



## APPLICATIONS:

### APPEAL APPLICATION

#### Instructions and Checklist

**Related Code Section:** Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

**Purpose:** This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

#### A. APPELLATE BODY/CASE INFORMATION

##### 1. APPELLATE BODY

- Area Planning Commission   
  City Planning Commission   
  City Council   
  Director of Planning  
 Zoning Administrator

Regarding Case Number: ENV-2019-5389

Project Address: 5817 - 5823 W. Lexington Ave.

Final Date to Appeal: 05/13/2020

##### 2. APPELLANT

**Appellant Identity:**  
(check all that apply)

- Representative   
  Property Owner  
 Applicant   
  Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved

Person affected by the determination made by the **Department of Building and Safety**

- Representative   
  Owner   
  Aggrieved Party  
 Applicant   
  Operator

##### 3. APPELLANT INFORMATION

Appellant's Name: Ahmad Heydar

Company/Organization: Hollywood Villas, LLC

Mailing Address: 28025 Dorothy Dr., Suite 104

City: Agoura Hills State: CA Zip: 91301

Telephone: (818) 370-4219 E-mail: ahmad@oxfordengr.com

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

- Self   
  Other: Concerned Neighbors of Lexington Ave. & La Brea Ave. Assn.

b. Is the appeal being filed to support the original applicant's position?     Yes     No

**4. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**5. JUSTIFICATION/REASON FOR APPEAL**

- a. Is the entire decision, or only parts of it being appealed?  Entire  Part CEQA
- b. Are specific conditions of approval being appealed?  Yes  No

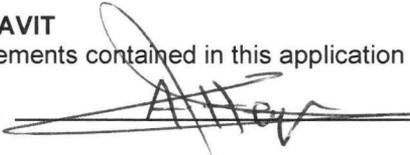
If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

**6. APPLICANT'S AFFIDAVIT**

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

Appellant Signature: 

Date: 5/12/2020

**GENERAL APPEAL FILING REQUIREMENTS**

**B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES**

**1. Appeal Documents**

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Appeal Application (form CP-7769)
- Justification/Reason for Appeal
- Copies of Original Determination Letter

**b. Electronic Copy**

Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

**c. Appeal Fee**

- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

**d. Notice Requirement**

- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

**SPECIFIC CASE TYPES - APPEAL FILING INFORMATION**

**C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)**

**1. Density Bonus/TOC**

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

**NOTE:**

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

- Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

**D. WAIVER OF DEDICATION AND OR IMPROVEMENT**

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

**NOTE:**

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

**E. TENTATIVE TRACT/VESTING**

**1. Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

**NOTE:** Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- Provide a copy of the written determination letter from Commission.

**F. BUILDING AND SAFETY DETERMINATION**

- 1. Appeal of the *Department of Building and Safety* determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.**

**a. Appeal Fee**

- Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

**b. Notice Requirement**

- Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- 2. Appeal of the *Director of City Planning* determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.**

**a. Appeal Fee**

- Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

**b. Notice Requirement**

- Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

**G. NUISANCE ABATEMENT**

**1. Nuisance Abatement** - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

**a. Appeal Fee**

Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

**2. Plan Approval/Compliance Review**

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

**a. Appeal Fee**

Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

**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.*

***Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of 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: \$ 89.00	Reviewed & Accepted by (DSC Planner): Pablo Estrada	Date: 5/12/20
Receipt No: 0203730108	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

May 11, 2020

Concerned Neighbors of Lexington Avenue  
c/o Ahmad Heydar  
Hollywood Villas, LLC  
28025 Dorothy Dr., Suite 104  
Agoura Hills, CA 91301

The La Mirada Ave. Neighborhood Assn.  
P.O. Box 93596  
Los Angeles, CA 90093-0596

Los Angeles City Council  
c/o Los Angeles City Clerk  
Los Angeles City Hall  
200 N. Spring Street, Room 360  
Los Angeles, CA 90012

ORIGINAL

Re: **CEQA APPEAL OF CASE No.: ENV-2019-5389-CE; 5817-5823 Lexington Ave.**

Public Resources Code Section 21151(c) of the California Environmental Quality Act (“CEQA”) permits an aggrieved party to appeal the approval of a Categorical Exemption (“CE”) by a non-elected, decision-making body to that agency’s elected, decision-making body.

In this case, the City Planning Commission (a non-elected, decision-making body) on April 23, 2020 denied two community-based appeals and sustained the Director of Planning’s approval of a density bonus application for a proposed co-living, boarding house style development at 5817 -5823 Lexington Ave. As part of its approval, the Commission issued an April 28, 2020 determination letter re-stating that the project is exempt from CEQA, and that there is no substantial evidence demonstrating that any exceptions regarding significant effects or unusual circumstances applies.

The Commission’s determination is wrong. The courts have mandated that categorical exemptions be construed strictly, shall not be unreasonably expanded beyond their terms, and may not be used where there is substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. McQueen v. Mid-Peninsula Regional Open Space (1988) 202 Cal.App.3d 1136.

As noted by public speakers during the Commission’s hearing, and in written objections entered into the record, the use of a categorical exemption is improper.

The Project’s Categorical Exemption fails to acknowledge the impacts resulting from the proposed development. Per CEQA Guidelines Section 15300.2, a Class 32 exemption must be consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulation. Yet the project is at odds with the General Plan, the Hollywood Community Plan, the Hollywood Redevelopment Plan, and AB 283.

Furthermore, CEQA Guidelines Section 15300.2 requires environmental review if cumulative impacts are significant. Under CEQA, when an agency is making an exemption determination it may not ignore evidence of an unusual circumstance creating a reasonable possibility of a significant environmental impact. Likewise, an agency may not avoid assessing environmental impacts by failing to gather relevant data. The City argues that environmental review is unnecessary because there were no findings of environmental impacts.

Yet the courts have warned against such a “mechanical application” in situations where agencies have failed to gather the data necessary for an informed decision. Because CEQA places the burden of environmental investigation on government rather than the public, an agency should not be allowed to hide behind its own failure to gather relevant data.

In the case of 5817 Lexington Ave., the unusual circumstances surrounding this project make a categorical exemption inapplicable. Specifically, the project is not, as approved, a 21-unit apartment building. It is instead a 94-unit co-living development that is illegal under the density restrictions of the underlying zoning. The city has improperly reviewed the project as 21 units, and therefore claims that the development and a similar project proposed by the same owner directly across the street fail to meet the threshold necessary for environmental review. This “mechanical application” conflicts with CEQA.

## I. PROJECT BACKGROUND

The project’s underlying R3-1 Zone allows 19 units on the 15,000 sq. ft. site, with a 45-foot height restriction. The proposed density bonus project received city approval as a 5-level, 56-foot-tall, 21-unit apartment building. Yet the “21 units” are actually 94 units with 67 full bathrooms, as the plans show that the project is a co-living arrangement of 3 studio units, 2 two-bedroom units, 1 four-bedroom unit, and 14 six-bedroom units (with two units having a large, walk-in closet and extra bathroom, potentially being a 7<sup>th</sup> bedroom). This layout is consistent with the developer’s original application submitted in 2018 for a Transit Oriented Communities (TOC) project. That proposal -- which had 3 one-bedroom units, 3 two-bedroom units, 1 four-bedroom unit, 3 five-bedroom units, and 11 six-bedroom units -- was rejected by the Community Redevelopment Agency for exceeding the limitations of the Hollywood Redevelopment Plan.

Los Angeles Municipal Code (LAMC) Section 12.21.A.1(b) states: “Whenever a layout within any dwelling unit or guest room is designed with multiple hallway entrances, **multiple toilet and bath facilities** or bar sink installations, so that it can be easily divided into **or used for separate apartments or guestrooms**, the lot area requirements and the automobile parking requirements shall be based upon the highest number of dwelling units or guest rooms obtainable from any such arrangement.”

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### **Sec. 12.21**

#### **SEC. 12.21 -- GENERAL PROVISIONS.**

##### **A. Use.**

##### **1. Conformance and Permits Required.**

(a) **Permits and Licenses.** No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved, or maintained, nor shall any building, structure or land be used or designed to be used for any use other than is permitted in the zone in which such building, structure or land is located and then only after applying for and securing all permits and licenses required by all laws and ordinances. *(Amended by Ord. No. 131,319, Eff. 1/16/66.)*

(b) **Flexible Units.** Whenever a layout within any dwelling unit or guest room is designed with multiple hallway entrances, multiple toilet and bath facilities or bar sink installations, so that it can be easily divided into or used for separate apartments or guestrooms, the lot area requirements and the automobile parking requirements shall be based upon the highest possible number of dwelling units or guest rooms obtainable from any such arrangement. *(Amended by Ord. No. 149,118, Eff. 2/6/77.)*

Per the LAMC, the lot area and parking requirements must be based upon the highest possible number of rooms obtainable. Per CEQA, environmental analysis must be based upon the true scope of the project. In this case, the applicant's plans show 94-studio units/guestrooms disguised as 21 "apartment" units. The applicant is gaming the system to evade the density limitations of both the underlying zone and the Redevelopment Plan Area, and to avoid Site Plan Review and CEQA analysis. The project as submitted is therefore illegal.

