



DEPARTMENT OF CITY PLANNING

Recommendation Report



CITY PLANNING COMMISSION

Date: June 24, 2010
Time: After 8:30 A.M.*
Place: Van Nuys City Hall
 Council Chamber, 2nd Floor,
 14410 Sylvan Street
 Van Nuys, CA 91401

Public Hearing: June 4, 2010
Appeal Status: Pursuant to Section 12.36 of the LAMC (Multiple Entitlements), appealable to City Council by any party.
Expiration Date: June 24, 2010

Case No.: CPC-2010-846-CU-DB-SPR-CDO
CEQA No.: ENV-2010-819-MND
Incidental Cases: N/A
Related Cases: N/A
Council No.: 14 - Huizar
Plan Area: Northeast Los Angeles
Specific Plan: None
Certified NC: Eagle Rock
GPLU: General Commercial
Zone: [Q]C2-1VL-CDO
Applicant: Women Organizing Resources, Knowledge, and Services – Channa Grace
Representative: QES Inc. – Eric Lieberman

PROJECT

LOCATION: 4258-4260 North Eagle Rock Boulevard

PROPOSED PROJECT:

The construction, use, and maintenance of a four story building consisting of a 56-unit affordable housing development with 28 total parking spaces in the [Q]C2-1VL-CDO Zone. The building height will vary from approximately 42 feet along Eagle Rock Boulevard to 56 feet in the rear. The applicant will provide 98% affordable units for Very Low Income households including the developmentally disabled, veterans, and senior citizens.

REQUESTED ACTION:

1. **Conditional Use** pursuant to LAMC Section 12.24-U,26(A) to allow a density increase over the 35% allowed per LAMC Section 12.22-A,25 thereby permitting 56 units in lieu of the 13 units allowed by the [Q]C2-1VL-CDO zone;
2. **Affordable Housing - Density Bonus Incentives** to allow three On-Menu Incentives to include: (1) Pursuant to LAMC Section 12.22-A,25(f)(4), up to a 35% increase in the allowable Floor Area Ratio not to exceed 2.025:1 in lieu of 1.5:1 otherwise permitted in the C2-1VL zone thereby allowing 40,500 square feet of building floor area in lieu of the 30,000 square feet otherwise permitted; (2) Pursuant to LAMC Section 12.22-A,25(f)(5) a height increase of 11 feet to a maximum height of 56 feet in lieu of the 45 feet permitted in the 1VL Height District; and (3) Pursuant to LAMC Section 12.22-A,25(f)(6) a 20% decrease in the otherwise required open space of 5,600 square feet to 4,480 square feet;
3. **Affordable Housing - Density Bonus Incentives** to allow a Request for Waiver of Modification of any Development Standards not on the Menu of Incentives to include: Pursuant to LAMC Section 12.22-A,25(g)(3), (1) a reduction in parking to allow 28 parking spaces in lieu of the 37 spaces allowed pursuant to LAMC Section 12.22-A,25(d) Parking Option 2; and (2) a 100% residential project where otherwise prohibited by the existing [Q] condition established by Ordinance No. 181,624;
4. **Site Plan Review**, pursuant to LAMC Section 16.05, to allow an increase in development of 50 or more dwelling units.
5. **Community Design Overlay Plan Approval** pursuant to LAMC Section 13.08-E to allow

- a Director's Determination for Design Overlay Compliance;
8. Pursuant to Section 21082.1 (C)(3) of the California Public Resources Code, the **adoption** of Mitigated Negative Declaration (ENV-2010-819-MND) and required findings for the above-referenced project.

RECOMMENDED ACTIONS:

1. **Approve** a Conditional Use to allow a density increase over the 35 percent allowed to permit the construction of 56 dwelling units in the [Q]C2-1VL-CDO Zone;
2. **Approve** the following Affordable Housing – Density Bonus Incentives, concessions or waivers for a project that reserves 98% of its units for Very Low Income occupants: (1) a 35% increase in otherwise allowable Floor Area Ratio not to exceed 2.025:1; (2) a height increase of 11 feet to a maximum height of 56 feet; (3) a 20% decrease in the otherwise required open space to allow 4,480 square feet; (4) a reduction in parking to allow 28 parking spaces; and (5) a 100% residential project where otherwise prohibited by the existing [Q] condition established by Ordinance No. 181,624;
3. **Approve** Site Plan Review Findings for a development of 56 dwelling units;
4. **Approve** Community Design Overlay Findings for Design Overlay Compliance;
5. **Adopt** the attached Findings;
6. **Adopt** Mitigated Negative Declaration No. ENV-2010-819-MND;
7. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring; and
8. **Advise** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

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Director of Planning

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ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1295.

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PROJECT ANALYSIS

Project Summary

A request for a Conditional Use Permit, Density Bonus, Site Plan Review, and Community Design Overlay approval for compliance to allow the construction, use, and maintenance of a four story building consisting of a 56-unit affordable housing development with 28 total parking spaces in the [Q]C2-1VL-CDO Zone. The building height will vary from approximately 42 feet along Eagle Rock Boulevard to 56 feet in the rear. The applicant will provide 98% (55) affordable units for Very Low Income households including the developmentally disabled, veterans, and senior citizens and one manager's unit. The project consists of a four story, 40,500 square foot building plus 11,237 square feet of semi- subterranean parking and storage.

Background

The Applicant, Women Organizing Resources Knowledge and Services (WORKS), purchased the subject site on January 28, 2010. It is located on the south side of Eagle Rock Boulevard, south of El Paso Drive. The project site is 20,000 square feet and has an 80 foot frontage along Eagle Rock Boulevard. It is rectangular in shape with a depth of 251.22 feet on the west side and 254.35 feet on the east side. The topography of the site is sloping with the highest elevation at the Eagle Rock street frontage and the lowest toward the rear of the property. The site is currently an underdeveloped commercial property improved with a small building which functions as an office for a scaffolding company. The site is mostly vacant with aging asphalt.

The subject site is within the Northeast Los Angeles Community Plan Area and has a General Commercial land use designation with the corresponding zones of C1, CR, C1.5, C2, C4, P and RAS3. The current zoning of the site is [Q]C2-1-VL-CDO. The [Q] condition was established by the adoption of Ordinance No. 181,062 and retains the conditions set forth in Ordinance No. 173,540, which prohibits 100% residential development and limits residential density to the RD1.5 zone. There are also 10 conditions within the ordinance related to commercial, auto and retail uses.

Adjacent land uses include commercial and residential uses including offices, clinics, parking, a market, and several residential developments including a 99 unit apartment building located at 4317-4329 Eagle Rock Boulevard in the [Q]C2-1VI-CDO zone. To the east are commercial uses including a cable company, restaurants, vacant lots, and offices in the [Q]C2-1VL-CDO zone. To the south are single family and multi-family residential uses in the RD-1.5-1 and R1-1 zones. To the west are commercial uses including a pet clinic, gas station, a market, and laundry in the [Q]C2-1VL-CDO zone.

