

Supplement to Attachment "A"
138 Culver Boulevard

I. APPLICANT

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II. PROJECT DESCRIPTION

The Project is a four-story mixed-use affordable housing project, with three stories of apartment units proposed over ground-floor retail and restaurant uses on Culver Boulevard and Vista Del Mar Boulevard. The Project includes 72 apartment units (64 market rate, and 8 units [or 12.5] very low income affordable), which is 24 fewer units than the 96 units permitted under the C4 zoning designation for the Project Site. The Project qualifies for reduced parking under the Density Bonus Ordinance, but does not request any parking reduction, and provides 218 parking spaces—37 more than required under standard LAMC parking provisions—on ground-level, mezzanine, and two subterranean levels, accessed from Pacific Avenue/Trolley Place, in order to provide much-needed parking for local businesses. The total floor area of the Project is approximately 87,294 square feet (14,500 s.f. retail and restaurant, 72,794 s.f. residential). The Project includes a reversion to acreage, vacations of unused right-of-way, and a parcel map, as well as Site Plan Review (required for any project greater than 50 dwelling units or 50,000 s.f.). The Project qualifies for two incentives under the City's Density Bonus Ordinance: 1) an increase in height from 45 feet/three stories to 56 feet/four stories; and 2) an increase in floor area ratio ("FAR") from 1.5:1 to 2.025:1 (the Project proposes an FAR of 1.8:1). The Applicant also requests a determination that the Project is within 1,500 feet of the LAX Major Employment Center, as designated in Figure 7-1 of the City's General Plan Framework Element.

III. PROJECT SITE

- A. **Address:** 138-142 (even) Culver Boulevard, 6911-6917 (odd) Vista Del Mar Boulevard, Los Angeles;
- B. **APN:** 4116-007-055, 066, 067, 068, 069, 070, 072, 073 (Lots 2-7, FR, and FR1 of Tract 8301, and Lot FR8 of Block C of a portion of the Playa Del Rey Townsite);
- C. **Lot Area:** 48,483 s.f. prior to dedications.

The Project site is bounded by Culver Boulevard on the northwest, Vista del Mar Boulevard on the east, and Pacific Avenue/Trolley Place on the southwest and is located in the Westchester/Playa Del Ray area of Los Angeles (the "Project Site").

IV. ZONING

A. General Plan/Zoning:

The Project Site is located within the area covered by the Westchester-Playa Del Rey Community Plan (the "Community Plan"), which was adopted by the City Council on September 16, 1997 (Case No. CPC-94-0212-CPU). The Plan Map designates the Project Site for General Commercial (height district 1) with a corresponding zone of [Q]C4-1VL. The uses proposed by the Project—a mix of commercial and residential uses—comply with the General Commercial land use designation and the zoning designation.

B. Permitted Development:

- (1) **Height** – The 1VL Height District for the Project permits a maximum height of 45 feet/three stories on the Project Site. However, as described in more detail below, incentives provided by the City's Density Bonus Ordinance¹ and available to the Project allow for an additional 11 feet/one story, which would permit a maximum of 56 feet/four stories on the Project Site. (LAMC § 12.22 A.25(f)(5).)
- (2) **Floor Area and FAR** – The 1VL Height District permits an FAR of 1.5:1 on the Project Site, which is **72,724.5 s.f.** (1.5 x area of 48,483 s.f.), including dedication area
 - (i) The Project includes approximately 87,294 s.f. of floor area, which requires a 19.4 percent increase in FAR over the 1.5 permitted by the Project Site's height district.
 - (ii) However, incentives provided by the City's Density Bonus Ordinance and available to the Project include an increase in FAR to 2.025:1, yielding a maximum floor area of 98,178 (48,483 s.f. x 1.5), as described in more detail below. (LAMC § 12.22 A.25(f)(4)(i).)
 - (iii) Incentives provided by the City's Density Bonus Ordinance and available to the Project also include an increase in FAR to 3:1, yielding a maximum floor area of 145,449 (48,483 s.f. x 3). (LAMC § 12.22 A.25(f)(4)(ii).)
- (3) **Density** – The permitted residential unit density in a C4 zone is identical to the permitted density in an R4 zone (see LAMC §12.16 C.3)
 - (i) Total density permitted within an R4 zone is 1 unit/400 s.f. = **121 units** (48,483 s.f. / 400 s.f.)
 - (ii) Density Bonus = 121 x 1.35 = **163 units**
 - (iii) **Proposed project has 64 market rate units, 8 very low income units (11%), and is well below the permitted density for the Project Site, even without a density bonus.**

¹ Ord. 179,681, eff. April 15, 2008; codified in LAMC § 12.22 A.25.

