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April 16, 2025

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**APPEAL SUMMARY AND STAFF RESPONSE; 1459 SOUTH HI POINT STREET; CF 25-0292**

**Project Background**

The subject site is located on five contiguous parcels (8,839 square-feet in area) on the northwest corner of Hi Point Street and Saturn Street, within the Wilshire Community Plan with a Medium Residential land use designation, zoned [Q]R3-1-O. The site is further located within a Transit Priority Area, a Tier 3 TOC, and the Urban Agriculture Incentive Zone. Per Ordinance 168,193, commonly referred to as the "Q" Condition, the site's zoning is further regulated in terms of building height, mass, balconies, landscaping, open space, parking, street trees, etc. The Q Condition is part of the underlying zoning. A TOC project may request relief from both the requirements of the underlying zone and any corresponding Q Conditions. In this case, as part of the TOC incentives, a height increase and a reduction in open space have been approved. Since the Q Condition is part of the zone, the project is eligible to request deviation from these under the TOC process.

The approved project consists of a five-story residential development with one level of subterranean parking and includes 19 residential units, 2,492 square feet of open space, 24 parking spaces for residential use, and 22 long-term and short-term bicycle parking spaces. Ten percent (two units) will be deed-restricted affordable units for Extremely Low-Income Households. The project proposes a total of 20,420 square-foot square feet of floor area on an 8,838 square-foot lot for a Floor Area Ratio (F.A.R.) of up to 1.5:1. The proposed project unit mix includes one one-bedroom unit, 11 two-bedroom units, and eight three-bedroom units.

Pursuant to the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), the proposed Tier 3 project is eligible for Base Incentives and three (3) Additional Incentives. As Base Incentives, the project is eligible to (1) increase the maximum

allowable number of dwelling units permitted by 70 percent and (2) provide residential automobile parking at a ratio of 0.5 spaces per unit. The project is requesting the three Additional Incentives for (1) a 22-foot increase in height, (2) a 25 percent reduction in open space, and (3) a 30 percent reduction in two side yards.

## **Appeal Summary**

Following the City Planning Commission's determination that denied the TOC appeal thereby approving the project, Elaine Johnson with LA GLO Inc. filed an appeal of the project's Class 32 Infill Exemption. The Appellant contends that 1) CEQA's Infill Exemption should not apply to the Project and 2) The Project does not qualify for TOC Tier 3 standards and is not consistent with the underlying Q Condition on the project site.

The following is a summary of the appellant's points and staff's response. The appellant's full appeal justifications can be found within the corresponding Council File.

### **1. CEQA STANDARD FOR A CATEGORICAL EXEMPTION**

As indicated in the City Planning Commission's Letter of Determination dated January 29, 2025, rather than prepare and EIR or MND for the project, the City is improperly processing the project using an Exemption from CEQA pursuant to CEQA Guidelines, Section 15332, Article 19 (Class 32 – In-fill Development Projects), and improperly claiming that 'there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.' This letter provides substantial evidence demonstrating that the project is not eligible for a Class 32 – Infill Development Exemption. As detailed in CEQA Guidelines Section 15332, to use a Class 32 Exemption, a project must meet specific conditions.

#### **Staff Response:**

As detailed in administrative record, the project has been determined to qualify for a Class 32 Categorical Exemption by meeting the five criteria listed below in accordance with State CEQA Guidelines Section 15332 for an infill development project:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- c) The project site has no value as habitat for endangered, rare or threatened species.*
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- e) The site can be adequately served by all required utilities and public services.*

The proposed project is consistent with its applicable general plan designation, applicable policies, and applicable zoning designations, and as mentioned in the background section, since the Q Condition is part of the underlying zoning, the project is eligible from relief from open space and height requirements through the TOC application. The proposed project is consistent with applicable general plan designation, applicable policies, and

applicable zoning designations. 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 Community Plan designates the subject property with a land use designation of Medium Residential, corresponding to the R3 Zone. The subject property is zoned [Q]R3-1-O and is thus consistent with the existing land use designation.

Consistent with the Wilshire Community Plan, the proposed 19-unit apartment development would add new and much needed multi-family housing that would contribute to the City's affordable housing stock. The proposed 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.*

*Policy 1-1.3: Provide for adequate multi-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 will result in a net increase of 19 units at the site, locating new, higher density residential near transit lines and neighborhood services. The resulting development will 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, including students, senior citizens, and persons with disabilities as all new development would require compliance with the Americans with Disabilities Act. The project meets all applicable design guidelines and standards, and is a multi-family development with an appropriate, context-sensitive scale. The project has been conditioned and designed to contribute towards a pedestrian-friendly environment that is safe for all modes of transportation. Furthermore, the project features an attractive and high-quality architectural design and is located within proximity to the intersection of two bus lines that have service times of less than 12 minutes. 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. Therefore, the proposed project is consistent with the General Plan policies and zoning regulations within the City of Los Angeles.

Per CEQA, it is the burden of the challenger to submit evidence to the record of any cumulative impacts. Given that the appellants have not done so, the appellants have engaged in speculation. There is also no substantial evidence demonstrating that any exception contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, hazardous waste sites, or historical resources applies. Therefore, the project remains eligible for a categorical exemption and no additional analysis is needed.

