



# DEPARTMENT OF CITY PLANNING

## APPEAL RECOMMENDATION REPORT

### City Planning Commission

**Date:** April 10, 2025  
**Time:** After 8:30 a.m.\*  
**Place:** Los Angeles City Hall  
Council Chambers, Room 340  
200 North Spring Street  
Los Angeles, CA 90012

This meeting may be available virtually, in hybrid format. Please check the meeting agenda (available at the link below) approximately 72 hours before the meeting for additional information or contact [cpc@lacity.org](mailto:cpc@lacity.org).

<https://planning.lacity.org/about/commissions-boards-hearings>

**Public Hearing:** Required  
**Appeal Status:** Not further appealable  
**Expiration Date:** April 10, 2025

**Multiple Approval:** Yes

**Case No.:** DIR-2023-2587-TOC-SPP-HCA-1A  
**CEQA No.:** ENV-2023-2588-CE  
**Incidental Cases:** None  
**Council No.:** 13 – Soto-Martinez  
**Plan Area:** Hollywood  
**Specific Plan:** Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan – Subarea B (Mixed Use Boulevards)  
**Certified NC:** East Hollywood  
**GPLU:** Highway Oriented Commercial  
**Zone:** C2-1D  
**Applicant:** Michael Eghabli and Farshad Zaghi

**Representative:** N/A

**Appellant:** Richard Fleming  
5271 W Sunset Blvd  
Tenants Union

**Appellant's Representative:** N/A

**PROJECT LOCATION:** 5271 West Sunset Boulevard (5271-5277 West Sunset Boulevard)

**PROPOSED PROJECT:** The proposed project includes the demolition of a two (2)-story, four (4)-unit apartment building and accessory structure and the construction, use, and maintenance of a four (4)-story, 16,820 square-foot mixed-use building, consisting of 19 dwelling units and 570 square feet of commercial floor area within Subarea B (Mixed Use Boulevards) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan.

**REQUESTED ACTIONS:** An Appeal by the Appellant of the December 11, 2024, Director of Planning's determination which:


1. **Determined** that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332 (Class 32 - In-Fill Development Project), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies;

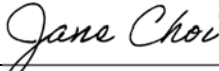
2. **Approve with Conditions** a project consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program Tier 3 to permit a project consisting of 19 residential units by reserving two (2) dwelling units, equal to 10% of the total units, for Extremely Low Income Household Occupancy for a period of 55 years, with Base Incentives permitted pursuant to LAMC Section 12.21 A.31, in addition to the following Additional Incentives:
  - a. **Height.**
    - (i) An up to 4.25% increase in the height requirement, allowing up to 52 foot, three (3) inches of maximum building height in lieu of the maximum 50 feet per SNAP Subarea B;
    - (ii) Transitional height per TOC in lieu of the otherwise required SNAP transitional height requirement for a lot that abuts a parcel within the SNAP Subarea A;
    - (iii) A one (1)-story increase in the height allowance of the portion of the building located within 10 feet of the property line, allowing up to three (3) stories in lieu of the maximum two (2)-stories within 10 feet of the property line along Sunset Boulevard per SNAP Subarea B; and
    - (iv) An up to 11-foot increase in the height allowance of the portion of the building located within 15 feet of the property line, allowing up to 41 feet of maximum building height in lieu of the maximum 30 feet within 15 feet of the property line along Sunset Boulevard per SNAP Subarea B.
  - b. **Open Space Dimension.** An up to 25 percent reduction to permit a minimum common open space width of 15 feet in lieu of the minimum 20 feet otherwise required;
  - c. **Open Space Setback.** An up to 25 percent reduction to permit a minimum distance of 15 feet from the roof perimeter to the required common open space area in lieu of the minimum 20 feet otherwise required; and
3. **Approve with Conditions** a Project Permit Compliance Review for the demolition of a two (2)-story, four (4)-unit apartment building and accessory structure and the construction, use, and maintenance of a four (4)-story, 16,820 square-foot mixed-use building, consisting of 19 dwelling units and 570 square feet of commercial floor area within Subarea B (Mixed Use Boulevards) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan.

