



APPLICATIONS:

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

Related Code Section: The Los Angeles Municipal Code (LAMC) Section 11.5.13 (Ord. No. 186,338) established the appeal procedure to the City Council for California Environmental Quality Act (CEQA) determinations.

Purpose: The Appeal - A CEQA clearance can only be appealed if a non-elected decision-making body (ZA, APC, CPC, DIR) makes a determination for a project that is not further appealable. To initiate appeal of a CEQA document this form must be completely filled out with the required materials attached and filed within 15 calendar days from the final administrative decision, of the entitlement application.

General Information

Appealable CEQA documents:

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

NOTE:

- Actions not appealable include an addendum, findings made pursuant to CEQA Guidelines Section 15162, or an action in which the determination does not constitute a project under CEQA.
- All CEQA appeals are heard by the City Council.
- This form is only for the appeal of Department of City Planning determinations: All other CEQA appeals are filed with the City Clerk pursuant to the LAMC Section 197.01.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

1. Case Information

Environmental Case Number: ENV-2019-278-CE

Related Entitlement Case Number(s): DIR-2019-277-TOC-DRB-SPP-1A

Project Address: 1427-1433 S. Greenfield Ave.

Date of Final Entitlement Determination: 11/23/2020

The CEQA Clearance being appealed is a(n):

- EIR
 SCEA
 MND
 ND
 CE
 SE

2. Appellant Identity (check all that apply)

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

3. Appellant Information

Appellant Name: Oren Lavee; Bruce Shapiro

Company/Organization: _____

Mailing Address: 1413 Greenfield Avenue, #203

City: Los Angeles State: CA Zip: 90025

Telephone: (818) 650-0030 E-mail: Oren.Lavee@gmail.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?
 Self Other: _____

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

4. Representative/Agent Information

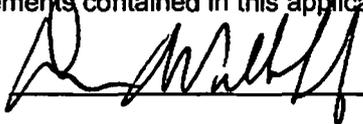
Representative/Agent name (if applicable): Dean Wallraff
 Company: Advocates for the Environment
 Mailing Address: 10211 Sunland Blvd
 City: Shadow Hills State: CA Zip: 91040
 Telephone: (818) 650-0030 E-mail: dw@aenv.org

5. Appeal Justification

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

6. Applicant's Affidavit

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

Appellant Signature:  Date: 12/1/20

ENVIRONMENTAL APPEAL FILING REQUIREMENTS

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

1. 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.

- Environmental Appeal Application (form CP-7840)
- Justification/Reason for Appeal
- Copies of the written Determination Letter, from the final appellate body, which must be a non-elected decision-making body

2. 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. "Environmental Appeal Application.pdf", "Justification/Reason Statement.pdf", "Final Determination Letter.pdf"). No file should exceed 9.8 MB in size.

3. Appeal Fee

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

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

December 1, 2020

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization



Los Angeles City Council
c/o Department of City Planning
City of Los Angeles
201 N. Figueroa Street, 4th Floor
Los Angeles, CA 90012

Re: **Justification for Appeal to City Council** of City Planning Commission
determination regarding 1427-1433 S. Greenfield Ave.; Case No. DIR-2019-
277-TOC-DRB-SPP and CEQA No. ENV-2019-278-CE

Dear Honorable City Council Members:

On behalf of our clients, Bruce Shapiro and Oren Lavee, we write to appeal the Los Angeles City Planning Commission's decision, issued in the form of a Letter of Determination dated November 23, 2020, for the multi-family residential project at 1427-1433 S. Greenfield Avenue in Westwood (the **Project**). The Commission determined the Project is exempt from CEQA pursuant to CEQA Guidelines § 15332, Class 32; sustained the Planning Director's Determination dated September 24, 2020; denied our clients' appeal filed on October 8, 2020, and other appeals; approved a Transit Oriented Communities Affordable Housing Incentive Compliance Review; and approved a Project Permit Compliance and Design Review. This is an appeal of the CEQA determination.

Appellant Bruce Shapiro is the owner of an abutting property on S. Greenfield Avenue. Appellant Oren Lavee is a concerned member of the Westwood community who lives on S. Greenfield Avenue. Our clients appeal on their own behalf, and on the behalf of the public. This letter provides justification for this appeal.

The Project will demolish two existing multi-family apartment buildings and garages, and will construct a 37,568-square-foot, six-story, 67-foot-high multi-family apartment building with 29 dwelling units, above a two-level subterranean parking structure with 47 parking spaces. The Project site is located within the Westwood Community Plan area and Council District 5 of the City of Los Angeles.

General and Environmental Objections to Project

The Project will negatively impact the community and the environment. It is out of scale and proportion with the existing buildings on the street and in the neighborhood. The Project's two stories of subterranean parking and six stories aboveground make it an eight-

story building project, on a block where there is only one building with subterranean parking and where most buildings do not reach the 45-foot height limit.

The Project will dwarf the other buildings on the block in height. It will have a serious negative effect on adjacent neighbors' privacy. It will block sunlight and cast shadows onto neighboring properties.

The Project also represents a massive increase in density compared to the existing use of the site. The density of the Project's building will be far greater than any neighboring multi-family buildings. During a pandemic in particular, increasing density this greatly poses a public health risk.

Despite the Applicant's requests to exceed the planning and zoning limitations on height and density for the area based on inclusion of affordable units in the Project, the Project in fact will result in a net loss of affordable housing. The Project site already has seven affordable units. The Project is required to include five affordable housing units, but the other 24 units will be predominantly large two- and three-bedroom, high-rent apartments.

The Project will cause significant health, safety, and public welfare issues, as well as environmental impacts. The Project has prompted serious concerns on the part of the neighborhood, which overwhelmingly opposes it. A petition circulated in the immediate neighborhood received 73 signatures within two weeks. The Westwood Neighborhood Council considered a motion to support the Project and did not approve that motion. Finally, at the Westwood Community Design Review Board's meeting on July 15, 2020, a motion to approve the Project failed to pass.

The Project will have significant traffic and parking impacts. The Project will provide 47 parking spaces, which represents a substantial increase in the number of vehicles on this small residential street.

Street parking on this block of Greenfield Avenue is already very congested. The street is a cul-de-sac that dead-ends at Westwood Park, and parkgoers, UCLA students, and Westwood visitors park on the street, taking up available street parking.

Although not identified as a secondary highway because of its width, Ohio Avenue is used as an east-west secondary thoroughfare, carrying significant traffic. The intersection of Greenfield Avenue and Ohio Avenue is an uncontrolled intersection, which already presents difficult and dangerous conditions when drivers attempt a left turn onto the busy Ohio Avenue from Greenfield. The proposed Project will increase the number of vehicles on the street, causing traffic backups, and exacerbating this dangerous condition. Because of the difficulty in entering Ohio Avenue from Greenfield Avenue, adding approximately 50 new vehicles to the street will lead to extreme back-up on this residential street.

The increased traffic and congestion generated by the Project will compromise access for emergency vehicles, delivery trucks, street cleaning, and residents.

The Project also involves a significant amount of construction traffic, including 30 trucks per day to haul away earth for the subterranean parking structure.

Project Not Eligible for CEQA Class-32 Exemption

The Project is inconsistent with the General Plan and Specific Plan, as discussed below. Therefore, the Project is not eligible for a CEQA Infill Exemption under Guidelines § 15332.

Inconsistencies with General Plan

The Project is inconsistent with the Westwood Community Plan (**Community Plan**), which is part of the City of Los Angeles General Plan. The Community Plan's Policy 1-1.1 is to "protect existing single family residential neighborhoods from new out-of-scale development and other incompatible uses." Similarly, Policy 1.3.1 is to "require architectural and height compatibility for new infill development to protect the character and scale of existing residential neighborhoods." The Project is an out-of-scale development incompatible with the existing residential neighborhood, and its approval therefore conflicts with the Community Plan.

Project Incentives Inconsistent with Specific Plan

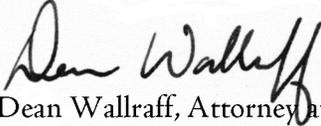
Gov. Code § 65455 states that "no zoning ordinance may be adopted or amended within an area covered by a specific plan unless it is consistent with the adopted specific plan." The City's Transit Oriented Communities Affordable Housing Incentive Program is contained in Los Angeles Municipal Code (LAMC) § 12.22 A.31, and constitutes a zoning ordinance.

The Westwood Community Multi-Family Specific Plan (**MF Plan**) requires that the Project provide 200 square feet of open space per dwelling unit: 5,800 square feet for 29 units. (MF Plan § 6.A.1.) The TOC incentives purport to override the Specific Plan requirements for density, height, and open space, including the height, parking, and open-space requirements in MF Plan §§ 5 and 6.A. The TOC incentives proposed to be granted make the Project inconsistent with the Specific Plan's requirements, so they and the Project violate Gov. Code § 65455. The inconsistencies also preclude the use of a Class 32 CEQA exemption for the Project.

Conclusion

The City Council should grant the appeal and find that the Project is not eligible for a CEQA Class 32 exemption because the Project is inconsistent with the applicable general and specific plans, as discussed above.

