

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
DIR-2019-4920-TOC-1A	ENV-2019-4921-CE-1A	11 - Bonin
PROJECT ADDRESS:		
1600 – 1614 East Venice Boulevard		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Venice Wave LP, 1600 Venice LLC	N/A	N/A
<input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Michael Cohanzad & Matthew Hayden, Venice Wave LP	N/A	N/A
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Erica Moore	(310) 629-7423	bbcatering@earthlink.net
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Kate Scanlon-Double	(310) 384-6227	Evna.venice@gmail.com
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Esther Serrato	(213) 978-1211	Esther.serrato@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
CE – Categorical Exemption		

FINAL ENTITLEMENTS NOT ADVANCING:

TOC - Transit Oriented Communities Affordable Housing Incentive Program

ITEMS APPEALED:

CEQA Appeal - CE

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/>
<input type="checkbox"/> Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program	<input type="checkbox"/>
<input type="checkbox"/> Zone Change Map	<input type="checkbox"/>	<input type="checkbox"/> Other	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>		
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>		
<input type="checkbox"/> Exhibit A - Site Plan	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Mailing List	<input type="checkbox"/>		
<input type="checkbox"/> Land Use	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Other	<input type="checkbox"/>		

NOTES / INSTRUCTION(S):

N/A

FISCAL IMPACT STATEMENT:☒ Yes☐ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- ☒ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
December 17, 2020	6-1
LAST DAY TO APPEAL:	APPEALED:
January 20, 2021	January 20, 2021
TRANSMITTED BY:	TRANSMITTAL DATE:
Irene Gonzalez, Commission Office	February 2, 2021



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: JAN 05 2021

Case No. DIR-2019-4920-TOC-1A
CEQA: ENV-2019-4921-CE
Plan Area: Venice

Council District: 11 – Bonin

Project Site: 1600 – 1614 East Venice Boulevard

Applicant: Venice Wave LP, 1600 Venice LLC
Representative: Michael Cohanad & Matthew Hayden, Venice Wave LP

Appellants: Mickey Ramos and 35 Additional Persons
Representative: Kate Scanlon-Double

Allen Sarlo

At its meeting of **December 17, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of three existing residential structures and the construction of a new four-story, maximum 41-feet in height, 49,948 square foot, multi-family apartment building consisting of 77 units over one level of subterranean parking containing 43 automobile stalls. The Project reserves seven of the units for Extremely Low Income Households.

1. **Determined**, that based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332 (Class 32 Urban In-Fill Development), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeals and **sustained**, Planning Director's Determination dated April 20, 2020;
3. **Approved with Conditions**, pursuant to Section 12.22 A.31, a Transit Oriented Communities (TOC) Affordable Housing Incentive Program Compliance Review for a qualifying Tier 2 project, totaling 77 dwelling units, reserving seven units for Extremely Low Income Household occupancy for a period of 55 years, with the following Base and Additional Incentives:
 - a. Residential Density. A 60 percent increase in the maximum density to permit a total of 77 dwelling units, in lieu of 48 units as otherwise permitted by the R4 base density;
 - b. Floor Area Ratio (FAR). A maximum FAR of 4.35:1, in lieu of the 3:1 as otherwise permitted by LAMC Section 12.21.1 A.1;
 - c. Parking. Reduced residential parking requirements to permit 0.5 parking spaces per bedroom;
 - d. Yards/Setback. A reduced front yard setback of 5 feet, in lieu of the 15 feet otherwise required by LAMC Section 12.11; and
 - e. Height. An increase of 11 feet to allow a maximum height of 41 feet, in lieu of the 30 feet otherwise permitted by LAMC Section 12.21.1 A.1;
4. **Adopted** the attached Conditions of Approval; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Khorsand
Second: Perlman
Ayes: Leung, López-Ledesma, Millman, Relan
Nay: Mack
Absent: Ambroz, Choe

Vote: 6 – 1

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), Appeal Facts Sheet

c: Juliet Oh, Senior City Planner
Jordann Turner, City Planner
Esther Serrato, City Planning Associate

CONDITIONS OF APPROVAL

Transit Oriented Communities Conditions

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, 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 or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 77 residential dwelling units.
3. **Affordable Units.** A minimum of seven (7) dwelling units, or 9 percent of the 77 total units, shall be reserved for Extremely Low Income households as defined in Section 50106 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.
4. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units, or that change the composition of units or 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 and record a covenant and agreement running with the land to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA). The covenant shall bind the owner to reserve seven (7) units available to Extremely Low Income Households 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 the TOC Guidelines and any monitoring requirements established by the HCIDLA. Refer to the TOC Affordable Housing Incentive Program and Housing Replacement (AB 2556 Determination) Background sections of this determination.
6. **Floor Area Ratio (FAR).** The project shall be limited to a maximum FAR as shown in "Exhibit A".
7. **Automobile Parking.** The project qualifies for reduced parking requirements in accordance with LAMC 12.22 A.31 and the TOC Guidelines as a mixed-income project within one half mile of a major transit stop to which the project has unobstructed access. Under AB 744, parking requirements are based upon the number and type of dwelling units proposed. The project requires a minimum of 43 residential parking spaces for the 77 proposed dwelling units containing 85 bedrooms, based on a rate of 0.5 parking spaces

per bedroom. Forty-three (43) parking spaces are proposed onsite for the proposed residential use, all located in the subterranean parking level.

8. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be recalculated by the Department of Building and Safety, based upon the ratios set forth ratios set forth in the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines).
9. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16.
10. **Additional Incentives.** In accordance with LAMC Section 12.22 A.31 and the TOC Guidelines, the following Additional Incentives (Tier 2) are requested:
 - a. **Yards/Setback.** The project shall be permitted a reduced front yard setback of 5 feet.
 - b. **Height.** The project shall be permitted an increase of 11 feet in building height, equal to a maximum building height of 41 feet.

[Q] Conditions (Ordinance No. 169,327)

11. **Tenants.** Prior to the issuance of a building permit or demolition permit, all tenants of an existing multi-unit residential building located on a lot where a project will be located shall be given a minimum 60-day written notice of termination of tenancy.

Administrative Conditions

12. **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 "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
13. **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.
14. **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.
15. **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.

16. **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.
17. **Condition Compliance.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
18. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (Master Covenant and Agreement Form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file
19. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
20. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
21. **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 (TOC) Affordable Housing Incentive Program project application in accordance with the procedures outlined in LAMC Section 12.22 A.25(g).

1. **Pursuant to LAMC Section 12.22 A.25(g)(2), the Director shall approve a transit oriented communities review with additional requested incentives unless the Director finds that 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 find that the requested incentives are not required 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.

The list of incentives in the TOC Guidelines were pre-evaluated at the time the TOC 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. The following incentives allow the developer to increase the height of the mixed-use building so that affordable housing units can be constructed and the overall space dedicated to residential uses is increased. These incentives support the applicant's decision to reserve seven (7) units for Extremely Low Income Households.

Yards/Setback. The project is located within the R4 zone and is required to provide a 15-foot front yard setback on Venice Boulevard. The requested yard incentive allows the project to be designed with a reduced front yard setback of 5 feet along Venice Boulevard. Front yard reductions are limited to no more than the average of the front yards of adjoining buildings along the same street frontage; if the project is located on a corner lot or adjacent to a vacant lot, the front yard setback may align with the façade of the adjoining building along the same front lot line. Without the yard incentive, the project's floor area would be reduced by approximately 5,000 square feet, resulting in a decrease of 16 units. With the yard incentive, the project is able to include more residential floor area for dwelling units reserved for Extremely Low Households.

Height. The project is subject to the 1XL height district, which limits height to 30 feet. The requested height incentive allows an increase of 11 feet in building height, equal to a maximum building height of 41 feet. Although the underlying zone does not limit the number of stories, the project is limited by building height. Utilization of the height incentive enables the construction of an additional level, and thus facilitates the addition of approximately 21 units. The additional units support the applicant's decision to reserve seven (7) units for Extremely Low Income Households.

The use of the Incentives result in design and construction efficiencies, which in turn makes the inclusion of affordable units more financially feasible. The Additional Incentives requested for this project are part of a broader list of TOC On-Menu Additional

Incentives that have been pre-evaluated and deemed effective in providing applicants with greater flexibility to construct mixed-income developments. The project reserves at least 7 percent of the total units for Extremely Low Income Households and, as such, qualifies for up to two Additional Incentives.

2. **Pursuant to LAMC Section 12.22 A.25(g)(2), the Director shall approve a transit oriented communities review with additional requested incentives unless the Director finds that the incentives 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 is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low, and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.**

There is no evidence that the proposed incentive will have a specific adverse impact upon public health and safety or the physical environment. 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 incentives will have a specific adverse impact is further supported by the CEQA findings. 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 State CEQA Statute and Guidelines and the City’s L.A. CEQA Thresholds Guide. Analysis of the proposed project determined that the project is Categorically Exempt from environmental review pursuant to Article 19, Class 32 of the State CEQA Statute and Guidelines. Furthermore, the project was evaluated against the exceptions to use of Categorical Exemptions pursuant to Section 15300.2 of the State CEQA Statute and Guidelines and determined that none of the exceptions apply to the proposed project. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact upon public health and safety or the environment, or on any real property that is listed in the California Register of Historical Resources.