(4) **Parking**

(i) **The Project provides a total of 218 parking stalls**, which substantially exceeds both the standard LAMC and Density Bonus (Parking Option #1) Parking Requirements, to provide much-needed parking for customers of local businesses.

(ii) **LAMC Standard Parking Requirement – 181 spaces**

(1) Residential –

(a) 3 Studios at 1 space each: 3 spaces

(b) 54 1-bedroom x 1.5: 81 spaces

(c) 15 2-bedroom x 2: 30 spaces

(2) Retail – 4/1,000 s.f. x 13: 52 spaces

(3) Restaurant – 10/1,000 s.f. x 1.5: 15 spaces

(iii) **Density Bonus Parking Requirement (Option #1, per LAMC §12.22 A.25(d)(1.)) – 154 spaces**

(1) Residential

(a) 57 1-bedroom x 1: 57 spaces

(b) 15 2-bedroom x 2: 30 spaces

(2) Retail – 4/1,000 s.f. x 13: 52 spaces

(3) Restaurant – 10/1,000 s.f. x 1.5: 15 spaces

(5) **Open Space**

(i) **Total Open Space Required (Common + Private):** 7,575 s.f.

(1) Units with < 3 habitable rooms x 100 s.f.: 5,700 s.f.

(2) Units with 3 habitable rooms x 125 s.f.: 1,875 s.f.

(ii) Common Open Space Required = 87 x 100 s.f.: 8,700 s.f.

(iii) For Private Open Space, minimum area of 50 s.f., minimum width of 6 feet, and minimum height of 8 feet clear. (LAMC 12.21.G.2).

(iv) Common Open Space must constitute at least 50 percent of the provided open space.

(v) **Total Open Space Provided:** 8,662 s.f.

(1) Common Open Space (58 percent): 5,062 s.f.

(2) Private Open Space (42 percent): 3,600 s.f.

(vi) **The project provides more open space than required, and a larger percentage of Common Open Space than required.**

(6) **Yards**

(i) Front and Rear Yards – not required per LAMC §12.16 C.1 and C.2

(ii) Side Yards – not required per LAMC §12.16 C.1 and C.2

(7) Density

- (i) Per LAMC §12.11 C.4, a minimum lot area of 400 s.f. per dwelling unit, or a maximum of 121 dwelling units on the Project Site (48,483 s.f. / 400 s.f.)
- (ii) Per the Density Bonus Ordinance (LAMC §12.22 A.25(c)(1)), the provision of 12.5 Very Low Income dwelling units permits a density bonus of 35 percent, permitting a maximum of 163 dwelling units on the Project Site.

V. ENTITLEMENT REQUESTS

The Applicant requests the following entitlements for the proposed Project:

A. On-Menu Incentives (Two incentives for 11% Very Low Income) (LAMC § 12.22.A.25(f)(4)):

- (1) **Increase in Height** from 45 feet and three stories to 56 feet and four stories (an 11-foot/one story increase), consistent with the City's Density Bonus provisions. (LAMC § 12.22 A.25(f)(5).)
- (2) **Increase in FAR** from 1.5:1 to 2.025:1 (98,172 s.f. in lieu of 72,724.5 s.f., for a lot area of 48,483 s.f.), consistent with the City's Density Bonus provisions. (LAMC § 12.22.A.25(f)(4)(i).)
- (3) **Determination of Project Eligibility for an Increase in FAR** from 1.5:1 to 3:1 (148,922 s.f. in lieu of 72,724.5 s.f., for a lot area of 48,483 s.f.), consistent with the City's Density Bonus provisions. (LAMC § 12.22 A.25(f)(4)(ii)).

