings much needed new housing stock to a neighborhood that can support it. As such, the Project conforms to the goals, objectives, and policies of the Wilshire Community Plan.

### **Westwood Community Multi-Family Specific Plan**

The Westwood Community Multi-Family Specific Plan consists of an area that includes the East Westwood Village Area, the South of Wilshire/West of the Mormon Temple Area, the South of Wilshire/East of the Mormon Temple Area, Ashton Avenue, the Beverly Glen Boulevard/Devon/Ashton Area, Sepulveda Boulevard & Church Lane and the general area South of Wilshire.

The Westwood Community Multi-Family Specific Plan is intended to:

1. Assure that the development of the area is in accordance with the provision of the Westwood Community plan;
2. To enhance the future development of the area by establishing coordinated and comprehensible standards for parking, height, design, building massing, open space and landscaping for new projects in the area.
3. To promote orderly, attractive and harmonious multiple-family residential development in the Westwood community which takes into consideration the architectural character and environmental setting of the community.
4. To enhance the aesthetic qualities of multiple-family residential development so that it is more harmonious with adjacent single-family neighborhoods; and
5. To adequately buffer single-family residential uses from adjacent multiple family residential development to the greatest extent feasible.

With the exception of the requests associated with Density Bonus, the proposed project is otherwise entirely consistent with the requirements of the Specific Plans and aligns with the goals and intentions mentioned for multi-residential developments in the Westwood Community Plan.

**d) Additional Findings required per 12.24.U.26**

**i. The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan.**

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. As discussed in the previous Finding, the Project is consistent with the following objectives, policies and programs:

***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 1.1.2:** Expand affordable rental housing for all income groups that need assistance.

**Policy 1.1.4:** Expand location options for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.

**Policy 1.2.2:** Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing.

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

***Goal 2: Safe, Livable, and Sustainable Neighborhoods***

**Objective 2.2:** Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.

**Policy 2.2.2:** Provide incentives and flexibility to generate new multi-family housing near transit and centers, in accordance with the General Plan Framework Element, as reflected in Map ES.1.

**Policy 2.2.3:** Promote and facilitate a jobs/housing balance at a citywide level.

**Objective 2.4:** Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.

**Policy 2.4.1:** Promote preservation of neighborhood character in balance with facilitating new development.

**Objective 2.5:** Promote a more equitable distribution of affordable housing opportunities throughout the City.

**Policy 2.5.2:** Foster the development of new affordable housing units citywide and within each Community Plan area.

The intent of the Housing Element, as described above, is to appropriately guide density and assure new development conforms to existing neighborhood character. In granting a Conditional Use for a density increase above 35 percent,



affordable housing is required above and beyond that required per the State Density Bonus Law and the City's Density Bonus Ordinance. This ensures that, while the density exceeds what is permitted, the City is receiving a significant amount of affordable housing units in return, and that all relevant findings can be made. In the case of the Proposed Project, the amount of affordable housing units complies with the City's Density Bonus Policy.

The Project requests a 102.5 percent density increase above the base density, resulting in 11 total units in exchange for setting aside 2 units, or 38 percent of the 5 base density units, for Very Low Income Households. This calculation of set aside affordable units is found to be consistent with the requirement that any project which requests a density bonus increase beyond 35 percent should appropriately extend the existing set aside charts located in the City's Density Bonus Ordinance, LAMC 12.22.A.25. As per those charts, the percentage of Density Bonus is increased by 2.5 percent for every additional 1 percent of Very Low Income Units provided. The project meets the necessary affordable units necessary to permit a 102.5% density increase above the base density by allotting an additional Very Low Income Household to the 1 Very Low Income unit that would have otherwise been necessary for a ministerial 35% density bonus.

Given that the Project requests a 102.5 percent density bonus, and sets aside 38 percent of its base density, or 5 units, for Very Low Income Households, the Proposed Project is consistent with the California Government Code Section 65915(b) as described above. Therefore, the Project is consistent with the goals, policies and objectives of the Housing Element.