ENVIRONMENTAL REVIEW FINDINGS

3. 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 consists of the demolition of three existing residential structures, and the construction of a 41-foot tall, four-story, 49,948 square-foot, multi-family structure over one level of subterranean parking, containing a total of 77 dwelling units, reserving 7 dwelling units (9 percent of the total units) for Extreme Low Income households for 55 years. The project provides a total of 43 vehicular parking spaces and 82 bicycle parking spaces (72

long-term, 10 short-term). The project will grade and export 8,800 cubic yards of earth. 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 currently is developed with a 3-unit apartment building, a 4-unit apartment building, and a 2-unit apartment building. The site is zoned [Q]R4-1XL and has a General Plan Land Use designation of High Medium Residential. The project proposes the construction of a three-story residential building containing 77 dwelling units. As proposed, the project is conformance with the General Plan Zoning and Land Use designation.

- 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. Lots surrounding the subject site are developed with multi-family buildings and single-family residences.

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

The site is not a wildland area, and is not inhabited by endangered, rare, or threatened species. The area around the site is highly urbanized and surrounded by commercial and residential uses. NavigateLA shows that the subject site is not located in a Significant Ecological Area.

- 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 for pollutant discharge, dewatering, and stormwater mitigations; and Best Management Practices for stormwater 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), 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 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.

These RCMs will reduce any potential impacts on noise and water quality to less than significant. The creation of noise is limited to certain decibels, restricted to specific hours. A Noise Impact Analysis, prepared by Cadence Environmental, dated September 25, 2019, determined that the proposed development would not exceed the limits stated in the Noise Ordinance. Regarding traffic and air quality impacts, DOT staff determined that the project requires a traffic assessment study. A traffic study dated September 3, 2019 was prepared by Overland Traffic Consultants. The Department of Transportation (LADOT) issued a Traffic Assessment, dated February 4, 2020, indicating the project would generate a net increase of 341 trips. The Traffic Assessment included a VMT analysis that determined the project would not have a significant transportation impact under any of the above thresholds.

The project will not conflict with any adopted policies, plans, or programs regarding public transit, bicycle facilities, or pedestrian facilities. Therefore, the project will not have any significant impacts to traffic. Likewise, air quality will not worsen as a result of the proposed project. 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. The Air Quality Impact Analysis prepared by Cadence Environmental Consultants, dated September 24, 2019, concluded the project would not result in impacts to air quality. Regarding water quality, the proposed project will utilize existing municipal water sources through the Department of Water and Power (LADWP). The project is subject to the City's Low Impact Development Ordinance (Ordinance 181,889), which requires the capture and retention of storm water through onsite filtration and treatment. As such, the project has been designed to meet the City's Low Impact Development (LID) requirements.

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 property is located in an urban tract with water supply, sewage and waste disposal infrastructure, and power lines installed. Venice Boulevard and Glencoe Avenue are improved with existing utilities that service the lots in the area. Both can be accessed

by emergency vehicles. The project includes a street dedication to widen the pedestrian right-of-way. The project will also repair and replace any broken or off-grade asphalt, sidewalk, curb, or gutter. The project shall comply with any street light requirements required by the Bureau of Street Lighting. The proposed project will not result in significant impacts on the capacity of existing utilities and services.

The project is a transit-oriented, infill development on a site within an urbanized area and meets the criteria outlined above. Therefore the project qualifies for a Class 32 Categorical Exemption.

Furthermore, the Exceptions outlined in the State CEQA Guidelines Section 15300.2 do not apply to the project:

- a) Cumulative Impact. There is not a succession of known projects of the same type located in the same place as the subject project. No comparable pending projects (TOC or Density Bonus) have been identified within a 500-foot radius of the subject site. One TOC project located approximately 0.33 miles away at 1015 East Venice Boulevard (DIR-2017-4421-TOC) was approved on September 7, 2018. Another TOC project, located at 1808-1816 South Lincoln Boulevard (DIR-2019-1133-TOC), was approved on February 20, 2020. Since these projects qualify for a Class 32 Categorical Exemption and are subject to Regulatory Compliance Measures, no cumulative impacts are anticipated. Further, the proposed 77-unit residence does not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts.
- b) Significant Effect Due to Unusual Circumstances. 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 a multi-family building in an area zoned and designated for such use. Adjacent lots are developed with multi- and single-family residences. No unusual circumstances are present or foreseeable.
- c) Scenic Highways. The project site is not located on or near a designated state scenic highway. The only State Scenic Highway within the City of Los Angeles is the Topanga Canton State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park.
- d) Hazardous Waste Sites. The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code.
- e) Historical Resources. 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. The site was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. The City does not 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.

The project is determined to be categorically exempt and does not require mitigation or monitoring measures; no alternatives of the project were evaluated. An appropriate environmental clearance has been granted.

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."