B. Reversion to Acreage and Parcel Map (LAMC § 12.31)

Offer of dedication of land to allow a 104-foot right-of-way for Vista Del Mar Boulevard, a secondary highway; vacation of excess and unused right-of-way from Culver Boulevard, a secondary highway; vacation of excess and unused right-of-way from Pacific Avenue/Trolley Place and an unnamed alley traversing the southern and eastern portion of the Project Site; and reversion to acreage of each of the parcels comprising the Project Site, as well as the vacated areas of the surrounding rights-of-way. (LAMC § 17.10 A; LAMC § 14.04.)

C. Site Plan Review for a project greater than 50,000 s.f. floor area and/or 50 or more residential dwelling units (LAMC § 16.05)..

D. Note: Density Bonus Parking Reduction (Parking Option 1) (LAMC § 12.22.A.25). Section 12.22 A.25(d) grants any affordable housing project one of two available options for reduced parking. Although, as described above in Section IV.B(4), the Project is entitled to provide reduced parking (154 spaces),

the Project actually exceeds standard LAMC required parking to provide much-needed parking for customers of local businesses.

VI. FINDINGS

A. Density Bonus and Parking Incentives. Pursuant to Section 12.22.A.25(c, d) of the LAMC (Ordinance No. 179,681).

Density. Pursuant to LAMC 12.22.A.25(c), any Project that provides 11% of the units for Very Low Income Households qualifies for a Density Bonus of 35%. This Project has an allowable density of 121 residential units, based on the permitted density of one unit per 400 square feet of lot area in the C4 zone.² The Project includes 8 affordable units, which equals 11% of 64 units (rounded down: actually 12.5 percent). Therefore, the Project is entitled to a 35% density bonus equal to 18 units. Therefore, the total permitted unit count under a Density Bonus is 163 units, which substantially exceeds the 64 market rate units and 8 very low income affordable units provided by the Project.

Parking. Pursuant to LAMC 12.22.A.25(d), required parking spaces for a Housing Development Project that is for sale or for rent and qualifies for a Density Bonus may comply with LAMC 12.21, Parking Option 1 or Parking Option 2, whichever requires less parking. Required parking in a Housing Development Project may be sold or rented separately from the dwelling units, so that tenants have the option of purchasing or renting a unit with or without a parking space. Parking Option 1 permits 1 on-site space for each residential unit with 0-1 bedroom, and 2 on-site spaces for each residential unit with 2-3 bedrooms. The Project includes 218 parking spaces (52 retail spaces, 15 restaurant spaces, 87 residential spaces, 64 other/public spaces). The 218 provided parking spaces substantially exceed the parking requirements of the standard parking provisions of the LAMC, which would require 181 parking spaces. Therefore, the Project does not require either Parking Option available under the Density Bonus Ordinance.

B. Affordable Housing Incentives – Density Bonus Findings (on menu). Pursuant to Section 12.22.A.25(g)(2)(ii)(b) of the LAMC (Ordinance No. 179,681).

The determination for a Housing Development Project that qualifies for a Density Bonus, requests up to three Incentives on the Menu of Incentives (LAMC § 12.22.A.25(f)), and includes a parcel map or tentative map, must include a separate Density Bonus Determination (LAMC § 12.22 A.25(g)(2)). As the Project would restrict 12.5 of the proposed units to Very Low Income Households, it therefore qualifies for two Incentives. (LAMC § 12.22 A.25(e)(1).) The Applicant requests the following Incentives, both of which are on-menu:

FAR. Pursuant to LAMC § 12.22 A.25(f)(4)(i), an on-menu incentive includes a percentage increase in the allowable FAR equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35 percent. As stated above, the Project qualifies for a Density Bonus of 35% under LAMC § 12.22 A.25(c)(1). The 1VL height district in a commercial zone permits an FAR of 1.5:1, which for the Project Site will allow a

² The C4 zone permits a residential density allowed in the R4 zone, which permits one dwelling unit per 400 feet.

total floor area of 72,724 square feet (1.5 x 48,483 s.f.). A 35 % increase in floor area is equal to 98,178 s.f., which is an FAR of 2.025:1. The Project includes an approximately 20% increase in floor area to 87,294 s.f., which is an FAR of 1.8:1. Therefore, the Project FAR falls within the FAR permitted by this on-menu Incentive.