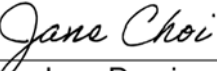
**RECOMMENDED ACTIONS:**

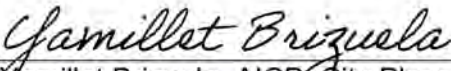
1. **Determine**, based on the whole of the administrative record, that the project is exempt from CEQA pursuant to State CEQA Statute and Guidelines, Article 19, Section 15332 (Urban In-Fill Development), and there is no substantial evidence demonstrating that an exception to a Categorical Exemption pursuant to State CEQA Statute and Guidelines, Section 15300.2 applies;
2. **Deny** the appeal of DIR-2023-2587-TOC-SPP-HCA;
3. **Sustain** the action of the Director of Planning in approving DIR-2023-2587-TOC-SPP-HCA to conditionally approve a Transit Oriented Communities Affordable Housing Incentive Program and a Project Permit Compliance Review to permit the demolition of a two (2)-story, four (4)-unit apartment building and accessory structure and the construction, use, and maintenance of a four (4)-story, 16,820 square-foot mixed-use building, consisting of 19 dwelling units, with two (2) dwelling units reserved for Extremely Low Income Households, and 570 square feet of commercial floor area, and,
4. **Adopt** the Director of Planning's Conditions of Approval and Findings.

VINCENT P. BERTONI, AICP  
Director of Planning

  
\_\_\_\_\_  
Jane Choi, AICP, Principal City Planner

 for  
\_\_\_\_\_  
Deborah Kahen, AICP, Senior City Planner

 for  
\_\_\_\_\_  
Danalynn Dominguez, City Planner

  
\_\_\_\_\_  
Yamillet Brizuela, AICP, City Planning Associate  
[yamillet.brizuela@lacity.org](mailto:yamillet.brizuela@lacity.org)

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300) or emailed to [cpc@lacity.org](mailto:cpc@lacity.org). While all written communications are given to the Commission for consideration, the initial packets are sent to the Commission the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at 213-978-1299.

## TABLE OF CONTENTS

### **Project Analysis**

**A-1**

Project Summary  
Background  
Summary of Appeal & Appeal Analysis  
Staff Recommendation

### **Exhibits:**

- A- Appeal Application and Justification
- B- Maps
  - B.1- Vicinity Map
  - B.2- Radius Map
  - B.3- ZIMAS Map
- C- DIR-2023-2587-TOC-SPP-HCA Letter of Determination
- D- “Exhibit A” Project Plans DIR-2023-2587-TOC-SPP-HCA
- E- Categorical Exemption
  - E.1- Notice of Exemption (ENV-2023-2588-CE)
  - E.2- Class 32 Justifications (ENV-2023-2588-CE)
- F- Los Angeles Housing Department’s Replacement Unit Determination Letter dated September 19, 2022.
- G- Email exchange between Project Planning Staff and the Office of Historic Resources, dated January 30, 2024 – February 5, 2024.

## PROJECT ANALYSIS

### Project Summary

The project is the demolition of a two (2)-story, four (4)-unit apartment building and accessory structure and the construction, use, and maintenance of a four (4)-story, 16,820 square-foot mixed-use building, consisting of 19 dwelling units and 570 square feet of commercial floor area within Subarea B (Mixed Use Boulevards) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan. The proposed project will include 16,250 residential square feet and 570 commercial square feet, with a Floor Area Ratio (FAR) of 2.04:1. The project, as approved in Exhibit "A", will include a total of 22 bicycle parking spaces (20 residential bicycle spaces and two (2) commercial bicycle spaces) and 2,346.5 square of open space. Pursuant to Assembly Bill (AB) 2097, the applicant is proposing no automobile parking spaces. As the proposed project includes the construction of a mixed-use building and the site is located within half a mile of a major transit stop, the project qualifies for the parking reduction under the provisions of AB 2097.

Pursuant to the TOC Guidelines, the project is eligible for Base Incentives and up to three (3) Additional Incentives for setting aside 10 percent of the total 19 units and 11 percent of the base 11 units (maximum allowable density allowed by the Specific Plan, prior to any density increase) for Extremely Low-Income Households.