There is no dispute that the applicant, Mr. Daniel Pourbaba of the co-living company Proper Development, will be leasing the bedrooms as individual studio units. Note in **Exhibit 1** the LA Times article "New York Co-Living Company Plans \$100 million Expansion with Los Angeles Apartment Developer" (3/8/2019), which identifies Mr. Pourbaba as the founder of Proper Development, and states that his company "will build seven co-living apartment buildings over the next two or three years" that the co-living leasing company Common will operate, with a combined total of 600 beds (or an average of 86 bedrooms per building). The article further acknowledges: "Residents in a co-living complex typically have their own bedroom and bathroom but share kitchens, living rooms and other common areas." The article references a completed project in Hollywood called "Common Melrose" that leases individual bedroom "studio units" for \$1,550/month, including "utilities, WiFi and housekeeping services to keep the common areas clean."

Note at **Exhibit 2** the on-line advertisement for "Common Melrose," a two-story "duplex" with 12 bedrooms and 9 bathrooms in the R2-1XL Zone at 6501-6507 Melrose Ave.: "Access to first-rate amenities and services mean you save every month over a traditional *studio apartment*." Tenants are offered leases only for "*a private bedroom*," not apartment units. The ad further states: "Your laundry, utilities, household essentials, professional cleansings, and WiFi are covered under one all-inclusive rate."

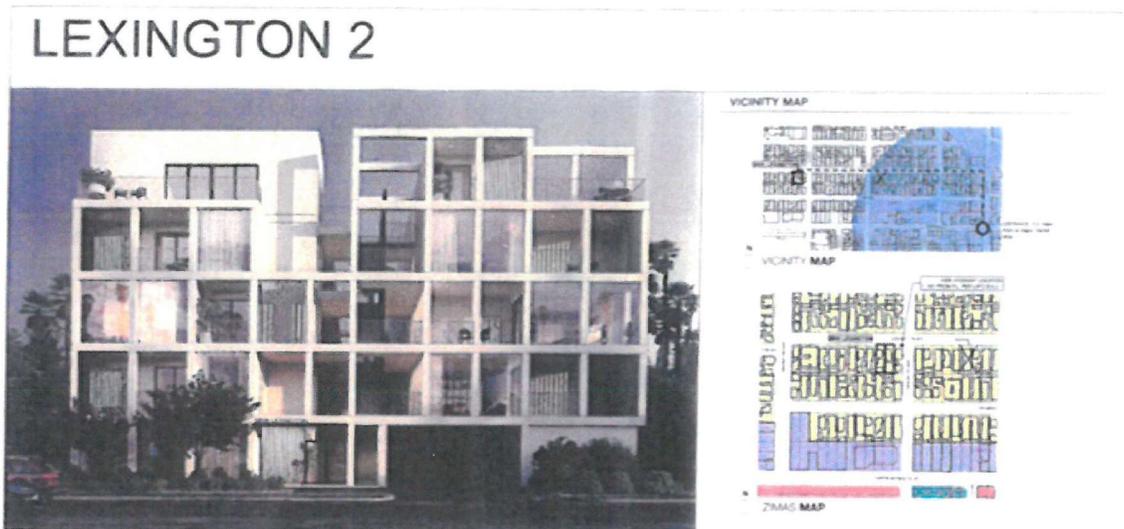


Above: Google Earth photo of "Common Melrose," a 12-unit/9-bathroom co-living development in the R2-1XL Zone constructed by Daniel Pourbaba of Proper Development. The city approved the project as a "duplex."

The 5817 Lexington project is a co-living development. It is not 21 units but 94 units. Like the "Common Melrose" development, the Lexington project's bedrooms will be leased individually as studio apartments. The application is merely a conceit to evade zoning laws and environmental review.

The 5817 Lexington project's description and Categorical Exemption further improperly omit reference to, and environmental analysis of, significant proposed development by the same applicant of property located immediately across the street at 5806-5812 Lexington Ave. That project is aptly called "Lexington 2."

In its Recommendation Report for the Commission's April 23<sup>rd</sup> hearing, planning department staff claimed that both the 5817 Lexington project and "Lexington 2" were considered as one project. Yet the city reviewed both projects with the false unit count stated by the applicant. Lexington 2 is proposed as a 17-unit, 56-foot-tall development on a 15,000 sq. ft., 2-parcel combined lot, with 94 bedrooms and 25 unbundled parking stalls. That project consists of 2 three-bedroom units, 1 four-bedroom unit, and 14 six-bedroom units. There would be 62 full bathrooms. Two units would be set aside as affordable for the incentives for the height and FAR increases, parking reduction, and reductions in rear yard setback and open space.



Project applicant's rendering of "Lexington 2," a proposed co-living development across the street from his other project that the applicant submitted in November of 2019.

The two Lexington projects combined therefore have 188 bedrooms with 129 full bathrooms, and just 54 parking stalls. The underlying zoning only permits a combined 38 units for the two sites. Under LAMC Section 12.21.A.1(b), if multiple toilet and bath facilities within a unit can be utilized as guest rooms, the unit count and parking requirement is supposed to be determined based on the highest possible number of units from this arrangement. CEQA analysis therefore must also view the two projects as 188 units, not 38.

The city has allowed both developments to proceed without meaningful environmental analysis of the project in its entirety. Environmental analysis under CEQA must include all project components comprising the "whole of the action," so that "*environmental considerations do not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences.*" Burbank-Glendale Pasadena Airport Authority v. Hensler (1991) 233 Cal.App.3d 577, 592. The applicant has piecemealed his projects in order to evade acknowledgement of their significant effects, as well as the cumulative effects of numerous other similar projects in the vicinity.

Failure to effectively consider the environmental impacts associated with the “whole” project constitutes a piecemeal approach to cumulative impact analysis. Such segmentation is expressly forbidden under CEQA.

CEQA’s “requirements cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial.” Plan for Arcadia, Inc. v. City Council of Arcadia (1974) 42 Cal.App.3d 712, 726.

“Such conduct amounts to ‘piecemealing,’ a practice CEQA forbids.” Lincoln Place Tenants Ass’n v. City of Los Angeles (2007) 155 Cal.App.4th 425, 450; see also Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonoma (2007) 155 Cal.App.4th 1214, 1231 [The Court invalidating an MND because of a City’s failure to consider a retail development and adjacent road project as one single project for the purposes of CEQA.

“City violated CEQA by treating them as separate projects subject to separate environmental reviews.”]; Lighthouse Field Beach Rescue v. City of Santa Cruz (2005) 131 Cal.App.4th 1170, 1200 [The city’s failure to consider the whole of the project compelled the Court to overturn the city’s adoption of a negative declaration.]

Here, the city has failed to consider the true unit count of the two co-living buildings as one project, the “whole of an action.” As noted in CEQA Guidelines Section 15165:

Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a single program EIR for the ultimate project as described in Section 15168. Where an individual project is a necessary precedent for action on a larger project, or commits the Lead Agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect.

Lexington 1 and Lexington 2 are two pieces of one overall development by one entity, a total undertaking that comprises a project with significant environmental effect. CEQA requires that the city consider the two pieces as one to properly review the “whole of an action.” Yet the city has failed to proceed in a manner prescribed by law and consequently must initiate proper re-review of the environmental impacts associated with not only these developments, but also the cumulative effect of similar projects in the entire vicinity.

## **II. THE CITY IS IGNORING THE PROJECT’S CUMULATIVE IMPACTS**

A CEQA categorical exemption is inapplicable when the cumulative impact of successive projects of the same type over time is significant. The cumulative impact of the proposed project in conjunction with other developments in the vicinity has not been analyzed. As noted in our appeal to the Commission, there are 35 TOC/density bonus projects that we are aware of that have been proposed or approved in just the last two years in the East Hollywood area.

These 34 projects would construct 2,026 dwelling units. The existing sites currently consist of 68 residential units, primarily single-family homes dating to the turn of the last century. No environmental analysis has been conducted on **33 of the 35** projects, as the planning department has erroneously determined all but one to be categorically exempt. Note below the following list of similar proposed/approved TOC/density bonus discretionary projects within the vicinity of the subject site:

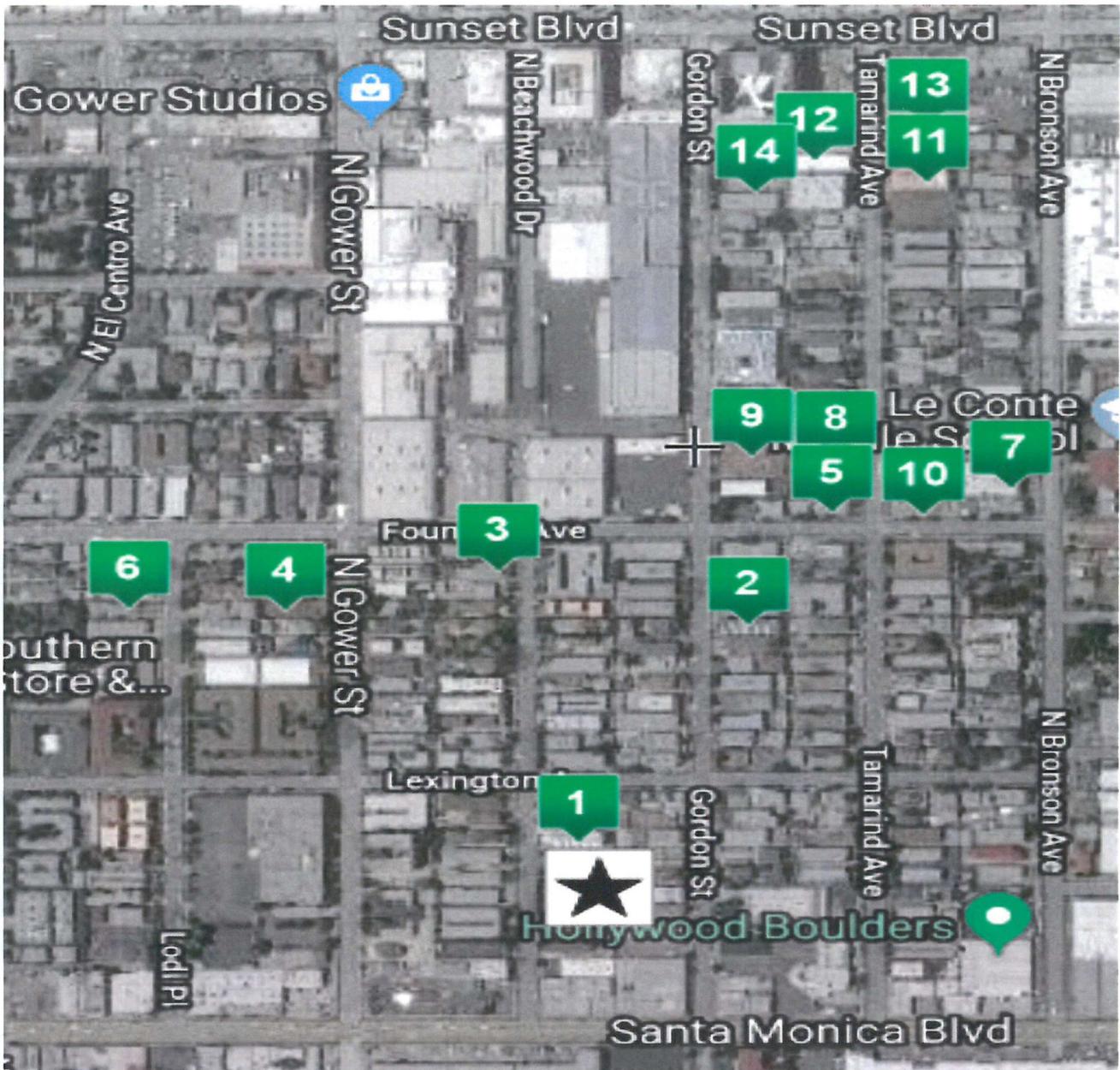
	<b>Address of proposed TOC/DB projects</b>	<b>Existing</b>	<b>Proposed</b>	<b>Increase</b>	<b>Case No.</b>
1	5817-5823 Lexington Ave.	4 units	21 units	17 units	DIR-2019-5388-DB
2	5806-5812 Lexington Ave.	2 units	17 units	15 units	DIR-2019-7067-TOC
3	1310-1316 N. Gordon St.	None	60 units	60 units	DIR-2019-7670-DB
4	1333-1343 N. Tamarind Ave.	3 units	45 units	45 units	DIR-2019-3141-DB
5	1222 N. Beachwood Dr.	3 units	11 units	8 units	DIR-2019-4192-DB
6	1130-1132 N. Beachwood Dr.	2 units	15 units	13 units	DIR 2018-723-TOC
7	1151-1153 N. Gordon St.	2 units	14 units	12 units	PAR-2018-5490-TOC
8	5530 Virginia Ave.	None	64 units	64 units	PAR-2018-4912-TOC
9	5533 Virginia Ave.	2 units	23 units	21 units	DIR 2017-4807-TOC
10	5537-5547 Santa Monica Blvd.	None	60 units	60 units	PAR-2018-4907-TOC
11	5412 Santa Monica Blvd.	None	60 units	60 units	DIR-2018-5887-TOC
12	5627 Fernwood Ave.	None	60 units	60 units	DIR 2017-4872-TOC
13	5456 Barton Ave.	1 unit	7 units	6 units	PAR-2018-4295-TOC
14	5460 Fountain Ave.	None	49 units	49 units	ADM-2018-3871-TOC
15	5509-5529 Sunset Blvd.	None	412 units	412 units	CPC-2019-4639-CU-DB-SPE
16	5717 Carlton Way	4 units	39 units	35 units	DIR-2017-2680-TOC-SPP
17	1341 - 1349 N. Hobart Blvd.	9 units	29 units	20 units	DIR-2019-790-TOC
18	908 N. Ardmore Ave.	6 units	33 units	27 units	DIR 2018-3931-TOC
19	926-932 N. Kingsley Dr.	5 units	37 units	32 units	DIR-2019-2038-TOC
20	4904-4920 Santa Monica Blvd.	None	62 units	62 units	DIR-2020-667-TOC
21	1301 N. Alexandria Ave.	3 units	16 units	13 units	DIR-2019-5422-TOC
22	1220 N. Vermont Ave.	None	29 units	29 units	DIR-2019-1254-TOC
23	1225 N. Vermont Ave.	None	58 units	58 units	DIR-2019-909-TOC-SPP
24	4626-4644 Santa Monica Blvd.	None	177 units	177 units	DIR-2019-337-SPP-SPPA-TOC-SPR
25	4100 Melrose Ave.	None	33 units	33 units	DIR 2018-7575-TOC
26	627 N. Juanita Ave.	1 unit	17 units	16 units	DIR 2018-1421-TOC-SPP
27	636-642 N. Juanita Ave.	2 units	33 units	31 units	DIR-2019-970-SPP-TOC
28	516 N. Virgil Ave.	1 unit	16 units	15 units	DIR-2019-4185-SPP-TOC
29	611-615 N. Virgil Ave.	None	30 units	30 units	DIR-2019-7613-TOC
30	700-710 N. Virgil Ave.	None	37 units	37 units	DIR-2020-783-TOC
31	4575 Santa Monica Blvd.	None	14 units	14 units	DIR-2018-347-TOC-SPP-SPPA
32	4537-4545 Santa Monica Blvd.	None	23 units	23 units	DIR-2019-2431-TOC
33	4704-4722 Santa Monica Blvd.	4 units	197 units	194 units	DIR-2019-5645-TOC
34	4629-4651 Maubert Ave.	14 units	153 units	139 units	DIR-2019-3760-SPP-TOC
35	1276 N. Western Ave.	None	75 units	75 units	DIR-2015-3566-DB-SP
	<b>Totals</b>	<b>Existing 68 units</b>	<b>Proposed 2,026 units</b>	<b>Increase 1,958 units</b>	33 of the 35 projects claim to be categorically exempt from CEQA



In addition to the 35 TOC/density bonus projects proposed within the vicinity of the subject site, there are 6 subdivisions recently approved or seeking approval within three blocks of 5817 Lexington Ave., and 204 ministerial apartment units currently under construction. Four of the six subdivisions were processed as categorically exempt from CEQA.

Addresses of subdivision projects	Existing	Proposed	Increase	Case No.
1 1146 N. Beachwood Dr.	2 units	12 units	10 units	VTT-72899-SL
2 1238 N. Gordon St	2 units	10 units	8 units	VTT-72931-SL
3 1255 N. Beachwood Dr.	4 units	6 units	2 units	VTT-80291-SL
4 1243 N. Gower St.	1 unit	5 units	4 units	VTT-78230
5 1301 N. Tamarind Ave	2 units	6 units	4 units	VTT-74907-SL
6 1248-1254 N. Lodi Pl.	2 units	10 units	8 units	VTT-82120-SL

Addresses of apartment projects	Existing	Approved	Increase	Building(s) demolished
7 1307 N. Bronson Ave	1 unit	21 units	20 units	Single-family home
8/9 1317 N. Tamarind Ave./1308 N. Gordon St	7 units	21 units	14 units	Single-family home, 6-unit RSO apartment
10 1300-1310 N. Tamarind Ave	10 units	32 units	22 units	2 duplexes and a 6-unit RSO apt.
11 1432 N. Tamarind Ave	2 units	21 units	19 units	Duplex under RSO
12 1439 N. Tamarind Ave	2 units	21 units	19 units	Duplex under RSO
13 1446 N. Tamarind Ave.	1 unit	44 units	43 units	Single-family home
14 1338 N. Gordon St.	5 units	44 units	39 units	Single-family home, 4-unit RSO
<b>Total subdivisions/apartments</b>	<b>41 units</b>	<b>243 units</b>	<b>202 units</b>	Almost all CEQA exempt



Recently approved subdivisions/apartment buildings totaling 209 units within three blocks of the site

In a February 23, 2018 letter to the Community Redevelopment Agency objecting to the proposed demolition of a 1916 duplex at 1130 N. Beachwood Dr., the preservation organization Hollywood Heritage addressed the enormous destruction occurring near the project site and the cumulative impacts associated with it (see **Exhibit 3**):

“The cumulative loss of resources such as 1130-1132 Beachwood Dr. is quickly erasing the remaining built environment of early Hollywood. This is nowhere more true than the portion of Hollywood bounded on the south by Santa Monica Blvd., on the east by Bronson Ave., on the north by Fountain Ave., and on the west by Gower St., for which Hollywood heritage has received numerous demolition notifications over the past several years. “



Photo above: 44-unit apartment building under construction at 1338 N. Gordon St.

