

APPLICATIONS

APPEAL APPLICATION Instructions and Checklist



PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC. For California Environmental Quality Act Appeals, use form [CP13-7840](#). For Building and Safety Appeals and Housing Department Appeals, use form [CP13-7854](#).

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

- ☐ Area Planning Commission (APC) ☐ City Planning Commission (CPC) ☐ City Council
☐ Zoning Administrator (ZA)

CASE INFORMATION

Case Number: _____

APN: _____

Project Address: _____

Final Date to Appeal: _____

APPELLANT

Check all that apply.

- ☐ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

APPELLANT INFORMATION

Appellant Name: _____

Company/Organization: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail: _____

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

Name: _____

Company/Organization: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail: _____

JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part? ☐ Entire ☐ Part

Are specific Conditions of Approval being appealed? ☐ YES ☐ NO

If Yes, list the Condition Number(s) here: Site Plan Review, All entitlements except off-menu incentives and waivers or modification of development

On a separate sheet provide the following: standards

☐ Reason(s) for the appeal

☐ Specific points at issue

☐ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature: Kyle H. Haley **Date:** _____

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: \$172

Reviewed & Accepted by (DSC Planner): Jason Chan

Receipt No.: 200214862074 **Date:** 2/27/25

☒ Determination authority notified ☐ Original receipt and BTC receipt (if original applicant)

GENERAL 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 \(OAS\)](#).

APPEAL DOCUMENTS

1. Hard Copy

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

- ☐ Appeal Application
- ☐ Justification/Reason for Appeal

- ☐ Copy of Letter of Determination (LOD) for the decision being appealed

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 [LAMC Section 15.1.1.F.1.a. \(Appeal Fees\) of Chapter 1A](#) as applicable, 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 [LAMC Section 19.01 B.1\(b\) of Chapter 1](#) or [LAMC Section 15.1.1.F.1.b. \(Appeal Fees\) of Chapter 1A](#) as applicable

4. Noticing Requirements (Applicant Appeals Only)

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning’s mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to [LAMC Section 13B.2.5. \(Director Determination\) of Chapter 1A](#) or [LAMC Section 13B.2.3. \(Class 3 Conditional Use\) of Chapter 1A](#) as applicable.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.

- ☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to [LAMC Section 12.37 I of Chapter 1](#) or [LAMC Section 10.1.10. \(Waiver and Appeals\) of Chapter 1A](#) as applicable.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

[VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant [LAMC Section 13B.7.3.G. of Chapter 1A](#).

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to [LAMC Section 13B.6.2.G. of Chapter 1A](#). Nuisance Abatement/Revocations cases are only appealable to the City Council.

Appeal Fee

- ☐ *Applicant (Owner/Operator)*. The fee charged shall be in accordance with the [LAMC Section 19.01 B.1\(a\) of Chapter 1](#) or [LAMC Section 15.1.1.F.1.a. \(Appeal Fees\) of Chapter 1A](#) as applicable.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under [LAMC Section 19.01 B.1\(a\) of Chapter 1](#) shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the [LAMC Section 19.01 B.1\(b\) of Chapter 1](#) or [LAMC Section 15.1.1.F.1.b. \(Appeal Fees\) of Chapter 1A](#) as applicable.

Justification/Reason for Appeal

6136 Manchester Avenue Apartments

(CPC-2022-6064-DB-MCUP-CDO-SPR-HCA-PHP, ENV-2022-6065-SCEA)

I. REASON FOR THE APPEAL

The Sustainable Communities Environmental Assessment (“SCEA”) prepared for the 6136 West Manchester Avenue Apartments Project (CPC-2022-6064-DB-MCUP-CDO-SPR-HCA-PHP, ENV-2022-6065-SCEA) (“Project”) fails to comply with the California Environmental Quality Act (“CEQA”). Furthermore, the approval of the Site Plan Review entitlements (CPC-2022-6064-DB-MCUP-CDO-SPR-HCA-PHP) 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 February 11, 2025, the Project is not eligible for a SCEA because the Project is not consistent with the applicable standards for the Project area and the Project fails to mitigate potentially significant air quality impacts that were not mitigated to a level of insignificance in the Connect SoCal Sustainable Communities Strategy (“SCS”). 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 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

On February 13, 2025 the Los Angeles City Planning Commission approved the Site Plan Review and adopted the SCEA for the Project, despite substantial evidence in the record that the Project is not eligible for a SCEA and fails to adequately analyze the Project’s environmental impacts and incorporate all feasible mitigation measures to reduce the Project’s impacts. 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.



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February 11, 2025

Via Email

Monique Lawshe, President
Elizabeth Zamora, Vice President
Maria Cabildo, Commissioner
Caroline Chloe, Commissioner
Martina Diaz, Commissioner,
Michael Newhouse, Commissioner
Cecilia Lamas, Commission Executive
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**Re: Comment on Sustainable Communities Environmental Assessment for the
6136 W. Manchester Blvd. Project (ENV-2022-6065-SCEA)**

Dear President Lawshe, Vice President Zamora, Honorable Commissioners, and Planner Carter:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the proposed Sustainable Communities Environmental Assessment ("SCEA") prepared for the 6136 Manchester Ave. Project in the City of Los Angeles (ENV-2022-6065-SCEA), including all actions referring to the development of an eight-story residential development comprised of 489 residential dwelling units and up to 16,120 square-foot commercial space.

After reviewing the SCEA, SAFER respectfully requests that the City of Los Angeles ("City") refrain from taking any action on the Project and SCEA at this time because the Project does not meet the eligibility requirements for a SCEA. The Project is not eligible for a SCEA because the Project is not consistent with the applicable standards for the Project area and the Project fails to mitigate potentially significant air quality impacts that were not mitigated to a level of insignificance in the Connect SoCal Sustainable Communities Strategy ("SCS") EIR. These comments are supported by the expert comments of air quality experts Certified Industrial Hygienist, Francis Offermann, PC, CIH. Mr. Offermann's comments are attached as Exhibits A and are incorporated herein by reference.

PROJECT DESCRIPTION

The Project, located at 6136 W. Manchester Ave. and 8651 La Tijera Blvd., includes the construction of an eight-story (96-foot-tall) mixed-use building consisting of 441 dwelling units, including 66 very-low-income (VLI) units. The Project will include a 16,120 square-foot commercial space. The Project proposes 549 parking spaces within two subterranean parking levels. The Project site is currently occupied by six one-story creative office and warehouse buildings and associated surface parking.

LEGAL BACKGROUND AND STANDARD

I. Sustainable Communities Environmental Assessment under SB 375.

CEQA allows for the streamlining of environmental review for “transit priority projects” meeting certain criteria. (Pub. Res. Code §§ 21155, 21155.1, 21155.2) To qualify as a transit priority project, a project must

- (1) contain at least 50 percent residential use, based on total building square footage, and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75;
- (2) provide a minimum net density of at least 20 dwelling units per acre; and
- (3) be within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan.

(PRC § 21155(b))

A transit priority project is eligible for CEQA’s streamlining provisions where,

[The transit priority project] is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, for which the State Air Resources Board . . . has accepted a metropolitan planning organization’s determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.

(PRC § 21155(a).)

Pub. Res. Code § 21155(a). In 2020, the Regional Council for the Southern California Association of Governments (“SCAG”) formally adopted the Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (“2020 RTP/SCS”), which was accepted by CARB on October 30, 2020.

If “all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports and adopted in findings made pursuant to Section 21081” are applied to a transit priority project, the project is eligible to conduct environmental review using a sustainable communities environmental assessment (“SCEA”). Pub. Res. Code § 21155.2. A SCEA must contain an initial study which “identif[ies] all significant or potentially significant impacts of the transit priority project . . . based on substantial evidence in light of the whole record.” Pub. Res. Code § 21155.2(b)(1). The initial study must also “identify any cumulative effects that have been adequately addressed and mitigated pursuant to the requirements of this division in prior applicable certified environmental impact reports.” *Id.* The SCEA must then “contain measures that either avoid or mitigate to a level of insignificance all potentially significant or significant effects of the project required to be identified in the initial study.” Pub. Res. Code §21155(b)(2). The SCEA is not required to discuss growth inducing impacts or any project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network. Pub. Res. Code § 21159.28(a).

After circulating the SCEA for public review and considering all comments, a lead agency may approve the SCEA with findings that all potentially significant impacts have been identified and mitigated to a less-than-significant level. Pub. Res. Code § 21155(b)(3), (b)(4), (b)(5). A lead agency’s approval of a SCEA must be supported by substantial evidence. Pub. Res. Code §21155(b)(7)

DISCUSSION

I. The City May Not Rely on the SCEA Because the Project is Not Consistent with the General Plan.

The City may only rely on a SCEA if the project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area. Pub. Res. Code § 21155(a).

The Project here is not consistent with General Plan’s density and building intensity standards. Zoning allows for a floor area ratio (FAR) of 1:5:1. However, the Project has a FAR of 4:1. It also allows for a maximum building height of 61-feet, yet the Project is proposed to be 96-feet in height.

Since the Project is not consistent with the General Plan’s zoning requirements, the Project is not eligible for a SCEA. While the City intends to waive these zoning requirements under the Density Bonus Law, waivers do not make the Project consistent with zoning requirements. If anything, the fact that the Project requires waivers to be built only confirms that the Project is not consistent with the zoning requirements in the General Plan. As such, the City cannot rely on a SCEA because waivers may be required under the Density Bonus Law. The Project was simply not analyzed in the prior EIR because the prior EIR did not analyze projects of this height and density. As such, supplemental CEQA review is required. (*See Save Our*

Access v. City of San Diego (2023) 92 Cal. App. 5th 819 [supplemental CEQA review required for project that exceeded heights analyzed in program EIR].)

To the extent that the City relies on the *Wollmer v. City of Berkeley* (2011) 193 Cal. App. 4th 1329 case, that case is inapposite. In that case, the court held that the city could rely on the CEQA infill exemption, despite the fact that the project received waivers under the Density Bonus Law. Unlike the case here, that case did not rely on tiering off of a prior EIR. This case is similar to *Save Our Access* because the SCS EIR did not analyze project impacts for the height and density for this Project.

Additionally, *Wollmer* addressed a CEQA Guideline, which is a regulation. The court held that the Density Bonus Law effectively trumped local zoning. (193 Cal. App. 4th at 1345.) In this case, the SCEA law and the Density Bonus Law are both statutory provisions. A SCEA may only be used for projects that comply with the density and intensity allowed by the general plan and zoning. (Pub. Res. Code § 21155(a).) The Density Bonus Law does not purport to preempt the SCEA law, or vice-versa. In such situations, the courts are clear that both laws must be afforded equal weight and must be harmonized. It is a basic rule of statutory construction that statutes should be interpreted to harmonize rather than to conflict whenever reasonably possible. “To overcome the strong presumption against the implied repeal of conflicting statutes, the two statutes ‘must be irreconcilable, clearly repugnant, and so inconsistent that the two cannot have concurrent operation. The courts are bound, if possible, to maintain the integrity of both statutes if the two may stand together.’” (7 Witkin, Summary of Calif. Law, p. 57, §94(d), quoting, *Stop Youth Addiction v. Lucky Stores* (1998) 17 Cal.4th 553, 569.) Thus, the City must comply with both the Density Bonus Law, CEQA and the SCEA law. This is easily done. The City must grant the requested waivers under the Density Bonus Law. However, as a result of those waivers, the Project does not qualify for a SCEA because it does not comply with the density and intensity allowed by the general plan and zoning. Therefore, subsequent CEQA review is required, and the city may not rely on the SCEA. In this way, the Project may still proceed under the Density Bonus Law, but the city must analyze and mitigate its environmental impacts under CEQA. This interpretation harmonizes the statutes and gives each statute equal dignity.

II. The Project Will Result in Significant Impacts to Air Quality Not Addressed in the Sustainable Communities Strategy.

Indoor air quality expert Francis “Bud” Offermann, PE, CIH, reviewed the SCEA and found that the SCEA failed to address and mitigate potentially significant human health impacts from indoor emissions of formaldehyde. These impacts were not analyzed nor were they mitigated to a level of insignificance in the Connect SoCal SCS EIR. Mr. Offermann’s comment and CV are attached as Exhibit A.

Mr. Offermann found that the Project will likely expose future residents living at the Project to significant impacts related to indoor air quality, and in particular, emissions of the

cancer-causing chemical formaldehyde. Mr. Offermann is one of the world's leading experts on indoor air quality, particularly focusing on formaldehyde emissions, and has published extensively on the topic. Mr. Offermann found that the SCEA failed to address and mitigate the human health impacts from indoor emissions of formaldehyde.

Formaldehyde is a known human carcinogen and is listed by the State of California as a Toxic Air Contaminant ("TAC"). The South Coast Air Quality Management District ("SCAQMD"), the agency responsible for regulating air quality within the South Coast Air Basin—which includes the City of Los Angeles—has established a cancer risk significance threshold from human exposure to carcinogenic TACs of 10 per million. (Ex. A, p. 2.). Here, Project's emissions of formaldehyde to air will result in very significant cancer risks to future residents of the Project.

Mr. Offermann states that future residents of the Project would be exposed to a 120 in one million risk, even assuming all materials are compliant with the California Air Resources Board's formaldehyde airborne toxics control measure. (*Id.*, p. 4). This potential exposure level exceeds the South Coast Air Quality Management District's ("SCAQMD") CEQA significance threshold for airborne cancer risk by 12 times the amount.

The California Supreme Court has emphasized the importance of air district significance thresholds in providing substantial evidence of a significant adverse environmental impact under CEQA. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 327 ("As the [South Coast Air Quality Management] District's established significance threshold for NOx is 55 pounds per day, these estimates [of NOx emissions of 201 to 456 pounds per day] constitute substantial evidence supporting a fair argument for a significant adverse impact.") Since expert evidence demonstrates that the Project will exceed the SCAQMD's CEQA significance threshold, there is substantial evidence that an "unstudied, potentially significant environmental effect[]" exists. (See, *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 958.)

Mr. Offermann's observations constitute substantial evidence that the Project will produce potentially significant air quality and health impacts which the SCEA has failed to address and mitigate. Therefore, the City must prepare an updated SCEA to fully evaluate and mitigate these impacts on the Project's future residents.

CONCLUSION

The Project is not eligible for a SCEA because it is not consistent with applicable standards for the Project area and fails to analyze and mitigate potentially significant impacts that were not addressed in the Connect SoCal SCS EIR. Therefore, SAFER respectfully requests that the Planning Commission recommend that the Project undergo CEQA review so as to ensure compliance with CEQA.

February 11, 2025
Comment on SCEA (ENV-2022-6065-SCEA)
6136 Manchester Ave. Project
Page 6 of 6

Sincerely,

A handwritten signature in black ink, appearing to read "Kylah Staley". The signature is fluid and cursive, with the first name "Kylah" and last name "Staley" clearly distinguishable.

Kylah Staley
LOZEAU DRURY LLP

EXHIBIT A

Date: February 5, 2025

To: Kylah Staley
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, California 94612

From: Francis J. Offermann PE CIH

Subject: Indoor Air Quality: 6136 W. Manchester Boulevard Project, Los Angeles, CA
(IEE File Reference: P-4740)

Pages: 19

Indoor Air Quality Impacts

Indoor air quality (IAQ) directly impacts the comfort and health of building occupants, and the achievement of acceptable IAQ in newly constructed and renovated buildings is a well-recognized design objective. For example, IAQ is addressed by major high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014). Indoor air quality in homes is particularly important because occupants, on average, spend approximately ninety percent of their time indoors with the majority of this time spent at home (EPA, 2011). Some segments of the population that are most susceptible to the effects of poor IAQ, such as the very young and the elderly, occupy their homes almost continuously. Additionally, an increasing number of adults are working from home at least some of the time during the workweek. Indoor air quality also is a serious concern for workers in hotels, offices and other business establishments.

The concentrations of many air pollutants often are elevated in homes and other buildings relative to outdoor air because many of the materials and products used indoors contain and release a variety of pollutants to air (Hodgson et al., 2002; Offermann and Hodgson, 2011). With respect to indoor air contaminants for which inhalation is the primary route of exposure, the critical design and construction parameters are the provision of adequate ventilation and the reduction of indoor sources of the contaminants.

Indoor Formaldehyde Concentrations Impact. In the California New Home Study (CNHS) of 108 new homes in California (Offermann, 2009), 25 air contaminants were measured, and formaldehyde was identified as the indoor air contaminant with the highest cancer risk as determined by the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), No Significant Risk Levels (NSRL) for carcinogens. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000 (i.e., ten in one million cancer risk) and for formaldehyde is 40 µg/day. The NSRL concentration of formaldehyde that represents a daily dose of 40 µg is 2 µg/m³, assuming a continuous 24-hour exposure, a total daily inhaled air volume of 20 m³, and 100% absorption by the respiratory system. All of the CNHS homes exceeded this NSRL concentration of 2 µg/m³. The median indoor formaldehyde concentration was 36 µg/m³, and ranged from 4.8 to 136 µg/m³, which corresponds to a median exceedance of the 2 µg/m³ NSRL concentration of 18 and a range of 2.3 to 68.

Therefore, the cancer risk of a resident living in a California home with the median indoor formaldehyde concentration of 36 µg/m³, is 180 per million as a result of formaldehyde alone. The CEQA significance threshold for airborne cancer risk is 10 per million, as established by the South Coast Air Quality Management District (SCAQMD, 2015).

Besides being a human carcinogen, formaldehyde is also a potent eye and respiratory irritant. In the CNHS, many homes exceeded the non-cancer reference exposure levels (RELs) prescribed by California Office of Environmental Health Hazard Assessment (OEHHA, 2017b). The percentage of homes exceeding the RELs ranged from 98% for the Chronic REL of 9 µg/m³ to 28% for the Acute REL of 55 µg/m³.

The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.

In January 2009, the California Air Resources Board (CARB) adopted an airborne toxics control measure (ATCM) to reduce formaldehyde emissions from composite wood products, including hardwood plywood, particleboard, medium density fiberboard, and also furniture and other finished products made with these wood products (California Air Resources Board 2009). While this formaldehyde ATCM has resulted in reduced emissions from composite wood products sold in California, they do not preclude that homes built with composite wood products meeting the CARB ATCM will have indoor formaldehyde concentrations below cancer and non-cancer exposure guidelines.

A follow up study to the California New Home Study (CNHS) was conducted in 2016-2018 (Singer et. al., 2019), and found that the median indoor formaldehyde in new homes built after 2009 with CARB Phase 2 Formaldehyde ATCM materials had lower indoor formaldehyde concentrations, with a median indoor concentrations of $22.4 \mu\text{g}/\text{m}^3$ (18.2 ppb) as compared to a median of $36 \mu\text{g}/\text{m}^3$ found in the 2007 CNHS. Unlike in the CNHS study where formaldehyde concentrations were measured with pumped DNPH samplers, the formaldehyde concentrations in the HENGH study were measured with passive samplers, which were estimated to under-measure the true indoor formaldehyde concentrations by approximately 7.5%. Applying this correction to the HENGH indoor formaldehyde concentrations results in a median indoor concentration of $24.1 \mu\text{g}/\text{m}^3$, which is 33% lower than the $36 \mu\text{g}/\text{m}^3$ found in the 2007 CNHS.

Thus, while new homes built after the 2009 CARB formaldehyde ATCM have a 33% lower median indoor formaldehyde concentration and cancer risk, the median lifetime cancer risk is still 120 per million for homes built with CARB compliant composite wood products. This median lifetime cancer risk is more than 12 times the OEHHHA 10 in a million cancer risk threshold (OEHHHA, 2017a).

With respect to 6136 West Manchester Boulevard Project, Los Angeles, CA, the buildings consist of residential spaces.

The residential occupants will potentially have continuous exposure (e.g., 24 hours per day, 52 weeks per year). These exposures are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in residential construction.

Because these residences will be constructed with CARB Phase 2 Formaldehyde ATCM materials and be ventilated with the minimum code required amount of outdoor air, the indoor residential formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 24.1 $\mu\text{g}/\text{m}^3$ (Singer et. al., 2020).

Assuming that the residential occupants inhale 20 m^3 of air per day, the average 70-year lifetime formaldehyde daily dose is 482 $\mu\text{g}/\text{day}$ for continuous exposure in the residences. This exposure represents a cancer risk of 120 per million, which is more than 12 times the CEQA cancer risk of 10 per million. For occupants that do not have continuous exposure, the cancer risk will be proportionally less but still substantially over the CEQA cancer risk of 10 per million (e.g., for 12/hour/day occupancy, more than 6 times the CEQA cancer risk of 10 per million).

In addition, we note that the average outdoor air concentration of formaldehyde in California is 3 ppb, or 3.7 $\mu\text{g}/\text{m}^3$, (California Air Resources Board, 2004), and thus represents an average pre-existing background airborne cancer risk of 1.85 per million. Thus, the indoor air formaldehyde exposures describe above exacerbate this pre-existing risk resulting from outdoor air formaldehyde exposures.

Additionally, the SCAQMD's Multiple Air Toxics Exposure Study ("MATES V") identifies an existing cancer risk at the Project site of 624 per million due to the site's elevated ambient air contaminant concentrations, which are due to the area's high levels

of vehicle traffic. These impacts would further exacerbate the pre-existing cancer risk to the building occupants, which result from exposure to formaldehyde in both indoor and outdoor air.

Appendix A, Indoor Formaldehyde Concentrations and the CARB Formaldehyde ATCM, provides analyses that show utilization of CARB Phase 2 Formaldehyde ATCM materials will not ensure acceptable cancer risks with respect to formaldehyde emissions from composite wood products.

Even composite wood products manufactured with CARB certified ultra-low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde that meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

The following describes a method that should be used, prior to construction in the environmental review under CEQA, for determining whether the indoor concentrations resulting from the formaldehyde emissions of specific building materials/furnishings selected exceed cancer and non-cancer guidelines. Such a design analyses can be used to identify those materials/furnishings prior to the completion of the City's CEQA review and project approval, that have formaldehyde emission rates that contribute to indoor concentrations that exceed cancer and non-cancer guidelines, so that alternative lower emitting materials/furnishings may be selected and/or higher minimum outdoor air ventilation rates can be increased to achieve acceptable indoor concentrations and incorporated as mitigation measures for this project.

Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment

This formaldehyde emissions assessment should be used in the environmental review under CEQA to assess the indoor formaldehyde concentrations from the proposed loading of building materials/furnishings, the area-specific formaldehyde emission rate data for building materials/furnishings, and the design minimum outdoor air ventilation rates. This assessment allows the applicant (and the City) to determine, before the conclusion of the environmental review process and the building materials/furnishings are specified, purchased, and installed, if the total chemical emissions will exceed cancer and non-cancer guidelines, and if so, allow for changes in the selection of specific material/furnishings and/or the design minimum outdoor air ventilations rates such that cancer and non-cancer guidelines are not exceeded.

1.) Define Indoor Air Quality Zones. Divide the building into separate indoor air quality zones, (IAQ Zones). IAQ Zones are defined as areas of well-mixed air. Thus, each ventilation system with recirculating air is considered a single zone, and each room or group of rooms where air is not recirculated (e.g. 100% outdoor air) is considered a separate zone. For IAQ Zones with the same construction material/furnishings and design minimum outdoor air ventilation rates. (e.g. hotel rooms, apartments, condominiums, etc.) the formaldehyde emission rates need only be assessed for a single IAQ Zone of that type.

2.) Calculate Material/Furnishing Loading. For each IAQ Zone, determine the building material and furnishing loadings (e.g., m² of material/m² floor area, units of furnishings/m² floor area) from an inventory of all potential indoor formaldehyde sources, including flooring, ceiling tiles, furnishings, finishes, insulation, sealants, adhesives, and any products constructed with composite wood products containing urea-formaldehyde resins (e.g., plywood, medium density fiberboard, particleboard).

3.) Calculate the Formaldehyde Emission Rate. For each building material, calculate the formaldehyde emission rate (µg/h) from the product of the area-specific formaldehyde emission rate (µg/m²-h) and the area (m²) of material in the IAQ Zone, and from each furnishing (e.g. chairs, desks, etc.) from the unit-specific formaldehyde emission rate (µg/unit-h) and the number of units in the IAQ Zone.

NOTE: As a result of the high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014), most manufacturers of building materials furnishings sold in the United States conduct chemical emission rate tests using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers,” (CDPH, 2017), or other equivalent chemical emission rate testing methods. Most manufacturers of building furnishings sold in the United States conduct chemical emission rate tests using ANSI/BIFMA M7.1 Standard Test Method for Determining VOC Emissions (BIFMA, 2018), or other equivalent chemical emission rate testing methods.

CDPH, BIFMA, and other chemical emission rate testing programs, typically certify that a material or furnishing does not create indoor chemical concentrations in excess of the maximum concentrations permitted by their certification. For instance, the CDPH emission rate testing requires that the measured emission rates when input into an office, school, or residential model do not exceed one-half of the OEHHA Chronic Exposure Guidelines (OEHHA, 2017b) for the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017). These certifications themselves do not provide the actual area-specific formaldehyde emission rate (i.e., $\mu\text{g}/\text{m}^2\text{-h}$) of the product, but rather provide data that the formaldehyde emission rates do not exceed the maximum rate allowed for the certification. Thus, for example, the data for a certification of a specific type of flooring may be used to calculate that the area-specific emission rate of formaldehyde is less than $31 \mu\text{g}/\text{m}^2\text{-h}$, but not the actual measured specific emission rate, which may be 3, 18, or $30 \mu\text{g}/\text{m}^2\text{-h}$. These area-specific emission rates determined from the product certifications of CDPH, BIFA, and other certification programs can be used as an initial estimate of the formaldehyde emission rate.

If the actual area-specific emission rates of a building material or furnishing is needed (i.e. the initial emission rates estimates from the product certifications are higher than desired), then that data can be acquired by requesting from the manufacturer the complete chemical emission rate test report. For instance if the complete CDPH emission test report is requested for a CDHP certified product, that report will provide the actual area-specific emission rates for not only the 35 specific VOCs, including formaldehyde, listed

in Table 4-1 of the CDPH test method (CDPH, 2017), but also all of the cancer and reproductive/developmental chemicals listed in the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), all of the toxic air contaminants (TACs) in the California Air Resources Board Toxic Air Contamination List (CARB, 2011), and the 10 chemicals with the greatest emission rates.

Alternatively, a sample of the building material or furnishing can be submitted to a chemical emission rate testing laboratory, such as Berkeley Analytical Laboratory (<https://berkeleyanalytical.com>), to measure the formaldehyde emission rate.

4.) Calculate the Total Formaldehyde Emission Rate. For each IAQ Zone, calculate the total formaldehyde emission rate (i.e. $\mu\text{g/h}$) from the individual formaldehyde emission rates from each of the building material/furnishings as determined in Step 3.

5.) Calculate the Indoor Formaldehyde Concentration. For each IAQ Zone, calculate the indoor formaldehyde concentration ($\mu\text{g/m}^3$) from Equation 1 by dividing the total formaldehyde emission rates (i.e. $\mu\text{g/h}$) as determined in Step 4, by the design minimum outdoor air ventilation rate (m^3/h) for the IAQ Zone.

(Equation 1)

where:

C_{in} = indoor formaldehyde concentration ($\mu\text{g/m}^3$)

E_{total} = total formaldehyde emission rate ($\mu\text{g/h}$) into the IAQ Zone.

Q_{oa} = design minimum outdoor air ventilation rate to the IAQ Zone (m^3/h)

The above Equation 1 is based upon mass balance theory, and is referenced in Section 3.10.2 “Calculation of Estimated Building Concentrations” of the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017).

6.) Calculate the Indoor Exposure Cancer and Non-Cancer Health Risks. For each IAQ Zone, calculate the cancer and non-cancer health risks from the indoor formaldehyde concentrations determined in Step 5 and as described in the OEHHA Air Toxics Hot Spots

Program Risk Assessment Guidelines; Guidance Manual for Preparation of Health Risk Assessments (OEHHA, 2015).

7.) Mitigate Indoor Formaldehyde Exposures of exceeding the CEQA Cancer and/or Non-Cancer Health Risks. In each IAQ Zone, provide mitigation for any formaldehyde exposure risk as determined in Step 6, that exceeds the CEQA cancer risk of 10 per million or the CEQA non-cancer Hazard Quotient of 1.0.

Provide the source and/or ventilation mitigation required in all IAQ Zones to reduce the health risks of the chemical exposures below the CEQA cancer and non-cancer health risks.

Source mitigation for formaldehyde may include:

- 1.) reducing the amount materials and/or furnishings that emit formaldehyde
- 2.) substituting a different material with a lower area-specific emission rate of formaldehyde

Ventilation mitigation for formaldehyde emitted from building materials and/or furnishings may include:

- 1.) increasing the design minimum outdoor air ventilation rate to the IAQ Zone.

NOTE: Mitigating the formaldehyde emissions through use of less material/furnishings, or use of lower emitting materials/furnishings, is the preferred mitigation option, as mitigation with increased outdoor air ventilation increases initial and operating costs associated with the heating/cooling systems.

Further, we are not asking that the builder “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers,” (CDPH, 2017), and use the procedure described earlier above (i.e. Pre-

Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Outdoor Air Ventilation Impact. Another important finding of the CNHS, was that the outdoor air ventilation rates in the homes were very low. Outdoor air ventilation is a very important factor influencing the indoor concentrations of air contaminants, as it is the primary removal mechanism of all indoor air generated contaminants. Lower outdoor air exchange rates cause indoor generated air contaminants to accumulate to higher indoor air concentrations. Many homeowners rarely open their windows or doors for ventilation as a result of their concerns for security/safety, noise, dust, and odor concerns (Price, 2007). In the CNHS field study, 32% of the homes did not use their windows during the 24-hour Test Day, and 15% of the homes did not use their windows during the entire preceding week. Most of the homes with no window usage were homes in the winter field session. Thus, a substantial percentage of homeowners never open their windows, especially in the winter season. The median 24-hour measurement was 0.26 air changes per hour (ach), with a range of 0.09 ach to 5.3 ach. A total of 67% of the homes had outdoor air exchange rates below the minimum California Building Code (2001) requirement of 0.35 ach. Thus, the relatively tight envelope construction, combined with the fact that many people never open their windows for ventilation, results in homes with low outdoor air exchange rates and higher indoor air contaminant concentrations.

According to the Sustainable Communities Environmental Assessment - 6136 West Manchester Boulevard Project (Recirculated SCEA), Los Angeles, CA (Eyestone Environmental, 2024) the Project is close to roads with moderate to high traffic (e.g., West Manchester Boulevard, Truxton Avenue, South La Tijera Boulevard, Flight Avenue etc.).

The Sustainable Communities Environmental Assessment - 6136 West Manchester Boulevard Project (Recirculated SCEA), Los Angeles, CA (Eyestone Environmental, 2024), states in Table 28 that the modeled ambient plus project noise levels range from 60.5 to 77.2 dBA CNEL. These estimated noise levels include existing ambient noise levels that were determined with just one 24-hour measurement at location R1 and one 15-

minute daytime (i.e., 10 AM – 12 PM) sample and one 15-minute nighttime (i.e., 10 PM – 12 AM) at locations R2, R3, and R4 on September 20, 2022. In addition, locations R1-R4 are between 100 ft and 590 feet from the Project.

In order to design the building for this Project such that interior noise levels are acceptable, an acoustic study with actual on-site measurements of the existing ambient noise levels and modeled future ambient noise levels needs to be conducted. The acoustic study of the existing ambient noise levels should be conducted over a one-week period, and report the dBA CNEL or Ldn. This study will allow for the selection of a building envelope and windows with a sufficient STC such that the indoor noise levels are acceptable. A mechanical supply of outdoor air ventilation to allow for a habitable interior environment with closed windows and doors will also be required. Such a ventilation system would allow windows and doors to be kept closed at the occupant's discretion to control exterior noise within building interiors.

PM_{2.5} Outdoor Concentrations Impact. An additional impact of the nearby motor vehicle traffic associated with this project, are the outdoor concentrations of PM_{2.5}. According to the Sustainable Communities Environmental Assessment - 6136 West Manchester Boulevard Project (Recirculated SCEA), Los Angeles, CA (Eyestone Environmental, 2024) the Project is located in the South Coast Air Basin, which is a State and Federal non-attainment area for PM_{2.5}.

Additionally, the SCAQMD's MATES V study cites an existing cancer risk of 624 per million at the Project site due to the site's high concentration of ambient air contaminants resulting from the area's high levels of motor vehicle traffic.

An air quality analyses should be conducted to determine the concentrations of PM_{2.5} in the outdoor and indoor air that people inhale each day. This air quality analyses needs to consider the cumulative impacts of the project related emissions, existing and projected future emissions from local PM_{2.5} sources (e.g. stationary sources, motor vehicles, and airport traffic) upon the outdoor air concentrations at the Project site. If the outdoor concentrations are determined to exceed the California and National annual average PM_{2.5}

exceedence concentration of $12 \mu\text{g}/\text{m}^3$, or the National 24-hour average exceedence concentration of $35 \mu\text{g}/\text{m}^3$, then the buildings need to have a mechanical supply of outdoor air that has air filtration with sufficient removal efficiency, such that the indoor concentrations of outdoor $\text{PM}_{2.5}$ particles is less than the California and National $\text{PM}_{2.5}$ annual and 24-hour standards.

It is my experience that based on the projected high traffic noise levels, the annual average concentration of $\text{PM}_{2.5}$ will exceed the California and National $\text{PM}_{2.5}$ annual and 24-hour standards and warrant installation of high efficiency air filters (i.e. MERV 13 or higher) in all mechanically supplied outdoor air ventilation systems.

Indoor Air Quality Impact Mitigation Measures

The following are recommended mitigation measures to minimize the impacts upon indoor quality:

Indoor Formaldehyde Concentrations Mitigation. Use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins (CARB, 2009). CARB Phase 2 certified composite wood products, or ultra-low emitting formaldehyde (ULEF) resins, do not insure indoor formaldehyde concentrations that are below the CEQA cancer risk of 10 per million. Only composite wood products manufactured with CARB approved no-added formaldehyde (NAF) resins, such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

Alternatively, conduct the previously described Pre-Construction Building Material/Furnishing Chemical Emissions Assessment, to determine that the combination of formaldehyde emissions from building materials and furnishings do not create indoor formaldehyde concentrations that exceed the CEQA cancer and non-cancer health risks.

It is important to note that we are not asking that the builder “speculate” on what and how

much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017), and use the procedure described above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Outdoor Air Ventilation Mitigation. Provide each habitable room with a continuous mechanical supply of outdoor air that meets or exceeds the California 2016 Building Energy Efficiency Standards (California Energy Commission, 2015) requirements of the greater of 15 cfm/occupant or 0.15 cfm/ft² of floor area. Following installation of the system conduct testing and balancing to insure that required amount of outdoor air is entering each habitable room and provide a written report documenting the outdoor airflow rates. Do not use exhaust only mechanical outdoor air systems, use only balanced outdoor air supply and exhaust systems or outdoor air supply only systems. Provide a manual for the occupants or maintenance personnel, that describes the purpose of the mechanical outdoor air system and the operation and maintenance requirements of the system.

PM_{2.5} Outdoor Air Concentration Mitigation. Install air filtration with sufficient PM_{2.5} removal efficiency (e.g. MERV 13 or higher) to filter the outdoor air entering the mechanical outdoor air supply systems, such that the indoor concentrations of outdoor PM_{2.5} particles are less than the California and National PM_{2.5} annual and 24-hour standards. Install the air filters in the system such that they are accessible for replacement by the occupants or maintenance personnel. Include in the mechanical outdoor air ventilation system manual instructions on how to replace the air filters and the estimated frequency of replacement.

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APPENDIX A

INDOOR FORMALDEHYDE CONCENTRATIONS AND THE CARB FORMALDEHYDE ATCM

With respect to formaldehyde emissions from composite wood products, the CARB ATCM regulations of formaldehyde emissions from composite wood products, do not assure healthful indoor air quality. The following is the stated purpose of the CARB ATCM regulation - *The purpose of this airborne toxic control measure is to “reduce formaldehyde emissions from composite wood products, and finished goods that contain composite wood products, that are sold, offered for sale, supplied, used, or manufactured for sale in California”*. In other words, the CARB ATCM regulations do not “assure healthful indoor air quality”, but rather “reduce formaldehyde emissions from composite wood products”.

Just how much protection do the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products? Definitely some, but certainly the regulations do not “*assure healthful indoor air quality*” when CARB Phase 2 products are utilized. As shown in the Chan 2019 study of new California homes, the median indoor formaldehyde concentration was of 22.4 $\mu\text{g}/\text{m}^3$ (18.2 ppb), which corresponds to a cancer risk of 112 per million for occupants with continuous exposure, which is more than 11 times the CEQA cancer risk of 10 per million.

Another way of looking at how much protection the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products is to calculate the maximum number of square feet of composite wood product that can be in a residence without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy.

For this calculation I utilized the floor area (2,272 ft^2), the ceiling height (8.5 ft), and the number of bedrooms (4) as defined in Appendix B (New Single-Family Residence Scenario) of the Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers, Version 1.1,

2017, California Department of Public Health, Richmond, CA.

<https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHLB/IAQ/Pages/VOC.aspx>.

For the outdoor air ventilation rate I used the 2019 Title 24 code required mechanical ventilation rate (ASHRAE 62.2) of 106 cfm (180 m³/h) calculated for this model residence. For the composite wood formaldehyde emission rate I used the CARB ATCM Phase 2 rates.

The calculated maximum number of square feet of composite wood product that can be in a residence, without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 15 ft² (0.7% of the floor area), or

Particle Board – 30 ft² (1.3% of the floor area), or

Hardwood Plywood – 54 ft² (2.4% of the floor area), or

Thin MDF – 46 ft² (2.0 % of the floor area).

For offices and hotels the calculated maximum amount of composite wood product (% of floor area) that can be used without exceeding the CEQA cancer risk of 10 per million for occupants, assuming 8 hours/day occupancy, and the California Mechanical Code minimum outdoor air ventilation rates are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 3.6 % (offices) and 4.6% (hotel rooms), or

Particle Board – 7.2 % (offices) and 9.4% (hotel rooms), or

Hardwood Plywood – 13 % (offices) and 17% (hotel rooms), or

Thin MDF – 11 % (offices) and 14 % (hotel rooms)

Clearly the CARB ATCM does not regulate the formaldehyde emissions from composite wood products such that the potentially large areas of these products, such as for flooring, baseboards, interior doors, window and door trims, and kitchen and bathroom cabinetry, could be used without causing indoor formaldehyde concentrations that result in CEQA

cancer risks that substantially exceed 10 per million for occupants with continuous occupancy.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde that meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

If CARB Phase 2 compliant or ULEF composite wood products are utilized in construction, then the resulting indoor formaldehyde concentrations should be determined in the design phase using the specific amounts of each type of composite wood product, the specific formaldehyde emission rates, and the volume and outdoor air ventilation rates of the indoor spaces, and all feasible mitigation measures employed to reduce this impact (e.g. use less formaldehyde containing composite wood products and/or incorporate mechanical systems capable of higher outdoor air ventilation rates). See the procedure described earlier (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Alternatively, and perhaps a simpler approach, is to use only composite wood products (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins.



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 21, 2025

Case No.: CPC-2022-6064-DB-MCUP-CDO-SPR-HCA-PHP

Council District: 11 – Park

CEQA: ENV-2022-6065-SCEA

Plan Area: Westchester – Playa del Rey

Project Site: 6136 West Manchester Avenue; 8651 South La Tijera Boulevard

Applicant: 6136 Manchester Avenue Apartments, LLC
Representative: Dana Sayles, three6ixty

At its meeting of **February 13, 2025**, the Los Angeles City Planning Commission took the actions below in conjunction with the following Project:

The development of a new approximately 416,915-square foot mixed-use building comprised of 489 dwelling units, including six live-work units and 64 dwelling units set aside for Very Low-Income Households, and 16,120 square feet of ground-floor commercial space. The proposed uses would be located within an eight-story building with a maximum height of 96 feet. The Project would provide 549 vehicular parking spaces that would be located within two subterranean parking levels and buffered into the first and second level of the building. In addition, the Project would include approximately 51,385 square feet of open space, including 43,235 square feet of common open space and 8,150 square feet of private open space. As part of the Project, the existing commercial structures totaling 21,911 square feet of floor area would be demolished. The Project would result in a total floor area of approximately 416,915 square feet with a floor area ratio (FAR) of 4:1.

1. **Found** pursuant to Public Resources Code (PRC), Section 21155.2, after consideration of the whole of the administrative record, including the SB 375 Sustainable Communities Environmental Assessment, No. ENV-2022-6065-SCEA ("SCEA"), and all comments received, after imposition of all mitigation measures there is no substantial evidence that the project will have a significant effect on the environment; **Found** the project is a "transit priority project" as defined by PRC Section 21155 and the project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior EIR(s), including SCAG 2020-2045 RTP/SCS EIR SCH No. 20199011061; **Found** all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA; **Found** with respect to each significant effect on the environment required to be identified in the initial study for the SCEA, changes or alterations have been required in or incorporated into the project that avoid or mitigate the significant effects to a level of insignificance or those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; **Found** the SCEA reflects the independent judgment and analysis of the City; **Found** the mitigation measures have been made enforceable conditions on the Project; and **Adopted** the SCEA and the Mitigation Monitoring Program prepared for the SCEA;
2. **Approved**, pursuant to Sections 12.22 A.25(g)(2) and 12.22 A.25(g)(3) of the Los Angeles Municipal Code (LAMC), a Density Bonus Compliance Review for a Housing Development with a total of 489 units (with 15 percent Very Low Income and nine percent Very Low Income

set aside for affordable units) in lieu of the base density of 264 units; and pursuant to LAMC Section 12.22 A.25(g)(3), with the following Off-Menu Incentives and Waivers or Modifications of Development Standards:

- a. An Off-Menu Incentive to permit a 4:1 FAR in lieu of the otherwise permitted FAR in the C2-1 Zone;
 - b. An Off-Menu Incentive to permit a reduction in the required side yard to five feet in lieu of the otherwise required 11 feet in the C2-1 Zone along Truxton Avenue;
 - c. An Off-Menu Incentive to permit relief from the Downtown Westchester CDO standard 5a, to include residential units on the ground floor in the form of live/work units;
 - d. A Waiver or Modification of Development Standard to permit relief from Transitional Height requirements pursuant to LAMC Section 12.21.1 A.10 to permit 96 feet within 100-199 feet of an R1 zone instead of a maximum 61 feet; and
 - e. A Waiver or Modification of Development Standard to permit relief from the Downtown Westchester CDO Standard 5c, to provide a zero-foot setback from the ground floor frontage for the residential floors facing Manchester Avenue in lieu of the otherwise required five-foot setback;
3. **Approved**, pursuant to LAMC Section 12.24 W.1, a Main Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site and off-site consumption within up to 16,120 square feet of commercial space;
 4. **Approved**, pursuant to LAMC Section 13.08, Community Design Overlay Compliance review with the design standards and guidelines of the Downtown Westchester CDO;
 5. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a project that creates or results in an increase of 50 or more dwelling units or guest rooms;
 6. **Adopted** the attached Conditions of Approval; and
 7. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Mack
 Second: Cabildo
 Ayes: Choe, Klein, Lawshe, Newhouse, Zamora
 Absent: Diaz, Saitman

Vote: 7 – 0



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 as it relates to the Off-Menu Incentives and Waivers or Modification of Development Standards are not appealable. The remaining entitlements are appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles, CA 90012; or 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401.

FINAL APPEAL DATE: MARCH 10, 2025

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

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

cc: Heather Bleemers, Senior City Planner
Michelle Carter, City Planner

CONDITIONS OF APPROVAL

Pursuant to Sections 12.22-A.25, 12.24-W.1, 13.08, and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Density Bonus Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the architectural plans, renderings, and materials submitted by the Applicant, dated August 2024, 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. **Residential Density.** The project shall be limited to a maximum density of 489 dwelling units.
3. **Affordable Units.**
 - a. A minimum of 64 dwelling units, or 15 percent and nine (9) percent of the base dwelling units, shall be reserved for Very Low Income Households, as defined by Government Code Section 65915 and pursuant to AB 1287.
 - b. **Changes in 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.25 and State Density Bonus Law (Government Code Section 65915).
 - c. Two (2) dwelling units may be reserved for Workforce Housing Units, as defined by the Department of Housing and Urban Development (HUD) as volunteered by the applicant.
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 make 15 percent and nine (9) percent of the site's base density units (64 units) available to Very Low Income Households. 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.
5. **Incentives.**
 - a. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 4:1.
 - b. **Side Yard.** The project shall be permitted a five-foot side yard along Truxton Avenue.
 - c. **Ground Floor Residential Use.** Residential units shall be permitted on the ground floor in the form of live/work units.

6. **Waivers.**

- a. **Transitional Height.** The project shall be permitted a maximum height of 96 feet within 100-199 feet of an R-1 Zone.
- b. **Ground Floor Residential Setback.** The project shall be permitted a zero-foot setback along Manchester Avenue.

7. **Open Space.** The project shall be required to provide open space pursuant to LAMC Section 12.21-G.

8. **Parking.**

- a. **Residential.** No minimum residential parking shall be required pursuant to AB 2097. The project may provide 549 automobile parking spaces as volunteered.
- b. **Commercial.** Commercial parking shall be provided in compliance with AB 2097.
- c. **Bicycle Parking.** Bicycle parking shall be provided in compliance with the Los Angeles Municipal Code, Section 12.21-A,16 and to the satisfaction of the Department of Building and Safety.
- d. **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 Article 9, Chapter IX of the LAMC.

Main Conditional Use Conditions

- 9. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site and off-site consumption in conjunction with 16,120 square feet of commercial space and an on-site 2,345 square-foot covered outdoor public plaza.
- 10. **Hours.** Hours of operation shall be limited to 7:00 a.m. to 2:00 a.m. daily.
- 11. After hour use shall be prohibited, except routine clean-up, food preparation, construction, inventory or other maintenance type activities. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
- 12. **Main Plan Approval (MPA) Requirement.** Each individual restaurant tenant shall be subject to a Main Plan Approval (MPA) determination pursuant to Section 13B.2.2.H of the Los Angeles Municipal Code Chapter 1A in order to implement and utilize the Master Conditional Use authorization. The purpose of the Main Plan Approval determination is to review the mode and character of each proposed establishment in greater detail and to tailor site-specific conditions of approval for each of the premises including but not limited to hours of operation, shared seating capacity, size, security, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval. The Department of City Planning may impose more restrictive or less restrictive conditions on each individual tenant at the time of review of each Plan Approval application.
- 13. **MPA Public Hearing Requirement.** A public hearing for any Main Plan Approval (MPA) request may be waived at the discretion of the Chief Zoning Administrator.

14. Notwithstanding approved "Exhibit A" and the Conditions above, this grant recognizes that there may be changes resulting from identified tenants, which may result in smaller or larger restaurants or retail shops, different locations, and/or a reduced number of commercial square footage than originally proposed and identified in "Exhibit A". Such outcome is permitted provided that the other conditions noted herein, specifically those related to the combined maximum interior floor area authorized under this grant in the Conditions above are not exceeded. The sale and dispensing of beer and wine may be provided in lieu of a full line of alcoholic beverages, and subject to all other conditions of this grant.
15. No conditional use for dancing has been requested or approved herein.
16. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
17. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
18. **Good Neighbor Program.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

19. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
20. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance).
21. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
22. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.

23. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
24. At any time during the period of validity of this grant, if it is determined that the operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require that the owner or operator file a Plan Approval application together with associated fees. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

Downtown Westchester Community Design Overlay (CDO) Conditions

25. **Downtown Westchester CDO.** Except as authorized herein, the project shall substantially comply with all applicable Qualifying [Q] Conditions of the Downtown Westchester Community Design Overlay district (Ordinance No. 179,907) to the satisfaction of the Department of City Planning and/or the Department of Building and Safety.

Site Plan Review Conditions

26. **Landscaping.**
 - a. All open areas not used for buildings, driveways, parking areas, or recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape development plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the Department of City Planning.
 - b. All planters containing trees shall have a minimum depth of 48 inches (48")
27. **Trees.**
 - a. 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).
 - b. The project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and

shall be replaced as approved by the Board of Public Works and Urban Forestry Division.

- c. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The subdivider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction for tree planting direction and instructions.
28. **Circulation.** The applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval.
29. **Vehicular Access.** The project shall be limited to a maximum of two (2) driveways, with a maximum of one (1) driveway located along La Tijera Boulevard and one (1) driveway located along Truxton Avenue as shown in Exhibit A. The curb cut dimension shall be as narrow as permitted by LADOT.
30. **Solar Panels.** The project shall comply with the Los Angeles Municipal Code, to the satisfaction of the Department of Building and Safety.
31. **Lighting.** Outdoor lighting shall 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.
32. **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.
33. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer, if located in the front yard or Manchester Avenue side yard, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides (those not adjacent to a building wall).
34. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
35. **Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking

Environmental Conditions

36. The Mitigation Monitoring and Reporting Program (MMRP) included as Section 6 in the Recirculated SCEA dated October 2024 (Case No. ENV-2022-6065-SCEA) shall be enforced through all phases of the project. The applicant shall be responsible for implementing each Mitigation Measure (MM) and Project Design Feature (PDF) identified in the MMRP and shall be obligated to provide certification to the appropriate monitoring and enforcement agencies that each MM has been implemented.

Administrative Conditions

37. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews 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.

38. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
39. **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.
40. **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.
41. **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.
42. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
43. **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 pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
44. **Expedited Processing Section.** 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.
45. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. 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.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, 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.
- c. 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 (b).
 - d. 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 (b).
 - e. 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 include 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

Density Bonus/Affordable Housing Incentives / Waivers Compliance Findings

1. Pursuant to Section 12.22-A.25 of the LAMC and Government Code 65915, the Commission shall approve a density bonus and requested incentive(s) /waiver(s) unless the director finds any of the following:

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

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

Floor Area Ratio (Off-Menu Incentive) – The subject property is zoned [Q]C2-1-CDO. Pursuant to LAMC Section 12.22-A.25(g)(3), the project is requesting an Off-Menu Incentive for an increase in the FAR of the project site. The C2 zone in Height District 1 generally permits a 1.5:1 FAR. In this case, the project has requested an Off-Menu Incentive to allow an increase in the FAR for the project site for an FAR of 4:1 to allow 416,915 square feet of floor area.

The requested increase in FAR will allow for the construction of affordable units in addition to larger-sized dwelling units and retail space at the ground level. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. The requested Incentive provides actual and identifiable cost reductions that provide for affordable housing costs because the incentive by nature increases the building envelope of the project so that additional residential units can be provided, including additional market-rate units that can generate income to subsidize the provision of the project's restricted affordable units.

Side Yard Reduction (Off-Menu Incentive) – The subject property is zoned [Q]C2-1-CDO. Pursuant to LAMC Section 12.22-A.25(g)(3), the project is requesting an Off-Menu Incentive for a 55 percent reduction in the westerly side yard of the proposed project to allow five feet. Pursuant to LAMC Section 12.14.C.2, the underlying zone would otherwise require the project to provide an 11-foot westerly side yard.

The requested reduction in yard setback will allow for the construction of affordable units in addition to larger-sized dwelling units and retail space at the ground level. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. The reduced

yard creates a larger floor plate that allows more habitable floor area and more units to be built on each floor, thus avoiding a taller development that is more expensive to build. This construction cost savings is then passed on to each of the units in the project, including the affordable units.

Residential Ground Floor (Off-Menu Incentive) – The subject property is zoned [Q]C2-1-CDO located in the Downtown Westchester Community Design Overlay (CDO). Pursuant to LAMC Section 12.22-A.25(g)(3), the project is requesting an Off-Menu Incentive for relief from the Downtown Westchester CDO Standard 5a, to allow residential units on the ground floor in the form of live/work units. Pursuant to the Downtown Westchester Community CDO Standard 5a, residential uses on the ground floor are prohibited.

The commercially oriented work-space of these live-work units will be located on the ground floor, with the living space located on the second floor, demonstrating consistency with the spirit of this standard. Allowing these units to be located on the project's ground-floor will allow for the provision of much-needed flexible live-work space in this area of the City, which is in high demand. By being able to provide these desirable units and attract the anticipated rental income for these units, the project's long-term economic feasibility will be enhanced, which will assist with offsetting the costs of providing the restricted affordable residential units.

The project provides 15 percent of the base units for Very Low Income Households to qualify for the Density Bonus and the requested Incentives. The requests will allow the developer to expand the building envelope so the affordable units can be constructed, and the overall space dedicated to residential uses is increased. The increase in FAR, reduction in the westerly side yard and allowing live/work units on the ground floor will allow for the construction of additional market rate floor area whose rents will subsidize the construction and operational costs of the affordable units. These Incentives support the applicant's decision to set aside 64 dwelling units for Very Low Income Households for 55 years.

- b. The incentives or waivers will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households.***

There is no substantial evidence in the record that the proposed incentives will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A.25(b)). As required by Section 12.22-A.25(e)(2), the project meets the eligibility criterion that is required for density bonus projects. The record does not identify a public health and safety standard in relation to this finding.

The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies any objective health and safety standard that has been exceeded or violated. Therefore, there is no substantial evidence that the project's proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California

Register of Historic Resources. Based on the above, there is no basis to deny the requested incentives.

c. *The incentives are contrary to state or federal law.*

There is no substantial evidence in the record that the proposed incentives and waivers are contrary to state or federal law.

2. Government Code Section 65915 and LAMC Section 12.22 A.25 state that the Commission shall approve a density bonus and requested Waiver of Development Standard(s) unless the Commission finds any of the following that:

a. *The Waiver(s) will have specific adverse impact upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.*

There is no substantial evidence in the record that the proposed waivers of a development standard will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). The record does not identify a public health and safety standard in relation to this finding.

The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies any objective health and safety standard that has been exceeded or violated. Therefore, there is no substantial evidence that the project's proposed waivers will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources. Based on the above, there is no basis to deny the requested waivers.

b. *The waiver[s] or reduction[s] of development standards will not have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]" (Government Code Section 65915(e)(1)).*

A Density Bonus project may request other "waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]" (Government Code Section 65915(e)(1)).

Transitional Height – The subject property is zoned [Q]C2-1-CDO. Pursuant to LAMC Section 12.21.1 A.10, the property is subject to transitional height requirements limiting the overall height to 61 feet within 100-199 feet of an RW1 or more restrictive zone. The

project request includes a waiver of development standard to allow 96 feet within 100-199 feet of an R1 zone.

The property is approximately 100 feet from the R-1 zone across the street on La Tijera Boulevard, which subjects a significant portion of the site to a 61-foot height limit without the requested waiver. In lieu of strictly adhering to the LAMC transitional height limit, but consistent with the goal of providing height relief facing the low density residential neighborhood, the project has been stepped back to provide the majority of the building mass along Truxton Avenue and Manchester Avenue and provides a stepped back height along Truxton Avenue. The proposed modifications to this transitional height requirement allow for a larger building envelope and full utilization of the requested 85 percent density bonus as well as the additional floor area obtained through a density bonus off-menu incentive.

Strict compliance with this provision would limit the building height along Manchester Avenue to only 61 feet, resulting in a loss of approximately 101 units as compared to the proposed project height and envelope. Without the requested waiver of transitional height, the total project size would be reduced by approximately 25 percent, and affordable units by approximately 60 percent.

Ground Floor Residential Setback – The subject property is zoned [Q]C2-1-CDO located in the Downtown Westchester Community Design Overlay (CDO). Pursuant to the Downtown Westchester Community CDO Standard 5c, a five-foot setback is required along Manchester Avenue. The project request includes a waiver of development standard to allow for a reduction in the required setback along Manchester Avenue in lieu of the otherwise required five-foot setback.

This waiver is necessary to allow the project to be developed at its proposed density and floor area, as imposing this setback requirement would result in removing a portion of the currently proposed building envelope along Manchester Avenue and a corresponding reduction in residential floor area for the project.

As proposed, the granting of these waivers will allow for the development of the proposed mixed-use building with the inclusion of the affordable residential units because the quantity of units allowed under the density bonus within the 4 to 1 floor area ratio, reduction in the westerly side yard and allowing live/work units on the ground floor granted under the Incentives allows for the development of the affordable units. As presented by the applicant, without the requested transitional height and setback reduction waivers, floor area located within the additional height and setback would be physically precluded from the project preventing the construction of the proposed floor area and units described in the plans.

c. The Waivers are contrary to State/federal law.

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

Main Conditional Use Findings

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

The subject property is comprised of two (2) lots resulting in approximately 105,267.5 square feet (2.42 acres) of lot area and is zoned [Q]C2-1-CDO with a land use designation of Community Commercial. The site is located within the Westchester-Playa Del Rey Community Plan and has frontage along Manchester Avenue, La Tijera Boulevard and along Truxton Avenue. The property is currently improved with a Pep Boys Auto Shop and a Del Taco drive-through fast-food restaurant that will be demolished to accommodate the proposed development.

The Main Conditional Use permit provides an umbrella entitlement with conditions that will apply to the subject property and in general to all subsequent tenant spaces. Additionally, each tenant space will be required to file for a Main Plan Approval which will detail the operational conditions tailored to the specific use. The Main Conditional Use Permit allows the sale and dispensing of a full line of alcoholic beverages for on-site and off-site consumption within up to 16,120 square feet of commercial space and with an on-site 2,345 square-foot covered outdoor public plaza with general hours of operation from the hours of 7:00 a.m. to 2:00 a.m. daily. Commercial tenants have not been identified at this time, subsequent Main Plan Approvals (MPAs) would be required to approve the precise operational characteristics of each of the tenants, and to impose relevant conditions of approval.

The sale and dispensing of alcoholic beverages, in conjunction with the proposed new mixed-use development, will enhance the built environment in the surrounding neighborhood and will provide a service that is beneficial to the community. The project will increase the economic vitality of the area by occupying and activating the commercial component of the proposed new development, thereby contributing to the development of an attractive neighborhood-serving, and pedestrian-oriented mixed-use development that will enhance the physical environment and attract patrons. Approval of the request contributes to the nature of the development in the area which caters to a variety of needs and provides a variety of alternative to dining and retail options for residents, visitors, and employees. As such, the proposed mixed-use development project will enhance the built environment in the surrounding neighborhood and will also provide a service that is essential and beneficial to the community and the city.

4. That the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood or the public health, welfare, and safety.

The grant authorizes the on-site and off-site sale and dispensing of a full line of alcoholic beverages in conjunction with maximum of 16,120 square feet of commercial floor area and an on-site courtyard public plaza within the proposed mixed-use development. The location of the site is convenient to the residents, visitors, and employees of Westchester because the project site is located along Manchester Avenue, a heavily traveled commercial corridor which is easily accessible by multiple forms of transportation.

The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect adjacent properties. The project site is currently developed with two commercial buildings and is proposed to be redeveloped with the new mixed-use Project. The MCUP request herein is for the sale and dispensing of alcohol associated with the commercial component of the new development, specifically occupying a maximum of 16,120 square feet of commercial floor area. The physical development itself is proposed pursuant to State Density Bonus law, and the alcohol request herein does not affect the physical attributes of the project, including height, size, and floor area.

The subject property is zoned and developed in a manner consistent with both the City's desired land use designation for the site and the surrounding area. The property is located within the Westchester-Playa Del Rey Community Plan, an urbanized area that consists largely of commercial uses along major streets, as well as single-family residential neighborhoods. The traditional land use pattern of this section of Manchester Boulevard includes mixed-use buildings, strictly commercial and residential, and institutional uses ranging from one to thirteen stories. The block immediately east of the Project at the intersection of La Tijera Boulevard and Manchester Avenue includes a six-story and five-story building. The Kittyhawk single-family residential neighborhood is located across La Tijera Boulevard to the east, while a mix of commercial and residential uses are located across Truxton Avenue on several side streets south of Manchester Boulevard. The Project fits in with the context of these taller buildings along Manchester Avenue and is appropriate as a gateway project into the Westchester Town Center. The building is mindful of the nearby residential neighborhood by providing a step-back from the R-1 Zone across La Tijera Boulevard. The sale of alcohol within the proposed project will occur within a carefully controlled environment, thereby preventing potential adverse effects on adjacent properties or the surrounding neighborhoods. As a commercial service development with alcoholic beverage sales that are incidental to potential restaurant service, the proposed operations are unlikely to have any significant adverse impacts. Alcoholic beverage service will be self-contained on the project site within internal designated areas; thus, the requested MCUP will not likely have any significant additional adverse impacts and will be compatible with adjacent properties and the surrounding community.

As stated, the Main Conditional Use permit provides an umbrella entitlement with conditions that will apply to the subject property and in general to all established. Additionally, each tenant space will be required to file for a Main Plan Approval which will detail the operational conditions tailored to the specific use. Floor plans, seating limitations, entertainment, and the mode and character of each individual operations, will be addressed and enforced through the imposition of specific conditions. This will allow for further evaluation and continuous monitoring ensuring that the restaurants will not adversely affect the welfare of the community. The conditions of the instant grant and of subsequent Main Plan Approval review will ensure that the location and other characteristics of the proposed use will be compatible with and will not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

5. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The City of Los Angeles' General Plan consists of elements that dictate policies that provide the regulatory environment in managing the City and addressing environmental concerns. The resulting policies from these Elements are translated into requirements of Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject site is located in the Westchester-Playa Del Rey Community Plan Area. The Westchester-Playa Del Rey Community Plan Map designates the property for Community Commercial land use with the corresponding zones of C2, C4, CR, RAS3, and RAS4. and Height District No. 1. The land use designation and surrounding zoning permits for a variety of mixed commercial and residential uses including the subject commercial uses within the proposed mixed-use development. The Westchester-Playa Del Rey Community Plan text is silent regarding alcohol sales however, the conditional authorization for the sale and dispensing of a full line of alcoholic beverages for on-site and off-site consumption within the subject site is allowed through the approval of the requested entitlement, subject to certain findings.

The Framework Element of the General Plan sets forth the policy goals for the City as it relates to new development. The subject property has a land use designation of Community Commercial pursuant to the Community Plan and is located within a designed Community Center under the Framework Element. As it relates to Chapter 3 of the Framework Element, which discusses land use, the granting of the instant MCUP request would be consistent with the following Goal, Objective, and Policy:

Goal 3D: Pedestrian-oriented districts that provide local identity, commercial activity, and support Los Angeles' neighborhoods.

Objective 3.8: Reinforce existing and establish new neighborhood districts which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood activity, are compatible with adjacent neighborhoods, and are developed as desirable places to work and visit

Policy 3.8.2: Encourage the retention of existing development and development of new commercial uses that primarily are oriented to the residences of adjacent neighborhoods and promote the inclusion of community services

Alcoholic beverage service in conjunction with up to 16,120 square feet of commercial space and an on-site courtyard public plaza within the proposed new development will enhance and support the commercial component of the proposed mixed-use project. It will contribute to the vitality of the neighborhood and enhance neighborhood activity, drawing patrons into the site which will include new commercial offerings as well as accessible open space. The proposed sale and dispensing of alcoholic beverages will contribute to the economic viability and vitality of the neighborhood, in furtherance of the above Goal, Objective, and Policy.

Chapter 7 of the Framework Element sets forth Goals, Objectives, and Policies related to Economic Development. The Main Conditional Use Request is consistent with the following Goal and Objective related to Economic Development:

Goal 7C: A City with thriving and expanding businesses.

Objective 7.3: Maintain and enhance the existing businesses in the City.

The sale and dispensing of alcoholic beverages within the commercial component of the proposed development will contribute to the economic viability of the project and the surrounding community by replacing two (2) underutilized commercial buildings with a new mixed-use development including 489 new residential units as well as ground-floor commercial uses. The requested MCUP herein will further enhance and support the success of those operations

Westchester-Playa Del Rey Community Plan.

The Community Plan text includes the following relevant land use Goal, Objectives and Policies:

Goal 2: *Encourage a strong and competitive commercial sector that promotes economic vitality and serves the needs of the Westchester-Playa del Rey community through safe, accessible, and well-designed commercial districts, while preserving the historic and cultural character of the community.*

- Policy 2-1.1: *New commercial uses should be located in existing established commercial areas or shopping centers*
- Policy 2-1.2: *Protect existing and planned commercially zoned areas, particularly within designated Commercial Centers, from encroachment by stand alone residential development*
- Policy 2-1.3: *Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood*
- Policy 2-2.1: *Encourage pedestrian-oriented development in appropriate areas, to include Downtown Westchester, Loyola Village, Playa Del Rey and Playa Vista.*
- Policy 2-2.2: *In appropriate areas, encourage the incorporation of retail, restaurant, and other commercial uses in the ground floor street frontage of structures to promote a more lively and pedestrian oriented commercial environment.*
- Policy 2-2.3: *Encourage mixed-use development in appropriate commercial areas to stimulate pedestrian activity and provide housing near employment, shopping, and other services*

The proposed project includes the development of a mixed-use building with ground floor commercial uses for both retail and dining, including a focus on pedestrian oriented outdoor dining to activate the street frontage along Truxton Avenue, and enhance the existing commercial area along 87th Street. The development of the subject property of this type and scale will ensure the existing commercial neighborhood in Downtown Westchester remains a viable focal point for the community and will add numerous residents to patronize businesses in the area. The sale and dispensing of alcohol associated with the proposed commercial spaces within the proposed new development will help strengthen the economic base of the area and introduce new commercial uses within an existing established commercial area. The proposed new development has been designed to achieve a high level of quality and will be compatible with existing uses and development. Therefore, the requested MCUP is consistent with the Westchester-Playa Del Rey Community Plan in that the project will implement the abovementioned goals, objectives and policies of the Plan.

6. The proposed use will not adversely affect the welfare of the pertinent community.

The approval of the subject request for a MCUP to allow the sale and dispensing of a full line of alcoholic beverages in conjunction with an approximately 16,120 square feet of commercial space and an on-site courtyard public plaza will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the property is located. The establishments serving alcoholic beverages will be part of a controlled mixed-use development consisting of a multi-story building with 489 units and a public facing plaza and courtyard space with room for outdoor dining.

The area surrounding the site is a mix of office, residential buildings and commercial uses. The request for on-site and off-site alcohol sales will be compatible with the surrounding uses, providing a place for residents, guests, visitors, office workers, and shoppers to eat, drink, and socialize, contributing to the continued economic vitality of the neighborhood. The project will upgrade the neighborhood physically through the enhanced use of an underutilized site that currently contains a fast-food drive-through restaurant and a Pep Boys Auto Services.

The proposed use will contribute to the continued development of the area. The grant authorized herein incorporates a number of conditions which have been imposed upon the project site to maintain its compatibility with the character of the immediate neighborhood. With oversight from the California Department of Alcoholic Beverage Control and specific conditions that will be imposed upon each restaurant during the Main Plan Approval process. Such imposition of conditions will make the use a more compatible and accountable neighbor to the surrounding uses. Conditions are intended to integrate the use into the community as well as protect community members from potential adverse impacts associated with alcohol sales. Therefore, the granting of the request will not adversely impact the welfare of the pertinent community.

- 7. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control ("ABC") licensing criteria, two (2) on-sale and one (1) off-sale alcoholic beverage licenses are allocated to subject Census Tract No. 2780.01. Data provided on the ABC's License Query System indicate that there are 17 existing on-site and six (6) existing off-site alcoholic beverage licenses within the subject Census Tract.

According to statistics provided by the Los Angeles Police Department Pacific Division, which has jurisdiction over the subject property within Crime Reporting District No. 1487, a total of 193 crimes were reported in 2023 (172 Part I Crimes and 21 Part II Arrests) compared to the citywide average of 162 crimes and arrests and the high crime average of 194 crimes for 2023. In 2023, there were (0) Narcotics, (0) Liquor Law, (0) Public Drunkenness, (0) Disturbing the Peace, (12) Disorderly Conduct, (0) Gambling, and (3) DWI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Concentration can be undue when the addition of a license will negatively impact a community. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license will benefit the public welfare and convenience. The subject site is located within a Census Tract where the number of active on-site ABC licenses exceeds ABC guidelines above the number allocated for the census tract. The crime rate in the reporting district where the subject site is located is also slightly higher than those rates identified for the City. However, no evidence was submitted to the record establishing any link between the subject site and the area's crime rate. The request is to authorize the sale and dispensing of alcoholic beverages in conjunction with commercial space and an on-site courtyard public plaza. The incidental sale, dispensing and on-site and off-site consumption of alcoholic beverages within the mixed-use development is not expected to result in any nuisance activity or contribute to the areas crime rate.

The location is along a commercial corridor where there is a concentration of retail, entertainment, restaurants, and offices. Negative impacts commonly associated with the sale and dispensing of alcoholic beverages such as criminal activity, public drunkenness, and

loitering are minimized by the conditions of approval that are imposed by this grant. Therefore, approval of the request will not contribute to the area's crime and will not result in an undue concentration of licensed premises.

- 8. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The project site is zoned for commercial uses and will be utilized as such with the proposed use of the subject site. There are residential uses located within a 1000-foot radius of the subject site. The approval of the Main Conditional Use Permit is not anticipated to impact the sensitive uses or residentially zoned communities negatively by the sale, dispensing, on-site and off-site consumption of a full line of alcoholic beverages in conjunction with the proposed commercial spaces and on-site courtyard public plaza within a proposed mixed-use development on the subject site. The project is consistent with the zoning and in keeping with the existing uses adjacent to the project site. The distance of the subject property from the nearby sensitive uses has been considered and the conditions of the grant address safety, noise, and security to protect the health, safety and welfare of the community. The availability of alcohol service for on-site and off-site consumption within the proposed mixed-use development will contribute to the continued development of the community and will serve the residents and the local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

Downtown Westchester Community Design Overlay Findings

Pursuant to LAMC Section 13.08 E., no building permit shall be issued for any project until a Design Overlay Plan has been submitted and the appropriate findings are made.

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

Setback

Guideline 1: Encourage an inviting pedestrian environment and provide for streetwall continuity by locating buildings so they front the main commercial street, and encourage active public uses, such as additional street trees, outdoor seating, kiosks, forecourts, and arcades.

Standard 1a: For all projects with ground-floor commercial uses, the ground-level exterior streetwall shall be located not more than 2 feet from any property line abutting the front yard.

Standard 1b: Buildings shall form common and semi-continuous building walls along Sepulveda Boulevard and Manchester Avenue.

The proposed project front yard is along La Tijera Boulevard, and the building's ground-level exterior street wall is located zero feet from the property line. The project provides a continuous building line along Manchester Avenue. Therefore, the project complies with Standard 1a and 1b.

Parking and Access

Guideline 2: Improve streetwall continuity and encourage a safe and inviting pedestrian environment by locating parking away from the streetwall and minimizing direct driveway access from major streets. Design parking facilities that do not depreciate the visual quality of the downtown.

Standard 2a: Parking for all new buildings should be located underground, when possible.

Standard 2b: Surface parking lots shall not be located between the front property line and the primary building/storefront but rather to the rear of all structures, provided there is vehicular access from side streets or alleys to the rear of the lot. Drive-through establishments are prohibited.

Standard 2c: Free-standing parking structures (meaning those structures that contain only parking and no retail, housing, or other non-parking uses) shall be located to the rear of lots, not directly abutting Sepulveda Boulevard or Manchester Avenue. Such parking structures shall be visually compatible with other structures associated with the project, in terms of material, color, and design.

Standard 2d: Rear parking structures, structures with retail on the ground floor or other pooled parking alternatives shall be included, where feasible, to promote fewer surface parking lots and greater buildable area for retail space.

Standard 2e: New driveways or curbcuts along Sepulveda Boulevard and Manchester Avenue are prohibited. Sepulveda Boulevard and Manchester Avenue shall be maintained and improved to promote pedestrian activity and walkability.

Standard 2f: Adequate lighting shall be provided along all pedestrian walkways and vehicular access ways. Lighting shall be designed to prevent spill-over and glare.

Standard 2g: No new project, change-of-use or building modification shall result in the reconfiguration, separation, division, walling, fencing or otherwise impede existing shared parking facilities and lots.

The proposed project provides two (2) levels of subterranean parking, at-grade parking, and one (1) level of above grade parking. The above grade parking is entirely screened by active uses on all levels of the project. There is no above-grade parking that will be visible from any public street or surrounding properties. This above grade parking is necessary to meet the parking requirement for the site, and to provide enough parking to serve the community. Additionally, parking is provided within the interior of the building footprint due to its frontage on three (3) streets and the triangular nature of the site. There is no freestanding parking structures proposed with the project. The building provides ample retail space and a combined parking lot for commercial and residential uses proposed. There are no proposed driveways or curb cuts along Sepulveda Boulevard and Manchester Avenue. As proposed, the project will provide adequate lighting along pedestrian walkways and vehicular access ways that is oriented toward the site and minimizes impacts toward the residential neighborhood and will not affect an existing shared parking facility or lot. Therefore, as proposed, the project complies with Standard 2a through 2g.

Ground-floor Façade Articulation

Guideline 3: Heighten visual interest and enhance pedestrian orientation by incorporating three dimensional elements and material variation into the ground-floor façade of buildings. These elements and variations include: changes in building materials, texture and color; generously sized transparent display windows; arcades, canopies, and awnings; cornices; other details such as transom windows and over doors.

Standard 3a: For commercial buildings, at least 60 percent of the building façade at ground level shall consist of doors and windows. Windows and doors should allow views into building interiors and/or to merchandise displays; transparent, non-reflective glass shall be used. A minimum of 70 percent of window bases on a premise shall be set three feet or lower from the ground on building façade.

Standard 3b: For all buildings, one or more of the following vertical elements: columns, pilasters, indentations, storefront bays, material treatment, landscaping, shall be employed for every twenty-five horizontal feet of building façade.

The proposed project involves the construction of a new mixed-use development. The ground level is composed of a combination of commercial spaces, live/work residential units and lobby space. All of which are proposed to have continuous storefront systems. All of the proposed storefronts will contain transparent, non-reflective glazing with sill located at the finish floor in all spaces. The proposed design includes a variety of elements to break down the building façade. At the ground level a rhythm of pilasters, material changes and landscaping has been incorporated. The building façade above the ground level incorporates undulating massing breakdown that includes indentations, openings, terracing, and material changes. The building incorporates indentations, projections, and material changes ranges from six (6) inches to four (4) feet along the entirety of the building exterior. Therefore, as proposed, the project complies with Standard 3a and 3b.

Massing and Articulation of Upper Stories

Guideline 4: Provide visual interest and enhance the public realm by employing rhythmic, three-dimensional variations in massing and building form, including the use of recessed windows, towers, columns, cornices, and changes in the wall plane. Minimize building mass impacts on adjacent residential neighborhoods by allowing for ventilation, light, and privacy.

Standard 4a: For every 40 horizontal feet of façade abutting the street, multistory projects shall provide at least one three-dimensional variation per story above the first, in the overall building form. The variations can be combined to extend along several stories. Thus, for example, a four-story project might provide a one-foot projection from the wall plane that extends across two stories and also provide a recessed balcony on the fourth story.

The proposed project includes a design that provides the required elevational three-dimension variation through the proposed rhythmic columns and pilasters which have a minimum protrusion from the storefront of 12 inches; forming the 'base' aesthetic for the building. Above the commercial base the design is composed of undulating masses breaking down the building façade with protrusions, recesses, material changes, and recessed balconies. These changes in building wall plane range from 12 inches to five (5) feet. Therefore, the proposed project complies with Standard 4a.

Mixed-Use Residential and Commercial Structures

Guideline 5: Allow for a variety of building types that include residential uses, while protecting the important function of the commercial center to meet the needs of the community with service, retail, and eating establishments. Continue to promote a vital, active street by integrating multiple land uses and minimizing the potential for extended lengths of street front to discontinue commercial uses.

Standard 5a: Ground floor residential uses are prohibited. Residential uses may be located on upper floors and accessed through an entrance and lobby on the ground floor. Residential entrances and lobby areas shall account for no greater than 50% of any ground floor with the balance dedicated to commercial activity.

Standard 5b: Residential floors shall be visually differentiated from the ground floor through changes in material, color, plane or setback.

Standard 5c: Residential floors facing Sepulveda Boulevard or Manchester Avenue shall be setback a minimum of five (5) feet from the ground floor frontage below.

The proposed includes the development of a mixed-use building with 489 dwelling units and ground floor commercial space. The requested entitlements include a Density Bonus off-menu incentive to allow live work units on the ground floor. The only units provided at the ground floor are live/work units. These are two-story units with the living areas located on the upper floor; and workspace located at the ground floor. As such, a density bonus incentive to deviate from this standard has been requested, which will enhance the financial viability of the project and achieve cost reductions to allow the provision of affordable units. Notwithstanding, by providing the commercial component of the proposed live-work units at the ground floor, the building is complying with the spirit of this standard. The project provides a change in materials and color to accentuate the different between the ground floor commercial uses and upper residential floors. Additionally, the entitlement request includes a waiver of development standard to allow a zero-foot setback along Manchester Avenue which is required to provide the project's proposed number of units and the proposed amount of floor area to provide the requisite number of affordable units. Therefore, with the approval of the incentive and waiver, the project complies with Standard 5a through 5c.

Mixed-Use Development along Sepulveda Boulevard

Guideline 6: Allow for more intense development along Sepulveda Boulevard within Height District 2 while maintaining a human scale and commercially anchored mixed-use environment.

Standard 6a: For any project located adjacent to an R2, R1 or more restrictive zone, the portion of the building that is within 60 feet of an R2, R1 or more restrictive zone shall be limited to 50 feet in height.

Standard 6b: For any project more than 150 feet in width, the floors above the ground floor shall be broken into at least two separate masses that visually read as separate buildings.

The proposed project is not located along Sepulveda Boulevard. Therefore, Standards 6a and 6b do not apply.

Entrances

Guideline 7: Emphasize pedestrian orientation and accessibility by creating well articulated and inviting building entrances, and by orienting these entrances towards the primary street.

Standard 7a: All buildings shall have a ground floor whose primary entrance is oriented towards the main commercial street. This may include entrances accessed through courtyards, arcades, or forecourts abutting the main commercial street.

Standard 7b: Secondary entrances may be provided on the intersecting street and to the rear in addition to entrances provided along the main commercial street. The intersecting street entrance shall be permitted not more than 40 feet from the lot line abutting the street if the lot is adjacent or abutting a residential zone.

Standard 7c: Building entrances should be recessed and defined by distinct architectural treatments, including: variation in materials, lighting, awnings, textured paving, attractive signage, and planters.

Standard 7d: Projects on corner lots should have an entrance located at the corner.

The proposed project includes a primary entrance oriented toward the main commercial street, Truxton Avenue, and also includes a corner plaza space to accentuate the entrance along Truxton Avenue. The entrances are provided at the corner of Manchester Avenue, along Truxton Avenue, and into the ground level courtyard at the intersection of 87th Street and Truxton Avenue. The building is across the street from a residential zone along La Tijera Boulevard and no entrances to the building are provided along that frontage. The building's entrances are recessed and clearly defined by architectural features, including landscaped open space and paved plaza entries at both the corner of Manchester Avenue and Truxton Avenue and La Tijera Boulevard and Truxton Avenue. These entrances are clearly visible from the street and well-integrated into the building design while complementing the pedestrian environment. Additionally, the building provides entrances at both the corners of Manchester Avenue and Truxton Avenue and La Tijera Boulevard and Truxton Avenue. Therefore, the project complies with Standard 7a through 7d.

Parking Structure Design

Guideline 8: Provide parking opportunities that are simultaneously convenient and enhance and protect the visual integrity of the boulevard. Architecturally integrate parking structures into the design of the projects that they serve, and activate the street by including commercial uses on the ground level of structures. Protect nearby residents from the potential adverse impacts – noise, visual, or otherwise – from parking structures and their use.

Standard 8a: The ground floor of new parking structures shall consist of commercial space fronting Sepulveda, measuring a depth of at least 15 feet from the building façade. Freestanding parking structures (void of commercial space) directly abutting Sepulveda, are not an appropriate use.

Standard 8b: Floors of parking shall be visually integrated into the design of buildings, as reflected in the building façade. Landscaping shall be used to further integrate and screen parking garages.

Standard 8c: Automobiles on parking levels above the ground floor shall be screened from public view.

Standard 8d: Parking structures that abut or are adjacent to any residential zone, shall:

- i. Contain solid decorative walls to block light, fumes, and deflect noise along sides closest to residential use.*
- ii. Contain solid spandrel panels a minimum of 3-feet-6 inches in height installed at the ramps of the structure to minimize headlight glare.*
- iii. Construct garage floors and ramps using textured surfaces to minimize tire squeal.*
- iv. Not contain exhaust vents along sides closest to residential use.*

The proposed project is not located along Sepulveda Boulevard. However, parking is entirely buffered by building mass and usable open space. The parking on the second floor is completely buffered from view by building mass. The project does not propose a parking structure; the parking is contained within the building and is buffered from the residential neighborhood by building space. Therefore, the project complies with Standard 8a through 8d.

Awnings and Canopies

Guideline 9: Where appropriate, use awnings or canopies to define the public realm of the sidewalk, provide shelter and shade, and enhance the building façade by adding variation, color, and horizontal rhythm. Awnings and canopies reinforce a pedestrian scale and add a comfortable sense of enclosure to outdoor seating and other active public uses.

Standard 9a: Size and placement of awnings and canopies should enhance the building's overall frame, detailing, and rhythm. Placement should correspond to the location of a storefront or entrance.

Standard 9b: For awnings located above windows, awning shapes shall be consistent with window frames.

Standard 9c: Awnings and canopies shall be constructed of high quality, durable, fade-resistant, and fire-retardant materials.

The proposed project does not include awnings or canopies. Therefore, Standard 9a through 9c does not apply.

Security Grilles

Guideline 10: Provide storefront security as needed without obscuring storefront windows and detracting from the pedestrian environment along the sidewalk. Minimize the presence of security grilles and bars as visible from Sepulveda and Manchester.

Standard 10a: External security grilles shall not be affixed to any facade abutting Sepulveda, Manchester or other public street, excluding rear alleys.

Standard 10b: Premises should employ non-barrier (alarm or sensor) theft deterrent systems where possible. If such security systems are not feasible, interior security grilles or vandal-proof glazing that is resistant to impact should be used on any storefronts abutting any public street.

The proposed project as designed does not include external security grilles along any of the street frontages. The building secures all entry points (transition points from publicly accessible to tenant only) via trackable key card/fob/secure access, and security cameras at a variety of both outdoor and indoor areas as a preventative and monitoring measure. Additionally, the design includes a vehicle gate at the transition from commercial parking to residential parking areas of the structure. Therefore, the project complies with Standard 10a and 10b.

Utility and Service Areas / Mechanical Equipment

Guideline 11: Improve the pedestrian environment along the sidewalk and minimize visual blight by screening unsightly equipment and locating it away from public streets and other public rights-of-way, including pedestrian walkways and parking areas.

Standard 11a: Utilities, storage areas, trash containers, air conditioning units, fire alarms, and similar equipment shall be placed to the rear of the site or underground when feasible. Otherwise, structures housing such elements shall be screened with landscaping or designed in a way as to be as inconspicuous as possible.

Standard 11b: Trash storage bins shall be located within a gated, covered enclosure and screened with landscaping, so as not to be viewed from the public right-of-way.

Standard 11c: Rooftop mechanical equipment shall be screened with materials that are architecturally integrated to the building.

The project site is triangular and does not have a rear yard. As such, utilities, storage areas, trash containers, air conditioning units, fire alarms, and similar equipment have been buffered from view within the building structure or have been screened from view to be undetectable from outside the building. Trash bins are located within the building footprint so as not to be viewable from the public right-of-way. Therefore, the project complies with Standard 11a through 11c.

Fencing and Walls

Guideline 12: Support an open and accessible physical environment by minimizing visual barriers and the enclosure of outside space. Locate and design any necessary fencing in a manner so as not to detract from the quality of the pedestrian experience along the sidewalk adjacent to Sepulveda or Manchester.

Standard 12a: Fences and walls should not front public streets, unless required by the Los Angeles Municipal Code.

Standard 12b: No fence or wall abutting a public street shall be taller than 42 inches.

Standard 12c: Chain-link fences and barbed wire are prohibited.

Standard 12d: Wall materials and design should be decorative and coordinate with the structures.

Standard 12e: The planting of climbing plants is encouraged along the width of fencing and walls.

Standard 12f: Enclosures for sidewalk dining must utilize open fencework or planter boxes. The materials and design of fencing or planters should coordinate with the structures on the site.

The proposed project does not include fences or walls fronting public streets, chain-link fences or barbed wire. In the event that sidewalk dining will be incorporated, any future sidewalk dining enclosures proposed as part of the project will comply with Standard 12f. Therefore, Standard 12a through 12e does not apply and the project will comply with Standard 12f.

General Landscaping – Location and Materials

Guideline 13: Create inviting spaces, provide shade within the public realm, screen unattractive areas, and enhance architectural detailing through the thoughtful and careful placement of landscaping. Pedestrian plazas, green space, pocket parks and open space shall be encouraged.

Standard 13a: All areas of a site not occupied by buildings, driveways, or used for outdoor dining or other pedestrian uses shall be landscaped; 80% of landscaped areas shall consist of plant materials.

Standard 13b: Landscaping, such as planter boxes, is encouraged between the public street and the sidewalk. This landscaping serves as a buffer between pedestrians and vehicular traffic.

Standard 13c: Low-water (drought-tolerant, and including native) plants should be used.

Standard 13d: An automatic irrigation system should be installed within landscaped areas of more than 10 square feet. A drip irrigation system is recommended.

Standard 13e: For new building projects and those involving alteration to greater than 50% of the exterior walls, trees with appropriate tree grates shall be planted in the adjacent public right-of-way, including Sepulveda, at a ratio of 1 tree for every 25 feet of lot length, to the satisfaction of the Urban Forestry Division, Bureau of Street Services, Department of Public Works or to the California Department of Transportation. Tree grates shall be of a uniform color with a bright decorative design used on Sepulveda Boulevard. Trees along Sepulveda Boulevard shall alternate between palm and canopy species.

Standard 13f: Trees shall be planted along rear lot lines adjacent to residential parcels at a ratio of one tree for every 25 feet of lot width. At a minimum, these trees shall be 24-inch box size with a trunk diameter of 2 inches and a height of 10 feet at the time of planting.

Standard 13g: Landscape strips shall separate any driveways from walkways which are used to access the rear of properties.

Standard 13h: Proposals for new buildings and remodels involving more than 50% of the exterior walls shall include a streetscape and pedestrian plan covering walkability and public art aspects of the project.

Standard 13i: New buildings shall reconstruct public and private sidewalks with any of the following (a) decorative or patterned, (b) decorative pavers, (c) decorative plaques, particularly Flight Path plaques along Sepulveda Boulevard. This will require approval from Public Works.

The proposed project includes the development of a mixed-use building with 489 dwelling units and ground floor commercial uses. All Landscape Areas that are not used for Outdoor Dining or other pedestrian uses will be landscaped. The design intent is to protect the existing streetscape (sidewalk and existing trees) and add trees per Urban Forestry recommendations. Additionally, the project utilizes low water/drought-tolerant plants and drip irrigation will be installed in all landscaped areas. Further, the subject property does not share any lot lines with residential parcels and no driveways are proposed at the rear of the site. Therefore, the project complies with Standard 13a through 13e and 13h. Standard 13f and 13g are not applicable to the project.

Landscaping Parking Lots and Structures

Guideline 14: Enhance parking areas by providing landscaping that shades, buffers, and conceals unattractive views of parking.

Standard 14a: A five-foot landscaped buffer shall be located between parking areas and the property line wherever a surface parking lot abuts the public right-of-way or an R zone property. The landscaped buffer area should contain 24-inch box trees planted at ratio of one for every 10 linear feet. At a minimum, these trees should measure a trunk diameter of 2 inches and a height of 10 feet at the time of planting.

Standard 14b: A minimum of 7% of the total area of surface parking shall be landscaped, including one tree for every 4 parking spaces evenly dispersed throughout the lot. Tree species should be a variety with a large canopy.

Standard 14c: Surface parking lots located adjacent to any R1 zone shall provide a solid decorative masonry wall and landscape buffer between the parking lot and the R1 zone.

The proposed project does not include a surface-parking lot that abuts the public-right-of-way or R zone property. Therefore, Standard 14a through 14c does not apply to the project.

General – All Signs

Guideline 15: Promote the identity and success of individual businesses while enhancing the visual quality of the Boulevard, through context-sensitive signs. Ensure that signage design is suitable in terms of location, layout, and styling. Minimize sign clutter and emphasize pedestrian-scale design.

Standard 15a: Signs shall complement buildings with respect to style, design, materials, and colors. Illuminated signs shall have glare carefully controlled and if internally illuminated, lighting sources concealed.

Standard 15b: The exposed backs of all signs visible from a public right-of-way should be suitably finished and maintained.

Standard 15c: The following signs are prohibited: billboards (off-site signs), pole signs, roof signs, banners, illuminated architectural canopy signs, flashing, moving or blinking signs and inflatable devices

Standard 15d: None of these provisions shall prohibit a building address from being clearly identified so the parcel can be found by emergency personnel.

The proposed project does not include a request for any signs. Therefore, Standard 15a through 15d does not apply.

Wall Signs

Guideline 16: Promote the identity and success of individual businesses while enhancing the visual quality of the primary streets, through the appropriate placement of wall signs. Locate signs in a manner so as to not detract from building architecture. Minimize sign clutter and ensure that signage design is suitable and well proportioned to the structure and building façade.

Standard 16a: Each premise or business shall be permitted one wall sign. One additional sign is permitted if the premise abuts another street, alley, or public parking area.

Standard 16b: Wall sign size shall not exceed 1.5 square feet per 1 foot of building façade length. In no case shall all signage at a site exceed 75 square feet. Signs facing alleys or parking areas shall not exceed 5 square feet total. Illuminated signs shall not exceed 1 square foot per 1 foot of building façade length and if facing an alley or parking area shall not exceed 10 square feet total.

Standard 16c: Composition height of wall signs shall not exceed 2 feet and letters shall not exceed 1.5 feet in height. Composition height of wall signs for businesses located on corner lots of major intersections (Manchester and Sepulveda, Manchester and La Tijera, Sepulveda and 88th, Sepulveda and Lincoln) shall not exceed 3 feet and letters shall not exceed 2.5 feet in height.

Standard 16d: Sign width should not exceed 90% of the width of a storefront, and 70% of the width of the building.

Standard 16e: Signs should be located at the primary entrance to a building.

Standard 16f: Signs shall not dominate or obscure the architectural elements of building facades.

Standard 16g: The height and width of letters and logos shall be properly proportioned to the building and fit well within area the sign is located.

Standard 16h: Wall signs should not project more than 10 inches from the face of a wall.

Standard 16i: Signs facing alleys or any residential use or zone shall not be illuminated.

Standard 16j: Premises located above the ground floor, which do not take their primary access directly from an exterior walkway open to the public, may have only

a building or business identification sign adjacent to each exterior entrance which provides access to those premises.

Standard 16k: The height of the top of any sign shall be limited to a maximum of 20 feet above the elevation of the sidewalk or edge of the public walkway used to enter the premises.

Standard 16l: On all signs and properties facing 87th Street, each building shall maintain a consistent signage plan for all its tenants. Existing wood-paneled painted signs shall remain or be replaced with similar wood-paneled painted signs.

The proposed project does not include a request for walls signs. However, future signage for the project will be compliant with the provisions of the CDO and LAMC. Therefore, the project complies with Standard 16a through 16l.

Projecting Signs

Guideline 17: Promote the identity and success of individual businesses while enhancing the visual quality of the Downtown through the appropriate placement of projecting signs. Minimize sign clutter and ensure that signage design is suitable and well proportioned to the structure and building façade.

Standard 17a: Each business or tenant shall be permitted one projecting sign, limited to 4 square feet. This sign shall be in addition to wall, awning or canopy signs.

Standard 17b: Each business that is located above the first floor may have a projecting sign on the ground level if there is direct exterior pedestrian access to the second floor business space.

The proposed project does not include a request for projecting signs. However, future signage for the project will be compliant with the provisions of the CDO and LAMC. Therefore, the project complies with Standard 17a and 17b.