*Figure 1. Rendering of the proposed project.*

The Applicant was approved for the following TOC Program incentives:

#### Base Incentives:

1. An up to 70 percent increase in density, allowing up to 19 units in lieu of 11 units; and
2. An up to two (2) percent increase in residential floor area ratio, allowing up to 2.04:1 of residential floor area ration in lieu of 2:1 per SNAP Subarea B.

Additional Incentives:

1. Height.
  - a. An up to 4.25 percent increase in the height requirement, allowing up to 52 foot, three (3) inches of maximum building height in lieu of the maximum 50 feet per SNAP Subarea B; and
  - b. Transitional height per TOC in lieu of the otherwise required SNAP transitional height requirement for a lot that abuts a parcel within the SNAP Subarea A;
  - c. An up to 11-foot increase in the height allowance of the portion of the building located within 15 feet of the property line, allowing up to 41 feet of maximum building height in lieu of the maximum 30 feet within 15 feet of the property line along Sunset Boulevard per SNAP Subarea B; and
2. Open Space Dimension. An up to 25 percent reduction to permit a minimum common open space width of 15 feet in lieu of the minimum 20 feet otherwise required; and
3. Open Space Setback. An up to 25 percent reduction to permit a minimum distance of 15 feet from the roof perimeter to the required common open space area in lieu of the minimum 20 feet otherwise required.

On December 11, 2024, the Director of Planning approved the Project, consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program Tier 3 and a Project Permit Compliance Review for the demolition of a two (2)-story, four (4)-unit apartment building and accessory structure and the construction, use, and maintenance of a four (4)-story, 16,820 square-foot mixed-use building, consisting of 19 dwelling units and 570 square feet of commercial floor area within Subarea B (Mixed Use Boulevards) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan.

**Background**

The subject property consists of one (1) lot with approximately 55 feet of frontage along the northerly side of Sunset Boulevard between Hobart Boulevard and Harvard Boulevard. The subject lot has a total lot size of approximately 8,249.9 square feet based on a survey prepared by Fred Yazdan, Professional Land Surveyor #35704. The site is currently improved with a two (2)-story, four (4) apartment building and accessory structure. There is one (1) existing non-protected tree within the public right-of-way, and no existing protected trees or shrubs on site.

The project site is located within the Hollywood Community Plan and Subarea B of the Vermont/Western SNAP Specific Plan. The site is zoned C2-1D, designated for Highway Oriented Commercial land uses. An update of the Hollywood Community Plan was adopted by City Council on January 3, 2023, and became operative on February 11, 2025. The project was filed before the effective date and is vested to the local planning and zoning rules that were in place at the time the complete application was submitted. Therefore, the project is not subject to the new Hollywood Community Plan. The applicable zoning for the site is C2-1D.