Additionally, pursuant to LAMC § 12.22 A.25(f)(4)(ii), the Applicant requests a determination of eligibility for an on-menu incentive for an increase in the allowable FAR from 1.5:1 to 3:1. The LAMC states that this Incentive applies to Projects that are, among other qualifying factors, located within 1,500 of a "Major Employment Center" defined in the City's General Plan. Chapter 7 of the City's General Plan Framework Element defines three Major Employment Centers in the City: Downtown, the Port of Los Angeles, and Los Angeles World Airport ("LAX"). Figure 7-1 of the Framework Element (provided as Exhibit 2 to this Attachment) illustrates these Centers and indicates their boundaries with dotted circles. A comparison of the location of the Project Site relative to the dotted boundary provided in Figure 7-1 for the LAX Major Employment Center illustrates that the Project Site boundary lies within 1,500 feet of the Center's approximately northwestern boundary. Therefore, the Project qualifies for this Incentive.

Height. Pursuant to LAMC § 12.22 A.25(f)(3), an on-menu incentive includes an 11-foot/one-story increase in the permitted height of the proposed building. As stated above, the 1VL height district for the Project Site permits a maximum height of 45 feet/three stories. Thus, this Incentive would permit a maximum building height of 56 feet/four stories. The proposed building is four stories—three stories of residential units over one story of commercial uses and two subterranean parking levels—and has a height of 52 feet at the roof line and 56 feet at the parapet (the tallest structural element of the building). Therefore, the Project would comply with the increased height under this on-menu Incentive.

The California Government Code (Section 65590(d)) provides that:

New housing developments constructed within the coastal zone shall, where feasible, provide housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code. [. . .] In order to assist in providing new housing units, each local government shall offer density bonuses or other incentives, including, but not limited to, modification of zoning and subdivision requirements, accelerated processing of required applications, and the waiver of appropriate fees.

As set forth below, the feasible provision by the Project (which is located in the Coastal Zone) of eight units restricted to Very Low Income individuals or families requires certain incentives related to height and floor area. The City offers these incentives to render the affordable units feasible; therefore, consistent with this provision of the Government Code, the City decision maker **shall approve** a Density Bonus and requested Incentives, **unless** the Director finds that:

1. The Incentive is not required in order 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.

Notably, the Project does not require an increase in the number of residential units already permitted on the Project Site under the applicable provisions of the LAMC—here, the C4/R4 zoning regulations. However, the height and floor area regulations of the C4-1VL zone do not align with the residential density permitted for the Project Site. As a result, construction of the proposed affordable units simply cannot occur under those regulations, and provision of the affordable units necessitates relief from both limitations.

FAR. The additional floor area for the Project—equal to 0.3:1 FAR—is necessary to include a total of 72 units, which is 49 fewer units than the 121 units allowed under the Project Site's C4 zoning designation, and fewer than half of the 163 units permitted by the 35 percent Density Bonus to which the Project is entitled. The additional FAR under this incentive also is less than what the Density Bonus Ordinance permits,³ and is necessary to provide a diversity of units, to provide a size that can accommodate one- and two-bedroom units (including units with a den), and also to provide a size range of units that will allow a subsidy of the restricted/affordable units. The Project units are comprised of 57 one-bedroom units, ranging from 694 to 930 s.f.; and 15 two-bedroom units, ranging from 1,009 to 1,364 s.f., which can accommodate couples living alone or with one or two children. If the additional FAR is not provided, the units must either be smaller units comprised of studios and one-bedrooms that cannot accommodate families with children, or the number of units must be reduced, which will reduce the number of affordable units. Moreover, as described above, the current permitted FAR is inconsistent with both the permitted residential density under the C4 zone (which allows 121 dwelling units on the Project Site) and with the residential density permitted under the Density Bonus Ordinance (which allows 163 dwelling units with the 35 percent density bonus). Constructing the permitted number(s) of dwelling units would require units sized at about 400 s.f. for a purely zoning-compliant project, and at less than 300 s.f. for a density bonus project. Such unit sizes will not provide the range of units needed to serve different kinds of tenants (such as families). Further, the additional square footage allows the Applicant to obtain higher rents for the market-rate units, and those higher rents are necessary to subsidize the provision of the proposed Very-Low-Income affordable units. Therefore, a finding that the additional FAR is not required in order to provide the affordable units in the Project cannot be made.