**ii. The project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows.**

California Government Code Section 65915(b) is the State of California's Density Bonus Law and states that a city shall grant a density bonus, as described in Section 65915(f) when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to Section 65915, that will contain at least any one of the following: ten percent of the total units of a housing development for lower income households; five percent of the total units of a housing development for very low income households; a senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing of older persons pursuant to Section 798.76 or 799.5 of the Civil Code; and ten percent of the total dwelling units in a common interest development, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase. As stated, these percentages are minimum thresholds.

For housing developments that are intending to set aside units for Very Low Income Households, the Government Code provides a chart that grants up to a 35 percent increase in density. Beginning with a set aside of 5 percent that grants a 20 percent density bonus, the chart incrementally increases the amount of density bonus granted by 2.5 percent for each additional 1 percent of the total units that are set aside for Very Low Income Households. While the density bonus charts

provided in the Government Code max out at 35 percent, the Government Code states in Section 65915(f) that the amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the previously described minimum percentages. As such, in instances where a project is seeking a density bonus increase that is more than 35 percent of the amount of required units that are set aside as affordable units shall vary depending on the requested amount of density bonus.

The project requests a Conditional Use for an increase in density in excess of 35 percent pursuant to LAMC 12.24.U.26, for a total of 11 units, representing a 102.5 percent bonus. The project is allowed 7 units by right. Pursuant to LAMC 12.24.U.26(a)(2)(d), the project may then be granted additional density increases beyond 35 percent by providing additional affordable housing units in the following manner: for every additional 1 percent set aside of Very Low Income Units, the project is granted an additional 2.5 percent density increase. Accordingly, a 102.5 percent density bonus corresponds to a 38 percent set aside of Very Low Income Units.

Through the Conditional Use process, the Applicant is requesting 4 additional Density Bonus units in exchange for setting aside 2 units, or 38 percent of the 5 base density units, for Very Low Income Households. Therefore, the proposed project is consistent with the California Government Code Section 65915(b) as described above, in addition to other findings as delineated.

**iii. The project meets any applicable dwelling unit replacement requirements of California Government Code Section 65915(c)(3).**

As per the SB 8 Replacement Unit Determination<sup>22</sup>, the applicant is required to replace 1 affordable unit. Since the existing structure is a single family dwelling on a single lot, is it exempt from the Rent Stabilization Ordinance and the proposed structure will similarly be exempt once built.

**iv. The project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the Los Angeles Municipal Code.**

The project will enter into a covenant with LAHD to provide 2 Very Low Income Units for the required 55 years from the issuance of the Certificate of Occupancy, and pay fees per Section 19.14 of the Los Angeles Municipal Code, through a process with LAHD after said entitlements are approved.

**v. The project addresses with the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.**

The City Planning Commission approved the Affordable Housing Incentives Guidelines (under Case No. CPC-2005-1101-CA) on June 9, 2005. The Guidelines were subsequently approved by the City Council on February 20, 2008, as a

---

<sup>22</sup> As verified by Los Angeles Housing Department staff via the SB 8 Replacement Unit Determination dated July 18, 2023

component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. The Los Angeles Housing Department (LAHD) utilizes the Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. The Guidelines prescribe that the design and location of affordable units be comparable to the market rate units, the equal distribution of amenities, LAHD monitoring requirements, affordability levels, and procedures for obtaining LAHD signoffs for building permits.

The project will result in a total of 11 new dwelling units, of which 2 units will be reserved for Very Low Income Household occupancy and the remainder will be offered as market rate units. In order to ensure that there is equal distribution of amenities, the project has been conditioned to provide the private balconies in accordance with the requirements of the LAMC. All residents of the proposed project will have access to all common open space amenities within the building and each unit will have adequate private open space. The restricted units will comply with affordability requirements in the Guidelines set forth by LAHD in conformance with US Department of Housing and Urban Development (HUD). Additionally, as part of the building permit process, the applicant will execute a covenant to the satisfaction of LAHD who will ensure compliance with the Guidelines. Therefore, the project will address the policies and standards contained in the Guidelines.

