

APPLICATIONS

APPEAL APPLICATION CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Instructions and Checklist



RELATED CODE SECTIONS

The Los Angeles Municipal Code (LAMC) Section 13B.11.F. of Chapter 1A (Ordinance No. 186,338) establishes the appeal procedure to the City Council for California Environmental Quality Act (CEQA) determinations.

PURPOSE

A CEQA determination can only be appealed if a non-elected, decision-making body (ZA, APC, CPC, DIR) makes a determination for a project that is not further appealable. If a final decision on a project was made by the City Council, either as the initial decisionmaker or on appeal, the related CEQA determination is not appealable.

To initiate appeal of a CEQA appeal, this form must be completed with the required materials attached and filed within 15 calendar days from the final administrative decision of the entitlement application.

GENERAL INFORMATION

Appealable CEQA determinations:

- Certified Environmental Impact Report (EIR)
- Sustainable Communities Environmental Assessment (SCEA)
- Mitigated Negative Declaration (MND)
- Negative Declaration (ND)
- Categorical Exemption (CE)
- Sustainable Exemption (SE)

Non-appealable CEQA determinations:

- Addenda to any of the above-listed CEQA determinations
- Findings made pursuant to CEQA Guidelines Section 15162
- An action in which the determination does not constitute a project under CEQA

All CEQA appeals are heard by the City Council. This form is only for appeals related to determinations made by Los Angeles City Planning. All other CEQA appeals shall be filed with the City Clerk pursuant to LAMC Section 197.01.

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council. Persons affiliated with a CNC may only file as an individual on behalf of self.

CASE INFORMATION

Environmental Case Number: ENV-2022-7886-CE

Related Entitlement Case Number(s): DIR-2022-7885-SPR-HCA-1A

Project Address: 957-967 South Arapahoe Street Los Angeles, CA 90006

Date of Final Entitlement Determination: 2-27-2024

The CEQA Clearance being appealed is a(n):

☐ EIR ☐ SCEA ☐ MND ☐ ND ☒ CE ☐ SE

APPELLANT

Check all that apply.

☒ Representative ☐ Property Owner ☐ Other Person
☐ Applicant ☐ Operator of the Use/Site

APPELLANT INFORMATION

Appellant Name: Supporters Alliance for Environmental Responsibility ("SAFER")

Company/Organization: _____

Mailing Address: 1123 Park View Drive

City: Covina State: CA Zip Code: 91724

Telephone: 510-836-4200 E-mail: richard@lozeaudrury.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☒ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ YES ☐ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Brian Flynn

Company: Lozeau Drury LLP

Mailing Address: 1939 Harrison St. Suite 150

City: Oakland State: CA Zip Code: 94612

Telephone: 510-836-4200 E-mail: brian@lozeaudrury.com

JUSTIFICATION / REASON FOR APPEAL

Attach a separate sheet providing the specific reasons for the appeal. The reasons must state how CEQA was incorrectly applied, providing a legal basis for the appeal.

APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature: _____ *Brian B. Hym* _____ **Date:** 3-11-2024

GENERAL NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \$166 **Date :** 3/12/24

Reviewed & Accepted by (DSC Planner): Ruben Vasquez

Receipt No.: 200070786495 **Date :** 3/12/24

Deemed Complete by (Project Planner): _____

ENVIRONMENTAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

Note: City Clerk prepares the mailing list for CEQA appeals per LAMC Section 11.5.13 E of Chapter 1.

APPEAL DOCUMENTS

1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- ☐ Environmental Appeal Application
- ☐ Justification/Reason for Appeal
- ☐ Copies of the written Letter of Determination (LOD), from the final appellate body, which must be a non-elected decision-making body

2. Electronic Copy

- ☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., “Appeal Form”, “Justification/Reason Statement”, or “Original Determination Letter”). No file should exceed 70 MB in size.