The applicant is proposing to build a 56 unit affordable housing apartment complex for Veterans, Developmentally Disabled and Senior Citizens (8 efficiency, 47 one-bedrooms and 1 two-bedroom). The units will be distributed as follows: 40% for senior citizens, 35% for the developmentally disabled, and 25% for veterans. A total of 55 units or 98% will be restricted to very-low income residents and one unit will be non-restricted for a manager. The project will also include 4,480 square feet of common open space. The proposed building is four stories containing all of the units, over a semi-subterranean parking garage. There will be 28 parking spaces provided in a semi-subterranean garage accessed from Eagle Rock Boulevard. The first two stories of the building will house the multi-purpose uses which are oriented toward the front of the complex for easy access by residents. The multi-purpose building contains social services office dedicated to the site, a 782 square foot community room with kitchen, a 443 square foot meeting room, manager's office, storage and bathrooms. The second floor contains a 200 square foot community room and two additional offices.

The project is designed with a 16-foot rear yard, 7 foot side yards, and zero foot front yard. All of the yards are in compliance with the C2 zone. The maximum building height is 56 feet at the rear of the property due to the sloping nature of the site which ranges from approximately 472 feet above sea level to 463 above sea level. The building height along Eagle Rock Boulevard is 42 feet 10 inches.

Streets and Circulation:

Eagle Rock Boulevard is a Scenic Major Highway Class II dedicated to a 160-foot width at the project's street frontage. It is fully improved with six lanes of east and westbound traffic divided by a center median.

Related Cases:

CPC-2007-1262-CDO-ZC – On January 28, 2009 the City Planning Commission approved the Cypress Park and Glassell Park Community Design Overlay District Design Guidelines and Standards.

CPC-2008-3991-ZC - On November 23, 2009 the City Planning Commission approved zone changes to applicable commercial, manufacturing, and public facility parcels to include [Q] conditions regulating density and use.

Issues

Conditional Use.

In order to provide a viable affordable housing project the applicant is requesting the approval of a Conditional Use Permit to permit a density increase of more than the 35% pursuant to LAMC Section 12.24-U,26(A). The existing lot area of 20,000 square feet was used to calculate the allowable density. The existing [Q] condition on the site limits the allowable density to 1,500 square feet of land per unit equaling an allowable base density of 13 units. A by-right Density Bonus would add 5 units for a total maximum density of 18 units, not nearly enough to accommodate the project. Therefore, the requested Conditional Use for increased density is for the addition of 43 units for a total density bonus equal to 77%. All of the units, except the on-site manager's unit, are dedicated to very-low income occupants, specifically for the developmentally disabled, homeless veterans and senior citizens. In a typical C2 zone, the permitted density would be based on the R4 zone which would allow 50 by-right residential dwelling units.

Affordable Housing - Density Bonus (On-Menu Incentives)

The applicant is requesting three on-menu incentives pursuant to the Affordable Housing – Density Bonus Ordinance in order to develop the property as proposed for very-low income occupants including: (1) a 35% increase in FAR from 1.5:1 to 2.025:1; (2) an 11 foot increase in height from the permitted 45 feet to a maximum of 56 feet; and (3) a decrease in the total required open space of 20% allowing 4,480 square feet of total common open space in lieu of the 5,600 square feet required.

Affordable Housing - Density Bonus (Off-Menu Incentives)

The applicant is also requesting two off-menu requests Pursuant to LAMC Section 12.22-A,25(g)(3), in order to accommodate the proposed affordable housing development. (1) A reduction in the number of parking spaces to allow 28 parking spaces in lieu of the 37 required. The 100% affordable housing project is designated to accommodate developmentally disabled,

homeless veterans and senior citizens. Many of these occupants do not own cars or drive. Therefore, it is not necessary to provide parking for each tenant at the ratio set forth in the code. The proposed 28 parking spaces located in the semi-subterranean garage are adequate to accommodate the anticipated demand for parking. (2) A deviation from the [Q] condition which prohibits 100% residential developments. A commercial component in a relatively small affordable housing project along with the additional parking requirements would be infeasible. Therefore, the applicant is requesting to allow a 100% residential project.

Cypress Park and Glassell Park Community Design Overlay (CDO) District. The Cypress Park and Glassell Park CDO, pursuant to Ordinance No. 180,561, became effective on April 6, 2009. It includes properties along portions of both sides of Eagle Rock Boulevard, including the project site. The proposed project requires compliance with the CDO which provides guidelines and standards for public and private development projects within the district. The intent of the CDO is to provide guidance and direction in the design of new buildings in order for new projects to contribute to a walkable and desirable residential neighborhood. The CDO contains 16 guidelines as well as corresponding standards that focus on site planning, building design, landscaping, and mechanical equipment.

Construction Parking. The Eagle Rock Neighborhood Council is concerned with parking during construction. In the ERNC's letter of support dated June 1, 2010, they recommend that employee vehicles be parked on-site only, that materials and equipment not be left on public streets or sidewalks overnight, and that trucks or vehicles not be left idling. Currently, Chana Grace is working with Bruce Castillo of the Eagle Rock Emergency Pet Clinic towards making arrangements to use the Eagle Rock Emergency Pet Clinic property for parking during construction hours.

Conclusion

The project proposes to demolish an existing commercial building and construct a 98% affordable housing project for very low income occupants, including the developmentally disabled, veterans, and senior citizens as well one manager's unit. The project consists of a four story, 40,500 square foot building with 56 residential dwelling units and 28 total parking spaces plus 11,237 square feet of semi- subterranean parking and storage in the [Q]C2-1VL-CDO Zone. Although the project site is designated with a General Commercial land use, it does not allow for 100% multi-family residential use pursuant to the [Q] condition.

The proposed project is in proper relation to existing uses located along Eagle Rock Boulevard which is a commercial block providing conveniences such as laundry facilities, markets, offices, restaurants and medical facilities. These services are within walking distance to the proposed project. The project location will also provide future residents with access to Metro Local Bus Line #84, which connects to Metro Rapid Line #780, a few blocks north, along Colorado Boulevard and West Broadway.

Based on the information submitted, the surrounding uses, input from the public hearing, and the conditions of approval, City Planning staff recommends approval of the requested entitlements, as conditioned, as it will help to revitalize the immediate area while providing affordable housing to a disadvantaged demographic which includes veterans, developmentally disabled, and veterans.

CONDITIONS OF APPROVAL

Pursuant to Section 12.24 I of the Municipal Code, the following conditions are hereby imposed upon the use of the subject property.