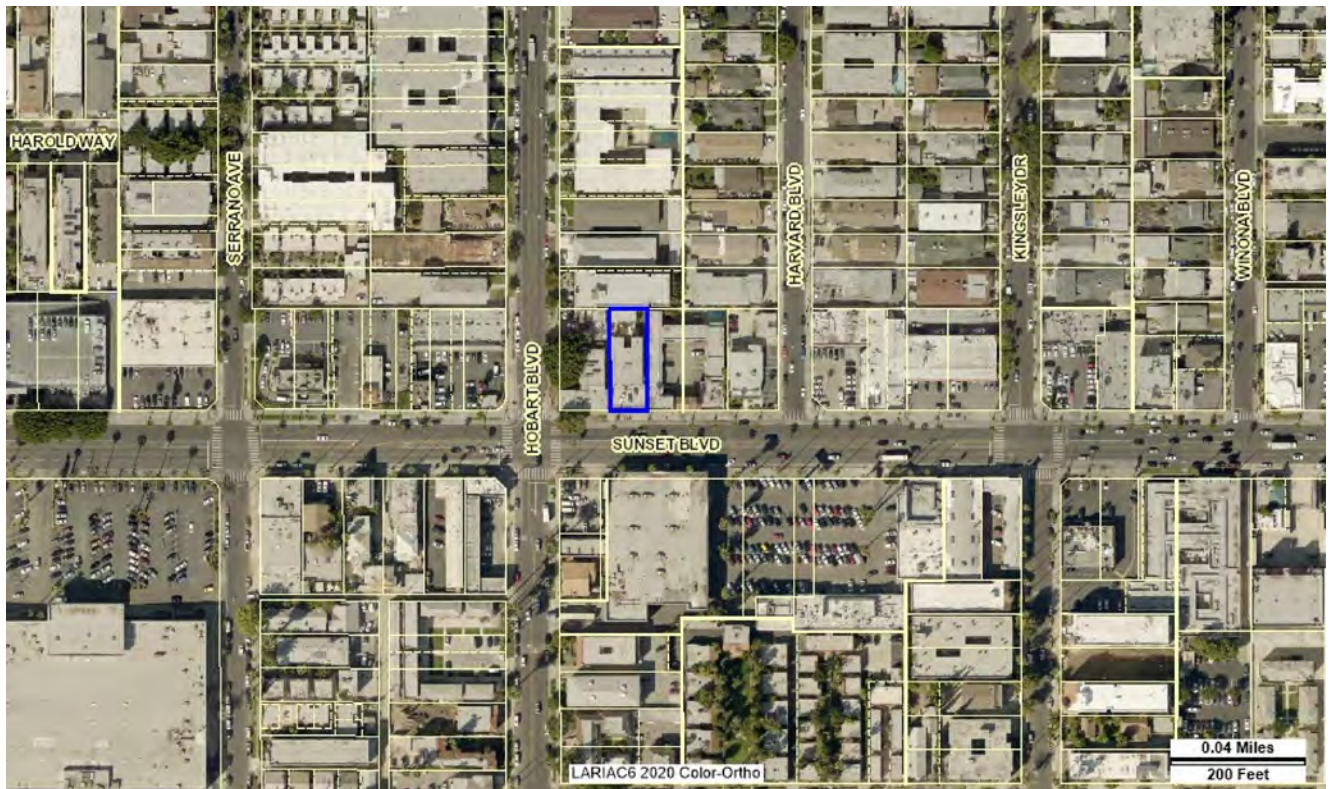


Figure 2. Aerial view of the subject property.

The surrounding area is characterized by level topography and improved streets. Properties to the west and east are zoned C2-1D, located within Subarea B (Mixed-Use Boulevards) of the Vermont/Western SNAP Specific Plan, and developed with commercial buildings. The property to the south, across Sunset Boulevard, is zoned C2-1D, located within Subarea B of the Vermont/Western SNAP Specific Plan, and developed with a commercial building and surface parking lot. Lastly, the property to the north is zoned R3-1XL, located within Subarea A (Neighborhood Conservation) of the Vermont/Western SNAP Specific Plan and developed with a residential building.

### **Summary of Appeal**

On December 24, 2024, an Appellant filed an appeal of the entire Director's Determination issued on December 11, 2024. The following section provides a summary of the Appellant's points and Planning staff's responses to each point.

### **Appeal Analysis**

#### **HISTORIC**

**Appeal Point 1:** *Built in 1920, the existing building predates several historical landmarks, and the building's demolition would erase a significant historical structure and its unique architectural features.*

**Staff's Response:** The project site and existing structures were not found to be historically significant under the California Environmental Quality Act. The site and existing structures have not been identified 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. Furthermore, the Department of City Planning's Office of Historic Resources confirmed in an email dated February 5, 2024 (Exhibit G), that the project site and existing structures are not a historic resource for purposes of CEQA and require no further historical analysis. Therefore, this site has been determined not to be of any historical significance, and the Director's approval was appropriate.

## PROJECT PERMIT COMPLIANCE REVIEW

**Appeal Point 2:** *The proposed project does not comply with the applicable regulations, findings, standards, and provisions of the Vermont/Western SNAP, as it seeks reductions in required open space dimensions and setbacks.*

**Staff's Response:** As conditioned in the Director of Planning's Determination Letter (Exhibit C) and described in the project background above, the proposed project is eligible for Tier 3 Base and Additional Incentives of the Transit Oriented Communities (TOC) Program. These incentives provide the developer relief from developmental standards, including a reduced open space dimension, and setback. A Tier 3 project is eligible for three (3) Additional Incentives if it reserves a minimum of 10 percent of the total 19 units and 11 percent of the base 11 units for Extremely Low-Income Households. The project proposes a total of 19 units, with at least two (2) dwelling units for Extremely Low-Income households. Therefore, the applicant is eligible to utilize three Additional Incentives for relief from height and transitional height requirements, a common open space width reduction, and a reduction in the minimum distance of common open space from the roof perimeter.