3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a) of Chapter 1, or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

Justification/Reason for Appeal

Arapahoe Apartments Project

(DIR-2022-7885-SPR-HCA-1A; ENV-2022-7886-CE)

I. REASON FOR THE APPEAL

The Categorical Exemption prepared for the Arapahoe Apartments Project (DIR-2022-7885-SPR-HCA-1A; ENV-2022-7886-CE) (“Project”) fails to comply with the California Environmental Quality Act (“CEQA”). Furthermore, the approval of the Site Plan Review entitlements (DIR-2022-7885-SPR-HCA-1A) was in error because (1) the City of Los Angeles (“City”) must fully comply with CEQA prior to any approvals in furtherance of the Project and (2) the findings are not supported by substantial evidence. Therefore, the City of Los Angeles (“City”) must set aside the Site Plan Review entitlements and prepare and circulate an environmental impact report (“EIR”) prior to considering approvals for the Project.

II. SPECIFICALLY THE POINTS AT ISSUE

For the specific reasons set forth in the attached comment letter dated January 11, 2024, the Project does not qualify for a categorical exemption pursuant to Section 15332 of the CEQA Guidelines (“Infill Exemption”). Furthermore, proper CEQA review must be complete *before* the City approves the Project’s entitlements. (*Orinda Ass’n. v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 [“No agency may approve a project subject to CEQA until the entire CEQA process is completed and the overall project is lawfully approved.”].) As such, the approval of the Project’s Site Plan Review entitlements was in error. Additionally, by failing to properly conduct environmental review under CEQA, the City lacks substantial evidence to support its findings for the Site Plan Review entitlements.

III. HOW YOU ARE AGGRIEVED BY THE DECISION

Members of appellant Supporters Alliance for Environmental Responsibility (“SAFER”) live and/or work in the vicinity of the proposed Project. They breathe the air, suffer traffic congestion, and will suffer other environmental impacts of the Project unless it is properly mitigated.

IV. WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION

The City Planning Commission sustained the Planning Director’s June 27, 2023 decision, approved the Site Plan Review and approved a Categorical Exemption for the project pursuant to Section 15332 of the CEQA Guidelines, despite a lack of substantial evidence in the record that the Project met the requirements for the Infill Exemption. Rather than exempt the Project from CEQA, the City should have prepared an initial study followed by an EIR or negative declaration in accordance with CEQA prior to consideration of approvals for the Project. The City is not permitted to approve the Project’s entitlements until proper CEQA review has been completed.



LOS ANGELES CITY PLANNING COMMISSION

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

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: FEBRUARY 27, 2024

Case No. DIR-2022-7885-SPR-HCA-1A

CEQA: ENV-2022-7886-CE

Plan Area: Wilshire

Council District: 1 – Hernandez

Project Site: 957 – 967 South Arapahoe Street

Applicant: Shahram Shamsian, EL Investment, LLC
Representative: Behrouz Bozorgnia, Mobbil, Inc.

Appellant: Supporters Alliance for Environmental Responsibility (SAFER)
Representative: Brian Flynn, Lozeau Drury LLP

At its meeting of **January 25, 2024**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

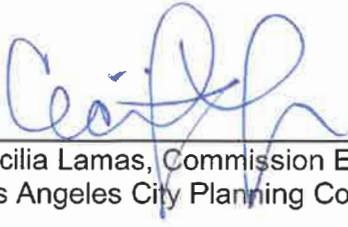
Demolition of a two-story single-family dwelling and a two-story four-unit apartment building, and the construction, use, and maintenance of a new five-story residential building, 60 feet in height, containing a total of 109 dwelling units with 15 units reserved for Very Low Income Households, and one dwelling unit reserved for Extremely Low Income Households. The proposed development will contain 66,040 square feet of floor area, equating to a total floor area ratio (FAR) of approximately 3.46:1. The Project will provide a total of 11,150 square feet of open space comprised of private balconies, a fitness center, courtyard, multipurpose room, and roof decks. The Project will have one subterranean level that will contain a total of 57 vehicle parking stalls. The Project will provide a total of 88 bicycle parking stalls including, 80 long-term, and eight short-term parking stalls.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeals in part and **granted** the appeals in part of the Planning Director's Determination dated September 7, 2023;
3. **Approved** with Conditions, pursuant Section 16.05 of the Los Angeles Municipal Code, a Site Plan Review for the construction of a new residential development resulting in a net increase of 50 or more dwelling units;
4. **Adopted** the attached Conditions of Approval; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Zamora
Second: Choe
Ayes: Cabildo, Lawshe, Noonan
Recuse: Gold
Absent: Leung, Mack