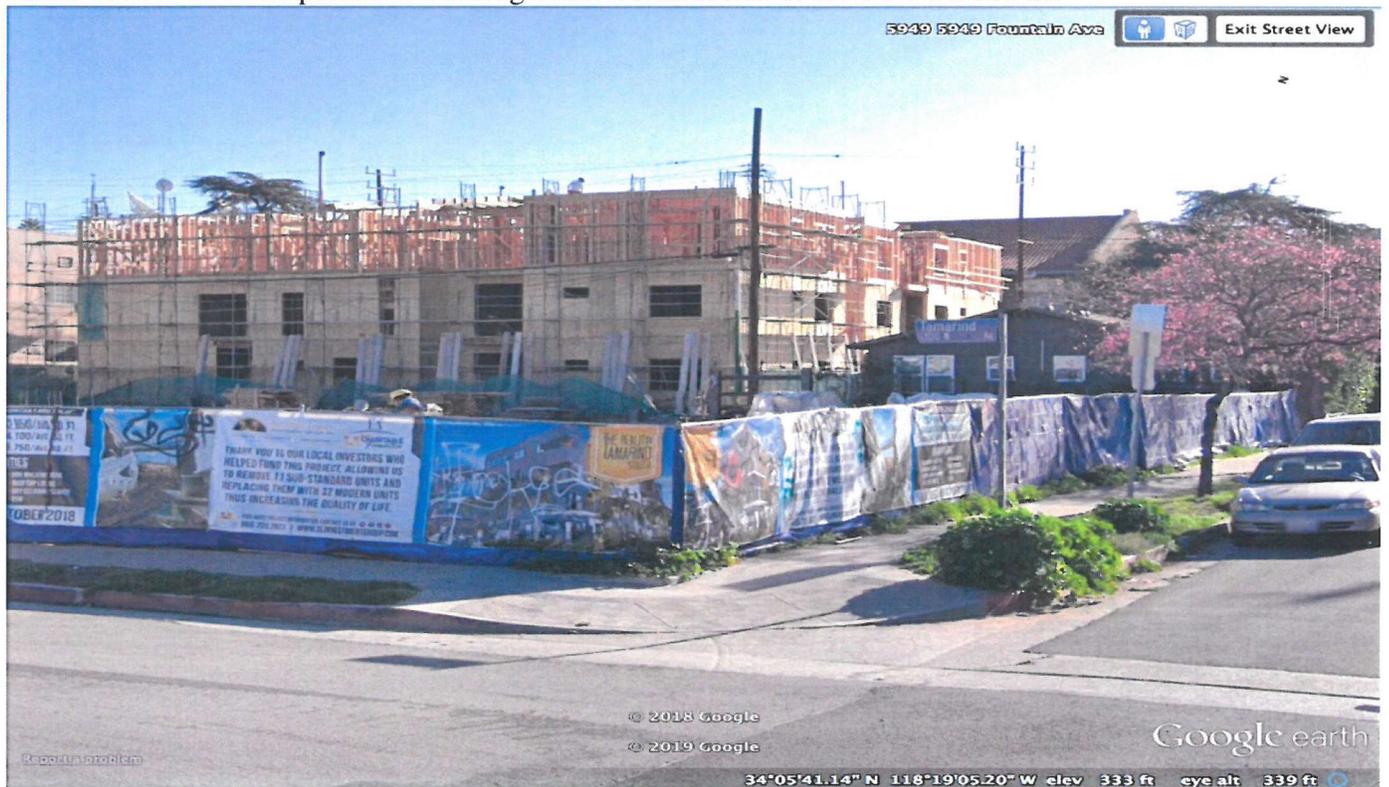
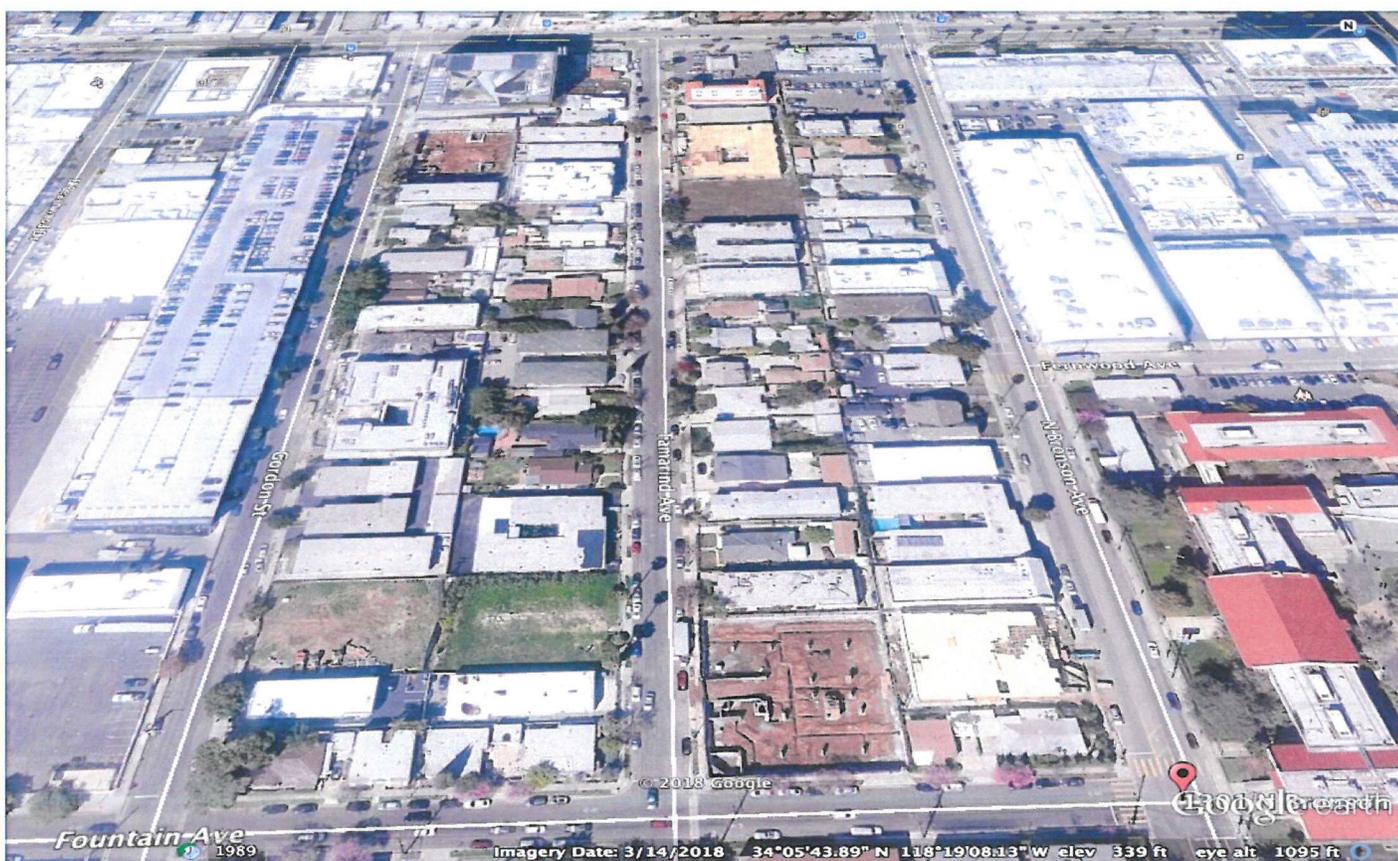