Height. The additional height—11 feet/one story—is necessary to include a total of 72 units, which still is less than half of the units to which the 35 percent Density Bonus entitles the Project. As with FAR, this Incentive is necessary to allow the Project to provide unit sizes that can accommodate one- and two-bedroom units (including units with a den), and also that can allow the market-rate units to command rents that will adequately subsidize the affordable units. Limiting the Project to three stories would reduce the total square footage to about 36,362 s.f. and would reduce the total number of dwelling units to about 54, assuming the current range of unit sizes. Providing 72 dwelling units within three stories and the resulting (reduced) square footage would require an average unit size of about 505 s.f. Such unit sizes would not provide

³ A project that provides 11 percent Very Low Income affordable units is entitled to a 35 percent FAR increase; in this case, an FAR of 2.025.

the range of units needed to serve different kinds of tenants (such as families) and would not yield rents adequate to subsidize affordable units. Therefore a finding that the additional height is not required in order to provide the affordable units in the Project cannot be made.

The Density Bonus Ordinance prohibits the additional height for any portion of a proposed building within 50 feet of a "lot" zoned R1 (LAMC § 12.22 A.25(f)(5)(ii)). As shown in the zoning map for the City, a portion of Trolley Place/Pacific Avenue includes a parcel within the street right-of-way, a portion of which is zoned R1-1 and a portion of which is zoned (Q)C-4-1VL (the "Street Parcel") and lies within 50 feet of portions of the Project Site. However, the Street Parcel does not constitute a "lot" for the purpose of applying the limitations on the height Incentive. Section 12.03 the LAMC defines "lot" as:

A parcel of land occupied or to be occupied by a use, building or unit group of buildings and accessory buildings and uses, together with the yards, open spaces, lot width and lot area as are required by this chapter and fronting for a distance of at least 20 feet upon a street as defined here, or upon a private street as defined in Article 8 of this chapter.

In this case, none of the factors describing a "lot" are present for the Street Parcel. It is not occupied by any use or building (whether primary or accessory), nor will it be so occupied, and includes no yards or open spaces. As stated above, the Street Parcel is located entirely within the Trolley Place/Pacific Avenue right-of-way, currently comprises a portion of the right-of-way for a designated Secondary Highway, and will continue to do so.

The LAMC definition of "lot" also requires "lot width and lot area as are required by this chapter." The minimum lot width for an R1 parcel is 50 feet; the Street Parcel has a width of approximately 38 feet. Thus, it lacks the minimum dimensions required by the LAMC, and a property owner could not legally develop the Street Parcel as a single-family residential property. Consequently, for the reasons described above, the Street Parcel does not meet the LAMC definition of a "lot," and the restriction on the requested height Incentive does not apply.

Also, as the City's Circulation Plan designates Pacific Avenue as a Secondary Highway (which calls for a 60 foot right of way), any suggestion that the Street Parcel may eventually become developed as a result of the vacation of the roadway is unsupported and speculative. Further, even if the City vacated the Pacific Avenue right-of-way to create a wider lot, half of that right-of-way would likely devolve to the applicant, which still would not provide sufficient lot width to allow legal development of the Street Parcel as a residential property by an adjacent owner.

The Community Plan designation for this parcel is Medium Residential. That is, the Community Plan does not contemplate single family use for this parcel, as the parcel would be bounded by R3 and C4 uses. The R1 zone east of the Street Parcel is located atop a large bluff, approximately 120 feet higher than Pacific Avenue, in an established single-family residential neighborhood. Thus, development of the Street Parcel with a single-family residential use would be inconsistent with its Community Plan designation.