Sincerely,



Dean Wallraff, Attorney at Law
Counsel for Bruce Shapiro and Oren Lavee



LOS ANGELES CITY PLANNING COMMISSION

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

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: NOV 23 2020

Case No. DIR-2019-277-TOC-DRB-SPP-1A
CEQA: ENV-2019-278-CE
Plan Area: Westwood

Council District: 5 – Koretz

Project Site: 1427 – 1433 South Greenfield Avenue

Applicant: David Gholiani, Greenfield Ohio LLC.
Representative: Tony Russo, Crest Real Estate

Appellants: Rouslan Boundine

Bruce Shapiro and Oren Lavee
Representative: Kathleen R. Unger, Advocates for the Environment

Peter Leininger

At its meeting of **November 5, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of two apartment buildings and garages and the construction of a new six-story, maximum 66.5-feet in height, twenty-nine unit multi-family apartment building over two levels of subterranean parking containing 47 automobile stalls, in conjunction with the export of 14,000 cubic yards of dirt. One existing Street Tree will be removed and at least three new Street Trees will be planted. The Project reserves three units for Extremely Low Income, one unit for Very Low Income, and one unit for Low Income occupancy for a period of 55 years.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from the CEQA, pursuant to State CEQA Guidelines, Article 19, Sections 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**, Planning Director's Determination dated September 24, 2020;
3. **Approved**, pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code (LAMC), a Transit Oriented Communities (TOC) Affordable Housing Incentive Compliance Review for a qualifying Tier 3 project totaling twenty-nine dwelling units, reserving three units for Extremely Low Income, one unit for Very Low Income, and one unit for Low Income occupancy for a period of 55 years with the following requested Base and Additional Incentives:
 - a. Residential Density. A 70 percent increase in the maximum density to permit a total of twenty-nine dwelling units, in lieu of 16 units otherwise permitted by the R3 base density;
 - b. Floor Area Ratio (FAR). A maximum FAR of 3.98 in lieu of 3:1 as otherwise permitted by LAMC Section 12.21.1 A.1;
 - c. Residential Parking. Parking for all residential units in an Eligible Housing Development for a Tier 3 project shall not be required to exceed one-half space per unit;
 - d. Open Space. A 25 percent reduction in the open space requirement, allowing at least 4,350 square feet in lieu of the 5,800 square feet otherwise required;

- e. Open Space. A 25 percent reduction from the Specific Plan's open space location requirement to allow 56.25 percent (2,447 square feet) of open space to be provided on the ground floor in lieu of the requirement that 75 percent of open space be provided on the ground floor; allowing the remaining 43.75 percent (1,903 square feet) of open space to be provided above the ground floor for a total of 4,350 square feet of open space; and
 - f. Height. A 22-foot increase in the building height, allowing 67 feet in lieu of the maximum 45 feet otherwise allowed by the [Q]R3-1-O zone and Westwood Community Multi-Family Specific Plan;
4. **Approved with Conditions**, pursuant to LAMC Sections 11.5.7 C and 16.50, a Project Permit Compliance Review and Design Review for a new six-story, maximum 67 feet in height, and twenty-nine unit apartment building over two levels of subterranean parking containing 47 automobile stalls;
 5. **Adopted** the attached Conditions of Approval; and
 6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Millman
 Second: Khorsand
 Ayes: Leung, Lopez-Ledesma, Mack
 Absent: Ambroz, Choe, Perlman

Vote: 5 – 0

Cecilia Lamas (Electronic Signature due to COVID-19)

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.

Attachments: Conditions of Approval, Findings, Interim Appeal Filing Procedures (CEQA),
 Appeals Fact Sheet

c: Michelle Singh, Senior City Planner
 Elizabeth Gallardo, City Planner
 Dylan Sittig, Planning Assistant

CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, West/South/Coastal Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Residential Density.** The project shall be limited to a maximum density of 29 residential units per Exhibit "A."
3. **Affordable Units.** A minimum of three (3) units, that is ten (10) percent On-Site Restricted Affordable Units, shall be reserved for Extremely Low Income Households as defined in Section 50106 of the California Health and Safety Code, one (1) unit shall be reserved for Very Low Income Households as defined in Section 50105 of the California Health and Safety Code, and one (1) unit shall be reserved for Low Income Households as defined in Section 50079.5 of the California Health and Safety Code. The Transit Oriented Communities Affordable Housing Incentive Program Guidelines also requires a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements. All of the new units may be subject to RSO requirements unless an RSO Exemption is filed and approved by the HCIDLA RSO Section. This determination is provisional and subject to verification by the HCIDLA RSO Section. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements, but in no case shall the project provide less than the required affordable units per the TOC Guidelines Section IV.5(c) for three Additional Incentives.
4. **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.31 and comply with the Transit Oriented Communities Affordable Housing Incentive Program Guidelines adopted by the City Planning Commission.
5. **Housing Requirements.** 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) to make three (3) units for Extremely Low Income, one (1) unit for Very Low Income, and one (1) for Low Income for 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 any monitoring requirements established by the HCIDLA. Refer to the Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination.

6. **Floor Area Ratio (FAR).** The project shall be limited to a maximum floor area ratio of 3.98:1 per Exhibit "A."
7. **Height.** The project shall be limited to six (6) stories and a maximum 67 feet in height. Per Exhibit "A":
 - a. Any portion of the building along the Greenfield Avenue frontage above 56 feet in height shall be set back at least 15 feet from the exterior face of the Ground Floor of the building.
8. **Open Space.**
 - a. **Total Required Open Space.** The project shall provide a minimum of 4,350 square feet of open space per Exhibit "A."
 - b. **Ground Floor Open Space.** The project shall provide a minimum of 56.25%, at least 2,447 square feet, of open space on the ground floor, and the remaining 43.75%, at least 1,903 square feet, of open space may be located above the ground floor.
 - c. **Westwood Community Multi-Family Specific Plan.** The open space shall meet all other requirements of the Westwood Community Multi-Family Specific Plan per the satisfaction of the Department of City Planning, West/South/Coastal Project Planning Division.
 - i. A minimum of 50 percent of the total required open space, 2,175 square feet, shall be landscaped as depicted on Sheet A-1.1, L-1, L-2, and L-3 of Exhibit "A."
 - ii. No more than 50 percent of the required front or rear yards shall count toward the open space requirements as depicted on Sheet A-1.1 of Exhibit "A."
 - iii. A minimum of 50 percent of each of the required front, rear and side yards shall be landscaped as depicted on Sheet A-1.1, L-1, L-2, and L-3 of Exhibit "A."
 - iv. Hardscape shall not be considered landscaping.
 - v. Required side yards shall not be counted toward the open space requirements.
 - vi. Contributing open space areas above the ground floor shall be setback a minimum of 10 feet in depth from the level immediately below it. Forty (40) percent of these setback areas shall be landscaped.
 - vii. The project shall provide a minimum of 2,447 square feet of open space on the ground Floor.

- viii. The project shall provide a minimum of 1,903 square feet of open space located above the ground floor that shall contribute toward the 4,350 square feet of required open space.
- ix. The provided Open Space and Landscaping shall be consistent Sheet A-1.1, L-1, L-2, and L-3 of Exhibit "A".

9. **Automobile Parking.**

- a. **Residential Parking.** Based upon the number of dwelling units proposed, the project is required to provide a minimum of fifteen (15) residential automobile parking spaces shall be provided for the project. Automobile parking shall be provided consistent with TOC Guidelines. Parking for all residential units in an Eligible Housing Development for a Tier 3 project shall not be required to exceed one-half (.5) space per unit. However, the project is providing 47 automobile parking spaces.

10. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.

11. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance "Guidelines O." All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.

12. **Garage.** The project shall provide parking within two subterranean levels. The height of the garage shall not extend more seven feet above the existing natural grade, measured to the floor elevation of the level immediately above the parking garage. The project shall enclose and provide mechanical ventilation for all portions above grade, except the driveway. The project shall lower the sidewalls at the driveway, or make portions of the sidewalls transparent in order to improve visibility when exiting the garage.

13. **Street Trees.** The project shall include street trees at a minimum ratio of one for every 30 lineal feet of street frontage abutting the project, as permitted by and in accordance with the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works. The project shall provide 36" box street tree(s) of at least twelve feet in height and not less than three inches in caliper at the time of planting. Parkway tree removals shall be replanted at a 2:1 ratio. Deviation from this requirement shall only be to satisfy requirements set forth by the Bureau of Street Services to the contrary.

14. **Screening.** All structures on the roof, such as air conditioning units, antennae, and other equipment, except solar panels, shall be fully screened from view from any adjacent properties, as seen from the grade.

Administrative Conditions

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

Applicant shall do all of the following:

 - (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out 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.

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM /AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

Pursuant to Section 12.22 A.31(e) of the LAMC, the Director shall review a Transit Oriented Communities Affordable Housing Incentive Program project application in accordance with the procedures outlined in LAMC Section 12.22 A.25(g).

1. Pursuant to Section 12.22 A.25(g) 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 a predetermined percentage of income based on area median income thresholds dependent on affordability levels.

The list of on-menu incentives in the TOC Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program 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 on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project. Therefore, the site and project qualify for the TOC Affordable Housing Incentive Program as an Eligible Housing Development, and is eligible for the incentives granted therein.

Increased Height:

A restriction on height could limit the ability to construct the additional residential dwelling units, and specifically the Restricted Affordable Units. The project is financially feasible because of the increased flexibility the incentives allow the applicant in the building envelope.

Base Height + Incentive

The applicant has requested a Tier 3 Height Incentive, which allows for two additional stories up to 22 additional feet. The R3-1 zone allows for a maximum height of 45 feet. Therefore, the Tier 3 Height Incentive would allow a maximum height of 67 feet. The project is within that envelope at 67' and is consistent with the TOC guidelines.

TOC Height Exception

The TOC Height Exception applies to projects located on lots with a height limit of 45 feet or less. The Exception requires any height increases in excess of the first 11 feet

above the base height to be stepped-back a minimum of 15 feet from the exterior face of the Ground Floor building along any street frontage.

The project site is in a [Q]R3-1-O Zone, with a height limit of 45 feet. Therefore, along Greenfield Avenue, the project must step back after the first 11 feet of height increase over the base height of 45 feet, beginning at 56 feet. The project is stepping back at 45'-6" for 10' and again at a height 56' for 10'. Therefore, along the street frontage, at a height of 56' the project is setback from the exterior face of the ground floor of the building 20'. The project complies with the required 15-foot setback from the exterior face of the building.

Reduced Open Space:

The applicant has requested a 25% reduction in the Westwood Community Multi-Family Specific Plan required open space of 5,800 sf, resulting in 4,350 sf of required open space. The project is providing 4,447 sf of open space, consistent with the TOC Incentives.

The Westwood Community Multi-Family Specific Plan has additional open space requirements of where the open space can be provided. The Westwood Community Multi-Family Specific Plan requires that a minimum of 75% of the required open space be provided on the ground floor and no more than 25% of the required open space to be provided above the ground floor. The project is utilizing a third incentive, an additional open space reduction in the percentage of open space required on the ground floor. A 25% reduction in 75% results in 56.25%, or 2,447 sf. The project is providing 2,541 sf of open space on the ground floor and 1,906 sf of open space above the ground floor, consistent with the TOC Guidelines.

Common open space is in the form of common area decks at the fifth and sixth floors and a courtyard area running down the middle of the building that is clear to the sky with seating, a lounge area, outdoor dining area, and landscaping per Exhibit "A." The requested incentive will allow the developer to reduce open space requirements so the affordable housing units reserved for Extremely Low Income Households, Very Low Income Households, and Low Income Households can be constructed and the overall space dedicated to residential uses increased.

- 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.***

There is no evidence in the record that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The finding that there is no evidence in the record that the proposed incentive(s) will have a specific adverse impact is further supported by the recommended CEQA finding. The findings to deny an incentive under

Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. For example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings. The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Class 32 of the CEQA Guidelines. The Categorical Exemption (CE) could be adopted, including, on the basis that none of the potential environmental effects of the proposed Project would cause substantial adverse effects on human beings, the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources. Based on all of the above, there is no basis to deny the requested incentives.

DESIGN REVIEW FINDINGS

1. A recommendation was made by the Westwood Community Design Review Board, pursuant to Los Angeles Municipal Code Section 16.50:

The Project is within the Westwood Community Design Review Board and Westwood Community Multi-Family Specific Plans. The Project was presented to the Design Review Board (DRB) at Public Hearings on March 6, 2019, July 17, 2019, May 6, 2020, and July 15, 2020. At none of those meetings did the DRB successfully vote on a motion of recommendations on the project. At the most recent July 15, 2020 a quorum of six Board Members heard an applicant presentation, took public testimony, and provided input and asked the developer questions. A motion to approve the project with conditions was made with three aye votes and three nay votes, failing to pass as an action requires a majority of the members of the board (or 4 of the seven members). No other motions were made. Therefore, per LAMC Section 16.50 E.3 (c), in the event the DRB fails to act within the time limits the application is referred to the Director of Planning for determination without a recommendation. Herein is the review and the decision of the Director.

In recognition of input received at the multiple DRB meetings, and other community meetings, the project design has been revised and refined as reflected in the current Exhibit "A" and the Director of Planning has imposed conditions that address some of the issues raised by the DRB.

Project Permit Compliance Findings

- 2. The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**
- a. Section 5.A. *Building Height*. This section of the Specific Plan, limits building height when a project immediately abuts an R1 or more restrictive zone, and is not applicable to the project. The project site does not abut an R1 or more restrictive zone; immediately adjacent properties are zoned [Q]R3-1-O. As such, the property will comply with the Height Incentive of the TOC Guidelines, which allow an additional 22 feet over the base height of 45 feet in the [Q]R3-1-O Zone. The TOC

Guidelines allow for a maximum height of 67 feet and the project is proposing 6 stories and a height of 67'. Furthermore, the project is conditioned to ensure that the proposed project will not exceed 67'.

- b. Section 5.B. *Parking Standards*. The Specific Plan requires projects with more than four habitable rooms or less per unit to provide 2.25 parking spaces per unit. Dwelling units containing five or more habitable rooms are required to provide 3.25 parking spaces. Of the parking spaces required, guest parking shall be provided at a ratio of 0.25 space for every dwelling unit. However, pursuant to Los Angeles Municipal Code Section 12.22 A.31, Automobile Parking is a Base Incentive in the TOC Guidelines and parking for a property in a Tier 3 area shall not be required to exceed .5 spaces per unit. The TOC Guidelines' parking incentive supersedes the Westwood Community Multi-Family Specific Plan Parking Standards. The TOC Guidelines require 15 parking spaces; however the project is providing 47 spaces.
- c. Section 6.A, *Open Space*, of the Specific Plan requires 200 square feet of open space per unit for R3 Zones, of which a minimum of fifty percent shall be landscaped and 75 percent shall be located on the ground floor. The Westwood Community Multi-Family Specific Plan would therefore require 5,800 sf of open space for a 29-unit apartment complex, 4,350 sf of which is required to be on the ground floor. However, the applicant has requested two Additional Incentives related to open space: a 25% reduction in the total required open space and a 25% reduction in the 75% of open space required to be on the ground floor. The project is compliant with the TOC Guidelines for the provision of open space as detailed in the Transit Oriented Communities Findings, and is providing 4,447 square feet of open space.

The Westwood Community Multi-Family Specific Plan requires 50 percent of open space to be landscaped. The project is providing 4,350 square feet of total open space, consistent with the TOC Guidelines requirements, 2,175 square feet of which is required to be landscaped. The project is providing 2,816 square feet of landscaping, consistent with the Specific Plan requirements.

Section 6.A.4. of the Specific Plan requires any open space above the ground floor that is counted toward the open space requirements to be setback a minimum of 10 feet in depth from the level immediately below it. Additionally, forty (40) percent of these setback areas are required to be landscaped. The fifth floor is providing a setback of 10' and 628 sf of open space, 286 sf of which are landscaped, or 45.5%, consistent with the Specific Plan requirements. The sixth floor is providing a setback of 10' in the front and rear and 1,278 sf of open space, 540 sf of which are landscaped, or 42%, consistent with the Specific Plan requirements. Further, the project is conditioned to ensure compliance with these requirements.

The Specific Plan states that no more than 50% of the required front or rear yards shall count toward open space requirements. The project site has a width of 100.04 feet and required front and rear yards of 15 feet. This results in 1,500 square feet of area in both the required front and rear yards. Therefore, a maximum of 750 square feet of area in both the required front and rear yards may be counted toward the required open space. The project is counting 750 square feet, 50 percent, of the area in both the required front and rear yards toward the required open space, consistent with the Specific Plan requirements. Further, the applicant is

landscaping 750 sf (100%) in the rear yard and 800 sf (106%) in the front yard, consistent with the requirements of Section 6.A.6 of the Specific Plan. Side yards are not counted toward the required open space, consistent with Section 6.A.6, but are 50% landscaped.

- d. Section 6.B., *Walkways*, is not applicable because the width of the lot width of the subject site is not 150-feet or more. As depicted in “Exhibit A”, the lot width of the site is approximately 100.04 feet.
- e. Section 6.C., *Building Setbacks*, is not applicable because the subject site is not directly across the street or within 200 feet of an R1 or more restrictive zone. Surrounding properties to the north, south, east, and west are zoned [Q]R3-1-O.
- f. Section 6.D., *Garage*. The proposed project substantially complies with Section 6.D, *Garage*, of the Specific Plan which allows only one level of a parking garage above the natural existing grade, up to a maximum of seven-feet in height, measured to the floor elevation of the level immediately above the parking garage. As depicted in “Exhibit A”, (Sheets A-2 and A-3) the proposed project has two levels of subterranean parking and no parking above natural grade. The Building Sections in “Exhibit A” depict the ceiling heights of the garage parking level a maximum of three (3) above the natural grade level, which is below the seven-foot maximum height permitted.
- g. Section 6.E, *Yard Requirements*. The proposed project substantially complies with Section 6.E, *Yard Requirements*, which requires that a minimum of fifty percent of the required front, rear, and side yards be landscaped. As depicted in “Exhibit A”, the project landscapes fifty percent of the front, rear, and side yards. Landscaped areas are comprised of 800 square feet in the front yard, 750 square feet in the rear yard, and 475 square feet in both side yards. As such, the proposed project complies with the landscaping requirements set forth in the Specific Plan.
- h. Section 6.F, *Buffer*, is not applicable because the subject site does not immediately abut an R1 or more restrictive zone. The subject site immediately abuts properties zoned [Q]R3-1-O.
- i. Section 6.G, *Screening*. The proposed project substantially complies with Section 6.G, *Screening*, of the Specific Plan which requires that structures on the roof be fully screened from view from adjacent properties, as seen from the grade. As depicted in “Exhibit A” Sheet A-8, mechanical equipment on the roof is setback from the edges of the property and screened from view.
- j. Section 7.A., *Landscape Standards*. The proposed project substantially complies with Section 7.A., *Landscape Standards*, General Requirements, which requires that a Landscape Plan be prepared by a licensed architect or landscape architect and submitted to the Westwood Community Design Review Board (DRB) for review. In addition, the Landscape Plan is required to illustrate details of the plants and plant material (i.e., names, size at maturity, locations, planting schedule, irrigation plan) and must include a variety of plant materials. As depicted in Exhibit “A”, the Landscape Plan has been prepared by a landscape architect, and includes: an irrigation plan; a variety of plant material, including grass and other ground cover, shrubs, and trees; and, clear identification of plant material

locations, and size at maturity. As previously described, the DRB failed to act within the time limits and per LAMC Section 16.50 E.3 (c) the application was referred to the Director of Planning for determination without a recommendation from the DRB; herein is the review and the decision of the Director.