Awning or Canopy Signs

Guideline 18: Promote the identity and success of individual businesses while providing the benefit of awnings or canopies upon buildings. Minimize sign clutter and ensure that signage design is suitable and well proportioned to the structure, building façade, and awning.

Standard 18a: In lieu of a wall sign, each business or tenant shall be permitted one awning sign, to be located over the building or business entrance. An additional awning sign is permitted if the premise abuts another street, alley, or public parking area.

Standard 18b: Sign letters should be located on valences only, and letter height should not to exceed 10 inches.

The proposed project does not include a request for awning or canopy signs. However, future signage for the project will be compliant with the provisions of the CDO and LAMC. Therefore, the project complies with Standard 18a and 18b.

Other Signs

Guideline 19: Promote the identity and success of individual businesses while enhancing the visual quality of the Downtown, through the appropriate placement, size, and quantity of additional signage.

Standard 19a: Window Signs shall not to exceed 10 percent of each panel or total window area, and individual signs shall not exceed 4 square feet.

Standard 19b: Information Signs shall be permitted two per building, and shall not exceed 4 square feet.

Standard 19c: Building Identification Signs shall be permitted one per building and shall not exceed 4 square feet for one-story buildings. For each story above the first, the size of the sign(s) may increase an additional 2 square feet. An additional Building Identification Sign shall be permitted for buildings located on a corner lot.

Standard 19d: One portable menu board sign may be permitted in the public right of-way for eating establishments, bakeries, florists, and similar businesses that have as their primary sales perishable good, provided that all of the following conditions are met:

- i. The sign is removed at the end of each business day.*
- ii. The sign's dimensions do not exceed two feet by three feet.*
- iii. The sign does not interfere with pedestrian movement or wheelchair access.*
- iv. The sign has a weighted base capable of keeping the sign upright in moderate wind.*
- v. The sign is not illuminated.*
- vi. All required sign permits have been secured from the Department of Public Works Bureau of Street Services. A permit may be necessary to grant conditional encroachment of the public right-of-way.*

Standard 19e: Mural Signs are encouraged. The written message shall not exceed three percent of the total area of the sign. Signs must be approved pursuant to Section 91.6216 of the Los Angeles Municipal Code.

The proposed project does not include a request for signs. However, future signage for the project will be compliant with the provisions of the CDO and LAMC. Therefore, the project complies with Standard 19a through 19e.

Multi-Tenant Buildings

Guideline 20: Enhance the visual quality of the primary commercial streets by providing signage coordination and consistency on the facades of large buildings.

Standard 20a: Multi-tenant buildings shall submit a sign plan to the Planning Department that designates the style and design of all signs on the building. Sign plans should establish rules of placement and size.

Standard 20b: Signs on a multi-tenant building shall be placed at the same uniform elevation to create visual continuity.

The proposed project does not include a request for signs. However, future signage for the project will be compliant with the provisions of the CDO and LAMC. Therefore, the project complies with Standard 20a and 20b.

Monument Signs

Guideline 21: Promote the identity and success of individual businesses while enhancing the visual quality of the primary commercial streets by limiting monument signs to only those circumstances where wall signs are not easily viewed from Manchester or Sepulveda.

Standard 21a: Monument signs shall only be permitted for developments where wall signs and building facades do not front Sepulveda or Manchester, or where tenant spaces are primarily entered through a courtyard, or if sited where parking areas abut Sepulveda. In these circumstances, one monument sign shall be permitted per building, and shall be not more than 25 square feet in size and the top of the sign shall be not more than 8 feet above sidewalk grade.

Standard 21b: Retail tenants in multi-tenant buildings shall be permitted a listing on a monument sign. Tenant listings and displays shall be uniform.

The proposed project does not include a request for monument signs. However, future signage for the project will be compliant with the provisions of the CDO and LAMC. Therefore, the project complies with Standard 21a and 21b.

Sustainable Building Design

Guideline 22: Design projects to take advantage of natural systems and features – breezes, daylight, tree canopies – and to minimize the need for artificial lighting, cooling, and heating. Incorporate sustainable building elements into the overall form and aesthetic of projects.

Standard 22a: Projects are encouraged to meet LEED certification requirements.

Standard 22b: To minimize heat gain, projects should employ high-performance windows, coupled with awnings or exterior window shelves – particularly along the southeast, south, and southwest building faces.

Standard 22c: Projects should include more windows along the north- and northeast-facing walls, while decreasing window area along the west- and southwest-facing walls on upper floors.

Standard 22d: The placement of windows should balance light considerations with the need to provide adequate ventilation and allow for cross-ventilation. If single sided ventilation is necessary, consider horizontal pivot windows, which offer the highest ventilation capacity.

Standard 22e: Building and construction materials should use recyclable, durable materials when possible, and reclaimed and recycled materials will be encouraged in the future if they become permitted by the Los Angeles Municipal Code.

Standard 22f: New building roofs shall either be “green roofs,” contain landscaping or gardens, or be constructed or painted a heat reflective material.

The proposed project as designed will meet a minimum of LEED Silver equivalency requirements. The project incorporates high-performance windows that will surpass the stringent California Title 24 Energy requirements. In addition, the design incorporates

exterior fins at windows based on orientation to passively control solar heat gain. Due to the nature of this building type, uniform window placement is needed to bring in the required natural light and air to each dwelling unit. Because of the double-loaded corridor configuration of the building, it is not possible to provide the traditional cross-ventilation to each dwelling unit. Instead, the design incorporates a minimum of two operable window for each dwelling unit, allowing for same side ventilation to occur. Where possible sustainable and recycled building materials will be incorporated into the building. The proposed roofing material will be a white single-ply membrane to reflect heat gain. Additionally, approximately two-thirds of the roof will be covered by a photovoltaic panel array, that will not only generate power for the building but provide shading for the roof further decreasing solar heat gain. Therefore, the project complies with Standard 22a through 22f.

Historic Resources

Guideline 23: Historic structures often include architectural elements and design consistent with the guidelines and standards present in this CDO. The combination of old and new buildings adds an interest and richness to the urban fabric along Sepulveda.

Standard 23a: Alterations to, or demolitions of, properties identified as potential historic resources, shall be reviewed first by the City of Los Angeles Planning Department Office of Historic Resources, which shall provide a recommendation to the Director of Planning regarding the proposed project.

Standard 23b: For buildings identified as historic structures, unpainted masonry shall not be painted on facades fronting Sepulveda or other public streets.

Standard 23c: For buildings identified as historic structures, original patterns of transom windows shall be maintained, if existing; covering transom windows with paint, signs, awnings, or wood panels is not appropriate.

Standard 23d: For buildings identified as historic structures, signage, if applied to the façade directly, shall be affixed in such a manner so as to not damage the façade.

Standard 23e: For buildings identified as historic structures, appropriate signage that uniquely identifies and enhances the historic site shall be incorporated.

The project site has not been designated as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Based on this, Standards 23a through 23e are not applicable.

10. 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 project includes the demolition of existing structures for the construction of a new eight-story mixed-use building containing 489 dwelling units with 64 units set aside for Very Low Income Households. The building will reach a height of 96 feet with a Floor Area Ratio (FAR) of 4:1 with a total of 416,915 square feet of floor area. The project includes 16,120

square feet of commercial ground floor uses and 549 parking spaces. The project will also provide bicycle parking including 206 long term and 28 short term for a total of 234 bicycle parking spaces.

The property is comprised of two (2) parcels, measuring approximately 105,267 square feet. The property site is located in an urbanized neighborhood bound by Manchester Avenue to the north, La Tijera Boulevard to the southeast, and Lexington Avenue to the west. The Property is bounded by Manchester Avenue to the north, La Tijera Boulevard to the southeast, and Truxton Avenue to the southwest. The Property fronts approximately 274 feet along the southerly side of Manchester Avenue, 471 feet along Truxton Avenue, and 395 feet along La Tijera Boulevard.

The subject property is zoned [Q]C2-1-CDO and is located within the Westchester – Playa Del Rey Community Plan with a Community Commercial land use designation. The surrounding area consists of a mix of single and multi-story commercial and office uses, as well as single-family residential. The immediately adjacent property to the east contains a Best Performance Tire & Service auto shop and is zoned [Q]C2-1-CDO. The properties to the west across Truxton Avenue and to the north and south along La Tijera Boulevard are zoned [Q]C2-1-CDO and improved with various neighborhood-serving retail/commercial uses and parking within the Westchester Town Center area. The properties to the north across Manchester Avenue and to the east, across La Tijera Boulevard are zoned R1-1, and are developed with single-family residences.

As proposed, the proposed sign will be harmonious with the existing built environment and will have no adverse impact on any cultural, scenic, or environmental resources adjacent to the site and in the vicinity.

Site Plan Review Findings

11. 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 Los Angeles General Plan sets forth goals, objectives, and policies that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, but not limited to, Land Use, Housing, Transportation/Mobility, Noise, and Safety. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City. While the General Plan sets out a long-range vision and guide to future development, the 35 Community Plans provide the specific, neighborhood-level detail, relevant policies, and implementation strategies necessary to achieve the General Plan objectives. The project site is located in the Westchester – Playa Del Rey Community Plan area and is consistent with applicable goals, objectives, and policies of this plan, as described below. The project site is also located within the Los Angeles Coastal Transportation Specific Plan, which identifies various transportation improvement and fee requirements for new development projects; compliance with this Specific Plan's requirements will be ensured through review by the Los Angeles Department of Transportation during the project's plan check and permitting phase.

Westchester – Playa Del Rey Community Plan

The Westchester – Playa Del Rey Community Plan is one of 35 Community Plans for the City

of Los Angeles which constitute the Land Use Element of the General Plan, “guide the location and intensity of private and public uses of land; direct the arrangement of land uses, streets, and services; and encourage the economic, social, and physical health, safety, welfare and convenience of people who live and work in the community,” (page 3-3). The Community Plan designates the site for Community Commercial land uses with the corresponding zones of C2, C4, CR, RAS3, and RAS4. The subject property is designated for Community Commercial uses by the Westchester – Playa Del Rey Community Plan and is thus consistent with the existing land use designation.

The Community Plan encourages a variety of housing options in order to meet the housing demands of the area. The Project is consistent with the following goals, objectives, and policies of the Community Plan:

Goal 1: Provide a safe, secure, and high quality residential environment for all economic, age, and ethnic Segments of the Westchester-Playa Del Rey community.

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

Policy 1-1.4 Provide for housing along mixed-use boulevards where appropriate.

Policy 1-2.1 Locate higher residential densities near commercial centers, public facilities, bus routes and other transit services.

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

Policy 1-4.2 Promote the development of housing for persons of low to moderate income within the community.

Policy 1-4.4 Encourage multiple family residential and mixed use development in commercial zones, pedestrian oriented areas, and near transit corridors.

The proposed project includes the development of a mixed-use development with 489 residential apartment units and 16,120 square feet of commercial space, including 64 units set aside for Very Low Income households. As such, the project is providing needed multi-family residential development, appropriate housing along a mixed-use boulevard, and increasing the choice of housing type for the area. In addition, the Project’s substantial set aside of Very Low Income units will increase access to housing in the community for lower income people and families. The project contains a range of units from studio to two-bedroom units, which are intended to accommodate families of all types, as well as 64 units of which will be set aside for Very Low Income households, in order to generate a mixed-income project where families can support each other’s stability and growth. As discussed above, the project will help to alleviate the ongoing housing crisis in Los Angeles and will address the critical demand for affordable housing in the City without displacing existing residential tenants.

Additionally, the project is designed with a pedestrian plaza at the intersection of Truxton Avenue and 87th Street, and a pedestrian entrance and residential lobby at the corner of Manchester Avenue and Truxton Avenue. Due to its proximity to the transit corridors along Sepulveda Boulevard and Manchester Avenue, as well as the Los Angeles International Airport, the project will help reduce reliance on the demand for automobile vehicles and will reduce the number of trips to and from the site due to its location in proximity to neighborhood-serving amenities, employment opportunities and public transit options.

Goal 2 Encourage a strong and competitive commercial sector that promotes economic vitality and serves the needs of the Westchester-Playa del Rey community through safe, accessible, and well-designed commercial districts, while preserving the historic and cultural character of the community.

Policy 2-1.1 New commercial uses should be located in existing established commercial areas or shopping centers.

Policy 2-1.2 Protect existing and planned commercially zoned areas, particularly within designated Commercial Centers, from encroachment by stand alone residential development.

Policy 2-1.3 Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.

Policy 2-2.1 Encourage pedestrian-oriented development in appropriate areas, to include Downtown Westchester, Loyola Village, Playa Del Rey and Playa Vista.

Policy 2-2.2 In appropriate areas, encourage the incorporation of retail, restaurant, and other commercial uses in the ground floor street frontage of structures to promote a more lively and pedestrian oriented commercial environment.

Policy 2-2.3 Encourage mixed-use development in appropriate commercial areas to stimulate pedestrian activity and provide housing near employment, shopping, and other services.

The project proposes to develop a mixed-use building with ground floor commercial uses for both retail and dining, including a focus on pedestrian oriented outdoor dining to activate the street frontage along Truxton Avenue, and enhance the existing commercial area along 87th Street. A development at the subject property of this type and scale will ensure the existing commercial neighborhood in Downtown Westchester remains a viable focal point for the community and will add numerous residents to patron businesses in the area. The project has been designed to be community oriented and outward facing, with ample public space including a public plaza and internal courtyard that is accessible to the public and activated by outward facing commercial uses on the ground floor. As such, the project will help facilitate the Goal and Policies listed above through its use of space and needed redevelopment of underutilized commercial uses for this focal point and activity center in Downtown Westchester.

The **Framework Element** for the General Plan was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives and policies relevant to the instant request:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically

depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.

Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

Policy 3.2.2: Establish, through the Framework Long-Range Land Use Diagram, community plans, and other implementing tools, patterns and types of development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations.

Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Policy 3.4.1: Conserve existing stable residential neighborhoods and lower - intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

The proposed project will result in the development of a mixed-use residential building that will provide 489 dwelling units, including 64 units reserved for Very Low Income Households, thereby contributing toward and facilitating the City's long-term housing demands and vision for a more livable city.

The site is located proximate to ample bus options such as the Culver City 6 and Rapid 6 bus lines, Santa Monica Big Blue Bus 3 bus line at the intersection of Manchester Avenue and

Sepulveda Boulevard (approximately 800 feet away), and Metro Bus Routes 102 and 115 at the intersection of Manchester Avenue and La Tijera Boulevard. The Project is thus in close proximity and access to bus options that provide robust connections to the greater Los Angeles metropolitan area, including regional connectivity from the South Bay cities, through Inglewood, and to Downtown Los Angeles and the larger Los Angeles Region, including the Los Angeles International Airport (LAX). The numerous transit options in the area will allow future residents to reduce their single-occupancy vehicular trips.

The project site is currently occupied by a drive-through Del Taco restaurant and Pep Boys auto service shop. The development of the site will enable the City to conserve nearby existing stable residential neighborhoods and lower-intensity commercial districts by locating density along major corridors, and allowing controlled growth away from such neighborhoods and districts. Therefore, the proposed 489-unit residential building is consistent with the Distribution of Land Use goals, objectives and policies of the General Plan Framework Element.