Hence, for the reasons described above, no tenable legal basis exists to apply the R1 restriction in this case, and to use the Street Parcel to limit/restrict a density bonus project would run counter to the central intent of SB1818.

However, in the event that the City finds the R1 exception above applies to the Project, even though the exception would affect a small portion of the proposed building, the Applicant requests this incentive as an "off-menu" incentive. In that event, the analysis provided here with regard to the necessity and effects of the additional height would still apply.

- 2. The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environmental or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactory 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 general plan land use designation shall not constitute a specific adverse impact upon the public health or safety.**

FAR and Height. The Incentive to allow an FAR of up to 2.025:1 (to permit the Project FAR of 1.8:1) and a height of 56 feet in lieu of 45 feet for the Project will not have a Specific Adverse Impact to public health. The increase in FAR is to accommodate fewer units than the maximum permitted by the applicable provisions of the LAMC, and also affects the size of the units (and not the number of units, which is permitted by the Density Bonus), which maintains the development density contemplated by the C4 zoning of the Project Site and limits the potential for impacts to public health, safety, and the environment. Moreover, the Project would not permit grocery/market uses in the proposed 14,500 s.f. of retail/restaurant space, which further limits the potential for environmental impacts related to traffic, air quality, and vehicle-related noise by limiting the Project's trip generation potential and avoiding any significant traffic impacts. The revised traffic study prepared for the Project, which the City's Department of Transportation ("LADOT") approved, concludes that the Project (with its prohibition on grocery store/market uses) will not cause any significant traffic impacts. Similarly, the mitigated negative declaration ("MND") prepared for the Project concluded that no other significant environmental impacts would occur that could not be mitigated to a less-than-significant level.

Several neighbors have expressed concerns regarding the impacts of the Project on views of the ocean. However, these impacts have focused on the effects of the Project on private views from specific properties, particularly a limited number of private residences on the edge of the coastal bluff that overlooks the Project Site. However, these are not protected views, as the City's CEQA Threshold Guide disfavors factors such as loss of views from a single focal point.⁴ Also, the City's General Plan Transportation Element Map A4 demonstrates that Culver Boulevard, Del Mar Vista, and Trolley Place/Pacific Avenue are not designated as scenic parkways; therefore, obstructions of views along brief portions of Culver Boulevard and Trolley Place/Pacific Avenue would not result in the loss of officially recognized or designated views. Views of the Pacific Ocean would continue to exist along designated corridors, and views from

⁴ See L.A. CEQA Thresholds Guide, Section A.2 (Obstruction of Views), pages A.2-1–2.

Vista Del Mar would remain available. Similarly, a structure height of 56 feet would not substantially worsen any potential view obstruction beyond what could occur under a purely zoning-compliant 45-foot-tall structure. The Project is not located adjacent to any properties identified on the California Register of Historical Resources or any Historic Landmark structure designated by the City. Therefore, the City cannot make a finding that the additional FAR will have any significant adverse impact upon public health and safety, the physical environment, or a historic structure.

C. Reversion to Acreage and Parcel Map Findings, Pursuant to LAMC Sections 17.10 B.1 and B.2.

The Project includes dedications sufficient to permit a 104-foot right-of-way on Vista Del Mar Boulevard, vacations of unused right-of-way on Culver Boulevard and Trolley Place/Pacific Avenue, and reversions to acreage of the eight legal parcels listed above. The dedications were specifically requested by, and the vacations are pending approval of, by the City's Bureau of Engineering ("BOE"). The interdepartmental correspondence from BOE to the Department of City Planning regarding the requested vacation is provided as Exhibit 1 to this Attachment "A."

1. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes.

Culver Boulevard and Trolley Place/Pacific Avenue have already been developed to their ultimate widths. Exhibit 1 comprises a confirmation letter dated September 20, 2013, from Edmund Yew of the BOE to the Department of City Planning, confirming that the requested vacation is in excess of the engineering standards for the two streets. The BOE correspondence defers to LADOT the determination regarding prospective use, but such a determination would be required by LADOT prior to implementation of the Project, as proposed.