A. Entitlement Conditions

1. **Use.** The project as approved is for a 40,500 square foot residential building with a maximum height of 56 feet in the [Q]C2-1VL-CDO zone. A maximum density of 56 residential dwelling units is permitted. However, of the total, 55 units shall be set aside for very low income households of not more than 60% of area median income, and one unit shall be set aside as a non-restricted manager's unit.
2. **Site Plan.** Prior to the issuance of any building permits for the subject Project, detailed development site and elevation plans including complete landscape and irrigation plans by a licensed landscape architect or architect, shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. The plans shall be in substantial conformance with the plans labeled as "Exhibit 3" and "Exhibit 4" stamped and dated June 3, 2010 and June 11, 2010, respectively, or as modified by the City Planning Commission attached to the subject case file. Minor deviations may be allowed in order to comply with provision of the LAMC, the subject conditions, and the intent of the subject permit authorization.
3. **Floor Area Ratio.** The maximum floor area ratio (FAR) permitted is 2.025:1 based on the project plans labeled "Exhibit 3" stamp-dated June 3, 2010.
4. **Setbacks.** The project shall provide a minimum front yard setback of 0 feet, side yard setbacks of 7 feet, and rear yard setback of 16 feet as shown on the project plans labeled "Exhibit 3" Stamp-dated June 3, 2010.
5. **Parking.** A total of 28 parking spaces shall be provided for the 56 residential units. Prior to the issuance of a building permit, the Applicant shall submit a parking plan for the residential component of the project identifying the location and distribution of the parking spaces.
6. **Affordable Housing.** Prior to the issuance of a building permit for any rental dwelling unit on the subject property, the applicant shall reserve 55 units and shall execute and record a rental covenant agreement running with the land, to the satisfaction of the Los Angeles Housing Department ("LAHD"). The covenant shall bind the applicant and/or any subsequent property owner to reserve 55 units for occupancy by VERY LOW Income households as restricted affordable rental units. Applicant must provide an affordable unit dispersal proposal to be approved by LAHD to ensure that affordable units are not segregated or otherwise distinguishable from market-rate units.
7. **Public Improvements.** Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department.

8. Bureau of Engineering.

a. Dedications-City Planning/Zoning Administration Cases

- i. Eagle Rock Boulevard (Scenic Major Highway - Class II) - None.

b. Improvements-City Planning/Zoning Administration Cases

- i. Eagle Rock Boulevard - Repair any broken, off-grade or bad order concrete curb, gutter and sidewalk and close any unused driveways.
- ii. Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services (213) 847-3077.
- iii. Roof drainage and surface run-off from the project site shall be collected and treated at the site and directed to the streets via drain systems constructed under the sidewalk and through the curb drains connected to the catch basins.
- iv. Sewer lines exist in an easement within the property and in Eagle Rock Boulevard. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a Building Permit.
- v. There is an 8-foot storm drain and sanitary sewer easement bisecting the project site. No structure shall be constructed over this easement without prior approval from the Central District B-Permit Group of the Bureau of Engineering.

c. Office Public Counter/Permit Requirements

- i. An investigation by the Bureau of Engineering Central District Office Sewer Counter may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Central District Office of the Bureau of Engineering (213) 482-7050.
- ii. Submit shoring plans and lateral support plan to the Central District Office of the Bureau of Engineering Excavation Counter for review and approval prior to excavating adjacent to the public right-of-way (213) 482-7067.

d. Vacation or Other Case, Existing Easements, Drainage District, Access

- i. That two copies of a parking area and driveway plan be submitted to the District Office of the Bureau of Engineering for approval or that a covenant and agreement be recorded agreeing to do the same prior to the issuance of a building permit.

9. Street Trees. Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services.**10. Street Lighting.** Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District. Construct new street light: one (1) on Eagle Rock Boulevard.

11. Department of Transportation.

- a. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 400, Station 3.
- b. Any proposed gates should have a minimum 20' reservoir space from the property line.
- c. The review of this project does not constitute approval of the driveway access circulation scheme, loading/unloading and drop-off/pick-up areas for the project. Those require separate review and approval and should be coordinated as soon as possible with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3 to avoid delays in the building permit approval process. In order to minimize and prevent last minute building design changes, it is highly imperative that the applicant, prior to the commencement of building or parking layout design efforts, contact DOT for driveway width and internal circulation requirements so that such traffic flow considerations are designed and incorporated early into the building and parking layout plans to avoid any unnecessary time delays and potential costs associated with late design changes. All driveways should be Case 2 driveways and 30 feet wide and 16 feet wide for two-way and one-way operations, respectively.

12. Urban Forestry.

- a. One Evergreen Pear (*Pyrus kawakami*) tree in a four foot standard tree well with aggregate tree well cover shall remain in place. Existing tree well shall be enlarged to four feet by six feet and Disintegrated Granite (DG) shall be installed to a depth of three inches and flush with sidewalk plane.
- b. One Evergreen Pear (*Pyrus kawakami*) tree in a four foot standard tree well with aggregate tree well cover shall be removed for installation of new driveway apron.

Note: Contact the Urban Forestry Division at (213) 847-3088 for site inspection prior to any street tree work. All street tree removals require prior approval by the City of Los Angeles Board of Public Works.

13. Sanitation.

- a. Available Capacity - Further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.
- b. SUSMP - SUSMP and Storm Water Infiltration Standard Urban Stormwater Mitigation Plan (SUSMP) is required. The project is required to incorporate measures to mitigate the impact of stormwater runoff as outlined in the guidance manuals titled

"Development Best Management Practices Handbook – Part B: Planning Activities". In addition the "SUSMP Infiltration Requirements and Guidelines" prioritizes the use of infiltration and bio-filtration systems as the preferred methods to comply with SUSMP requirements. These documents can be found at: www.lastormwater.org/Siteorg/businesses/susmp/susmpintro.htm. It is advised that input regarding SUSMP requirements be received in the early phases of the project from SUSMP review staff and can be reached at (213) 482-7066.

- c. IWP - If groundwater is generated during the excavation and construction phases, and the groundwater must be discharged into the City sewer system, an industrial wastewater permit is required. The garage is 10' below the surface. If after construction there is continual groundwater seepage into the garage area and the accumulation of the groundwater has to be disposed of into the sewer system and not allowed to be discharged into the stormwater system, a separate industrial wastewater permit must be obtained at the point of connection.