The Project was found to be in compliance with the Vermont/Western SNAP for the amount and location of common open space as the Project meets the Tier 3 TOC Program requirements and is granted relief for these development standards through the TOC program.

## REPLACEMENT UNITS

**Appeal Point 3:** *Unlike what is required per Condition No. 3 of the Letter of Determination (LOD), the proposed project does not provide the minimum required number of replacement units mandated by the Rent Stabilization Ordinance (RSO) as only two units are reserved as affordable, which is only 10% of the 19-unit project.*

**Staff's Response:** The project proposes 19 dwelling units, with an 11 percent set-aside, or two (2) units, for Extremely Low-Income Households per the Tier 3, TOC Affordable Housing Incentive Program. The project has been conditioned to record a covenant with the Los Angeles Housing Department (LAHD) to make four (4) units available for Extremely Low-Income Households to ensure the applicant sets aside the required number of affordable housing to be eligible for a 70 percent increase from the total density permitted by the Vermont/Western SNAP Specific Plan.

The Los Angeles Housing Department (LAHD) has determined, per the Housing Crisis Act (SB 8) TOC Replacement Unit Determination (RUD), dated September 19, 2022 (Exhibit F), that four (4) units exists/existed on the property within the last five (5) years. Four (4) Rent Stabilization Ordinance (RSO) units are subject to replacement pursuant to the requirements of California Government Code Section 66300 with the four (4) units subject to replacement as affordable "protected units". Income verification documents

were provided for two (2) units at the Property. The unit at 5273 W. Sunset Blvd. was verified to be a Low-Income affordable unit within the last five (5) years, and the unit at 5275 W. Sunset Blvd. was verified to be an Extremely Low-Income affordable unit within the last five (5) years. Per the income verification documentation, two (2) units will be replaced with equivalent type, with one (1) unit restricted to Extremely Low-Income Households and one (1) unit restricted to Low Income Households. No income documents were provided for the remaining two (2) units. Pursuant to the Housing Crisis Act and the HUD Comprehensive Housing Affordability Strategy (CHAS) database, two (2) units need to be replaced with equivalent type, with one (1) unit restricted to Extremely Low-Income Households and one (1) unit restricted to Very Low-Income Households.

Planning Staff has conditioned the project to adhere to the requirements outlined in the RUD letter, ensuring that four (4) units are reserved for the specified affordability levels. In accordance with Condition No. 3 of the Letter of Determination (Exhibit C), the project is required to comply with the terms of the RUD letter, dated September 19, 2022, to the satisfaction of LAHD. Furthermore, under Condition No. 6 of the Letter of Determination, the project owner must secure LAHD's approval for the replacement of affordable units. Therefore, the Director of Planning's approval was appropriate.

## DISPLACEMENT

**Appeal Point 4:** *Tenants face significant financial and emotional hardship due to displacement, including increased rent, higher living costs, loss of work-from-home setups, and challenges relocating within the community that meets the ADA accessibility requirements, as required by one of the tenants.*

**Staff's Response:** The request before the Planning Department was a consideration of a Transit Oriented Communities Incentive Program determination. The project complies with the applicable regulations and conditions, such as Condition No. 3 and Condition No. 6 of the Letter of Determination, set forth by the Vermont/Western SNAP Regulations and the TOC Guidelines, including provisions for replacing affordable units and ensuring that the tenants impacted by this development are provided with appropriate relocation assistance and the right of return and right of first refusal under the Ellis Act, SB 330 and SB 8. With regard to relocation assistance, the City's Relocation Consultant will be engaged to provide transportation and support during the relocation process, as required by LAMC Section 47.07.

## PARKING

**Appeal Point 5:** *The proposed project does not include any on-site parking spaces, which will result in increased traffic congestion, exacerbate parking shortages, and create public safety risks for residents walking longer distances to access their vehicles.*

**Staff's Response:** AB 2097 prohibits local jurisdictions from requiring new or replacement parking for the proposed 19-unit mixed-used building. The subject site is located within half of a mile from a Major Transit Stop at the intersection of Hollywood Boulevard and Western Avenue, where the City, through AB 2097, cannot impose any minimum parking requirements.