Vista Del Mar Boulevard is designed for an ultimate right-of-way of 104 feet adjacent to the Project Site. Consequently, LADOT and the Bureau of Engineering have requested, and the Applicant will provide, the required 52-foot half-width. The Applicant anticipates that the offer of dedication and the required roadway improvements will constitute conditions of approval for the Project.

2. All owners of an interest in the property within the subdivision have consented to reversion.

As evidenced by the Grant Deeds provided with the originally filed Master Land Use Application for this Project, the Applicant owns each of the parcels proposed for reversion. Additionally, as described above, BOE has indicated that it has no objection to the vacation of right-of-way outside the design standards of the Culver Boulevard and Trolley Place/Pacific Avenue right-of-way, pending LADOT's determination that no future public use of the affected area is anticipated.

D. Coastal Development Permit Findings, Pursuant to LAMC Sections 12.20.2G.

1. The Development is in Conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code ["PRC"]).

a. Marine Environment (Sections 30230 through 30237)

The Project would not impact any coastal waters, wetlands, estuaries or lakes or to reduce biological productivity or marine resources. Marine habitat and water resources occur in the coastal waters west of the Project Site, but the Project is not expected to negatively impact marine resources (PRC Sections 30230 and 30231). The Project will increase runoff from the Project Site though development, but will be required to comply with the County's Standard Urban Stormwater Mitigation Plan (adopted by the City) and the National Pollutant Discharge Elimination System General Construction Permit, which requires preparation of a Stormwater Pollution Prevention Plan, which includes erosion and runoff control measures. Compliance with these requirements will ensure protection of the marine environment.

Project construction will generally involve transport only of building materials, and not hazardous substances such as crude oil, gas (other than the amounts necessary to fuel construction vehicles), petroleum products (other than the amounts necessary for operation of construction vehicles), or other hazardous substances as prohibited by PRC Section 30232. The project will not involve the diking, filling, or dredging of open coastal waters (PRC Section 30233), commercial fishing and recreational boating facilities (PRC Sections 30234 and 30234.5), constructing revetments, breakwaters, or other construction altering the natural shoreline (PRC Section 30235). The project does not alter rivers or streams and, therefore, does not affect water supply and flood control infrastructure (PRC Section 30236).

b. Land Resources (Sections 30240 through 30244)

Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The project area is near the coastal habitat seaward of Culver Boulevard, Pacific Avenue/Trolley Place, Trolleyway Street. However, the project is located about 100 feet near a heavily used area of the beach that is unlikely to contain sensitive plant or animal

species. Neither construction nor operation of the project would have negative impacts on the coastal habitat area. The project does not contain agricultural land or soils or timberland and would not, with implementation of mitigation measures, adversely affect any archaeological or paleontological resources that may have the potential to occur (PRC 30241-30244).

c. Development (Sections 30250 through 30255)

Coastal Act Sections 30251, 30252, 30253 and 30254 state:

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The project site contains no vegetation or structures. Limited views of the ocean are currently available from Vista Del Mar, Culver Boulevard, and Trolley Place, as well as from Montreal Street on the bluff overlooking the Project Site vicinity. Views across the Project Site from Vista Del Mar are narrow and intermittent, as residential buildings west of Vista Del Mar, Trolley Place, and Trolleyway (some of which are up to three stories tall), and commercial and residential buildings north of Culver Boulevard, partially or fully obstruct ocean views. Some narrow, views now exist across the Project Site from Vista Del Mar and broader ocean views are available from Montreal Street. Development of the Project would obstruct the limited available views from the segment of Vista Del Mar that fronts the Project Site. Ocean views from Montreal Street would be partially obstructed, but ocean views over the proposed structure would remain available. Existing, though narrow, views northwest from Trolley Place and west from Culver Boulevard would remain. Moreover, the Project would include improvements such as outdoor seating areas along Culver Boulevard and Trolley Place that would increase opportunities for views along sidewalks associated with these roadways.