Vote: 5 – 0

A handwritten signature in blue ink, appearing to read 'Cecilia Lamas', is positioned above a horizontal line.

Cecilia Lamas, Commission Executive Assistant II
Los Angeles City Planning Commission

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

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

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

Attachments: Conditions of Approval, Findings, Appeal Filing Procedures (CEQA)

cc: Heather Bleemers, Senior City Planner
Trevor Martin, City Planner

CONDITIONS OF APPROVAL

Pursuant to LAMC Sections 16.05, the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped Exhibit "A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of City Planning. Each change shall be identified and justified in writing.
2. **On-site Restricted Affordable Units.** 15 units shall be reserved for Very Low Income (VLI) Households, and one (1) unit shall be reserved for Extremely Low Income (ELI) Households as defined by the Los Angeles Housing Department (LAHD) and California Government Code Section 65915(c)(2).
3. **Changes in On-site Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,31.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to designate 15 units for Very Low Income Households, and one (1) unit for Extremely Low Income Households, for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with the Transit Oriented Communities Guidelines, to the satisfaction of LAHD, and in consideration of the project's Housing Crisis Act of 2019 (as amended by SB 8) Replacement Unit Determination. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background section of this determination. Additionally, the project shall comply with any other requirements stated in project's Housing Crisis Act of 2019 (SB 8) Replacement Unit Determination Letter, dated June 23, 2022, including but not limited to replacement unit requirements and requirements regarding relocation, right of return, and right to remain for occupants of protected units.
5. **Base Incentives.**
 - a. **Residential Density.** The project shall be limited to a maximum density of 109 residential dwelling units, (equal to a maximum density increase of 70 percent), including On-Site Restricted Affordable Units.
 - b. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 3.46, or a total floor area of 66,040 square feet.
 - c. **Parking.**

- i. **Automobile Parking.** Pursuant to California Government Code Section 65915(p)(3) and AB 2097, the project shall be allowed to provide a minimum of zero (0) parking spaces.
- ii. **Bicycle parking.** Bicycle parking shall be provided consistent with LAMC 12.21-A,16. In the event that the number of On-Site Restricted Affordable Units should increase or the composition of such units should change, then no modification of this determination shall be necessary and the number of bicycle parking spaces shall be re-calculated consistent with LAMC Section 12.21-A,16.
- iii. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by LAHD.

Site Plan Review

6. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The landscape plan shall indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.
 - a. **Tree Requirement.** The project shall provide at least the minimum number of trees on-site to comply with the landscape requirement (LAMC Section 12.21 G(a)(3)). Pursuant to Ordinance No. 170,978, required trees shall not be palm trees.
 - b. **Street Trees.** Street trees shall be provided to the satisfaction of the Urban Forestry Division. Street trees may be used to satisfy on-site tree requirements pursuant to LAMC Article Section 12.21 G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units).
7. **Window Treatments.** Architectural window framing elements that project or recess shall be at a minimum of 3-inches from the exterior façade on 75 percent of the windows of each elevation of the structure. The architectural window framing element projection or recess may exceed the 3-inch minimum as permitted by the LAMC.
8. **Building Materials.** Each façade of the building shall incorporate a minimum of three (3) different building materials. Windows, doors, balcony/deck railings, and fixtures (such as lighting, signs, etc.) shall not count towards this requirement.
9. **Parking Screening.** With the exception of vehicle and pedestrian entrances and/or fresh air intake grilles, all vehicle parking shall be completely enclosed along all sides of the building.
10. **Parking / Driveway Plan.** Prior to the issuance of any building permit, the applicant shall submit a parking and driveway plan to the Department of Transportation for approval.
11. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above skies.

12. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping consistent with LADWP access requirements.
13. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, walkways, common open space, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
14. **Trash.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way. Trash and recycle receptacles shall be stored within a fully enclosed portion of the building at all times.
15. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
16. **Sustainability.**
 - a. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of the LAMC.
 - b. **Solar Panels.** The project shall comply with Section 99.05.211.1 of the LAMC.

Administrative Conditions

17. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
18. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
19. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
20. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
21. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the LAMC, Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the

Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

22. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
23. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
24. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
25. **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 assign. The agreement must 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.
26. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
27. **Indemnification and Reimbursement of Litigation Costs.**
Applicant shall do all of the following:
 - (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out, in whole or in part, of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

SITE PLAN REVIEW FINDINGS

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

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. There are 12 elements of the General Plan. The majority of the policies derived from these elements are in the form of code requirements of the Los Angeles Municipal Code. Except for those entitlements requested herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the General Plan is divided into 35 Community Plans.

The subject property is located within the Wilshire Community Plan area which is one of the 35 Community Plans that make up the Land Use Element of the General Plan. The Wilshire Community Plan Area Map designates the subject property for High Medium Residential land uses corresponding to the R4 Zone. The subject property's R4 zoning is thus consistent with the General Plan's land use designation for the site. The property is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance.

The proposed project is consistent with, and meets the goals, objectives, and policies of the Wilshire Community Plan. The proposed residential development will result in a net increase of 104 dwelling units on the subject property, adding new desirable multi-family housing to the region and contribute to the City's affordable housing stock. The project meets the intent of the following goals, objectives, and policies of the Wilshire Community Plan:

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

Objective 1-1: Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010.

Policy 1-1.3: Provide for adequate Multiple Family residential development.

Objective 1-2: Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations and existing bus route stops.

Policy 1-2.1: Encourage higher density residential uses near major public transportation centers.

Objective 1-4: Provide affordable housing and increased accessibility to more population segments, especially students, the handicapped and senior citizens.

Policy 1-4.1: Promote greater individual choice in type, quality, price and location of housing.

The project makes a both practical and efficient use of the subject property by locating new, higher density residential development near transit lines and neighborhood services. The resulting development will thus be located in a manner that has the potential to reduce vehicular trips. The project will also provide a mix of market rate and affordable units, thereby promoting the provision of adequate housing for all persons relative to income. The project meets all applicable design guidelines and standards, and is a residential development with an appropriate, context-sensitive scale. The project will be conditioned and designed to contribute towards a pedestrian-friendly environment that is safe for all modes of transportation. Furthermore, the project is located within one-half mile of the Metro Route 28 and Metro Local 603 bus lines. The provision of well-designed multi-family housing, which includes restricted affordable units, ensures a project that will complement the existing neighborhood while also providing valuable housing stock to current and future residents.

The proposed project is consistent with the objectives, and policies, of the **General Plan's Housing Element 2021 – 2029** adopted in November 2021 as described below:

Objective 1.2: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

Policy 1.2-1: Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.

Objective 1.3: Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities.

Policy 1.3-1: Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.

The project will redevelop a presently underutilized site consisting of a single-family dwelling and a four-unit apartment building with a new five-story residential building, containing a total of 109 dwelling units with 15 units reserved for Very Low Income Households, and one (1) dwelling unit reserved for Extremely Low Income Households. In addition, the residential development would accommodate a variety of household sizes with a mix of studio units, one-bedroom units, two-bedroom units, and four-bedroom units. The project site is located in long established residential neighborhood, that is fully built out with a variety of housing types. The project site is also located within one-half mile of Metro Route 28 and Metro Local 603 bus lines. The project's proximity to public transit would allow individuals to connect to essential services and centers, including employment centers, schools, and grocery markets. As such, the proposed project would complement the surrounding community while expanding housing opportunities along a transit-rich area.

The proposed project is also consistent with the policies, of the **General Plan's Mobility Element**, also known as Mobility Plan 2035, which seek to meet the ultimate goal of developing a balanced transportation network for all users. The project supports the following policies of the Mobility Element:

- Policy 3.3:** Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.
- Policy 5.2:** Support ways to reduce vehicle miles traveled (VMT) per capita.
- Policy 5.4:** Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

The project site is located within a Tier 3 Transit Oriented Communities area, located within 500 feet of the intersection of Olympic Boulevard and Hoover Street where the Metro Route 28 and Metro Local 603 bus lines provide intersecting service at peak headways of 15 minutes or less. In addition, the project will provide a total of 88 bicycle parking stalls including, 80 long-term, and eight (8) short-term parking stalls. Bicycle parking will be located in areas that are easily accessible by both residents and visitors. Long-term bicycle parking will be housed in a bike room located on the ground floor at the northeast corner of the residential building, while short-term bike parking will be located in the front yard, north of the main pedestrian entrance facing Arapahoe Street. The project's proximity to multiple public transit lines and ample provision of bicycle parking provides residents access to various modes of transportation. The nearby public transit lines and provision of bicycle parking enable residents to access work centers, destinations, and other neighborhood services across Los Angeles. Furthermore, of the total parking number of vehicle parking stalls provided, 30 percent will be EV capable, which will further support and encourage the adoption of low and zero emission vehicles. Therefore, the project supports the reduction of VMT per capita, connecting individuals to public transportation infrastructure, and encourages the adoption of low and zero emission fuel sources.

As detailed above, the proposed project is in substantial conformance with the purposes, intent and provisions of the Wilshire Community Plan and General Plan. The project is consistent with the applicable general plan designation and policies as well as with applicable zoning designation and regulations.

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

The arrangement of the proposed development is consistent and compatible with existing and future development within the surrounding properties. The subject property is located within the Wilshire Community Plan area, with street frontage along Arapahoe Street. The project site is located mid-block between San Marino Street to the north, and Olympic Boulevard to the south.

The project will redevelop the subject site consisting of a single-family dwelling and a four-unit apartment building with a new five-story residential building, 60 feet in height, containing a total of 109 dwelling units with 15 units reserved for Very Low Income Households, and one (1) dwelling unit reserved for Extremely Low Income Households.

Properties within the vicinity of the project site are zoned R4-1 and are designated for High Medium Residential land uses. The surrounding properties are developed with single- and multi-family residential buildings ranging from two to six stories in height. Adjoining the project site to the north is a two-story apartment building. Abutting the subject site to the east, are properties developed with a surface parking lot, and a two-story single-family dwelling. Adjoining the project site to the south, is a three-story apartment building. Properties adjoining the subject site to the west are developed with three-story apartment buildings.

The proposed project, reaching a maximum height of 60 feet, containing five stories, and one level of subterranean parking, is within relative scale of the existing surrounding buildings, particularly those fronting along Hoover Street to the east, and Olympic Boulevard to the south. In addition, all vehicle parking will be located underground and will not be visible to the public right-of-way. Furthermore, the project meets minimum required setbacks, and provides a sufficient number of trees and landscaping that will help to maintain compatibility with neighboring properties.

Height, Bulk, and Setbacks

The subject property is zoned R4-1 and is designated for High Medium Residential land uses. The subject site's 1 Height District allows for unlimited building height and permits an unlimited number of stories. The project, therefore, is not requesting any height relief from the site's underlying zoning and proposes a maximum building height of 60 feet.