B. Environmental Conditions

14. **Aesthetics (Landscaping).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker.
15. **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.
16. **Aesthetics (Glare).** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
17. **Air Pollution (Demolition, Grading, and Construction Activities).**
 - a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - g. Trucks having no current hauling activity shall not idle but be turned off.
- 18. Air Quality (Residential).** An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety.
- 19. Tree Removal (Non-Protected Trees).**
- a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
 - b. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
 - c. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: (213)847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.
- 20. Seismic.** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- 21. Erosion/Grading/Short-Term Construction Impacts (Hillside Grading Areas).**
- a. The grading plan shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the Department of Building and Safety's Grading Division.
 - b. Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.
- 22. Liquefaction Area**
- a. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of

appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

- b. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

23. Green House Gas Emissions.

- a. Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
- b. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

24. Explosion/Release (Existing Toxic/Hazardous Construction Materials)

- a. **(Asbestos)** Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
- b. **(Lead Paint)** Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
- c. **(Polychlorinated Biphenyl – Commercial and Industrial Buildings)** Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB removal and disposal.

25. Stormwater Pollution (Demolition, Grading, and Construction Activities)

- a. Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
- b. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- c. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- d. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.

- e. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.

26. Standard Urban Stormwater Mitigation Plan (Hillside Residential and All 10-or-more-unit Subdivisions and Multi-Family Dwellings)

- a. Environmental impacts may result from erosion carrying sediments and/or the release of toxins into the stormwater drainage channels. However, the potential impacts will be mitigated to a less than significant level by incorporating stormwater pollution control measures. Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following (a copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>):
- b. Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- c. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- d. Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- e. Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- f. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- g. Promote natural vegetation by using parking lot islands and other landscaped areas.
- h. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- i. Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair and maintain the outlet protection after each significant rain.

- j. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- k. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- l. Legibility of stencils and signs must be maintained.
- m. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- n. The storage area must be paved and sufficiently impervious to contain leaks and spills.
- o. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- p. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.
- q. Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.
- r. Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains.
- s. Paint messages that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.
- t. Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.
- u. Runoff from hillside areas can be collected in a vegetative swale, wet pond, or extended detention basin, before it reaches the storm drain system.

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

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

- b. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
 - c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - d. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- 28. Increased Noise Levels (Parking Structure Ramps)**
- a. Concrete, not metal, shall be used for construction of parking ramps.
 - b. The interior ramps shall be textured to prevent tire squeal at turning areas.
 - c. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
- 29. Severe Noise Levels (Residential Fronting on Major or Secondary Highway, or adjacent to a Freeway)**
- a. All exterior windows having a line of sight of a Major or Secondary Highway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
 - b. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.
- 30. Public Services (Fire).** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- 31. Public Services (Street Improvements Not Required By DOT).** The project shall comply with the Bureau of Engineering's requirements for street dedications and improvements that will reduce traffic impacts in direct portion to those caused by the proposed project's implementation.
- 32. Recreation (Increased Demand For Parks Or Recreational Facilities, Apartments).** Pursuant to Section 21.10 of the Los Angeles Municipal Code, the applicant shall pay the Dwelling Unit Construction Tax for construction of apartment buildings.

33. Utilities (Local Water Supplies - Landscaping)

- a. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- b. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
 - I. Weather-based irrigation controller with rain shutoff
 - II. Matched precipitation (flow) rates for sprinkler heads
 - III. Drip/microspray/subsurface irrigation where appropriate
 - IV. Minimum irrigation system distribution uniformity of 75 percent
 - V. Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
 - VI. Use of landscape contouring to minimize precipitation runoff
 - VII. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.

34. Utilities (Local Water Supplies - All New Construction)

- a. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- b. Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- c. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- d. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.

35. Utilities (Local Water Supplies - New Residential)

- a. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- b. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement

shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

- c. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

36. Utilities (Solid Waste Recycling)

- a. **(Operational)** Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
- b. **(Construction/Demolition)** Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
- c. **(Construction/Demolition)** To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

- 37. Utilities (Solid Waste Disposal).** All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

C. Administrative Conditions

- 38. Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
- 39. Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
- 40. Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

41. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
42. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
43. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
44. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
45. **Mitigation Monitoring.** The applicant shall identify mitigation monitors who shall provide periodic status reports on the implementation of the Environmental Conditions specified herein, as to area of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the Environmental Conditions.
46. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
47. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

FINDINGS

- 1. General Plan Land Use Designation.** The subject property is located within the Northeast Los Angeles Community Plan area, which was adopted by the City Council on June 15, 1999. The Plan Map designates the subject property for General Commercial land use with the corresponding zones of C1, CR, C1.5, C2, C4, P, and RAS3. The subject property contains approximately 20,000 square feet of land and is currently zoned [Q]C2-1VL-CDO. The zone permits uses consistent with commercial and multi-family residential. However, the [Q] condition prohibits new 100% residential projects, automobile uses, and drive-thru establishments and also limits density to 1,500 square feet of land per unit.

- 2. General Plan Text.**

The Northeast Los Angeles Community Plan text includes the following relevant Commercial Land Use discussion:

Plan policies provide for the development of single or aggregated parcels for mixed use commercial and residential development. The intent is to provide housing in close proximity to jobs, reduce vehicular trips, reduce congestion and air pollution, assure adequate sites for housing, and stimulate pedestrian-oriented areas to enhance the quality of life in the Plan area. While the Plan does not mandate multiple family or mixed-use projects in commercial areas, it encourages them in certain areas, such as in pedestrian-oriented areas and in transit-oriented districts, where design controls and other tools can ensure their compatibility with commercial revitalization efforts.

The requests for approval of the conditional use and associated entitlements would be consistent with several important goals, objectives, and policies of the Northeast Los Angeles Community Plan that refer to residential development including:

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

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

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

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

- 3. The Transportation Element** of the General Plan may be affected by the recommended action herein. However, any necessary improvements of Eagle Rock Boulevard will assure compliance with this Element of the General Plan and with the City's street improvement standards pursuant to Municipal Code Section 17.05.

4. Conditional Use Findings.

a. That the proposed project will be proper in relation to adjacent uses of the development of the community.

The applicant is requesting a Conditional Use for a more than 35% density increase to allow 56 residential dwelling units in lieu of the 13 by-right base units allowed. The [Q] condition on the site was established by the adoption of Ordinance No. 181,062, which retains the conditions set forth in Ordinance No. 173,540, limiting residential density to the RD1.5 zone. There are also 10 conditions within the ordinance related to commercial, auto and retail uses. The property is within an older commercial corridor in need of revitalization. Objectives of the Northeast Los Angeles Community Plan set forth guidelines that encourage the development of multi-family residential projects in and near commercial districts. The proposed project is in proper relation to existing uses located along Eagle Rock Boulevard which is a commercial block providing conveniences such as laundry facilities, markets, offices, restaurants and medical facilities. These services are within walking distance to the proposed project. The project location will also provide future residents with access to Metro Local Bus Line #84, which connects to Metro Rapid Line #780, a few blocks north, along Colorado Boulevard and West Broadway.