# WESTWOOD SPECIFIC PLAN PROJECT

## PERMIT COMPLIANCE REVIEW FINDINGS

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

- a. **Section 5.A. Building Height.** This section of the Specific Plan limits building height when a project immediately abuts an R1 zone and is not applicable to the project. The project site does not immediately abut an R1 zone; immediately abutting properties are zoned [Q]RD1.5-1. Nonetheless, the project will comply with the height limitations of the [Q]RD1.5-1 zone, which allows 45 feet in height without Density Bonus Incentives or Waivers.
- b. **Section 5.B. Parking Standards.** The Specific Plan requires 2.25 parking spaces per unit with four habitable rooms or less and 3.25 parking spaces per unit with more than four habitable rooms. Of the parking spaces required, guest parking shall be provided at a ratio of 0.25 space for every dwelling unit. The project proposes 11 units – all of which will have four or less habitable rooms, therefore, 36 automobile parking spaces would be required onsite, plus three (3) additional spaces for guests. However, the State Density Bonus Law allows a ratio of 0.5 parking spaces per unit for projects that include the required amount of restricted affordable units and are located within a ½ mile of a Major Transit Stop. The project site is located within a ½ mile of the future Los Angeles Metropolitan Transportation Authority Purple (D) Line station at the corner of Wilshire & Westwood Boulevards. Pursuant to California Government Code Section 65915, vehicle parking shall be provided consistent with State Density Bonus Law, which permits 0.5 vehicular parking spaces per dwelling unit. Therefore, a total of six (6) parking spaces would be required. State Density Bonus Law and LAMC 12.22-A.25 supersedes the Westwood Community Multi-Family Specific Plan’s (WMFSP) Parking Standards. Lastly, AB 2097 prohibits local agencies from imposing parking standards if the site is within ½ mile within a Major Transit Stop, bring the parking requirement down to zero. The project chooses to provide a total of 6 vehicular parking spaces within the subterranean parking level.
- c. **Section 6.A.1. Open Space.** The Specific Plan requires 350 square feet of open space per unit for RD Zones. The WMFSP would therefore require 3,850 square feet of open space for a 11-unit apartment complex in the [Q]RD1.5-1 Zone. As shown in Exhibit A, the project will provide 3,895 square feet of open space. As such, the project complies with Section 6.A.1 of the Specific Plan.
- d. **Section 6.A.2. Open Space.** This section is not applicable because the project does not include any guest rooms.
- e. **Section 6.A.3. Open Space.** The Specific Plan requires that 75 percent of required open space be located at ground level and 50 percent of required open space be landscaped. Pursuant to LAMC 12.22.A.25, the applicant has requested a Waiver of Development Standards to allow 28% of the required open space to be on the ground

floor (with 72%, or 2,784 square feet above the ground level). State Density Bonus Law and LAMC 12.22.A.25 supersedes the WMFSP's open space standards. With regard to the landscape requirement, Exhibit A demonstrates that each open space area provided meets the 50% landscape requirement. Therefore, the project as designed in conjunction with the relevant Density Bonus requests, the project complies with Section 6.A.3. of the Plan.

- f. Section 6.A.4 Open Space.** The Plan allows projects with stories above the first habitable level that are setback at least 10 feet from the level below to count these setback areas towards the open space requirement if 40 percent of the setback area is landscaped. The proposed project is well-articulated and does contain levels that are set back 10 feet from the level immediately below. Said areas that are counted towards the open space requirement are 50 percent landscaped. As such, the project complies with Section 6.A.4 of the WMFSP.
- g. Section 6.A.5. Open Space.** The Plan requires that paved areas on the project site consist of stamped concrete, tile, and/or brick pavers. All paved areas on the project site will utilize stone pavers as demonstrated in the landscape plans, consistent with Specific Plan requirements.
- h. Section 6.A.6. Open Space.** The Plan allows 50 percent of the required front yard areas to be included as open space provided those yard areas are landscaped. As shown in Exhibit A, the proposed front yards will be 2,223 square feet, of which 56 percent will be landscaped. The project is counting 1,111 square feet from the front yards towards the required open space, consistent with Specific Plan requirements.
- i. Section 6.B. Walkways.** This section is not applicable because the width of the subject site is less than 150 feet. At no point is the subject irregular shaped lot wider than 150 feet.
- j. Section 6.C. Building Setbacks.** This section is not applicable because the subject site is not directly across the street and within 200 feet of an R1 zone.
- k. Section 6.D. Garage.** This section is not applicable because the garage will be in a single, subterranean level. There is no parking proposed above ground level.
- l. Section 6.E. Yard Requirements.** This section requires that a minimum of fifty percent of the required front, rear, and side yards be landscaped. As depicted in Exhibit A, the project will landscape more than 50 percent of the front yards. The front yards, totaling 2,223 square feet, will feature 1,111 square feet of landscaping. As such, the proposed project complies with the landscaping requirements set forth in the Specific Plan. Sections 6.E.2 and 6.E.3 are not applicable because the project does not abut any properties with a R1 or more restrictive zone.
- m. Section 6.F. Buffer.** This section is not applicable because the subject site does not immediately abut an R1 zone. Immediately abutting properties are zoned [Q]RD1.5-1.



- n. **Section 6.G. Screening.** This section requires that structures on the roof be fully screened from view from adjacent properties, as seen from the grade. As depicted in “Exhibit A” Sheet A-07.1-4 mechanical equipment on the roof is setback from the edges of the property and screened from view.
  
- o. **Section 7.A. Landscape Standards.** The proposed project substantially complies with the General Requirements, which requires that a Landscape Plan be prepared by a licensed architect or landscape architect and submitted to the Westwood Community Design Review Board (DRB) for review. In addition, the Landscape Plan is required to illustrate details of the plants and plant material (i.e., names, size at maturity, locations, planting schedule, irrigation plan) and must include a variety of plant materials. As depicted in Exhibit A, the Landscape Plan has been prepared by an architect and includes: an irrigation plan; a variety of plant material, including grass and other ground cover, shrubs, and trees; and, clear identification of plant material locations, and size at maturity.
  
- p. **Section 7.B. Street Trees.** Street trees are required to be approved by the Bureau of Street Maintenance and to be planted at a minimum ratio of one for every 30 lineal feet of street frontage abutting the project. The Specific Plan also requires Street Trees to be at least 12 feet in height and not less than three inches in caliper at the time of planting. Five (5) existing trees in the public right-of-way along Wilkins meet the 30 lineal feet requirement and will be maintained and unimpacted by the development. The subject site also has 109 feet of frontage along Ohio Avenue and the applicant proposes three (3) new trees in the public-right-of-way, consistent with Specific Plan requirements. Additionally, the conditions of approval require proposed street trees to be reviewed and approved by the Street Tree Division of the Bureau of Street Maintenance.
  
- q. **Section 8. Design Review Procedures.** The Plan states that no building permit shall be issued for any project, structure, or other development of property, unless the project has been reviewed and approved in accordance with the Design Review Board procedures of Section 16.50 and the Specific Plan procedures of Section 11.5.7 of the LAMC. The proposed project will be reviewed and approved, pursuant to LAMC Section 16.50 to the Westwood Community Design Review Board. The proposed project will be reviewed in accordance with the DRB and Specific Plan procedures of the Los Angeles Municipal Code. The review and recommendation of the Westwood Community DRB will be based upon conformance with the criteria in the Westwood Community Design Review Board Specific Plan.