In summary, there is substantial evidence that the project qualifies for a Class 32 Categorical Exemption. The Planning Director's designee did not abuse their discretion in determining that the project is categorically exempt from CEQA review as an infill development project meeting the criteria of State CEQA Guidelines Sections 15332 and 15300.2. The appellants have not provided substantial evidence supporting their argument that the project requires mitigation to reduce potential environmental impacts to less than significant levels, or that it is disqualified from being categorically exempt from CEQA review.

**2. FAILURE TO MEET GUIDELINES SECTION 15332(a) DUE TO NONCOMPLIANCE WITH ZONING**

- a. Project Not Located Within ½ Mile of Major Transit Stop
- b. The Project is Not Consistent with the Q Conditions

**Staff Response:**

TOC Tier Verification

Projects may qualify for Tier 3 TOC status by falling into one of the following four categories:

- 1. Distance of less than 750 feet from intersection of a Regular Bus and Rapid Bus Line;
- 2. Distance of less than 1,500 feet from the intersection of two Rapid Bus Lines;
- 3. Distance of less than 750 feet from a Metrolink Rail Station; or
- 4. Distance of less than 2,640 feet from a Metro Rail Station.

The subject property is located within a Tier 3 TOC Affordable Housing Incentive Area, qualified by its proximity to a Major Transit Stop involving the intersection of two rapid bus routes (Santa Monica Big Blue Bus Rapid 7 Line and Metro Rapid Line 217) within 1,500 feet of the project site. The TOC referral was issued on June 5, 2023, and the application was filed on July 21, 2023, within the 180-day period before expiration. The referral form indicates that both rapid lines operate at a service interval that is less than 15 minutes. As such, the project does indeed qualify as a Tier 3 TOC development.

In addition, on March 25, 2021, the Department of City Planning issued a Memorandum regarding the implementation of Metro's NextGen Bus Plan and how the change would impact TOC Tier verification within the Department. According to the memo, most Metro Rapid Bus lines will be replaced with a new type of bus line that will have more frequent service and new stop intervals. In this case, once the NextGen program is implemented, the Rapid 217 would be merged with existing lines 180, 181, and 780 and would be

renamed the NextGen Line 180. Once effective, NextGen Line 180 would have a headway of 7.5 minutes instead of the current 13 minutes, according to Metro's NextGen plan. As such, while we rely on the headways of the bus lines at the time of application submittal, even with the integration of NextGen, the intersection used for TOC Tier verification would still result in a Tier 3 outcome. Finally, City Planning staff confirmed with Metro staff that while Lines 217 and 180, 181, and 780 have not been merged, Line 217 currently operates with a headway of 12 minutes as of June 2024. As such, the project site continues to be eligible for Tier 3 incentives.

Effective January 1, 2025, AB 2553 revised the definition of a Major Transit Stop by allowing service intervals of 20 minutes instead of 15 minutes. As a project located near a Major Transit Stop with headways of less than 20, the project is fully compliant with the provisions of the Transit Oriented Communities Incentive Program.

#### Q Conditions

The TOC program allows a project to utilize development incentives and waivers that are more permissive than the zoning regulations, inclusive of any Q Conditions. In this case, the project is requesting additional building height, reduced setbacks and reduced open space, all of which are permissible requests under the TOC program. As such, the proposed project is consistent with the underlying zone, including the Q Conditions given that they are part of the zone.

While the Q Condition calls for a maximum building height of 35 feet, the TOC program allows a height increase of 22 feet, or two stories. The project's proposed height is 57 feet and is therefore consistent with the provisions of the TOC program. Regarding open space, the Q Condition requires 100 square feet of usable open space per dwelling unit. The project is seeing a 25 percent reduction in open space, consistent with the provisions of the TOC program. The Q Condition would require that 1,900 square feet of usable open space be provided as part of the project. The project's open space was calculated using the LAMC which requires 2,775 square feet of open space on the project site. As a qualifying Tier 3 TOC project, the project is allowed to utilize a 25 percent maximum open space reduction, or 2,081 square feet. The project is providing more open space than the 1,900 square feet that the Q Condition calls for. The project meets this usable open space requirement through the provision of 1,270 square feet of common open space (rear yard and recreation room), and 900 square feet of private open space through unit balconies.

The project has been conditioned to comply with Urban Forestry street tree requirements and the requirements of Ordinance 168,193 and will therefore be consistent with the landscape requirements for the project. The TOC development correctly utilizes incentives to allow for the development of a larger project that includes affordable dwelling units, consistent with the provisions of the Transit Oriented Communities Incentive Program while being compliant with all other zoning regulations.

#### **Conclusion and Staff Recommendation**

For the reasons stated herein, and in the findings of the Director's Determination, and with the recommended additional condition of approval, the proposed project does comply with the applicable provisions of the Transit Oriented Communities Affordable Housing Incentive Program

and the California Environmental Quality Act (CEQA). Planning staff evaluated the proposed project and determined that it meets the Transit Oriented Communities Program requirements. Based on the complete plans submitted by the applicant and considering the appellant's arguments for appeal, staff finds that the project meets the required findings. Therefore, it is recommended that the Planning and Land Use Management Committee recommend the denial of the appeal and sustain the Determination by the Director of Planning.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

A handwritten signature in blue ink, appearing to read 'Heather Bleemers', with a stylized flourish extending to the right.

Heather Bleemers  
Senior City Planner

VPB:HB