The proposed mixed-use residential development increases the current housing stock with a residential building that will provide 489 units as well as ground floor commercial uses that will help supply the diverse economic and physical needs of residents in the Westchester – Playa Del Rey Community Plan area. The project will also enhance the appearance of the surrounding neighborhood as it implements good urban design practices and aligns with the Citywide Design Guidelines such as landscaping that is visible from the street, commercial ground floor uses and street trees, a large public plaza and beautification of the street frontages. The project's architecture will enhance the visual appearance of the community and it has been designed and conditioned to enhance the public realm with conditions regulating landscaping and street trees and provide a safe environment for pedestrians by limiting the project to two (2) driveways. The driveway along La Tijera Boulevard will have a width of 37 feet and six (6) inches and the driveway along Truxton Avenue will have a width of 25 feet and four (4) inches. Therefore, the project is consistent with the Westchester – Playa Del Rey Community Plan.

The **Housing Element** of the General Plan (2021-2029) is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element includes the following objectives and policies relevant to the instant request:

Goal 1: A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

Objective 1.1: Forecast and plan for existing and projected housing needs over time with the intention of furthering Citywide Housing Priorities.

Policy 1.1.2: Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, cost, and size within the City to meet housing needs, according to Citywide Housing Priorities and the City's General Plan.

Policy 1.1.6: Allocate citywide housing targets across Community Plan areas in a way that seeks to address patterns of racial and economic segregation, promote jobs/ housing balance, provide ample housing opportunities, and affirmatively further fair housing.

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

Policy 1.2.2: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households.

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.

Goal 2: A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.

Objective 2.3: Preserve, conserve and improve the quality of housing.

Goal 3: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

Objective 3.1: Use design to create a sense of place, promote health, foster community belonging, and promote racially and socially inclusive neighborhoods.

Policy 3.1.5: Develop and implement environmentally sustainable urban design standards and pedestrian-centered improvements in development of a project and within the public and private realm such as shade trees, parkways and comfortable sidewalks.

Policy 3.1.6: Establish plans and development standards that promote positive health outcomes for the most vulnerable communities and populations.

Policy 3.1.7: Promote complete neighborhoods by planning for housing that includes open space, and other amenities.

Objective 3.2: Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.

Policy 3.2.1: Promote the integration of housing with other compatible land uses at both the building and neighborhood level.

Policy 3.2.2: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing.

The proposed project implements the Housing Element by increasing the housing supply consistent with the Community Commercial land use designation. The subject site consists of vacant commercial uses and surface parking lot. The approval of the request permits 489 units with 64 units set aside for Very Low Income Households. As such, the project would achieve the production of new housing opportunities, meeting the needs of the city, while ensuring a range of different housing types (studio, one- and two-bedroom rental units) that address the needs of the city's households. Therefore, the project is consistent with the

Housing Element goals, objectives and policies of the General Plan.

The **Mobility Element** of the General Plan (Mobility Plan 2035) will not be affected by the recommended action herein. Manchester Avenue, adjoining the property to the north, is designated as a Boulevard II, dedicated to approximately 100 feet at this location with an 80 foot half roadway width. La Tijera Boulevard, adjoining the property to the southeast, is designated as Boulevard II, with and dedicated to a width of 100 feet at this location with an 40 foot half roadway width. Truxton Avenue, adjoining the property to the west is designated as a Local Street – Standard, and dedicated to a width of approximately 60 feet, with a roadway width of 40 feet at this location.

The project as designed will support the development of these Networks and meets the following policy objectives of Mobility Plan 2035:

Policy 2.3: Recognize walking as a component of every trip and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Vehicular access to the site is provided by two (2) ingress/egress driveways located along Truxton Avenue and La Tijera Boulevard, with access to the two (2) parking levels (at grade and above grade). Pedestrian access to the building is also provided from entrances along Truxton Avenue and at the intersections of Manchester Boulevard and La Tijera Boulevard and Truxton Avenue.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

Policy 3.3: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

Policy 3.7: Improve transit access and service to major regional destinations, job centers, and inter-modal facilities.

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

The project site is located within 0.25 miles of a Major Transit Stop, which is defined in Section 21064.3 of the Public Resources Code (PRC) as an existing, under construction, or planned rail station or intersection of two or more bus routes with service intervals of 15 minutes or less during the morning and afternoon commuter peak periods. Therefore, the subject site is located within a Transit Priority Area (TPA), which is defined in Section 21099(a) of the PRC as an area within 0.50 miles of a major transit stop that is existing or planned. The subject site is located within 1,000 feet from the intersection of Sepulveda Boulevard and Manchester Avenue, which qualifies as a Major Transit Stop due to the frequency of peak-hour service provided by Metro Local Route 115 along Manchester Avenue and Big Blue Bus Route 3 along Sepulveda Boulevard. The project site is also served by numerous additional bus lines, primarily along Sepulveda Boulevard that are operated by the Los Angeles County Metropolitan Transportation Authority (Metro) and the Culver City Metro. The proposed project is therefore located within close proximity to public transit which will reduce vehicular trips and VMT associated with the Project.

In addition, the project will provide a total of 549 parking spaces and will also provide bicycle

parking in compliance with the City's bike parking standards, which will facilitate non-motorized modes of transportation to and from the project and associated reductions in vehicle miles traveled and improvement of air quality.

Policy 5.4 Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

As conditioned, all electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Section 99.04.106 of Article 9, Chapter IX of the LAMC to immediately accommodate electric vehicles within the parking areas.

Therefore, the project is consistent with Mobility Plan 2035 goals, objectives and policies of the General Plan.

The **Air Quality Element** of the General Plan will be implemented by the recommended action herein. The Air Quality Element sets forth the goals, objectives and policies which will guide the City in the implementation of its air quality improvement programs and strategies. The Air Quality Element recognizes that air quality strategies must be integrated into land use decisions and represent the City's effort to achieve consistency with regional Air Quality, Growth Management, Mobility and Congestion Management Plans. The Air Quality Element includes the following Goal and Objective relevant to the instant request:

Goal 5 Energy efficiency through land use and transportation planning, the use of renewable resources and less polluting fuels, and the implementation of conservation measures including passive methods such as site orientation and tree planting.

Objective 5.1 It is the objective of the City of Los Angeles to increase energy efficiency of City facilities and private developments.

As conditioned, the project shall comply with the Los Angeles Municipal Code. Therefore, the project is in conformance with the goals and policies of the Air Quality Element.

Therefore, the project is in substantial conformance with the purposes, intent and provisions of the General Plan and does not conflict with any applicable regulations or standards.

12. 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 subject property is comprised of two (2) lots resulting in approximately 105,267 square feet of lot area with frontages along Manchester Avenue, La Tijera Boulevard and Truxton Avenue. The property is currently improved with a Pep Boys Auto Shop, a Del Taco drive-through fast-food restaurant, associated surface parking that will be demolished to accommodate the proposed development. The subject property is zoned [Q]C2-1-CDO, within the Westchester – Playa Del Rey Community Plan Area.

Surrounding properties are developed with a mix of residential, commercial retail/restaurant, and commercial office uses. The immediately adjacent property to the east contains a Best Performance Tire & Service auto shop and is zoned [Q]C2-1-CDO. The properties to the west across Truxton Avenue and to the north and south along La Tijera Boulevard are zoned [Q]C2-

1-CDO and improved with various neighborhood-serving retail/commercial uses and parking within the Westchester Town Center area. The properties to the north across Manchester Avenue and to the east, across La Tijera Boulevard are zoned R1-1, and are developed with single-family residences.

The proposed project involves the demolition of the existing buildings; and the construction of a new eight-story mixed-use residential building containing 489 dwelling units with 64 units set aside for Very Low Income Households with a maximum height of 96 feet and a 4:1 FAR with a total of 416,915 square feet of floor area. The project includes 16,120 square feet of commercial ground floor uses and 549 parking spaces. The project will also provide bicycle parking including 206 long-term and 28 short-term for a total of 234 bicycle parking spaces.

The project includes six (6) live-work units, 229 studio, 166 one-bedroom, and 88 two-bedroom units and a total of 51,385 square feet of open space for residents. Therefore, pursuant to LAMC Section 12.21-G the project, as proposed, is required to provide 51,100 square feet of open space. The project provides approximately 51,385 square feet total of open space, which includes a 2,345 square foot pedestrian plaza at the southern end of the project site. Open space accessible to residents includes a 18,155 square foot courtyard on the third floor, open-air terraces on the fifth, through eighth floors. The eighth floor also includes private patios along Manchester Avenue for use by residents of individual units along the frontage. There is also a recreation room on the third floor, a multi-floor recreation room on the third and fourth floors, as well as an additional recreation room on the fourth floor, and a lounge on the sixth floor. As conditioned, the project will provide open space as required by LAMC Section 12.21-G.

Vehicular access to the site is provided by two (2) ingress/egress driveways with one located along La Tijera Boulevard and one located along Truxton Avenue. Pedestrian access to the building is also located off of Truxton Avenue and at the intersections of Truxton Avenue and La Tijera Boulevard and Manchester Avenue, as well as from the individual live-work entry. Access to the commercial uses is provided via storefront entrances facing the street.

Height, Bulk, and Setbacks

The subject property is zoned [Q]C2-1-CDO. The Height District 1 allows unlimited height and stories in the C2 zone, which permits the proposed height of 96 feet. The project request includes a density bonus waiver of development standards to deviate from the LAMC's transitional height standards which apply due to the proximity of single-family residentially zoned properties across Manchester Avenue. The proposed building height is consistent with applicable zoning regulations and State and City density bonus law; moreover, the building height is compatible with the existing and proposed development patterns in the immediate surrounding area which include existing and approved multi-story buildings.

The project has a maximum FAR of 4:1. The subject property is zoned [Q]C2-1-CDO. The C2 zone in Height District 1 generally permits a 1.5 to 1 FAR. In this case, the project has requested an Off-Menu Incentive to allow an increase in the FAR for the project site for an FAR of 4 to 1 to accommodate the proposed number of residential dwelling units and associated floor area allowed due to the provision of 64 Very Low Income affordable units. The scale, massing and location of the project will respond to the unique triangular shape of the site and the surrounding urban context. The proposed floor area and bulk of the project is consistent with applicable zoning regulations and State and City density bonus law.

The subject property is zoned [Q]C2-1-CDO, which requires a zero-foot front setback. In addition, LAMC 13.09 allows for zero-foot setbacks along street facing frontages. As such the project is providing a zero-foot front setback along Manchester Avenue and La Tijera Boulevard. Additionally, the underlying zone requires an 11-foot side yard. The request includes an Off-Menu density bonus incentive to allow a reduction in the side yard setback along Truxton Avenue Street to allow five (5) feet in lieu of the otherwise required 11 feet side yard setback. The project is also providing the required 11-foot setback along the interior side yard. As such, with the approval of the requested waiver, the project complies with the required setbacks.

The height, bulk, and setbacks of the subject project are consistent with the existing development in the immediate surrounding area and with the underlying [Q]C2-1-CDO Zone. The surrounding properties are developed with a mix of residential, commercial retail/restaurant, and commercial office uses. The immediately adjacent property to the east contains a Best Performance Tire & Service auto shop and is zoned [Q]C2-1-CDO. The properties to the west across Truxton Avenue and to the north and south along La Tijera Boulevard are zoned [Q]C2-1-CDO and improved with various neighborhood-serving retail/commercial uses and parking within the Westchester Town Center area. The properties to the north across Manchester Avenue and to the east, across La Tijera Boulevard are zoned R1-1, and are developed with single-family residences.

Therefore, in consideration of other development in the area, the project is consistent with the surrounding.

Parking

The project is subject to Assembly Bill 2097 which eliminates parking requirements for residential and commercial projects located within one-half mile of a major transit stop. However, the project will provide a total of 549 parking spaces and 206 long-term bicycle parking spaces. Twenty-eight (28) short-term bicycle racks will be provided within the building and along the frontages of the building.

The proposed parking is located within the building and therefore will not be visible from the public right-of-way. Parking is provided within two (2) subterranean parking levels and two above-grade levels that are wrapped by units and active uses. Vehicular access is provided by two (2) driveways, one (1) driveway is located along La Tijera Boulevard and the second driveway is located along Truxton Avenue. Both driveways are located as far as possible from pedestrian accessways given the configuration of the site.

Therefore, the parking facilities will be compatible with the existing and future developments in the neighborhoods.

Lighting

Lighting is required to be provided per LAMC requirements. The project proposes security lighting will be provided to illuminate building, entrances, walkways and parking areas. The project is required to provide outdoor lighting with shielding, so that the light source cannot be seen from adjacent residential properties. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The project proposes 30,830 square feet of common exterior open space areas, and 12,405 of common interior open space areas. The project is providing approximately 6,388

square feet of landscaped exterior open space. This landscaping is provided on the third, fifth, sixth, and eighth levels. Additionally, there is 8,510 square feet of private open space provided on balconies and decks throughout the project. The project includes landscaped area distributed throughout the project. The project has been conditioned to provide open space as required by LAMC section 12.21-G. Furthermore, the project is conditioned so that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks will be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect. . The planting of any required trees and street trees will be selected and installed per the Bureau of Street Services, Urban Forestry Divisions' requirements. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

Loading/Trash Area

The development is not required to provide a loading area pursuant to LAMC Section 12.21-C.6. Waiting areas and drop areas will be on the ground level. Tenants moving in or out of the building will be able to park moving trucks in the loading zone located at the ground floor parking level. Loading and drop for the commercial uses will be in compliance with the LAMC.

The project will include 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. The service area for trash and recycling collection will be accessible from the parking area at the ground floor level. Therefore, as proposed, and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above and as depicted within the plans and elevations submitted with the instant application, the project consists of an eight-story, mixed-use building, with parking on-site for residents, lighting, landscaping, trash collection, and other pertinent improvements, that is compatible with existing and future development in the surrounding area.

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

The project consists of 489 total dwelling units including six (6) live-work, 229 studio, 166 one-bedroom, and 88 two-bedroom units, therefore pursuant to the LAMC the project is required to provide 51,100 square feet of open space and exceeds this requirement by providing 51,385 square feet of open space. The project provides a 2,345 square foot pedestrian plaza at the southern end of the project to complement the commercial uses at the ground level and integrate the project with the surrounding community. Open space accessible to residents includes a 18,155 square foot courtyard on the third floor, as well as open-air terraces on the fifth, through eighth floors. The eighth floor also includes private patios along Manchester Avenue for use by residents of individual units along the frontage. There is also a recreation room on the third floor, a multi-floor recreation room on the third and fourth floors, as well as an additional recreation room on the fourth floor, and a lounge on the sixth floor.

Therefore, the project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

Environmental Finding

14. SCEA. The City of Los Angeles finds that the proposed project complies with the requirements of CEQA for using a SCEA as authorized pursuant to Public Resources Code Section 21155.2(b). The City of Los Angeles has determined that:

The Project is a Transit Priority Project (TPP) pursuant to PRC Section 21155:

- a. The Project is consistent with the general use designation, density, building intensity, and applicable policies specified in the project area in the current SCAG RTP/SCS.
- b. The Project contains at least 50 percent residential use, based on total building square footage, and if the project contains between 26 percent and 50 percent non-residential uses, a floor area ratio of not less than 0.75;
- c. The Project provides a minimum net density of at least 20 dwelling units per acre;
- d. The Project is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan, consistent with PRC Section 21155(b). A major transit stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

The Transit Priority Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in the following prior applicable EIRs: SCAG's 2020-2045 RTP/SCS EIR.

An initial study has been prepared and circulated in compliance with PRC Section 21155.2(b). A public hearing on the SCEA, and all comments received on the SCEA, will be considered by the City Planning Commission prior to SCEA adoption and approval of the Project.

All potentially significant or significant effects required to be identified in the initial study have been identified and analyzed.

With respect to each significant effect on the environment required to be identified in the initial study, either of the following apply:

- i. Changes or alterations have been required in or incorporated into the project that avoid or mitigate the significant effects to a level of insignificance.
- ii. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.



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