Additionally, the subject site is located in an area covered by Senate Bill (SB) 743. SB 743 instituted changes to the California Environmental Quality Act when evaluating environmental impacts to projects located in areas served by transit. Specifically, Section 21099 (d)(1) of the Public Resources Code (PRC) states:

*Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered a significant impact on the environment.*

The subject site is located in a Transit Priority Area; as such, parking impacts are not a valid criterion when assessing the environmental impacts from the proposed improvement.

Finally, the appellant contends that the longer walks as a result to parking congestion would lead to public safety risks. 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" (Chapter 1 of the Los Angeles Municipal Code Section 12.22.A.25(b)). The appellants have not identified an objective public health or safety standard upon which to base this argument. Consequently, there is no substantial evidence to make the finding to deny the proposed project. Therefore, the Director of Planning's approval was appropriate.

## HEIGHT

**Appeal Point 6:** *The proposed project's height will obstruct sunlight and airflow for neighboring residential buildings, adversely affecting their livability.*

**Staff's Response:** The project site is zoned C2-1D which allows for a maximum building height of 50 feet by-right per SNAP Subarea B. The applicant is requesting three (3) Additional Incentives. One of the additional incentives is to permit an up to a two (2)-feet, three (3)-inches increase in height allowing up to 52 feet, three (3) inches in maximum height instead of the maximum 50 feet otherwise permitted in the C2-1D Zone. The proposed project does not utilize the entire 22-foot increase that is allowed by the TOC Program. Instead, the proposed project is utilizing a two (2)-foot and three (3)-inch increase in height to permit 52 feet and three (3) inches of maximum building height.

The site is in a developed area and is not near a scenic vista or a protected viewshed. Furthermore, the Director determined that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Class 32 (Exhibit D). On September 2013, the Governor signed Senate Bill (SB) 743 into law which establishes that projects located within Transit Priority Areas (TPA), are exempt from aesthetic character, shade and shadow, light and glare, or any other aesthetic impact and shall not be considered an impact for infill projects within TPAs. Specifically, Section 21099(d)(1) of the Public Resources Code (PRC) states that a project's aesthetic and parking impacts shall not be considered a significant impact on the environment if: (1) the project is a residential, mixed-use residential, or employment center project; and (2) the project is located on an infill site within

a transit priority area. Section 21099(a) of the PRC defines a TPA to mean an area within one-half mile of a major transit stop that is existing or planned. The project site is located within one-half mile (approximately 2,460 feet) of the Hollywood/Western Metro Red Line Station, which qualifies the project as a TPA. The proposed project is subject to SB 743 as it is a residential project proposed on an infill site within a Transit Priority Area. Therefore, none of the potential aesthetic impacts associated with the project can be considered a significant impact on the environment. Therefore, the Director's decision was appropriate.

## ENVIRONMENTAL REVIEW

**Appeal Point 7:** *The project does not qualify for a CEQA categorical exemption, as its cumulative impacts, combined with other nearby TOC projects, have not been adequately assessed and may pose risks to public health and safety. Additionally, the absence of noise, air quality, and solar impact assessments, despite the potential risks to public health and safety, highlighting the need for a comprehensive environmental review and should not have been exempted.*

**Staff's Response:** A local agency's determination that a project falls within a categorical exemption is presumed to be valid so long as substantial evidence supports the City's determination that all of the Class 32 requirements have been met. The City has met its burden by preparing a robust and detailed Notice of Exemption and Class 32 Justification, attached as Exhibit E. Once this initial threshold analysis has been met, the burden shifts to the challenging party to produce evidence showing that one of the exceptions applies to take the project out of the exempt category. (Berkeley Hillside Preservation v. City of Berkeley (2015) 60 Cal.4th 1086; San Francisco Beautiful v. City and County of San Francisco (2014) 226 Cal.App.4th 1012, 1022-23.) Here, the Appellant has not met their burden as no facts or evidence were submitted in the administrative record to conclude that the proposed project does not qualify for a Class 32 CEQA Exemption.

As detailed in the Class 32 Justification for Project Exemption Case No. ENV-2023-2588-CE (Exhibit E), the proposed project meets all criteria to qualify as an infill site under the Class 32 CEQA Exemption, California Environmental Quality Act & CEQA Guidelines Section 15332. The Appellant has not submitted substantial evidence as to why the proposed project does not qualify for a Class 32 CEQA Exemption.

### Cumulative Impacts

As for concerns regarding the combined impacts of other nearby TOC Projects, the appellant has not met their burden as there is no evidence in the record to conclude that there will be an adverse cumulative impact caused by the proposed Project and other projects in the vicinity of the Project site. Speculation that significant cumulative impacts will occur simply because other projects may be approved in the same area is insufficient to trigger this exception and is not evidence that the proposed project will have adverse impacts, significant effects, or that the impacts are cumulatively considerable (Hines v. California Coastal Commission (2010) 186 Cal. App. 4th 830, 857). The appellant has not submitted substantial evidence for the record to support their assertions that the cumulative impact exception applies. Speculation and a list of "past projects, current projects, and future projects" do not serve to support the appellant's claims.

The Appellant's comments regarding cumulative impacts are vague and it is unclear what impact would occur and/or why it would occur. Likewise, the Appellant has not submitted any evidence into the record indicating a negative cumulative impact.

#### Technical Studies

The appellant contends that there are potential risks to public health and safety, which had not been explored due to the absence of noise, air quality, and solar impact assessments. As set forth in the administrative record, the proposed project and other projects in the vicinity area are subject to Regulatory Compliance Measures (RCMs) related to air quality, noise, hazardous materials, geology, and transportation. Numerous RCMs in the City's Municipal Code and State law provide requirements for construction activities and ensure impacts from construction-related air quality, noise, traffic, and parking are less than significant. For example, the South Coast Air Quality Management District (SCAQMD) has District Rules related to dust control during construction, type, and emission of construction vehicles, architectural coating, and air pollution. All projects are subject to the City's Noise Ordinance No. 144,331, which regulates construction equipment and maximum noise levels during construction and operation. Furthermore, the Applicant submitted a noise, and air quality study prepared by CAJA Environmental Services, LLC, that demonstrated the proposed project will not have a significant impact upon the environment. A summary of the technical studies' results can be found in CEQA Class 32 Exemption Justification Report of Case No. ENV-2023-2588-CE.

In conclusion, the Appellant has failed to provide substantial evidence demonstrating that the Class 32 Categorical Exemption for the Project is deficient. The CEQA Determination includes substantial evidence that the Class 32 Categorical Exemption applies to the proposed project and that no exceptions to the categorical exemption apply.

#### Specific Adverse Impact

Lastly, 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" (Chapter 1 of the Los Angeles Municipal Code Section 12.22.A.25(b)). The appellants have not identified an objective public health or safety standard upon which to base this argument. Consequently, there is no substantial evidence to make the finding to deny the proposed project.

For the reasons explained above, the Director's decision was appropriate, and the Class 32 Categorical Exemption adequately addresses all impacts relative to the proposed project at 5271 West Sunset Boulevard.

For the reasons explained above, the Director's decision was appropriate.

#### **STAFF'S RECOMMENDATION:**

In consideration of the foregoing, it is submitted that the Director of Planning acted reasonably in conditionally approving a Transit Oriented Communities (TOC) Affordable Housing Incentive

Program, and a Project Permit Compliance Review for the demolition of a two (2)-story, four (4)-unit apartment building and accessory structure and the construction, use, and maintenance of a four (4)-story, 16,820 square-foot mixed-use building, consisting of 19 dwelling units and 570 square feet of commercial floor area within Subarea B (Mixed Use Boulevards) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan. Staff recommends that the Los Angeles City Planning Commission deny the appeal, determine that the project is categorically exempt from CEQA as a Class 32 In-fill Project, sustain the action of the Director of Planning in approving a Transit Oriented Communities (TOC) Affordable Housing Incentive Program and a Project Permit Compliance Review, and adopt the Conditions of Approval and Findings of the Director of Planning.