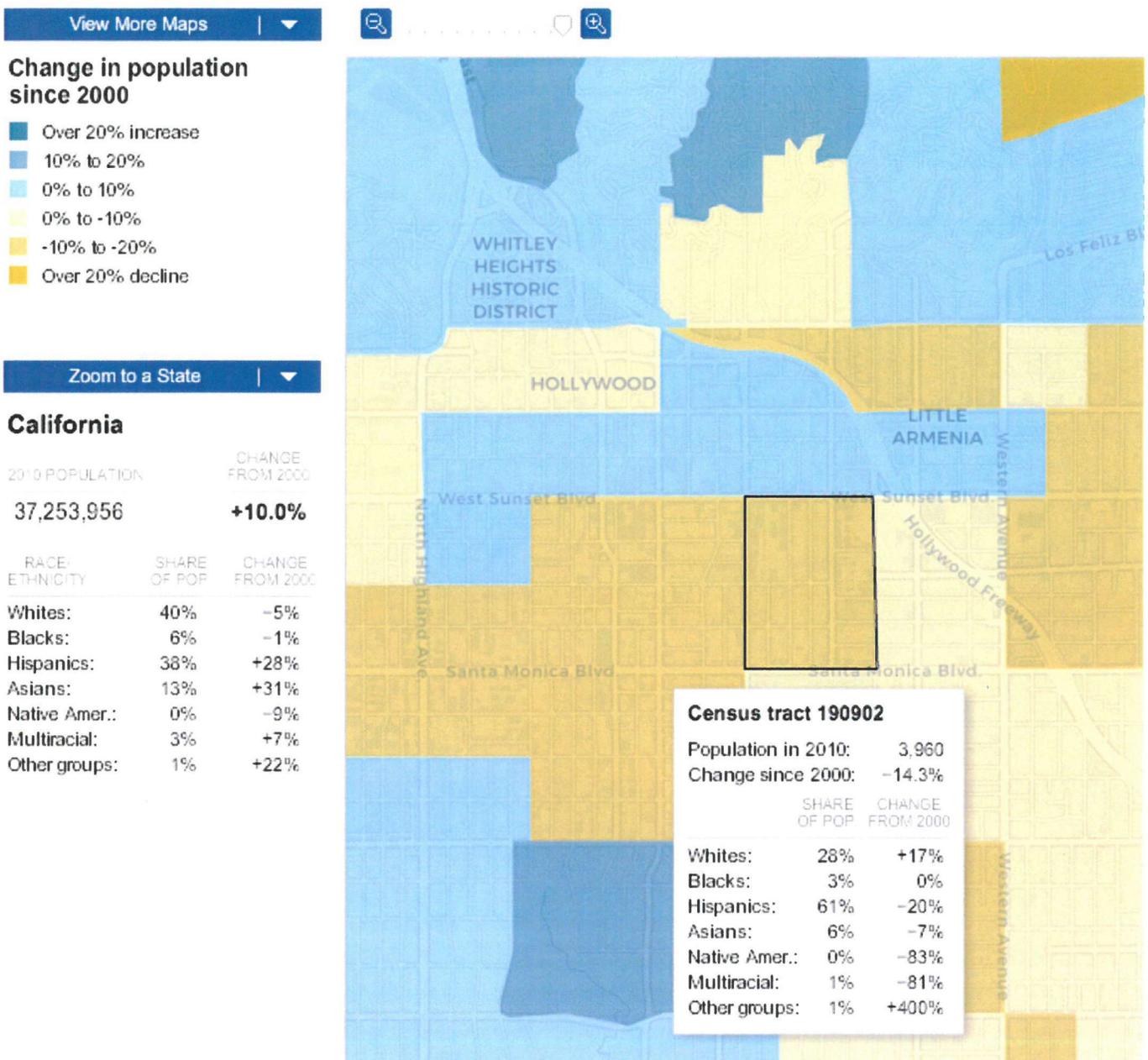
Photo above: 32-unit apartment building under construction at 1310 N. Tamarind Ave.



Aerial photo of demolition/construction sites in the 1300 and 1400 blocks of Gordon Street/Tamarind Ave.

With each additional project there is increased pressure on adjacent property owners to sell their land for another grossly out-of-scale development, spurring a domino effect that is literally wiping out the historic significance of this community, and with it the minority population that for decades has occupied it.

The project is in Census Tract 1909.02. Note below 2010 and 2017 data for Census Tract 1909.02 showing its declining minority population and increasing White population: 2010 figures show a 17% increase in the White population with a 20% decrease in the Hispanic population. In contrast, during the same period California overall experienced a 5% decline in the White population and a 28% increase in the Hispanic population. It should be further noted that 92% of the population in Census Tract 1909.02 are renters.



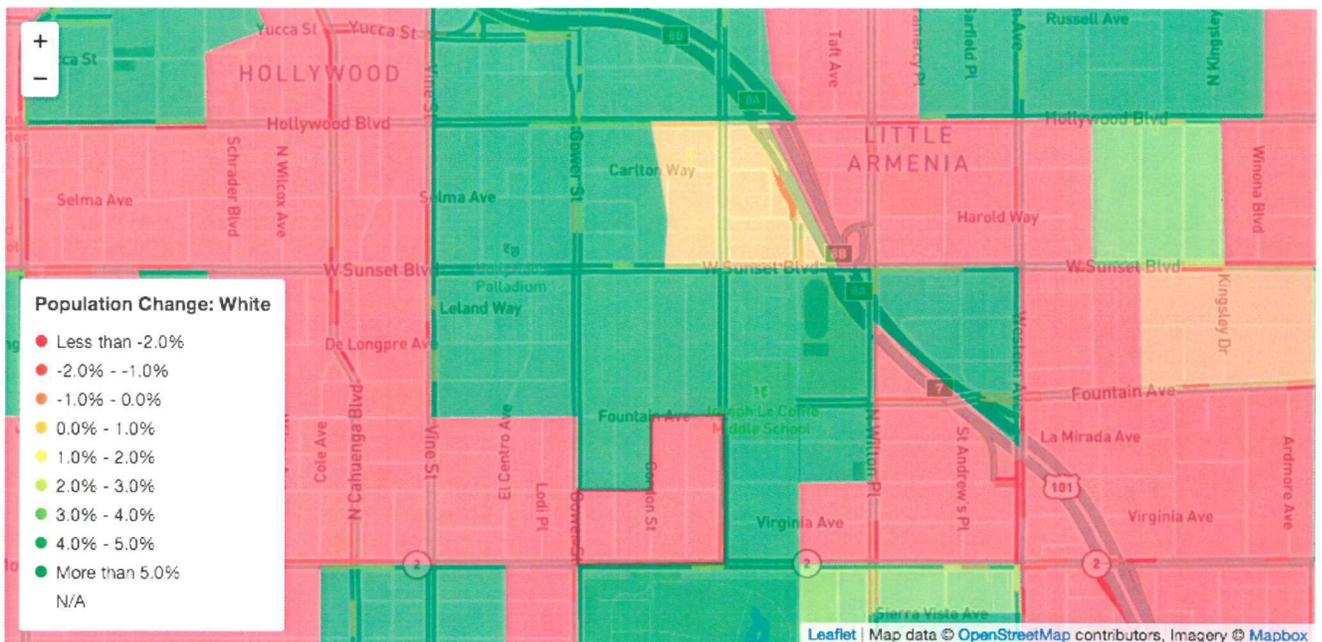
This gentrification trend has only accelerated since 2010. Note 2017 map below showing that the most developed areas of East Hollywood have the greatest increases in the White population:

2017 American Community Survey 5-Year Estimates

### Block Group 2, Census Tract 1909.02, Los Angeles County, California: Population Change: White

Other Areas in Block Group 2, Census Tract 1909.02, Los Angeles County, California

U.S. Population Change: White: 2.2% (2017)



As applied to a categorical exemption, CEQA Guidelines Section 15300.2(b) provides an exemption cannot be utilized “when the cumulative impact of successive projects of the same type in the same place over time is significant.”

Under CEQA, when an agency is making an exemption determination it may not ignore evidence of an unusual circumstance creating a reasonable possibility of a significant environmental impact. Committee to Save the Hollywoodland Specific Plan v City of Los Angeles (2008) 161 Cal.App.4th 1168, 1187 (city approval set aside because city failed to consider proffered evidence regarding historic wall).

Likewise, an agency may not avoid assessing environmental impacts by failing to gather relevant data. The city’s determination letter contains **no** findings whatsoever to justify the categorical exemption. Instead, the city simply states “*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...and there is no substantial evidence demonstrating that any exceptions*” apply.

First, there was no justification “prepared and found in the environmental case file,” other than a “finding” stating: “*The project should not result in significant effects related to traffic, noise, air quality or water quality.*”

Second, substantial evidence is defined in Section 15384 of the CEQA Guidelines as “*enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record.*”

The city has failed in its responsibility to examine the “whole record,” first by allowing the developer to piecemeal his project, and second by refusing to review the cumulative impacts of successive projects over time. In particular, the city has failed to review impacts to population displacement, traffic circulation, public resources, and other environmental factors affected by allowing density increases inconsistent with the applicable general plan policies as well as with applicable zoning designation and regulations. As noted, the project’s unit density far exceeds the permissible zoning designation under both the Hollywood Community Plan and the Hollywood Redevelopment Plan.

Planning staff’s response to this information is to shrug it off. The Recommendation Report responds that some of the identified projects have been proposed but not yet approved, some have been approved but not begun construction, and some are under construction but not yet completed. How this “analysis” is relevant in assessing the list of related projects is a mystery. The Report further states: “*Consistent with LADOT’s policy, projects adding 34 units do not require a traffic study. No traffic study and further analysis of traffic impacts would be required and therefore would not have a significant impact.*” Yet appellants have identified 2,269 similar units, not 34, and have also shown that the Lexington project is 188 combined units, not 34.

CEQA requires that an environmental document include a description of the project’s environmental setting or “baseline.” CEQA Guidelines § 15063(d)(2). The CEQA “baseline” is the set of environmental conditions against which to compare a project’s anticipated impacts. CBE v. SCAQMD, 48 Cal.4th at 321. CEQA Guidelines section 15125(a) states, in pertinent part, that a lead agency’s environmental review under CEQA:

...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.

See Save Our Peninsula Committee v. County of Monterey (2001) 87 Cal.App.4th 99, 124–25 (“Save Our Peninsula”).) As the court of appeal has explained, “the impacts of the project must be measured against the ‘real conditions on the ground,’” and not against hypothetical permitted levels. *Id.* at 121–23.