The R4-1 zoning of the site typically allows for a maximum Floor Area Ratio (FAR) of 3:1; however, as permitted through the Transit Oriented Communities (TOC) Affordable Housing Incentive Program and LAMC Section 12.22 A.25, Housing Developments may qualify for a FAR increase in exchange for setting aside a portion of the proposed residential units toward affordable housing. The project is therefore requesting a Base Incentive to permit an increase in the maximum allowable FAR by 50 percent. The project proposes an FAR of 3.46:1, equating to a total floor area of 66,040 square feet, in lieu of the otherwise permitted FAR of 3:1. The requested TOC Base Incentive to allow for an increased FAR is intended to allow for the construction of more units, including affordable units, while remaining in compliance with all other applicable zoning regulations. The incentive further supports the applicant's decision to reserve 15 units reserved for Very Low Income Households, and one (1) dwelling unit reserved for Extremely Low Income Households, and facilitates the creation of affordable housing units.

The project will meet all minimum setback requirements of the subject site's underlying R4-1 zoning. The project will observe an easterly front yard setback of 20 feet along Arapahoe Street, northerly and southerly side yard setbacks of 8 feet, and a westerly rear yard setback of 17 feet. The project is not seeking any Additional Incentives for deviations in required setbacks.

To minimize the bulk and massing of the proposed building, the project includes variations in building materials and the exterior walls of the building are also articulated, incorporating street-facing balconies and windows. The ground floor consists of a variation in wall treatments, including fiber cement vertical sliding, and smooth stucco integrated into the overall architectural style of the building. In addition, trees and landscaping are utilized to create an attractive buffer between the easterly exterior wall and the public right-of-way. The project design employs various architecture methods to establish a distinguishable and attractive building design. A variety of building materials and finishes, as well as landscape and hardscape materials, will result in a design that is complementary to the neighborhood.

Parking

The project proposes a total of 60 vehicle parking stalls and a total of 88 bicycle parking stalls including, 80 long-term, and eight (8) short-term parking stalls. Vehicle parking will be located within a single subterranean parking level and will not be visible from the public right-of-way or adjacent properties. Vehicular access to the project's subterranean parking level is provided by a single two-way driveway located at the northeast corner of the building adjoining Arapahoe Street. The project would reduce the number of curb cuts at the site, by removing one existing driveway on Arapahoe Street. By consolidating the two existing driveways into a single driveway at the northeast corner of the project site, the project will help to create a more pedestrian-friendly environment. Bicycle parking will be located in areas that are easily accessible by both residents and visitors. Long-term bicycle parking will be housed in a bike room located on the ground floor at the northeast corner of the residential building, while short-term bike parking will be located in the front yard, north of the main pedestrian entrance facing Arapahoe Street. The proposed locations of the bicycle parking will ensure easy bike access for residents and visitors and support alternative modes of transportation. Therefore, for the reasons stated above, the off-street parking facilities will be compatible with the existing and future developments in the neighborhood.

Lighting

Lighting for the proposed project has been conditioned to be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

Landscaping

The project will provide 2,877 square feet of landscaped area throughout the interior and along the perimeter of the subject property. The planting palette consists of a variety of shrubs, perennials, and trees that are intended to provide shading where needed, reduce surface temperatures, as well as maintain compatibility with adjacent residential uses. The project will provide a total of 28 trees inclusive of six (6) existing street trees located along the westerly side of Arapahoe Street. In addition, the project has been conditioned to require that all areas not used for buildings, driveways, or amenities will consist of landscaping. Therefore, as designed and conditioned, the on-site landscaping of the proposed project will be compatible with the existing and future developments in the neighborhood.