- k. Section 7.B., *Street Trees*, requires street trees to be approved by the Bureau of Street Maintenance and to be planted at a minimum ratio of one for every 30 lineal feet of street frontage abutting the project. The Specific Plan also requires Street Trees to be at least 12 feet in height and not less than three inches in caliper at the time of planting. One (1) existing tree in the public right-of-way will be impacted by the development and removed. The subject site has a 100.04-foot frontage along Greenfield Avenue, which requires a minimum of three street trees. The conditions require the street trees to be reviewed and approved by the Street Tree Division of the Bureau of Street Maintenance.
- l. Section 8, *Design Review Procedures*. The Project was presented to the Design Review Board (DRB) at Public Hearings on March 6, 2019, July 17, 2019, May 6, 2020, and July 15, 2020. At none of those meetings did the DRB successfully vote on a motion of recommendations on the project. At the most recent July 15, 2020 a quorum of six Board Members heard an applicant presentation, took public testimony, and provided input and asked the developer questions. A motion to approve the project with conditions was made with three aye votes and three nay votes, failing to pass as an action requires a majority of the members of the board (or 4 of the seven members). No other motions were made. Therefore, per LAMC Section 16.50 E.3 (c), in the event the DRB fails to act within the time limits the application is referred to the Director of Planning for determination without a recommendation. Herein is the review and the decision of the Director. The proposed project has been reviewed in accordance with the DRB and Specific Plan procedures of the Los Angeles Municipal Code.

CEQA FINDINGS

As the designee of the Director of Planning, I have determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The project, located at 1427-1433 Greenfield Avenue, is for the demolition of two apartment buildings and garages and the construction of a new 6-story, maximum 66.5-feet in height, twenty-nine (29) unit multi-family apartment building over two levels of subterranean parking containing 47 automobile stalls, in conjunction with the export of 14,000 cubic yards of dirt. The project is an in-fill development and qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.**

The site is zoned [Q]R3-1-O and has a General Plan Land Use Designation of Medium Residential. The Q condition on the project site was enacted through Ordinance 163,186 and requires that all projects with two or more units in Sub Area 1 (the subject property is located in Sub Area 1) shall be subject to review by the Westwood Community Design Review Board. The "O" suffix in the [Q]R3-1-O zone is a supplemental use district which indicates an Oil Drilling District where the drilling of oil wells or the production from the wells of oil, gases or other hydrocarbon substances is permitted. The project site is located in the Westwood Community Plan, the Westwood Community Multi-Family Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP). The Project is subject to the Department of Transportation clearance of WLA TIMP. The Westwood Community Design Review Board is required to review projects and make recommendations to the Director of Planning for projects within their jurisdiction. In addition, the site is eligible as a Tier 3 development in the Transit Oriented Communities Affordable Housing Incentive Program Guidelines, as indicated on the Updated TOC Referral Form dated July 30, 2020. Pursuant to LAMC Section 12.22 A.31 and the TOC Guidelines, the applicant requests a Transit Oriented Community Compliance Review.

The project proposes the demolition of two apartment buildings and garages and the construction of a new 6-story, maximum 66.5-feet in height, twenty-nine (29) unit multi-family apartment building over two levels of subterranean parking containing 47 automobile stalls, in conjunction with the export of 14,000 cubic yards of dirt. The project site occupies two lots that are each 50 feet wide, consistent with the lot width requirements of the R3 Zone. The project site is located within a Liquefaction Zone, a Methane Zone, and a Special Grading Area (BOE Basic Grid Map A-13372). The project site is not located in a Very High Fire Severity Zone or Landslide Zone. The project site is located within a Fault Zone (Santa Monica Fault) but is not within an Alquist-Priolo Fault Zone.

The project is utilizing Base and Additional Incentives under the Transit Oriented Communities Ordinance. Under the TOC Guidelines, the applicant can utilize a Base Incentive for a maximum 70% density increase. The R3 Zone allows for a maximum density of one dwelling unit per 800 square feet of lot area. The project site consists of two (2) lots totaling approximately 13,500.2 square feet. The Los Angeles Municipal Code allows 16 units by-right, however, the TOC Guidelines round base density up to the next whole number, 17. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 29 units. The project is proposing 29 units, consistent with the TOC Guidelines and Zoning regulations.

Tier 3 also allows a base incentive for FAR and reduced parking. The FAR Incentive allows for a percentage increase in FAR up to 50 percent. Los Angeles Municipal Code provides for a maximum FAR of 3:1 in the R3-1 Zone. The applicant is utilizing the 50% TOC FAR increase to 4.5:1. The project has a by-right floor area of 28,368 sf. The TOC Guidelines allow a maximum floor area of 42,552 sf and the project is proposing 37,567 sf, which is consistent with the TOC Guidelines and Zoning regulations. The project is required to provide 15 spaces under the TOC and is providing 47 spaces (two levels of subterranean parking), consistent with the requirements of Los Angeles Municipal Code 12.22-A.31

Pursuant to the TOC Guidelines, the project is eligible for, and has been granted three Tier 3 Additional Incentives. In Tier 3 areas, the TOC incentive for open space allows a 25% reduction in the LAMC Code required open space from 5,800 sf to 4,350 sf of required open space. The project is providing 4,447 sf of open space, consistent with the TOC Guidelines and Zoning regulations.

The TOC Guidelines allow for a maximum height of 67 feet and the project is 67' in height and 6-stories. The project is consistent with the TOC Guideline's Height Incentive and Exception requirements.

The current project is in an urbanized area and characterized as in-fill development, which qualifies for the Class 32 Categorical Exemption. As shown in the case file, the project is consistent with the applicable Westwood Community Plan designation and policies and all applicable zoning designations and regulations.

- (b) **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The subject site is wholly within the City of Los Angeles, on a site that is approximately .31 acres (13,500.2 square feet) acres. Lots adjacent to the subject site are developed with the following urban uses: multi-family residential consistent with the [Q]R3-1 zone and Medium Residential Land Use designation. Two properties to the southeast and immediately abutting the property are zone [Q]R3-1-O but developed with single-family residences.

- (c) **The project site has no value as habitat for endangered, rare or threatened species.**

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. A Tree Report was prepared by *The Tree Resource*, dated January 14, 2019 and updated August 20, 2020. There are zero (0) protected trees on the site. One (1) City of Los Angeles Street Tree, located in the parkway perimeter of the site, will be impacted by construction and removed and replaced at a ratio of 2:1. There are thirteen (13) Non-Protected Significant Trees with a DBH (Diameter at Breast Height) of 8 inches or greater. These trees will be impacted by construction and are recommended for removal and replacement to the satisfaction of the City of Los Angeles Urban Forestry Division at a 1:1 ratio.

- (d) **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, storm water mitigations; and Best Management Practices for storm water runoff. More specifically, RCMs include but are not limited to:

- **Regulatory Compliance Measure RC-AQ-1(Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:

- All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- **Regulatory Compliance Measure RC-GEO-4 (Liquefaction Area):** The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to:
 - ground stabilization
 - selection of appropriate foundation type and depths
 - selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical

report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

- **Regulatory Compliance Measure RC-HAZ-2: Explosion/Release (Methane Zone):** As the Project Site is within a methane zone, prior to the issuance of a building permit, the Site shall be independently analyzed by a qualified engineer, as defined in Ordinance No. 175,790 and Section 91.7102 of the LAMC, hired by the Project Applicant. The engineer shall investigate and design a methane mitigation system in compliance with the LADBS Methane Mitigation Standards for the appropriate Site Design Level which will prevent or retard potential methane gas seepage into the building. The Applicant shall implement the engineer's design recommendations subject to DOGGR, LADBS and LAFD plan review and approval.
- **Regulatory Compliance Measure RC-HAZ-3: Explosion/Release (Soil Gases):** During subsurface excavation activities, including borings, trenching and grading, OSHA worker safety measures shall be implemented as required to preclude any exposure of workers to unsafe levels of soil-gases, including, but not limited to, methane.

These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. These RCMs will ensure the project will not have significant impacts on noise, air quality, and water. The Project will also be governed by an approved haul route under City Code requirements, which will regulate the route hauling trucks will travel, and the times at which they may leave the site, thereby reducing any potential traffic impacts to less than significant. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter (Log #106720) for the proposed project and as it may be subsequently amended or modified. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

- (e) **The site can be adequately served by all required utilities and public services.**

The project site will be adequately served by all public utilities and services given that the project site is developed, surrounded by urban uses, served by existing infrastructure, and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions.

There are five (5) Exceptions, which must be considered in order to find a project exempt under Class 32: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

- (a) **Cumulative Impacts.** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes a 29-unit, maximum 67 feet-tall, six-story apartment building with 37,567 square feet of floor area and two levels of subterranean parking in an area zoned and designated for such development. Properties in the vicinity are developed with mostly multi-family residential buildings and the subject site is of a similar size and slope to nearby properties. According to Navigate LA, there are no other haul route approvals, and no other haul route applications being processed within 500 feet of the Subject Site. In addition, the haul route approval will be subject to recommended conditions prepared by LADOT to be considered by the Board of Building and Safety Commissioners that will reduce the impacts of construction related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. The proposed Haul Route will utilize 10 cubic yard haul trucks and haul for a total of 55 days, with 30 trips per day. This equates to a total of 300 cubic yards per day and a total maximum export amount of 14,000 cubic yards. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter (Log #106720) for the proposed project and as it may be subsequently amended or modified. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

- (b) **Significant Effect.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The Project proposes to construct a 29-unit multi-family residential building in an area zoned and designated for such development. The Subject Site is of a similar size and slope to nearby properties. The Floor Area, density, and height of the proposed project are consistent with the Zone and Transit Oriented Communities program.

Multi-family housing is not unusual for the vicinity of the Subject Site, and the proposed project is similar in scope to other existing residential uses in the area. The project site is approximately 253 linear from a property owned by the Department of Water and Power and zoned [Q]PF-1XL-O. Greenfield Avenue to the North, dead-ends into a parking lot serving the City of Los Angeles Westwood Park which is zoned OS-1XL and occupies over 17 acres with sports and recreation activities.

The project site is located within a Fault Zone (Santa Monica Fault), a Liquefaction Zone, and a Special Grading Area (BOE Basic Grid Map A-13372). However, Regulatory Compliance Measures include the submittal of a Geology and Soils Report (provided by Geotech Consultants, Inc. dated June 30, 2018) to the Los Angeles Department of

Building and Safety (LADBS), and a Geology and Soils Report Approval Letter. The approval letter was granted on January 25, 2019 (Log #106720) and the letter details conditions of approval which must be followed.

There are no known designated historic resources or cultural monuments on the subject site. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

- (c) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The project site is located approximately 11.7 miles from State Route 27. Therefore, the Project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

- (d) **Hazardous Waste.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the Subject Site, nor any site in the vicinity, are identified as a hazardous waste site. Furthermore, the building permit history for the Project Site does not indicate the Site may be hazardous or otherwise contaminated and this exception does not apply.

- (e) **Historic Resources.** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The project site has 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. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

FINDINGS

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM /AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

Pursuant to Section 12.22 A.31(e) of the LAMC, the Director shall review a Transit Oriented Communities Affordable Housing Incentive Program project application in accordance with the procedures outlined in LAMC Section 12.22 A.25(g).

1. Pursuant to Section 12.22 A.25(g) 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 a predetermined percentage of income based on area median income thresholds dependent on affordability levels.

The list of on-menu incentives in the TOC Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program 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 on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project. Therefore, the site and project qualify for the TOC Affordable Housing Incentive Program as an Eligible Housing Development, and is eligible for the incentives granted therein.

Increased Height:

A restriction on height could limit the ability to construct the additional residential dwelling units, and specifically the Restricted Affordable Units. The project is financially feasible because of the increased flexibility the incentives allow the applicant in the building envelope.

Base Height + Incentive

The applicant has requested a Tier 3 Height Incentive, which allows for two additional stories up to 22 additional feet. The R3-1 zone allows for a maximum height of 45 feet. Therefore, the Tier 3 Height Incentive would allow a maximum height of 67 feet. The project is within that envelope at 67' and is consistent with the TOC guidelines.

TOC Height Exception

The TOC Height Exception applies to projects located on lots with a height limit of 45 feet or less. The Exception requires any height increases in excess of the first 11 feet

above the base height to be stepped-back a minimum of 15 feet from the exterior face of the Ground Floor building along any street frontage.

The project site is in a [Q]R3-1-O Zone, with a height limit of 45 feet. Therefore, along Greenfield Avenue, the project must step back after the first 11 feet of height increase over the base height of 45 feet, beginning at 56 feet. The project is stepping back at 45'-6" for 10' and again at a height 56' for 10'. Therefore, along the street frontage, at a height of 56' the project is setback from the exterior face of the ground floor of the building 20'. The project complies with the required 15-foot setback from the exterior face of the building.

Reduced Open Space:

The applicant has requested a 25% reduction in the Westwood Community Multi-Family Specific Plan required open space of 5,800 sf, resulting in 4,350 sf of required open space. The project is providing 4,447 sf of open space, consistent with the TOC Incentives.

The Westwood Community Multi-Family Specific Plan has additional open space requirements of where the open space can be provided. The Westwood Community Multi-Family Specific Plan requires that a minimum of 75% of the required open space be provided on the ground floor and no more than 25% of the required open space to be provided above the ground floor. The project is utilizing a third incentive, an additional open space reduction in the percentage of open space required on the ground floor. A 25% reduction in 75% results in 56.25%, or 2,447 sf. The project is providing 2,541 sf of open space on the ground floor and 1,906 sf of open space above the ground floor, consistent with the TOC Guidelines.

Common open space is in the form of common area decks at the fifth and sixth floors and a courtyard area running down the middle of the building that is clear to the sky with seating, a lounge area, outdoor dining area, and landscaping per Exhibit "A." The requested incentive will allow the developer to reduce open space requirements so the affordable housing units reserved for Extremely Low Income Households, Very Low Income Households, and Low Income Households can be constructed and the overall space dedicated to residential uses increased.

- 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.***

There is no evidence in the record that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The finding that there is no evidence in the record that the proposed incentive(s) will have a specific adverse impact is further supported by the recommended CEQA finding. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused

by the project have the possibility to result in health and safety impacts. For example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings. The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Class 32 of the CEQA Guidelines. The Categorical Exemption (CE) could be adopted, including, on the basis that none of the potential environmental effects of the proposed Project would cause substantial adverse effects on human beings, the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources. Based on all of the above, there is no basis to deny the requested incentives.

DESIGN REVIEW FINDINGS

1. A recommendation was made by the Westwood Community Design Review Board, pursuant to Los Angeles Municipal Code Section 16.50:

The Project is within the Westwood Community Design Review Board and Westwood Community Multi-Family Specific Plans. The Project was presented to the Design Review Board (DRB) at Public Hearings on March 6, 2019, July 17, 2019, May 6, 2020, and July 15, 2020. At none of those meetings did the DRB successfully vote on a motion of recommendations on the project. At the most recent July 15, 2020 a quorum of six Board Members heard an applicant presentation, took public testimony, and provided input and asked the developer questions. A motion to approve the project with conditions was made with three aye votes and three nay votes, failing to pass as an action requires a majority of the members of the board (or 4 of the seven members). No other motions were made. Therefore, per LAMC Section 16.50 E.3 (c), in the event the DRB fails to act within the time limits the application is referred to the Director of Planning for determination without a recommendation. Herein is the review and the decision of the Director.

In recognition of input received at the multiple DRB meetings, and other community meetings, the project design has been revised and refined as reflected in the current Exhibit "A" and the Director of Planning has imposed conditions that address some of the issues raised by the DRB.

Project Permit Compliance Findings

2. The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.

- a. Section 5.A. *Building Height*. This section of the Specific Plan, limits building height when a project immediately abuts an R1 or more restrictive zone, and is not applicable to the project. The project site does not abut an R1 or more restrictive zone; immediately adjacent properties are zoned [Q]R3-1-O. As such, the property will comply with the Height Incentive of the TOC Guidelines, which allow an additional 22 feet over the base height of 45 feet in the [Q]R3-1-O Zone. The TOC Guidelines allow for a maximum height of 67 feet and the project is proposing 6 stories and a height of 67'. Furthermore, the project is conditioned to ensure that the proposed project will not exceed 67'.
- b. Section 5.B. *Parking Standards*. The Specific Plan requires projects with more than four habitable rooms or less per unit to provide 2.25 parking spaces per unit.

Dwelling units containing five or more habitable rooms are required to provide 3.25 parking spaces. Of the parking spaces required, guest parking shall be provided at a ratio of 0.25 space for every dwelling unit. However, pursuant to Los Angeles Municipal Code Section 12.22 A.31, Automobile Parking is a Base Incentive in the TOC Guidelines and parking for a property in a Tier 3 area shall not be required to exceed .5 spaces per unit. The TOC Guidelines' parking incentive supersedes the Westwood Community Multi-Family Specific Plan Parking Standards. The TOC Guidelines require 15 parking spaces; however the project is providing 47 spaces.

- c. Section 6.A, *Open Space*, of the Specific Plan requires 200 square feet of open space per unit for R3 Zones, of which a minimum of fifty percent shall be landscaped and 75 percent shall be located on the ground floor. The Westwood Community Multi-Family Specific Plan would therefore require 5,800 sf of open space for a 29-unit apartment complex, 4,350 sf of which is required to be on the ground floor. However, the applicant has requested two Additional Incentives related to open space: a 25% reduction in the total required open space and a 25% reduction in the 75% of open space required to be on the ground floor. The project is compliant with the TOC Guidelines for the provision of open space as detailed in the Transit Oriented Communities Findings, and is providing 4,447 square feet of open space.

The Westwood Community Multi-Family Specific Plan requires 50 percent of open space to be landscaped. The project is providing 4,350 square feet of total open space, consistent with the TOC Guidelines requirements, 2,175 square feet of which is required to be landscaped. The project is providing 2,816 square feet of landscaping, consistent with the Specific Plan requirements.

Section 6.A.4. of the Specific Plan requires any open space above the ground floor that is counted toward the open space requirements to be setback a minimum of 10 feet in depth from the level immediately below it. Additionally, forty (40) percent of these setback areas are required to be landscaped. The fifth floor is providing a setback of 10' and 628 sf of open space, 286 sf of which are landscaped, or 45.5%, consistent with the Specific Plan requirements. The sixth floor is providing a setback of 10' in the front and rear and 1,278 sf of open space, 540 sf of which are landscaped, or 42%, consistent with the Specific Plan requirements. Further, the project is conditioned to ensure compliance with these requirements.

The Specific Plan states that no more than 50% of the required front or rear yards shall count toward open space requirements. The project site has a width of 100.04 feet and required front and rear yards of 15 feet. This results in 1,500 square feet of area in both the required front and rear yards. Therefore, a maximum of 750 square feet of area in both the required front and rear yards may be counted toward the required open space. The project is counting 750 square feet, 50 percent, of the area in both the required front and rear yards toward the required open space, consistent with the Specific Plan requirements. Further, the applicant is landscaping 750 sf (100%) in the rear yard and 800 sf (106%) in the front yard, consistent with the requirements of Section 6.A.6 of the Specific Plan. Side yards are not counted toward the required open space, consistent with Section 6.A.6, but are 50% landscaped.

- d. Section 6.B., *Walkways*, is not applicable because the width of the lot width of the subject site is not 150-feet or more. As depicted in "Exhibit A", the lot width of the site is approximately 100.04 feet.

- e. Section 6.C., *Building Setbacks*, is not applicable because the subject site is not directly across the street or within 200 feet of an R1 or more restrictive zone. Surrounding properties to the north, south, east, and west are zoned [Q]R3-1-O.
- f. Section 6.D., *Garage*. The proposed project substantially complies with Section 6.D, *Garage*, of the Specific Plan which allows only one level of a parking garage above the natural existing grade, up to a maximum of seven-feet in height, measured to the floor elevation of the level immediately above the parking garage. As depicted in "Exhibit A", (Sheets A-2 and A-3) the proposed project has two levels of subterranean parking and no parking above natural grade. The Building Sections in "Exhibit A" depict the ceiling heights of the garage parking level a maximum of three (3) above the natural grade level, which is below the seven-foot maximum height permitted.
- g. Section 6.E, *Yard Requirements*. The proposed project substantially complies with Section 6.E, *Yard Requirements*, which requires that a minimum of fifty percent of the required front, rear, and side yards be landscaped. As depicted in "Exhibit A", the project landscapes fifty percent of the front, rear, and side yards. Landscaped areas are comprised of 800 square feet in the front yard, 750 square feet in the rear yard, and 475 square feet in both side yards. As such, the proposed project complies with the landscaping requirements set forth in the Specific Plan.
- h. Section 6.F, *Buffer*, is not applicable because the subject site does not immediately abut an R1 or more restrictive zone. The subject site immediately abuts properties zoned [Q]R3-1-O.
- i. Section 6.G, *Screening*. The proposed project substantially complies with Section 6.G, *Screening*, of the Specific Plan which requires that structures on the roof be fully screened from view from adjacent properties, as seen from the grade. As depicted in "Exhibit A" Sheet A-8, mechanical equipment on the roof is setback from the edges of the property and screened from view.
- j. Section 7.A., *Landscape Standards*. The proposed project substantially complies with Section 7.A., *Landscape Standards*, General Requirements, which requires that a Landscape Plan be prepared by a licensed architect or landscape architect and submitted to the Westwood Community Design Review Board (DRB) for review. In addition, the Landscape Plan is required to illustrate details of the plants and plant material (i.e., names, size at maturity, locations, planting schedule, irrigation plan) and must include a variety of plant materials. As depicted in Exhibit "A", the Landscape Plan has been prepared by a landscape architect, and includes: an irrigation plan; a variety of plant material, including grass and other ground cover, shrubs, and trees; and, clear identification of plant material locations, and size at maturity. As previously described, the DRB failed to act within the time limits and per LAMC Section 16.50 E.3 (c) the application was referred to the Director of Planning for determination without a recommendation from the DRB; herein is the review and the decision of the Director.
- k. Section 7.B., *Street Trees*, requires street trees to be approved by the Bureau of Street Maintenance and to be planted at a minimum ratio of one for every 30 lineal feet of street frontage abutting the project. The Specific Plan also requires Street Trees to be at least 12 feet in height and not less than three inches in caliper at the time of planting. One (1) existing tree in the public right-of-way will be impacted by the development and removed. The subject site has a 100.04-foot frontage along Greenfield Avenue, which requires a minimum of three street trees. The

conditions require the street trees to be reviewed and approved by the Street Tree Division of the Bureau of Street Maintenance.

- I. Section 8, *Design Review Procedures*. The Project was presented to the Design Review Board (DRB) at Public Hearings on March 6, 2019, July 17, 2019, May 6, 2020, and July 15, 2020. At none of those meetings did the DRB successfully vote on a motion of recommendations on the project. At the most recent July 15, 2020 a quorum of six Board Members heard an applicant presentation, took public testimony, and provided input and asked the developer questions. A motion to approve the project with conditions was made with three aye votes and three nay votes, failing to pass as an action requires a majority of the members of the board (or 4 of the seven members). No other motions were made. Therefore, per LAMC Section 16.50 E.3 (c), in the event the DRB fails to act within the time limits the application is referred to the Director of Planning for determination without a recommendation. Herein is the review and the decision of the Director. The proposed project has been reviewed in accordance with the DRB and Specific Plan procedures of the Los Angeles Municipal Code.

CEQA FINDINGS

As the designee of the Director of Planning, I have determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The project, located at 1427-1433 Greenfield Avenue, is for the demolition of two apartment buildings and garages and the construction of a new 6-story, maximum 66.5-foot in height, twenty-nine (29) unit multi-family apartment building over two levels of subterranean parking containing 47 automobile stalls, in conjunction with the export of 14,000 cubic yards of dirt. The project is an in-fill development and qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.**

The site is zoned [Q]R3-1-O and has a General Plan Land Use Designation of Medium Residential. The Q condition on the project site was enacted through Ordinance 163,186 and requires that all projects with two or more units in Sub Area 1 (the subject property is located in Sub Area 1) shall be subject to review by the Westwood Community Design Review Board. The "O" suffix in the [Q]R3-1-O zone is a supplemental use district which indicates an Oil Drilling District where the drilling of oil wells or the production from the wells of oil, gases or other hydrocarbon substances is permitted. The project site is located in the Westwood Community Plan, the Westwood Community Multi-Family Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP). The Project is subject to the Department of Transportation clearance of WLA TIMP. The Westwood Community Design Review Board is required to review projects and make recommendations to the Director of Planning for projects within their jurisdiction. In addition, the site is eligible as a Tier 3 development in the Transit Oriented Communities Affordable Housing Incentive Program Guidelines, as

indicated on the Updated TOC Referral Form dated July 30, 2020. Pursuant to LAMC Section 12.22 A.31 and the TOC Guidelines, the applicant requests a Transit Oriented Community Compliance Review.

The project proposes the demolition of two apartment buildings and garages and the construction of a new 6-story, maximum 66.5-feet in height, twenty-nine (29) unit multi-family apartment building over two levels of subterranean parking containing 47 automobile stalls, in conjunction with the export of 14,000 cubic yards of dirt. The project site occupies two lots that are each 50 feet wide, consistent with the lot width requirements of the R3 Zone. The project site is located within a Liquefaction Zone, a Methane Zone, and a Special Grading Area (BOE Basic Grid Map A-13372). The project site is not located in a Very High Fire Severity Zone or Landslide Zone. The project site is located within a Fault Zone (Santa Monica Fault) but is not within an Alquist-Priolo Fault Zone.

The project is utilizing Base and Additional Incentives under the Transit Oriented Communities Ordinance. Under the TOC Guidelines, the applicant can utilize a Base Incentive for a maximum 70% density increase. The R3 Zone allows for a maximum density of one dwelling unit per 800 square feet of lot area. The project site consists of two (2) lots totaling approximately 13,500.2 square feet. The Los Angeles Municipal Code allows 16 units by-right, however, the TOC Guidelines round base density up to the next whole number, 17. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 29 units. The project is proposing 29 units, consistent with the TOC Guidelines and Zoning regulations.

Tier 3 also allows a base incentive for FAR and reduced parking. The FAR Incentive allows for a percentage increase in FAR up to 50 percent. Los Angeles Municipal Code provides for a maximum FAR of 3:1 in the R3-1 Zone. The applicant is utilizing the 50% TOC FAR increase to 4.5:1. The project has a by-right floor area of 28,368 sf. The TOC Guidelines allow a maximum floor area of 42,552 sf and the project is proposing 37,567 sf, which is consistent with the TOC Guidelines and Zoning regulations. The project is required to provide 15 spaces under the TOC and is providing 47 spaces (two levels of subterranean parking), consistent with the requirements of Los Angeles Municipal Code 12.22-A.31

Pursuant to the TOC Guidelines, the project is eligible for, and has been granted three Tier 3 Additional Incentives. In Tier 3 areas, the TOC incentive for open space allows a 25% reduction in the LAMC Code required open space from 5,800 sf to 4,350 sf of required open space. The project is providing 4,447 sf of open space, consistent with the TOC Guidelines and Zoning regulations.

The TOC Guidelines allow for a maximum height of 67 feet and the project is 67' in height and 6-stories. The project is consistent with the TOC Guideline's Height Incentive and Exception requirements.

The current project is in an urbanized area and characterized as in-fill development, which qualifies for the Class 32 Categorical Exemption. As shown in the case file, the project is consistent with the applicable Westwood Community Plan designation and policies and all applicable zoning designations and regulations.

- (b) **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The subject site is wholly within the City of Los Angeles, on a site that is approximately .31 acres (13,500.2 square feet) acres. Lots adjacent to the subject site are developed with the following urban uses: multi-family residential consistent with the [Q]R3-1 zone and Medium Residential Land Use designation. Two properties to the southeast and immediately abutting the property are zone [Q]R3-1-O but developed with single-family residences.

- (c) **The project site has no value as habitat for endangered, rare or threatened species.**

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. A Tree Report was prepared by *The Tree Resource*, dated January 14, 2019 and updated August 20, 2020. There are zero (0) protected trees on the site. One (1) City of Los Angeles Street Tree, located in the parkway perimeter of the site, will be impacted by construction and removed and replaced at a ratio of 2:1. There are thirteen (13) Non-Protected Significant Trees with a DBH (Diameter at Breast Height) of 8 inches or greater. These trees will be impacted by construction and are recommended for removal and replacement to the satisfaction of the City of Los Angeles Urban Forestry Division at a 1:1 ratio.

- (d) **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, storm water mitigations; and Best Management Practices for storm water runoff. More specifically, RCMs include but are not limited to:

- **Regulatory Compliance Measure RC-AQ-1(Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

- Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- **Regulatory Compliance Measure RC-GEO-4 (Liquefaction Area):** The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to:
 - ground stabilization
 - selection of appropriate foundation type and depths
 - selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
- **Regulatory Compliance Measure RC-HAZ-2: Explosion/Release (Methane Zone):** As the Project Site is within a methane zone, prior to the issuance of a building permit, the Site shall be independently analyzed by a qualified engineer, as defined in Ordinance No. 175,790 and Section 91.7102 of the LAMC, hired by the Project Applicant. The engineer shall investigate and design a methane mitigation system in compliance with the LADBS Methane Mitigation Standards for the appropriate Site Design Level which will prevent or retard potential methane gas seepage into the building. The Applicant shall implement the engineer's design recommendations subject to DOGGR, LADBS and LAFD plan review and approval.

- **Regulatory Compliance Measure RC-HAZ-3: Explosion/Release (Soil Gases):** During subsurface excavation activities, including borings, trenching and grading, OSHA worker safety measures shall be implemented as required to preclude any exposure of workers to unsafe levels of soil-gases, including, but not limited to, methane.

These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. These RCMs will ensure the project will not have significant impacts on noise, air quality, and water. The Project will also be governed by an approved haul route under City Code requirements, which will regulate the route hauling trucks will travel, and the times at which they may leave the site, thereby reducing any potential traffic impacts to less than significant. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter (Log #106720) for the proposed project and as it may be subsequently amended or modified. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

- (e) **The site can be adequately served by all required utilities and public services.**

The project site will be adequately served by all public utilities and services given that the project site is developed, surrounded by urban uses, served by existing infrastructure, and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions.

There are five (5) Exceptions, which must be considered in order to find a project exempt under Class 32: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

- (a) **Cumulative Impacts.** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes a 29-unit, maximum 67 feet-tall, six-story apartment building with 37,567 square feet of floor area and two levels of subterranean parking in an area zoned and designated for such development. Properties in the vicinity are developed with mostly multi-family residential buildings and the subject site is of a similar size and slope to nearby properties. According to Navigate LA, there are no other haul route approvals, and no other haul route applications being processed within 500 feet of the Subject Site. In addition, the haul route approval will be subject to recommended conditions prepared by LADOT to be considered by the Board of Building and Safety Commissioners that will reduce the impacts of construction related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. The proposed Haul Route will utilize 10 cubic yard haul trucks and haul for a total of 55 days, with 30 trips per day. This equates to a total of 300 cubic yards per day and a total maximum export amount of 14,000 cubic yards. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils

Report Approval Letter (Log #106720) for the proposed project and as it may be subsequently amended or modified. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

- (b) **Significant Effect.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The Project proposes to construct a 29-unit multi-family residential building in an area zoned and designated for such development. The Subject Site is of a similar size and slope to nearby properties. The Floor Area, density, and height of the proposed project are consistent with the Zone and Transit Oriented Communities program.

Multi-family housing is not unusual for the vicinity of the Subject Site, and the proposed project is similar in scope to other existing residential uses in the area. The project site is approximately 253 linear feet from a property owned by the Department of Water and Power and zoned [Q]PF-1XL-O. Greenfield Avenue to the North, dead-ends into a parking lot serving the City of Los Angeles Westwood Park which is zoned OS-1XL and occupies over 17 acres with sports and recreation activities.

The project site is located within a Fault Zone (Santa Monica Fault), a Liquefaction Zone, and a Special Grading Area (BOE Basic Grid Map A-13372). However, Regulatory Compliance Measures include the submittal of a Geology and Soils Report (provided by Geotech Consultants, Inc. dated June 30, 2018) to the Los Angeles Department of Building and Safety (LADBS), and a Geology and Soils Report Approval Letter. The approval letter was granted on January 25, 2019 (Log #106720) and the letter details conditions of approval which must be followed.

There are no known designated historic resources or cultural monuments on the subject site. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

- (c) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The project site is located approximately 11.7 miles from State Route 27. Therefore, the Project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

- (d) **Hazardous Waste.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the Subject Site, nor any site in the vicinity, are identified as a hazardous waste site. Furthermore, the building permit history for the Project Site does not indicate the Site may be hazardous or otherwise contaminated and this exception does not apply.

- (e) **Historic Resources.** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The project site has 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. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

COVID-19 UPDATE

Interim Appeal Filing Procedures

March 27, 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described below.

OPTION 1: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

STEP 1:

Email planning.figcounter@lacity.org with the subject line: "**Request to File Appeal.**" In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles (\$109.47 for an aggrieved party, not the Project Applicant.)

Mail the appeal application to:

Department City Planning - Metro DSC
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.

OPTION 2: DROP OFF AT DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

- Confirm that the appeal package is complete and meets the applicable provisions of the LAMC
- Provide a receipt for payment

FACT SHEET

Planning Entitlement Appeals

Summary

Discretionary planning decisions in Los Angeles can be appealed, at times, to one of the eight City Commissions that oversee planning-related issues and, in some instances, directly to the City Council. These appeals provide members of the public with an opportunity to challenge certain planning decisions, exercising their rights in accordance with the Los Angeles Municipal Code (LAMC). City Planning has developed an informational fact sheet, complete with frequently asked questions, to inform the public of their rights and opportunities for filing project appeals.

Background

The LAMC outlines a process to allow members of the public to appeal land use decisions that are issued by the City. Appeals are intended to challenge the merits of the decision, specifically to contend that a decision maker erred or abused their discretion. To allow community members the ability to appeal qualifying planning decisions at a minimal personal cost, City Planning has consistently (and significantly) subsidized non-applicant appeal fees. This has allowed individuals to be part of a fair and equitable process, one which has provided the public with the opportunity to question certain decisions.

The Department has developed a fact sheet to further clarify the process for filing project-related appeals. This document will be updated periodically, as needed. For additional information, please contact the planning staff located at the Figueroa Plaza (Downtown), Marvin Braude (Van Nuys), or West Los Angeles Development Services Centers preferably via email at planning.figcounter@lacity.org.

Frequently Asked Questions

Where are project appeals filed?

Appeals can be filed at any of the three Development Services Centers (DSCs)—[Downtown, Van Nuys, and West Los Angeles](#)—where planning staff is located. A physical drop off area has been set up at each location to allow applicants to submit their applications, without having to file an initial appointment or enter the premises. As an additional option, the Department has also created an online portal for electronic appeal applications. Click this [link](#) to access the online forms and submit the relevant information electronically.