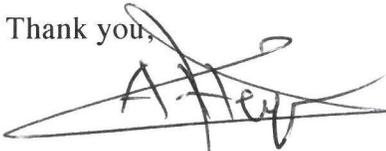
The Court in Stanislaus Audubon Society v. County of Stanislaus (1995) 33 Cal.App.4th 144, 151 also stressed that a lead agency should not give an “unreasonable definition” to the term substantial evidence, “equating it with overwhelming or overpowering evidence. CEQA does not impose such a monumental burden.”

“The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” Communities for a Better Env’t v. Cal. Res. Agency (2002) 103 Cal.App.4th 98, 109 (CBE v. CRA).

### III. CONCLUSION

For the above reasons, we request that the City Planning Commission overturn the Commission’s approval of Case No. ENV-2019-5389-CE.

Thank you,



AHMAD HEDAR



This joint appeal is joined by:

Pedro Guevara  
SPC Holdings, LLC  
P.O. Box 4814  
Whittier, CA 90607

Sar Kotoyan  
5833 Lexington Apt., LLC  
P.O. 570513  
Tarzana, CA 91357-0513

Michael Higgins  
5822 Lexington Ave.  
LA, CA 90038



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BUSINESS

# New York co-living company plans \$100 million expansion with Los Angeles apartment developer



Rendering of a planned co-housing project in Mar Vista to be built by Proper Development and operated by Common. (Proper Development)

By ROGER VINCENT  
STAFF WRITER

MARCH 8, 2019 | 5 AM



Co-living is one the newest trends in urban housing, and it has prompted a New York operator to join with a Los Angeles developer to create \$100 million worth of

shared, furnished apartments to help meet a projected deep demand in Southern California.

Residents in a co-living complex typically have their own bedroom and bathroom but share kitchens, living rooms and other common areas with fellow tenants. It's a [small but growing segment](#) of the apartment market, mostly serving young professionals who can't afford the rent in hip, desirable neighborhoods.

New York-based co-living operator Common and its Los Angeles partner Proper Development tested the waters in Los Angeles with a 24-unit complex on Melrose Avenue completed in November that got 9,000 applications from would-be tenants, Common founder Brad Hargreaves said.

"We see huge demand in Los Angeles," Hargreaves said, for shared furnished apartments that rent for \$1,300 to \$1,800 per month.

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At [Common Melrose in Hollywood](#), monthly rent of \$1,550 includes utilities, wi-fi and housekeeping services to keep the common areas clean.

When the costs of such services are included in price comparisons, units at Common properties can be rented for 20% less than competing new studio-style units nearby, according to Hargreaves.

[Proper Development](#) will build seven co-living apartment buildings over the next two or three years that Common will operate with a combined total of 600 beds, he said. The beds are full or queen, he added. "No bunk beds here. Everyone gets their own room."

The companies are planning projects in Mar Vista, Echo Park, Koreatown,

Larchmont and Playa Vista, he said.

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“The urgency to develop market rate housing at accessible price points is tremendous,” said Daniel Pourbaba, founder of Proper Development.

The units are meant to serve people who are making about \$40,000 to \$80,000 per year. The median age of Common tenants is 29, Hargreaves said, “which is a little bit older than most people expect.”

That’s because demand extends beyond millennials early in their careers, he said. Tenants include empty-nesters in their 60s.

Formal co-living complexes — in some ways a new take on old-fashioned boarding houses — are still a novelty in Southern California but stand to emerge as a new property category, like assisting living complexes designed to serve the growing numbers of wealthy seniors.

ADVERTISEMENT

A portfolio of buildings in an established property class can get funded by banks, purchased by pension funds and even securitized in real estate investment trusts.

Justin Mateen, co-founder of dating app Tinder, has invested more than \$25 million in Proper Development’s co-living projects over the last few years through his Beverly Hills real estate company JAM Capital Real Estate and plans to double that investment figure this year.

“Multifamily development has been slow to adapt to the needs of modern renters, but now that lenders are increasingly recognizing co-living as an attractive asset

class we are seeing an influx of institutional capital entering the market looking to co-invest with us,” Mateen said.

Co-living competitors in the Los Angeles area include [Starcity](#), which operates a recently opened complex near Marina del Rey built by [California Landmark Group](#), and co-living company Node, which operates newly renovated bungalow court apartments in Echo Park.

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Starcity is based in San Francisco. Node is headquartered in London and has properties in multiple countries.

“Common is making a major commitment to Los Angeles,” Hargreaves said, “which is on track be our second biggest market after New York.”

BUSINESS



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**TRENDING:** Coronavirus Compass WeWork

# Common ground: Proper Development teams with NY co-living firm on LA expansion

*Common co-living will open 7 apartment buildings in the city in \$100M rollout*

**TRD** LOS ANGELES  
Staff

Mar. 08, 2019 09:00 AM



*Common CEO Brad Harareaves and Proper Development–built Common Melrose in*

4 Get unlimited access

Co-living company Common and Los Angeles developer Proper Development are planning a \$100 million expansion in L.A.

Proper Development will build seven apartment buildings with 600 beds over the next two or three years in L.A., and Common will operate and manage them, according to the Los Angeles Times.

Common already operates two co-living buildings in the city — in Echo Park and Hollywood. Its units come fully furnished and include utilities as part of the monthly rent. Tenants share some spaces like kitchens, and there is also regular housekeeping services.

The co-living model has its detractors, but investors have poured money into the space. Through last August, Common had collected about \$60 million since its founding in 2015. New York-based Ollie has raised \$15 million to fuel its own Los Angeles expansion, while British-based Collective had raised \$400 million. *The Real Deal* talked to Hargreaves and other figures in co-living last year about how the model has evolved in the last several years.

The co-living model is billed as a convenient and more affordable alternative to traditional renting.

Rents at Common's Hollywood location, a Proper Development-built 24-unit complex called Common Melrose, are around \$1,550 per person.

Common founder Brad Hargreaves said the company received 9,000 applications for Common Melrose, according to the Times. Rates were around 20 percent cheaper than competing studio-style units nearby, he said.

Proper Development is led by Daniel Pourbaba, son of 4D Development & Investments CEO David Pourbaba. The firm's latest project to get moving is a 21-unit development in Hollywood. [LAT] — Dennis Lynch

*The Real Deal* is he "A landlord waiving rent and not getting anything in return is just not a reality," experts

**TRENDING:** [Coronavirus](#) [Compass](#) [WeWork](#)

# Here are the under 50-unit resi projects proposed in LA last week

*Hollywood, Westchester were the only two hoods with new projects*



[LOS ANGELES](#) [NEW YORK](#) [SOUTH FLORIDA](#) [CHICAGO](#) [NATIONAL](#) [TRI-STATE](#)



*8733 Reading Avenue streetview*

**UPDATED, 12:28 p.m., Nov, 28:** West L.A. was the site for both of the new mid-size residential projects that developers filed last week.

Under the plans, Westchester and Hollywood would each get a mixed-income project that would use transit-oriented incentives to add a small stock of affordable units to a pricier part of the city.

In either neighborhood, new finishes starting at \$2,000 for a one-bedroom

Sam Zell Well Positioned As Coronavirus Weakens Real Estate- The Real Deal

But the similarities end there. Westchester is in the midst of transition, and the 34-unit project is a different kind on the block.

[Read Next Story >](#)

4 Get unlimited access

investment sales surge. In August, an investor paid more than **\$345,000 per unit** for an apartment house on North Highland Avenue built in 1984, while Goldrich Kest dropped \$52 million for a 76-unit mixed-user nearby.

### 8733 Reading Avenue | Westchester | 34 Units

WNMS Communities is doubling down on Westchester with this project.

WNMS bought the site in June 2017 for \$1.1 million and will build up to 70 percent more units than normally allowed because the site is in a “tier-3” zone—the second-highest in the transit-oriented communities program. A triplex occupies the site right now, and most of the homes on the street are single-family residences or low-density apartments.

The local developer, which is headed by Scott Walter, filed plans for another **30-unit multifamily** at 8911 South Ramsgate Avenue in August.

### 5823 W. Lexington Avenue | Hollywood | 21 Units

JAM Capital Real Estate, a local developer controlled by Justin Mateen, is partnering with Proper Development and investor Ari Miller to build this five-story building on Lexington Avenue between Van Ness and Bronson.

The joint-venture bought the development site last December for \$3.6 million, with JAM taking the largest share of 49 percent, while Miller and Proper Development

split the remaining 51 percent.

Proper Development is led by Daniel Pourbaba, the son of David Pourbaba, who is the **CEO of 4D Development & Investments**.

*Correction: In a previous version of this story, the lead developer on the 5823 W. Lexington Avenue project was incorrectly identified.*

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**EXHIBIT 2**

COVID-19 Response: Special pricing, super flexible lease terms, security deposit-free options for workers.

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Melrose

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everything

you need,

from free

laundry to

a smart

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City living

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you need,

from free

laundry to

a smart

TV.



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Melrose

Starting at \$1,440

Available Now

Duration 6 Mo+

Common Melrose

Your own private bedroom in a friendly home. Expect fully furnished, designed spaces at Common.



# City living made better

What to expect from coliving at Common



## Here's how you save

Living in Common means comfort, convenience, and value. Access to first-rate amenities and services mean you save every month over a traditional studio apartment.