Other prominent uses include the adjacent property to the west which is developed with a Veterinary Pet Clinic and the adjacent property to the east which is utilized by Time Warner Cable Company. There are many multi-family residential uses fronting on Eagle Rock Boulevard within a five hundred foot radius including a 99 unit apartment building located at 4317-4329 Eagle Rock Boulevard. The properties to the south of the subject site are zoned RD1.5 and developed with various densities ranging from single family to 46-unit apartment complexes. The proposed project will not impact the properties located in the RD1.5 zone by providing a large 16-foot rear yard setback and 7-foot side yards consistent with code requirements as well as trees and other planting within yards.

The requested Conditional Use for increased density will allow for the development of an affordable housing project that will provide housing opportunities for a disadvantaged demographic while simultaneously helping to revitalize this commercial block and make use of an underutilized commercial property. Therefore, the proposed project is proper in relation to the adjacent uses and the development of the community.

b. That the location of the project is desirable to the public convenience and welfare.

The requested Conditional Use for a more than 35% density increase will allow for the construction of a project that will provide necessary affordable housing for the developmentally disabled, veterans and senior citizens. The City of Los Angeles considers this area of Los Angeles an important catchment area for the targeted demographic. Therefore, providing affordable housing for the developmentally disabled, veterans and seniors at this location will serve the public convenience by contributing to the widespread need for housing in diverse locations across the city. The overall stability of the community benefits from housing dedicated to affordability thereby contributing to the welfare of the community. The applicant proposes to set aside 98% of the proposed units (all units except for the managers unit) for very-low income residents. The approval of a Conditional Use for a density increase would assist the applicant in providing a public benefit by exceeding the density bonus thresholds and adding more affordable units to the housing stock. The proposed project will help provide for the housing needs of a specific population of the community and therefore contribute to the public convenience and welfare.

- c. That the proposed project will not be materially detrimental to the character of development in the immediate neighborhood.**

The project site is located in the Northeast Los Angeles Community Plan and is designated with a General Commercial land use. The proposed development will provide needed affordable housing units to the Northeast Los Angeles community. The 98% affordable housing project provides a disadvantaged segment of the population a unique opportunity to reside within an accessible distance to retail and medical services as well as being within close proximity of recreation and employment opportunities. The Northeast Los Angeles Community Plan puts forth several objectives and policies to allocate land for new housing to accommodate the population growth in a way that is "...consistent with and promotes the health, safety, welfare, convenience and pleasant environment of those who live and work in the community..." The Community Plan also promotes within its objectives and policies to "Locate higher residential densities near commercial and institutional centers, light rail transit stations and major bus routes to encourage pedestrian activity and use of public transportation..." The proposed project is in harmony with these objectives by providing needed housing within accessibility of transit and services. Therefore, approval of the Conditional Use for a more than 35% density increase will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.

- d. That the development project is consistent with and implements the Housing Element of the General Plan, which includes objectives to encourage the availability of affordable units.**

The proposed affordable housing project will provide needed housing for the developmentally disabled, veterans and senior citizens within the community. Approval of the Conditional Use for increased density will provide more needed residential dwelling units in order to better serve the targeted demographic. A principle objective of the Housing Element is to ensure that development projects make provisions for affordable housing by promoting "...an equitable distribution of affordable housing opportunities throughout the City." The Housing Element details the need for such housing and encourages the production of housing for all segments of the population. The proposed 56-unit very-low income housing development is consistent with the Housing Element's objective to create affordable new housing opportunities. The proposed project advances the objectives of the Housing Element by providing 55-units (plus one managers unit) of very-low income units for developmentally disabled, veterans and senior citizens.

- e. That the development project contains the requisite number of affordable and/or senior citizen units as set forth in the California Government Code Section 65915(b).**

Pursuant to Government Code Section 65915(b), in order to qualify for a 35% Density Bonus at least 11% of the units must be allocated for Very-Low Income Residents. The applicant is proposing to provide 98% of the units for Very Low Income Residents, the distribution of units are as follows: 35% developmentally disabled, 25% veterans, and 40% senior citizens. Therefore, the proposed development exceeds the minimum number of set aside units.

The [Q] condition restriction set forth by Ordinance 181,062 impedes the viability for providing affordable housing at the subject site by limiting the residential density to the RD1.5 zone. In order to develop the project as proposed, a Conditional Use Permit is required for the increased density. The base density permits 13 residential dwelling units (20,000 / 1,500) plus 5 density bonus units (13 x 0.35) equaling a total by-right density of 18

units. The Conditional Use Permit will allow an additional 38 units for a total of 56 units, including 55 very low income units. The proposed project will include 98% affordable residential dwelling units; therefore the project contains and exceeds the requisite number of affordable and senior housing units.

f. That the development project addresses the policies and standards contained in the Affordable Housing Incentives Guidelines approved by the City Planning Commission.

The scope and purpose of the Affordable Housing – Density Bonus Incentives Guidelines, LAMC Section 12.22-A,25, is to provide a summary of the qualifying criteria in order to implement the density bonus program set forth by State Law. The proposed development project addresses these policies and standards by providing 98% of the units for very-low income residents, specifically the developmentally disabled, homeless veterans, and senior citizens. The Affordable Housing - Density Bonus Program offers incentives for providing affordable housing as outlined within the LAMC. In exchange for providing 98% of the units as set aside affordable housing, the applicant has requested three on-menu incentives. The first incentive for a 35% increase in FAR will aid in accommodating the size and efficiency of the proposed units. The second incentive is to provide an additional 11 feet of height at the rear of the building to allow a total maximum building height of 56 feet. The third incentive is to allow a 20% decrease in the total required open space permitting 4,480 square feet in lieu of the 5,600 feet required.

In addition, the request includes two off-menu incentives. The first is to permit a reduction in parking below what is permitted in Parking Option 1 for affordable housing projects. In this case 37 spaces are required per Parking Option 1. The proposed project provides 26 spaces for the very-low income units plus 2 spaces for the managers unit totaling 28 parking spaces. It is important to note that in many cases the developmentally disabled, homeless veterans and senior citizens do not own or drive cars and therefore do not require parking spaces. The reduction in parking from 37 spaces to 28 spaces is reflective of the actual anticipated demand related to these specific occupants. The second off-menu incentive is to allow a 100% residential project where otherwise prohibited by the existing [Q] condition established by Ordinance No. 181,062.

5. Affordable Housing - Density Bonus Compliance Findings.

a. The project substantially complies with the applicable regulations, standards and provisions of the State Density Bonus Program.

As conditioned by this approval, the proposed project complies with all applicable provisions of the California Government Code Sections 65915-65918 and LAMC Section 12.22-A,25. The project qualifies for a 35% density bonus because 98% of its units will be set aside for Very Low Income households, including the developmentally disabled, veterans, and senior citizens, for a period of 30 years. The provision of set aside units automatically allows the applicant to qualify for an increase in density and reduced parking requirements, however the applicant is pursuing a density increase of more than 35% via Conditional Use and a decrease in required parking via an off-menu request. Also, pursuant to LAMC Section 12.22-A,25, projects that set aside at least 15% of its units for Very Low Income households, qualify for three on-menu of incentives.

The proposed project includes the construction of a four story building consisting of a 56-unit affordable housing development with 28 total parking spaces in the [Q]C2-1-CDO Zone. The applicant seeks the following three on-menu incentives: (1) a 35% increase in otherwise allowable Floor Area Ratio not to exceed 2.025:1; (2) a height increase of 11

feet to a maximum height of 56 feet; and (3) a 20% reduction in the otherwise required open space of 5,600 square feet to 4,593 square feet.

As conditioned by this approval, the subject project substantially complies with all applicable provisions of State Density Bonus Program and LAMC Section 12.22-A,25. The project qualifies for a 35% density bonus, however the applicant is pursuing approval of a Conditional Use for increased density. Based on an allowance of 98% Very Low Income residential dwelling units, the applicant qualifies for increases in density, height, and waivers of development standards. In addition, since the project sets aside 98% of its units for Very Low Income occupants, the applicant qualifies for incentives from a specified menu of concessions (and off menu), as described below.

- A. Density** - Although the applicant qualifies for a 35% density bonus for an increase of 5 units for a total of 18 units, the applicant is seeking approval of a Conditional Use for a density increase of more than 35%.

Parking – Although the applicant qualifies for a parking reduction using Parking Option 1 or 2, the applicant is seeking an off-menu incentive to allow 28 parking spaces.

B. On-Menu Incentives/Concessions/Waivers:

FAR – The applicant is requesting up to a 35% increase in the allowable Floor Area Ratio not to exceed 2.025:1 in lieu of 1.5:1 otherwise permitted in the C2-1VL zone thereby allowing 40,500 square feet of building floor area in lieu of the 30,000 square feet otherwise permitted.

Height - Pursuant to LAMC Section 12.22-A,25(f)(5) a project qualifies for a height deviation of up to 11 feet in any zone in which the height or number of stories is limited. The applicant is requesting an 11 foot increase above the 45 foot limitation of the 1VL Height District for a proposed height of 56 feet. The maximum height will be along the rear of the building which is the lowest point of the sloping lot. The front of the building, along Eagle Rock Boulevard, will be approximately 42 feet, 10 inches, with the second through fourth floors set back approximately 10 feet.

Open Space - The applicant is requesting a 20% reduction of the open space requirement to allow 4,480 square feet.

C. Off-Menu Incentives/Concessions/Waivers:

Parking – The applicant is requesting a parking reduction to allow 28 parking spaces. The project is for veterans, developmentally disabled, and seniors, most of which will not own cars.

Waiver [Q] Condition of Ordinance No. 181,062 - Pursuant to LAMC Section 12.22-A,25 and Government Code Section 65915(e), an applicant may request waivers or reductions of development standards for projects involving density bonus units. However, such requests must be reasonable and not cause adverse effects to the health and safety of the public or cause adverse impacts to the physical environment. The [Q] Condition prohibits “One hundred (100) percent residential development.” Therefore, the applicant is requesting waiver of this condition in order to construct the 56-unit affordable housing project. The request

to amend the [Q] Condition is reasonable and would result in a much needed affordable housing development that will be consistent with the spirit and intent of Government Code Section 65915(e) and the Los Angeles Municipal Code.

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

In compliance with the requirements of the California Environmental Quality Act (CEQA), the project was issued a Mitigated Negative Declaration (ENV-2010-819-MND). The project is subject to various specific measures such as air pollution controls during the construction and operation of the project; noise mitigation for construction and operation; design elements which are designed to be sensitive to the surrounding neighborhood including extensive landscaping and shielded lighting. The project would not cause adverse impacts on fish or wildlife resources as far as earth, air, water, plant life, animal life, or risk of upset to these resources is concerned. Furthermore, the project site, as well as the surrounding area is presently developed with structures and similar land uses which do not provide a natural habitat for fish or wildlife.

Any impacts that have been identified as “potentially significant unless mitigation incorporated” in the Mitigated Negative Declaration have attached Mitigation Measures to remedy potentially significant impacts to less than or no impact levels. Said measures are required and are incorporated into the project’s conditions of approval. Mitigation Monitoring and other procedures and processes have been identified ensuring the implementation of all required mitigation measures. Therefore, in light of the whole record, the proposed project would not cause substantial impacts on the environment.

The proposed project and subsequent improvements will be subject to numerous provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the International Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., seismic safety).

The project will not be constructed over a hazardous materials site, flood hazard area, or be located on unsuitable soil conditions. The project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances. Also, prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The type of use proposed is consistent with surrounding land uses and would therefore result in a development cohesive and consistent with adjacent and nearby properties within the same zone and vicinity.

Additionally, the Department of Transportation requires the submittal of a parking and driveway plan to ensure safe egress and ingress of the project site and to ensure conformance with transportation safety design policies. Parking stalls will be designed so that a vehicle cannot back into or out of any public street or sidewalk. The proposed project will be connected to the public sewer system and therefore would not violate the California Water Code. Therefore, the design of the proposed project materially conforms to the CEQA Statute and all other policies and regulations of the Affordable Housing - Density Bonus Program and the Los Angeles Municipal Code.

6. Site Plan Review Findings

a. The project complies with all applicable provisions of the Los Angeles Municipal Code and with any applicable Specific Plan.

The LAMC makes provisions for the exceptions and incentives necessary for the development of affordable housing in accordance with State Law. The proposed project design complies with all applicable provisions of the code except for any allowances that may be permitted under the granting of the requested entitlements. Additionally, the subject site is not located within a Specific Plan area. Therefore, the project as conditioned complies with all applicable provisions of the LAMC.

b. The subject development project is consistent with the adopted General Plan.

The proposed project complies with the intent and objectives of the General Plan. The Northeast Los Angeles Community Plan encourages a variety of housing options in order to meet the housing demands of the area. Furthermore, the subject site is designated with a General Commercial land use, which allows multi-family development. The proposed multi-family affordable housing project is consistent with the following objectives and policies:

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

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

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

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

The requested entitlements would permit the development of a much needed multi-family project specifically for the developmentally disabled, homeless veteran and senior citizens. The proposed project contributes to the advancement of the goals, objectives and policies set forth in the General Plan by contributing to the growing demand for adequate affordable housing, especially for this specific demographic. Therefore, the project is consistent with the General Plan.

c. The project is consistent with any applicable adopted Redevelopment Plan.

The proposed project is not located within or subject to a redevelopment plan.

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

The proposed project has been designed with open space, landscaping, outdoor recreation amenities and articulated building elevations. All of the proposed units have been considered with respect to light and ventilation. Each unit has access to the provided open space. The complex is comprised of one building component of four stories over a semi-subterranean garage. The common open space area contains 4,480 square feet of usable open space including a central courtyard and a two story multi-purpose component. The project has been designed to be compatible with existing and future development on neighboring properties and in compliance with the City's Guidelines as discussed below:

Compatibility. The proposed project is subject to the Cyprus Park and Glassell Park CDO guidelines and standards. As part of this request, the applicant has submitted a request for CDO compliance. The project will also incorporate mitigation measures to ensure neighboring uses are not significantly impacted by the proposed development.

Site Planning. The project site is rectangular in shape and is approximately 20,000 square feet in size. It has an 80 foot frontage along Eagle Rock Boulevard and a depth of 251.22 feet on the west side and 254.35 feet on the east side. The topography of the site is sloping with the highest elevation at the Eagle Rock street frontage and the lowest toward the rear of the property. The proposed building is "C" shaped with a central courtyard and has setbacks that are designed to conform to LAMC requirements. The building's placement takes advantage of the natural topography of the site by located the parking within a semi-subterranean garage. The building minimizes heat exposure by placing only a few units towards the south. Also, most of the units have a view of the central courtyard which will provide natural ventilation.

The proposed building is four stories in height (56 feet at the rear) containing all 56 units, over a semi-subterranean parking garage. The first two stories of the building will house the multi-purpose uses which are oriented toward the front of the complex (along Eagle Rock Boulevard) for easy access by residents as well as residential units while the third and fourth stories will only house residential units.

Design. The scale, massing, and location of the proposed residential building will respond to the rectangular shape and topography of the site and to the commercial and residential context of the properties that adjoin the project. The project will consist of a one level semi-subterranean parking garage with four residential levels above ground. The applicant has taken much care in providing an affordable housing project that is aesthetically pleasing by utilizing the design guidelines and standards that are outlined in the Cypress Park & Glassell Park Community Design Overlay (CDO) for multi-family development.

The project fosters pleasing architectural design elements that are unique to the community, and avoids unattractive blank walls and stucco box design. Every attempt has been made to utilize exterior building materials and site design in order to create an acceptable appearance and maintain the integrity of a residential community for future occupants, including a storefront design of the first floor, a large courtyard, an abundance of landscaped areas, building articulation, diversity in building materials, and varied massing patterns. Additionally, the project's parking is concealed from street view via a semi-subterranean garage.

Setbacks. The proposed project is subject to the setback requirements as prescribed by LAMC Section 12.14 for projects in the C2 zone. The C2 zone does not have a front yard requirement while side yards and rear yards are the same for R4 zones for residential uses. Therefore, the side yard requirement is 7 feet (5 feet plus 1 foot for each story over the 2nd) while the rear yard requirement is 16 feet (15 feet plus 1 foot for each story over the 3rd). The proposed project complies with all yard requirements in order to adequately provide light and air.

LEED Certification. While the project is not subject to the Green Building Program, the applicant has designed the building with the intent to achieve Gold certification, as stated at the public hearing. LEED points will be derived from the following: Innovation and Design Process (integrated project planning, quality management for durability, innovative/regional design); Location and Linkages (site selection, preferred locations, and infrastructure); Sustainable Sites (landscaping, surface water management, and non-toxic pest control); Water Efficiency (irrigation system and indoor water use); Energy and Atmosphere (ENERGY STAR home, insulation, air infiltration, windows, duct tightness, space heating and cooling, water heating, lighting, appliances, renewable energy, and refrigerant management); Materials and Resources (material efficient framing, environmentally preferable products, and waste management); Indoor Environmental Quality (combustion venting, outdoor air ventilation, local exhaust, supply air filtering, and garage pollutant protection); and Awareness and Education (education for homeowner and/or tenants).

Walkability. The project seeks to be inviting to its residents and the surrounding neighborhood, as it will be located within an area characterized by commercial and residential uses. The commercial uses include businesses that are neighborhood serving, such as restaurants, medical offices, a super market, a laundry, and a pet clinic. The existing uses along Eagle Rock Boulevard are conducive to pedestrian activity. The building's main pedestrian entrance will be located along Eagle Rock Boulevard at ground level, further activating the sidewalk. Additionally, the first floor of the project has been designed to mimic a storefront utilizing large areas of glazing, awnings, and distinct building materials to provide a pedestrian friendly quality.

Landscaping. The project site will provide ample landscaping within the side and rear yards, including trees and grass. The central courtyard will include a vegetable garden and fruit trees. As conditioned, all significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees proposed for removal will be replaced at a 1:1 ratio with a minimum 24-inch box tree. The applicant has also been conditioned to submit final landscape plans for review and approval by the Department of City Planning for verification of compliance with the Landscape Plan Ordinance.

Circulation and Driveway Access. Vehicular access into and out of the semi-subterranean garage is proposed from Eagle Rock Boulevard via one driveway. The garage will consist of 28 parking spaces, storage, an electrical room, and trash

enclosure. The applicant has been conditioned to submit a final driveway and parking plan to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety.

Trash. A separate trash area is located within the semi-subterranean garage and will therefore not be visible to the general public. As conditioned, recycling bins will be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. As designed, the trash enclosure will be in conformance with the Cypress Park and Glassell Park CDO guidelines.

- e. The project incorporates feasible mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and/or additional findings as may be required by CEQA.**

On June 2, 2010, a Mitigated Negative Declaration, ENV-2010-819-MND, was prepared by staff of the City Planning Department in accordance with the City's CEQA guidelines. As such, it reflects the independent judgment of its staff and the independent judgment of the Director of Planning, or the Director's designee as permitted by Site Plan Review Ordinance (Ordinance No. 166,127). All project impacts have been mitigated to a less than significant level.

Aside from compliance with standard CEQA mitigation pertaining to aesthetics, air quality, biological resources, hazards, hydrology and water quality, and public services, the project incorporates design elements to further mitigate any potential impacts; such as design elements including large setbacks and deflecting security lighting so as not to reflect onto adjacent properties. In addition, the building design is consistent with LEED Gold and Green Building Requirements.

- f. If the project contains residential uses, it provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improved habitability for the residents and minimize impacts on neighboring properties where appropriate.**

The project provides recreational amenities including 4,480 square feet of usable common open space. The project includes a multi-purpose building with a community room and kitchen, computer room, meeting room, bathrooms, storage and offices. In addition there is a central common courtyard and usable rear yard totaling 2,692 square feet. The courtyard will be used by the residents to grow food such as vegetables and fruit and will include tables and seating. Therefore the property contains appropriate amenities that will contribute to the habitability of the residents and minimize impacts on neighboring properties.

8. Cypress Park & Glassell Park Community Design Overlay

- a. The project substantially complies with the adopted Community Design Overlay Guidelines and Standards.**

The Cypress Park & Glassell Park Community Design Overlay (CDO) was created to establish design guidelines and standards for projects on commercial properties. The intent of the plan is to promote a small scale commercial retail character and revitalization of the business district. The CDO contains 16 guidelines as well as

corresponding standards that focus on site planning, building design, landscaping, and mechanical equipment. The proposed affordable housing project is in compliance with the Multi-Family Guidelines and Standards set forth in the CDO.

Every attempt has been made to utilize exterior building materials and site design in order to create an acceptable appearance and maintain the integrity of a residential community for future occupants, including a storefront design of the first floor, a large courtyard, an abundance of landscape areas, building articulation, and varied massing patterns. Therefore it is reasonable to assume that the proposed project substantially complies with the adopted Community Design Overlay Guidelines and Standards.

- b. The structures, site plan and landscaping are harmonious in scale and design with existing development and any cultural, scenic or environmental resources adjacent to the site and in the vicinity.**

The proposed building placement, site plan and landscaping are designed to provide an appropriate presence within the commercial corridor of Eagle Rock Boulevard. There are no specific cultural, scenic or environmental resources adjacent to the site and the vicinity.

9. Environmental Findings

On June 2, 2010, a Mitigated Negative Declaration, ENV-2010-819-MND, was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

10. Flood Insurance

The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Flood Zone C, an area of minimal flooding.

PUBLIC HEARING AND COMMUNICATIONS

Hearing

A public hearing conducted by the Hearing Officer on this matter was held at City Hall in Los Angeles on Friday, June 4, 2010. Owners and occupants of properties within a 500-foot radius of the project site were notified of the public hearing held on June 4, 2010 by mail and notification was published in the Daily Journal on May 12, 2010 as well.

1. Attendance:

Present at the hearing was: The applicant (Channa Grace and Yoko Sugioka of Women Organizing Resources, Knowledge, and Services), the representative on behalf of the applicant (Eric Lieberman), the applicant's architect (Cesar Vergara), the Planning Deputy from Council District No. 14 (Tara Devine), and an employee of Eagle Rock Emergency Pet Clinic (Bruce Castillo).

2. Testimony:

The applicant's representative, Eric Lieberman, introduced the applicant and described the project in more detail, including slight changes in the architectural plans and elevation. Below is a summary of his other comments:

- The area is in need of revitalization;
- Public transportation is readily available including the Metro Rapid 780 stop that is located two blocks north of the site; and
- The Eagle Rock Neighborhood Council's recommendation that construction staging be located on-site is infeasible because of the small size of the lot.

The Hearing Officer opened the public hearing to members of the audience and no one spoke in opposition to the project. However, the Planning Deputy Tara Devine, from Council District No. 14, said Councilmember Huizar did not have an opinion. She also stated:

- That the applicant had been in communication with the council office and was very responsive;
- She was concerned with parking during construction;
- She wanted the applicant to also meet with the Glassell Park Neighborhood Council;
- When presented with the new building design she liked that the applicant had incorporated a storefront look on the first floor.

The applicant, Chana Grace answered several of the Hearing Officer's questions. Her comments included:

- The project's façade had been re-designed to address the councilman's concerns;
- The project would be pursuing LEED Gold certification;
- The subject site was chosen because: she has lived in the area for 40 years and she has been looking for a site in this area for quite some time, the relatively low acquisition costs, and because it is within close proximity to two of her other projects;
- She looked at other sites along Colorado Boulevard;

- This area is a considered a catchment area for the Eastern Los Angeles Regional Center that targets senior citizens, veterans, and the developmentally disabled;
- The number of 56 units was determined based on a financial analysis;
- They determined that only 28 parking spaces were needed based on the fact that a majority of the residents would not own vehicles;
- There would be a lottery for those residents who do own vehicles, however based on their other two similar projects (Highland Village and Pisca Village) they do not anticipate that all spaces would be filled;
- The units would be distributed as follows: 40% for senior citizens, 35% for the developmentally disabled, and 25% for veterans;
- WORKS provides food to residents and they will grow food in the courtyard; and
- They will work with the Eagle Rock Emergency Pet Clinic to get a parking agreement in writing.

The final speaker was Bruce Castillo who offered to let the applicant use the pet clinic's parking lot during construction hours, as the pet clinic is only open between 6 p.m. and 8 a.m. He also stated:

- He was very happy with the new development;
- Residents should be warned that clients of the pet clinic are often hysterical and can be loud; and
- The clinic was also planning to build a garden on their property that would complement the garden planned by the subject proposal.

Communications Received

No phone calls or letters were received from the community.

One letter was received from the Eagle Rock Neighborhood Council, dated June 1, 2010 expressing, support for the project which included recommended conditions of approval regarding construction. That letter is attached (Exhibit 6).

Community Outreach by the Applicant

Community outreach has been a vital component for the project. According to the applicant, several meetings were held with regards to this project. Between October and December 2009, Channa Grace reached out to homeless people located between Eagle Rock Emergency Pet Clinic and 7-Eleven. The following is a timeline of events:

- Early 10/09 - Channa Grace and Vijay Sehgal met with Edel Vizcarra at the site to discuss a potential project.
- 10/26/09 - Meeting with Edel Vizcarra at Councilman Huizar's City Hall office to discuss the potential project.
- 11/19/09 – The project was presented to the Eagle Rock Neighborhood Council (ERNC) Land Use & Planning Committee.
- 2/25/10 - The project was presented to the ERNC Land Use and Planning Committee.
- 3/2/10 - The project was presented to the Eagle Rock Neighborhood Council.

- 5/20/10 - Channa Grace met with Tara Devine and Zenay Loera of Councilman Huizar's office. They met at the site to discuss the project and provided a tour of WORKS' proposed office and other developments in the area.
- 5/28/10 - Channa Grace met with Clark Thomas of the ERNC to request a letter in support of the project.
- 5/28/10 - Channa Grace & Vijay Sehgal met with David of the Glassell Park Neighborhood Council Land Use and Planning Committee to confirm when WORKS would be able present our project to their Committee.
- 6/4/10 – The project was presented at a public Hearing Officer hearing on behalf of the City Planning Commission at City Hall.
- 6/5/10 - Yoko Sugioka (WORKS) and Vijay Sehgal attended the Glassell Park Neighborhood Council Land Use and Planning Committee (LUPC) meeting but it was cancelled. They spoke with Tony Butka, Land Use and Planning Committee Chairperson, and arranged to have the project put on the agenda for the next Committee meeting.
- 6/22/10 – The proposed project is on the Glassell Park Neighborhood Council LUPC agenda.