How long do applicants have to submit a project-related appeal?

An appeal must be filed within a specified period of time as established by the LAMC—varying in length from 10 to 15 days of the issuance of the Letter of Determination (LOD), depending on the planning entitlements being appealed. As a point of reference, deadlines for filing appeals are noted in the [Los Angeles Municipal Code](#) (LAMC) and typically also identified within the LOD.

Where can applicants access the appeal form and corresponding instructions?

The appeal form and instructions can be found [here](#). Both an applicant and “aggrieved party” (a community member opposing the decision) may choose to file an appeal. All appeals will be processed at the same time. Each appeal form represents one appeal, regardless of the number of individuals who have signed the appeal form. For certain planning entitlements, such as determinations for projects that file under the Density Bonus and [Transit Oriented Communities Incentive](#) Programs, appeals are limited to adjacent and abutting owners of property or occupants, as specified in the implementing State and/or local statute. Neighborhood Councils and/or City-appointed decision-making bodies may not file an appeal.

Who decides the outcome of project appeals?

Letters of Determination are issued by the Director of Planning (DIR), Associate Zoning Administrator (AZA), Deputy Advisory Agency (DAA), Area Planning Commission

(APC), or City Planning Commission (CPC). Depending on the initial decision-maker, there are three appellate bodies for planning cases in Los Angeles: the Area Planning Commissions, the City Planning Commission, and the City Council. The LAMC establishes appeal procedures including which types of decisions are eligible for a first- and second-level appeal (meaning that in some cases, the project can be appealed again to a higher decision maker).

How long does the City have to consider the appeal of a land use decision?

According to the LAMC, the City must process appeals under strict time limits. Depending on the planning entitlements, the date that an appeal hearing must be scheduled varies between 30 days from appeal submittal up to 75 days from the last day of the appeal period. These time periods may be extended if there is mutual agreement between the applicant and the City. The LAMC does not, however, allow a non-applicant to request an extension beyond this allotted time period for project appeals.

How (and when) are notifications sent notifying the appellant of their hearing date?

The LAMC specifies the timelines by which appeal hearings must be held. In general, appellants receive notice of their upcoming hearing at least 10 days prior to the hearing date. Notices for some appeal hearings may be published in a local newspaper. If unavailable to attend the date of the hearing, the appellant can submit written comments to the decision-maker or appoint a representative to provide public testimony on their behalf at the public hearing.

Who from City Planning can provide assistance, should there be any questions?

Planning staff at the DSCs serve as a main point of contact for [general inquiries](#). Once a project appeal has been submitted, questions can be directed to the assigned planner, who will process the appeal and take it to the hearing. The contact information for the assigned planner may be found on the Department's [Planning Case Tracking System \(PCTS\)](#).

When can documents be sent to the appellate decision maker who will hear the appeal?

In addition to the appeal application, the appellant may submit documents for the official public record at the time the appeal is filed. If there is a need to provide additional documents after the appeal has been filed, the appellant can send them to the planner assigned to the appeal. Information submitted after a staff recommendation report has been drafted will be included in the public record, but it will not have been considered at the time of the writing of the staff report.

City Planning's Commission Office requires that supplemental information be provided more than 48 hours in advance of the hearing, and meet the criteria as outlined below.

REQUIREMENTS FOR COMMISSION SUBMISSION OF MATERIALS

Regular Submissions: Initial Submissions, not limited as to volume must be received no later than by 4:00 pm on the Monday of the week prior to the week of the Commission meeting. Materials must be emailed to the assigned staff and Commission identified on the project's public hearing notice.

Rebuttal Submissions: Secondary Submissions in response to a Staff Recommendation Report and/or additional comments must be received electronically no later than 48 hours prior to the Commission meeting. For the Central, South Los Angeles and Harbor Area Planning Commissions, materials must be received no later than by 3:00 pm, Thursday of the week prior to the Commission meeting. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on this announcement.

Day of Hearing Submissions: Submissions less than 48 hours prior to, and including the day of the hearing, must not exceed two (2) written pages, including exhibits, and must be submitted electronically to the staff and Commission identified on the project's public hearing notice. Photographs do not count toward the page limitation.

Non-Complying Submissions: Submissions that do not comply with these rules will be stamped "File Copy. Non-complying Submission." Non-complying submissions will be placed into the official case file, but they will not be delivered to or considered by the Commission and will not be included in the official administrative record for the item at issue.

Commission email addresses:

City Planning Commission: cpc@lacity.org

Central Los Angeles Area Planning Commission: apccentral@lacity.org

East Los Angeles Area Planning Commission: apceastla@lacity.org

Harbor Area Planning Commission: apcharbor@lacity.org

North Valley Area Planning Commission: apcnorthvalley@lacity.org

South Valley Area Planning Commission: apcsouthvalley@lacity.org

South Los Angeles Area Planning Commission: apcsouthla@lacity.org

West Los Angeles Area Planning Commission: apcwestla@lacity.org

Are appellants required to sit through the entire meeting when there are multiple items on the agenda?

The answer is no; however, the agenda items can be taken out of order. Therefore, it is in the interest of each appellant to attend the full meeting at the scheduled start time, until their item is taken up for consideration. Depending on how many items are on the agenda, and the agenda order, your item could be heard very quickly or you may have to wait through several items which could take a few hours. As a point of reference, commission meetings for Area Planning Commissions and City Planning Commission generally start at 4:30 PM and 8:30 AM, respectively. For additional details, please consult the "[Events Calendar](#)" on City Planning's website. For City Council and Council Committee meetings, please consult the Meeting Calendar page for [City Council](#) and [Committees](#).

Will the appellant have an opportunity to speak during the hearing?

Following the presentation by the planner assigned to the appeal case, the appellant can present their case. After the appellant's presentation, the project applicant will be given an equal amount of time to provide a rebuttal to the appellant's presentation. There is often time for an additional rebuttal by the applicant or appellant. While there are exceptions to the rule, the appellate body may invite the appellant to respond to



questions. It is important to note that the appellate body will not engage in a back and forth conversation with either the applicant or appellant. This is done to be both fair and consistent in the amount of time allocated to each party.

What is the format and structure of a typical hearing for a project appeal?

Each appellate body follows a slightly different set of procedures when hearing project appeals. That said, there are a number of common features that apply regardless of whether the appellate body is the Area Planning Commission, Cultural Heritage Commission, City Planning Commission, or City Council. A formal public meeting structure is always maintained in order to ensure a fair and predictable process—one where all sides are heard, and the meeting is conducted in an orderly manner. In the case when a planning commission is the appellate body, there are additional steps, such as: a presentation from the Department, an opportunity for the appellant to testify, a forum for the applicant to offer their rebuttal, and time reserved for public testimony. This would take place leading up to any formal action on the part of the commissioners, as it relates to a project appeal.

To slow the spread of COVID-19, City Planning has implemented new procedures for public hearings and outreach meetings in order to practice proper physical distancing protocols. Until notified otherwise, commission meetings will be conducted virtually to allow applicants and the public to participate using a webcam or by telephone. For more information, consult the City Planning's [website](#) with detailed instructions.

How much time does the appellant have to present their argument?

The time allocated to the appellant for the purposes of their presentation varies. It is ultimately determined by the appellate body and communicated at the start of the meeting. More often than not, appellants are allocated five to 10 minutes to make their presentation. Project appeals that are heard by City Council follow slightly different procedures, which the assigned planner can explain.

Is there a need for the appellant to submit a PowerPoint presentation?

Appellants can prepare a PowerPoint presentation, in addition to making verbal remarks when it is their turn to speak. If a PowerPoint is being prepared, the appellant should



submit the document to City Planning no less than 72 hours in advance of the meeting. The assigned planner will coordinate the submission for the appellant.

What role does the planner assigned to this project play during the appeal process?

The role of the assigned planner is to ensure that an appellant is notified of the appeal hearing as an interested party, to provide them with a courtesy copy of the staff report if prepared, and to make sure that all parties are informed of the outcome or final decision of the appeal. The assigned planner will analyze the appeal points and prepare a staff recommendation report responding to each of the points raised by the appellant. At the hearing, the assigned planner will make a presentation to the decision maker. All information about the case is available for public view in the case file, and the Planner can assist in making an appointment to review it. The planner can also ensure that translation and special accommodations for individuals with disabilities can be provided at the public hearing, if requested.

What happens after the Appellate Body issues a formal decision, one way or another?

After the Commission takes a vote, a formal Letter of Determination is issued. If the decision is not further appealable, this concludes the appeal process. Under the LAMC and City Charter, only certain Commission-level appellate decisions are further appealable to City Council.

When can a CEQA appeal be filed?

Generally, a standalone CEQA appeal to the City Council may only be filed if a project's land use determination is not further appealable to the City Council (with some exceptions). If a determination made by an Area Planning Commission or City Planning Commission is further appealable to the City Council, the City Council will consider CEQA related appeal points made by an appellant when considering the entire appeal of the project.

When should appellants fill out the CEQA Appeal Form?

The CEQA Appeal form shall only be used if the Area Planning Commission or City Planning Commission issues a determination for a project that is not further appealable. In these situations, an individual may file an appeal of a project's CEQA clearance to the City Council. Forms and procedures for the appeal of CEQA documents can be found here listed under "CEQA Appeal Application."