The Project would be taller than neighboring single-family residences, but would conform to height limitations established by the LAMC and the Density Bonus Ordinance. The Project would include building façade articulations and other architectural detailing to reduce the apparent massing of the structure and provide visual relief. Glare from project lighting is not expected to be significant given that this part of Playa Del Rey already highly developed and there are numerous existing street lights in the vicinity along the rights-of-way surrounding the Project Site. Therefore, no significant adverse impacts to scenic and visual qualities of the coastal area are expected.

Section 30252. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The project does not interfere with any existing coastal access roadways, bikeways, pedestrian paths or walkways. Moreover, the Project would assist in the improvement of access by dedicating right-of-way necessary to construct Vista Del Mar to its ultimate width along the Project Site frontage. Consistent with this provision, the Project would provide neighborhood- and visitor-serving commercial and restaurant/café uses on the ground floor of a building that also contains residential units. This will minimize local vehicle trips from new and existing residences. Also, the Project includes a range of streetscape improvements, including wider sidewalks along some rights-of-way, to encourage pedestrian activity. The Project Site is located immediately adjunct to a bus line on Culver Boulevard, and also will provide 84 long-term (resident) and 62 short-term (visitor/patron) bicycle parking spaces, which will encourage and accommodate transit and bicycle use.

Regarding recreational needs and open space, the Project would provide open space in excess of LAMC requirements by about 20 percent. Further, common open space provided by the Project comprises 58 percent of the open space provided. This open space and recreational area will help ensure that coastal areas are not overloaded.

Therefore, for the reasons discussed above, the Project conforms to this policy.

Section 30253. New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural land forms along the bluffs and cliffs.

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The project would not affect geologic, flood or fire risks (30253(1) (2)); would not conflict with any requirements of the State Air Resources Control Board or South Coast Air Quality District (30253(3)); would minimize increases in energy consumption and vehicle miles traveled, particularly local vehicle trips (30253(4)), and would not permanently affect the characteristics of the local community in a way that would compromise its desirability as a destination (30253(5)).

d. Industrial Development (Sections 30260 through 30265.5)

The Project does not involve industrial development. Therefore, these provisions do not apply.

2. The permitted development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976

The City of Los Angeles does not have a certified Local Coastal Program for the Playa Vista area. However, as described above, the project conforms to relevant provisions and policies of the Coastal Act and the applicable Land Use Plan. Thus the project will not prejudice the ability of the City to prepare a Local Coastal Plan in conformity with the Coastal Act and amendments. Moreover, the Project is consistent with the affordable housing policies of the Coastal Act.

a. Encouragement of housing opportunities for persons of low and moderate income. (Section 30604(f))

b. The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone (Section 30604(g))

The Project would provide eight units (12.5 percent of the units proposed) that are restricted to Very Low Income individuals or families. These units would increase affordable housing opportunities within the Playa Del Rey area and the broader Coastal Zone, consistent with these policies. Thus, the Project would not prejudice the ability of the City to prepare a conforming Local Coastal Program, and would further the purposes and policies of the Coastal Act.

3. **The Interpretative Guidelines for Coastal Planning and Permits as Established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in light of the individual project in making its determination.**

The California Coastal Commission's interpretive guidelines (State and Regional) have been reviewed and considered in preparation of these findings and recommendations. However, following prevailing case law (*see, e.g., Pacific Legal Foundation v. Coastal Commission* (1982) 33 Cal.3d 158), the determination is based on the cited provisions of the California Coastal Act and other legally established laws and regulations.

4. **The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.**

The decision of the City decisionmaker, as evidenced in the discussion above regarding applicable provisions of the Coastal Act, has been guided by the applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.

5. **Any other finding or findings as may be required for the development by the California Environmental Quality Act.**

Pursuant to the California Environmental Quality Act (CEQA), the City of Los Angeles Department of City Planning completed an MND for the Project. The MND determined that any potentially significant impacts of the Project—the majority of which were related to construction activities—would be mitigated to a less-than-significant level with the implementation of standard conditions of approval or of mitigation measures. Consequently, the Project would not result in significant impacts on the environment.