Craigslist Room

Traditional Studio

Rent:

\$1,440

\$1,300

\$2,100

Utilities:

Included

\$60

\$110

Utilities:	Included	\$00	\$110
Washer/Dryer:	Included	\$50	\$50
Cleaning:	Included	\$120	\$240
Supplies:	Included	\$40	\$40
Wifi:	Included	\$40	\$70
Total Cost:	<b>\$1,440</b>	\$1,610	\$2,610

## Experience Common Melrose

Melrose Suite 4 Flr 1   Melrose Suite 4 Flr 2  
Melrose Rooftop

Floor 1



POWERED BY  
Explore 3D Space

## A sense of community in Melrose

From spontaneous get-togethers with your suitemates to curated events, Common makes it easy to build friendships and discover the best the city has to offer.



## The most convenient way to live

Your laundry, utilities, household essentials, professional cleanings, and WiFi are covered under one all-inclusive rate. Say goodbye to last minute runs to the store, fighting with your roommates about who cleaned last, and hours spent at the laundromat.

A private bedroom

Furnished spaces

Free WiFi

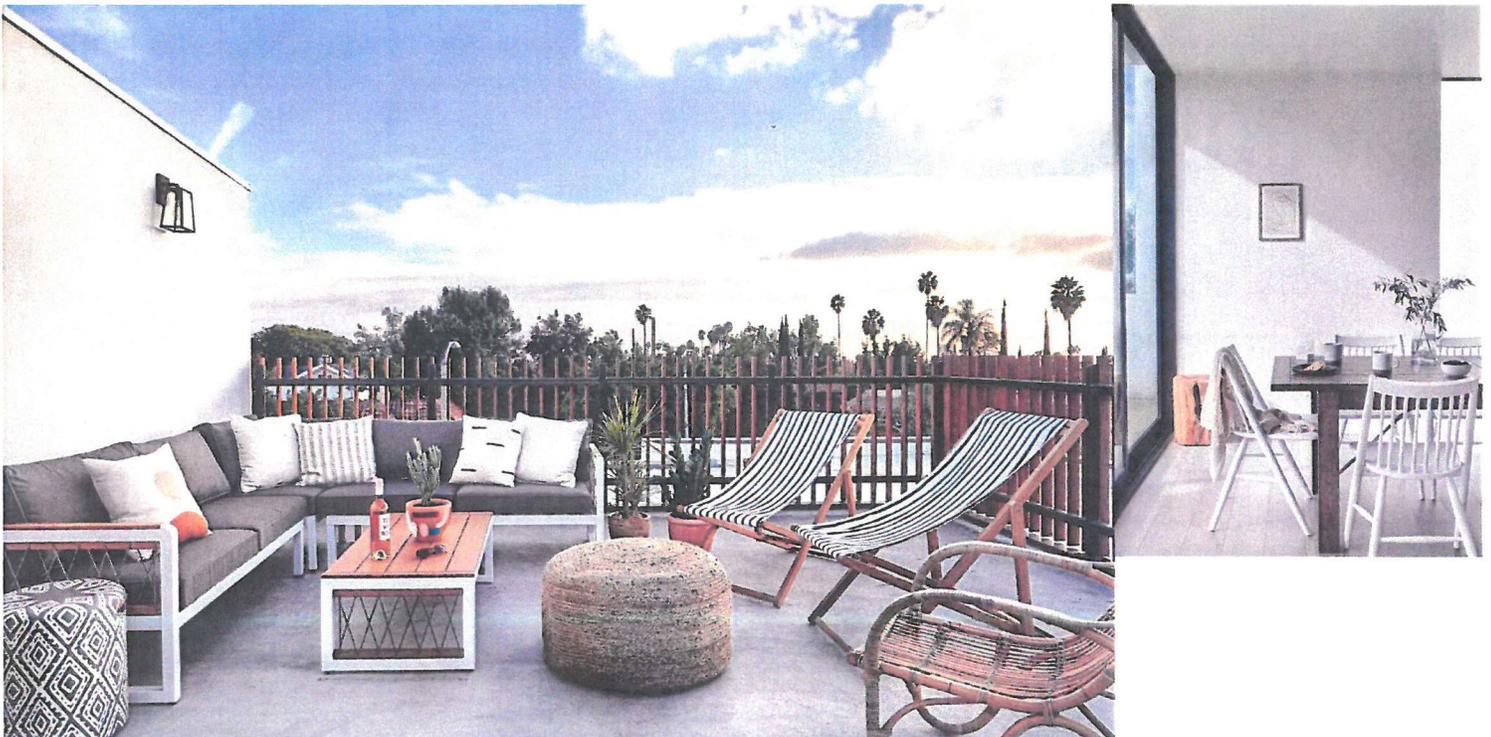
Community events

Free laundry

Professional cleaning

Utilities included

Flexible leases

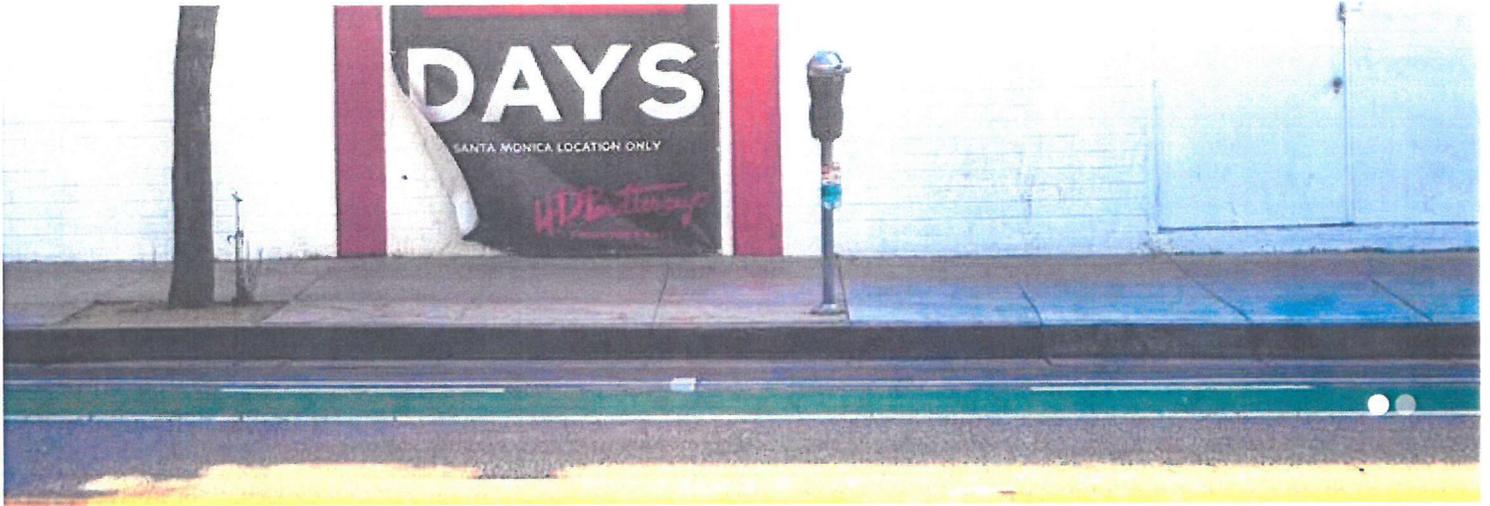




## Charming Melrose

Experience all the best Los Angeles has to offer by living in one of the city's most stylish neighborhoods.





## Easily connected

Melrose's central location allows it to be easily accessible via car, walking, and public transportation. With several bus stops right outside your doorstep, you can get to The Grove, Miracle Mile of museums, and Larchmont Village in just 20 minutes.

Koreatown is also just a half hour ride on the bus, so make sure to get your share of delicious Korean BBQ on the weekends.

## Everything chic and cultured

Filled with a wide range of iconic landmarks and trendy restaurants, Melrose never gets old. Not only will you lose track of time at Windsor Square looking at the beautiful and historic

mansions, but you can also spend a whole day shopping at Larchmont Village.

Common Melrose is also a short stroll away from Osteria Mozza if you want to enjoy Italian fine dining, or from the acclaimed Pink's Hot Dogs, if you want a creatively topped dog.

EXHIBIT 3



HOLLYWOOD HERITAGE, INC.

P.O. Box 2586

Hollywood, CA 90078

(323) 874-4005 • FAX (323) 465-5993

February 23, 2018

Dennis Hance  
CRA/LA  
448 S Hill Street, Suite 1200  
Los Angeles, CA 90013

Dear Mr. Hance:

The Board of Directors of Hollywood Heritage, its Preservation Issues Committee, and its members thank you for the opportunity to review and comment on the proposed demolition of **1130-32 Beachwood Dr.**

Per its primary record, the structure at **1130-32 Beachwood Dr** was constructed in 1916; it is thereby a member of the building cohort (1900-1920) about whose survival Hollywood Heritage has repeatedly expressed concerns. As a 1-story Craftsman residence, it is an increasingly rare reference to the historic context of pre-1920 Hollywood. The primary record for this property notes that it retains high integrity due to its "setting, location, materials, workmanship, association, design, [and] feeling". Despite these listed observations, the Chattel Survey has assigned a "6Z" designation.