Trash Collection

The project will include centralized on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. Additionally, all trash and recycling areas are conditioned to be enclosed and not visible to the public. Trash collection will occur within two separate trash/recycle rooms located at the ground floor of the building. The project includes trash and recycling chutes throughout the building to encourage recycling and keep trash and recycling hidden from the view of residents and neighbors. Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

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

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

The project provides several recreational amenities for the residents of the project. Pursuant to Section 12.21-G,2 of the LAMC, there shall be 100 square feet of open space provided for each residential unit having less than three habitable rooms; 125 square feet of open space provided for each residential unit consisting of three habitable rooms; and 175 square feet of open space provided for each residential unit containing more than three habitable rooms. The project proposes a five-story residential building containing a total of 109 dwelling units with 15 units reserved for Very Low Income Households, and one (1) dwelling unit reserved for Extremely Low Income Households. The proposed building's residential units will consist of one (1) studio unit, 102 one-bedroom units, four (4) two-bedroom units, and two (2) four-bedroom units. Whereas 11,150 square feet of open space is required by the LAMC, the project will provide approximately 11,703 square feet of open space that is comprised of private balconies, a fitness center, courtyard, multipurpose room, and roof decks. These amenities would provide residents with spaces for gathering, socialization, recreation, and relaxation. The project will provide 2,877 square feet of landscaped area throughout the interior and along the perimeter of the subject property. All of the outdoor spaces will be landscaped and planted with a variety of trees and other plants, which will provide shade and greenery for residents, enhance the physical environment, reduce surface temperatures, and reduce potential impacts on adjacent properties. For transit-dependent residents, the subject property is located approximately 500 feet from the Metro Route 28 and Metro Local 603 bus lines that provide intersecting service at peak headways of 15 minutes or less. Lastly, the project will provide a total of 88 bicycle parking stalls that will be located in areas that are easily accessible by both residents and visitors. Therefore, the project provides many different recreational and service amenities which will improve habitability for residents and will minimize impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

4. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas minimal flooding.
5. It has been determined based on the whole of the administrative record that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2, applies. The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "In-fill Projects". The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption.



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

Online Application System: The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

Drop off at DSC: Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC

(213) 482-7077

201 N. Figueroa Street

Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050

6262 Van Nuys Boulevard

Van Nuys, CA 91401

West Los Angeles DSC

(CURRENTLY CLOSED)

(310) 231-2901

1828 Sawtelle Boulevard

West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online
Appeal Filing



QR Code to Forms
for In-Person Filing

Applicant Copy

Office: Downtown

Application Invoice No: 94357



6800194357

City of Los Angeles
Department of City Planning

**City Planning Request**

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please the assigned planner, please visit <https://planning.lacity.gov/pdiscaseinfo/> and enter the Case Number.

Payment Info: \$204.18 was paid on 03/12/2024 with receipt number 200070786495

Applicant: Supporters Alliance for Environmental Responsibility ("SAFER")
Representative: Bryan Flynn ()
Project Address: 957 S ARAPAHOE ST, 90006

NOTES:

ENV-2022-7886-CE-1A			
Item	Fee	%	Charged Fee
Appeal by Person Other Than The Applicant	\$166.00	100 %	\$166.00
Case Total			\$166.00
* Fees Subject to Surcharges			\$166.00
Fees Not Subject to Surcharges			\$0.00
Plan & Land Use Fees Total			\$0.00
Expediting Fee			\$0.00
Development Services Center Surcharge (3%)			\$4.98
City Planning Systems Development Surcharge (6%)			\$9.96
Operating Surcharge (7%)			\$11.62
General Plan Maintenance Surcharge (7%)			\$11.62

* Fees Subject to Surcharges	\$166.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$0.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$4.98
City Planning Systems Dev. Surcharge (6%)	\$9.96
Operating Surcharge (7%)	\$11.62
General Plan Maintenance Surcharge (7%)	\$11.62
Grand Total	\$204.18
Total Overpayment Amount	\$0.00
Total Paid (amount must equal sum of all checks)	\$204.18

Council District:

Plan Area:

Processed by RUBEN VASQUEZ on 3/11/2024

Signature: _____