Section B 10 of Hollywood Heritage's Settlement Agreement with CRA/LA specifically addresses properties such as **1130-32 Beachwood Dr**. Although Chattel assigned a status code of 6Z, the whole point of Hollywood Heritage reviewing these proposed demolitions is that the Chattel Survey didn't even exist at the time of the Settlement Agreement; and even as of now the Survey is not vetted. In addition, any building over 50 years old falls under our Settlement Agreement.

Due to its vintage, character-defining features that are representative of a scarce architectural type, and high level of integrity, Hollywood Heritage strongly opposes the proposed demolition of **1130-32 Beachwood Dr**. As a result, we formally request a 180-day stay on the demolition of this structure.

The cumulative loss of resources such as **1130-32 Beachwood Dr** is quickly erasing the remaining built environment of early Hollywood. This is nowhere more true than the portion of Hollywood bounded on the south by Santa Monica Blvd, on the east by Bronson Ave, on the north by Fountain Ave, and on the west by Gower St, for which Hollywood Heritage has received numerous demolition notifications over the past several years. Therefore, it is critical that the owner of this property consider alternative development approaches that preserve the current structure.



# LOS ANGELES CITY PLANNING COMMISSION

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

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: APR 28 2020

Case No. DIR-2019-5388-DB-1A  
CEQA: ENV-2019-5389-CE  
Plan Area: Hollywood

Council District: 13 – O' Farrell

**Project Site:** 5817-5823 West Lexington Avenue  
**Applicant:** Daniel Pourbaba, 5817 Lexington, LLC  
Representative: Erika Woods, Diaz Group, LLC  
**Appellants:** Ahmad Heydar, Hollywood Villas LLC  
Pedro Guevara, Michael Higgins, and Sar Kotoyan

At its meeting of **April 23, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of the two existing single-family structures with associated accessory structures and the construction, use and maintenance of a five-story, 56-foot tall, 21-unit multi-family dwelling. The building will be constructed with four residential levels over one at-grade parking level. The Project will provide a total of 29 automobile parking spaces.

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), 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. **Denied** the appeal and **sustained** the Planning Director's determination to approve, pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code, a 25 percent Density Bonus (with seven percent of the base number of units set aside for Very Low Income Households), for a project totaling 21 dwelling units, reserving two units for Very Low Income Household occupancy for a period of 55 years and one On-Menu Incentive as follows:
  - a. Height. Up to an 11-foot height increase in the maximum permitted height limit;
3. **Adopted** the attached Conditions of Approval; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Millman  
Second: Choe  
Ayes: Khorsand, Leung, Mack, Mitchell, Padilla-Campos  
Absent: Ambroz, Perlman

**Vote:** 7 – 0



---

Cecilia Lamas, Commission Executive Assistant  
Los Angeles City Planning Commission

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

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

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. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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.

Attachment: Conditions of Approval, Findings

c: Nicholas Hendricks, Senior City Planner  
Oliver Netburn, City Planner  
Alex Truong, City Planning Associate

## CONDITIONS OF APPROVAL

1. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of City Planning. Each change shall be identified and justified in writing.
2. **Residential Density.** The project shall be limited to a maximum density of 21 dwelling units including Density Bonus Units.
3. **On-site Restricted Affordable Units.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of HCIDLA to make 7% of the base number of units for Very Low Income Households, as defined by HCIDLA, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event, the applicant reduces the proposed density of the project, the number of required reserved On-site Restricted Units may be adjusted, consistent with LAMC Section 12.22-A,25, to the satisfaction of HCIDLA, and in consideration of the project's AB 2256 Determination. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant shall provide 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 HCIDLA.

Housing Replacement units required pursuant to AB 2556 may be used to satisfy the On-site Restricted Affordable Units provided such units meet the income levels, to the satisfaction of HCIDLA.

4. **Changes in On-site Restricted Units.** 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.
5. **Housing Replacement.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA), and in compliance with AB 2556, to make one (1) unit as affordable to Low Income Households, and one (1) unit as affordable to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. 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 HCIDLA. Refer to the Density Bonus Legislation Background section of this determination for more information.

On-site Restricted Affordable Units may be used to satisfy the Housing Replacement units required pursuant to AB 2556 provided such units meet the income levels, to the satisfaction of HCIDLA.

6. **Parking.**
  - a. **Automobile Parking.** Residential automobile parking shall be provided consistent with LAMC Section 12.21-A,4.
  - b. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.
  - c. **Adjustment of Parking.** In the event that the composition of residential changes (i.e. the number of bedrooms), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22-A,25.
7. **Bicycle Parking.** Bicycle parking reductions pursuant to LAMC Section 12.21-A,4 shall not be permitted in conjunction with any Density Bonus Parking Option.
8. **Incentive. Height.** Up to an 11-foot height increase in the maximum permitted height limit.
9. **Landscaping.**
  - a. Submit a revised Landscape Plan showing a minimum 48-inch deep planter for any trees planted on any rooftop or podium.
  - b. 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 decision maker.
10. **Solar Panels.** Solar panels shall be installed on the project's rooftop space to be connected to the building's electrical system. A minimum of 15% of the roof area shall be reserved for the installation of a solar photovoltaic system, to be installed prior to the issuance of a certificate of occupancy, in substantial conformance with the plans stamped "Exhibit A".
11. **Electric Vehicle Parking.** The project shall include at least twenty percent (20%) of the total parking spaces provided for all types of parking facilities, but in no case less than one location, shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Of the 20% EV Ready, 5% of the total parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the 20% or 5% results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

12. **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 the above.
13. **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.
14. **Roof Structures.** Any structures on the roof, such as air conditioning units and other mechanical equipment, shall be fully screened (with such screening material incorporated in the design of the project) from public right of way and adjoining properties. The building parapet may be used to screen mechanical equipment as long as it fully obstructs the view of the mechanical equipment from abutting properties.

### **Administrative Conditions**

15. **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.
16. **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.
17. **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.
18. **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.
19. **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.
20. **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.
21. **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.

22. **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.

23. **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 COMPLIANCE FINDINGS

1. Pursuant to Section 12.22-A,25(c) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:
  - a. *The incentives are not required 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 Director to make a finding that the requested incentives are not necessary 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.

The list of on-menu incentives in 12.22-A,25 were pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the density bonus on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

**Height.** The subject site is zoned R3-1 which has a maximum height limit of 45 feet. The height incentive permits a percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Housing Development Project is eligible, but not to exceed 11 feet. In this case, the building height may be increased to a maximum of 56 feet. The requested incentive allows the developer to increase the maximum permitted height so that the two (2) restricted affordable units can be constructed and the overall space dedicated to residential uses is increased. This incentive supports the applicant's decision to set aside two (2) dwelling units for Very Low Income Households for 55 years.

- b. *The Incentive 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. 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.*

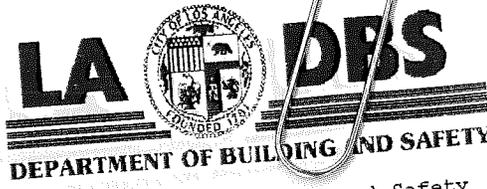
Analysis of the proposed project determined that it qualifies for a Categorical Exemption from environmental review pursuant to Article 19, Class 32 of the CEQA Guidelines. There is no evidence that the proposed incentive will have a specific adverse impact upon public health and safety or the physical 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 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. According to ZIMAS, the project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. Therefore, there is no substantial evidence that the proposed project, and thus the requested incentive, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource.

#### **ADDITIONAL MANDATORY FINDINGS**

2. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this Project is not located in a flood zone.

Applicant Copy  
 Office: Van Nuys  
 Application Invoice No: 64844



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.

LA Department of Building and Safety  
 VN SELV 203185505 5/12/2020 3:49:11 PM

NOTICE: The staff of the Planning Department will review your application, regardless of whether you pay a filing fee.

PLAN & LAND USE \$106.80  
 DEV SERV CENTER SURCH-PLANNING \$2.67

in consideration to you.

This filing fee is required by Chapter 1, Article 11, Section 11.01.

\$109.47

Applicant: HOLLYWOOD VILLAS, LLC - HEYDAR, AHMAD ( 818-3704219 )
Representative:
Project Address: 5819 W LEXINGTON AVE, 90038

NOTES: APPEAL TO CEQA BY HOLLYWOOD VILLAS, LLC

ENV-2019-5389-EAF-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
<b>Case Total</b>			<b>\$89.00</b>

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$89.00</b>
<b>Expediting Fee</b>	<b>\$0.00</b>
<b>Development Services Center Surcharge (3%)</b>	<b>\$2.67</b>
<b>City Planning Systems Development Surcharge (6%)</b>	<b>\$5.34</b>
<b>Operating Surcharge (7%)</b>	<b>\$6.23</b>
<b>General Plan Maintenance Surcharge (7%)</b>	<b>\$6.23</b>
<b>Grand Total</b>	<b>\$109.47</b>
<b>Total Invoice</b>	<b>\$109.47</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$109.47</b>

Department of Building and Safety  
 VN SELV 203185505 5/12/2020 3:49:11 PM  
 PLAN & LAND USE \$106.80  
 DEV SERV CENTER SURCH-PLANNING \$2.67

Sub Total: \$109.47

Receipt #: 0203730108

Council District: 13  
 Plan Area: Hollywood  
 Processed by ESTRADA, PABLO on 05/12/2020

Signature: