

# LOS ANGELES CITY CLERK APPLICATION FORM FOR CEQA APPEAL TO CITY COUNCIL (LAMC §197.01)

**DO NOT USE THIS FORM** to initiate an appeal of a determination made under the Planning and Zoning Code (LAMC Chapter 1) or a determination made by a proprietary department (Airports, Harbor or Water and Power). To initiate an appeal of a determination made under the Planning and Land Use Code or by a proprietary department, please contact the department or individual who made the determination.

**USE THIS FORM** to initiate an appeal to City Council (pursuant to Los Angeles Municipal Code (LAMC) §197.01) of a nonelected decisionmaking body or individual's (1) certification of an environmental impact report; (2) adoption of a negative declaration or mitigated negative declaration; or (3) written determination that a project is not subject to the California Environmental Quality Act (CEQA).

## 1. LOWER NONELECTED DECISIONMAKING BODY/INDIVIDUAL INFORMATION

Lower Nonelected Decisionmaking Body/Individual (check one):

☐ Board of Public Works ☐ Board of Recreation and Parks Commissioners

☐ Bureau of Engineering ☐ Department of Transportation

☒ Other (print): Los Angeles City Planning Commission

Regarding Case Number: DIR-2019-3815-DB CEQA -2019-3816-CE

Project Title: Augusto Rojas, Augusto & Grace Rojas Trust

Project Address: 11961 Venice Blvd. Los Angeles CA 90066

Check type of Environmental Determination (only these can be appealed to City Council):

☐ Environmental Impact Report ☐ Negative Declaration/Mitigated Negative Declaration

☒ Written Determination That Project Is Not Subject To CEQA

Date of approval of Environmental Determination: December 3, 2020

# LOS ANGELES CITY CLERK APPLICATION FORM FOR CEQA APPEAL TO CITY COUNCIL (LAMC §197.01)

## 2. APPELLANT INFORMATION

Appellant's name (print): Harvey Lind

Company: Sherlind Properties, LLC

Mailing Address: 13101 W Washington Blvd. #136

City: Los Angeles State: CA Zip: 90066

Telephone: 310-717-0091 Email\*: hlind@eoffices.com

*\* By submitting this form electronically, you agree to accept communications from the City at the electronic mail address provided.*

- Is the appeal being filed on your behalf or on behalf of another party or organization?

☒ Self ☐ Other (print): \_\_\_\_\_

## 3. REPRESENTATIVE/AGENT INFORMATION

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

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

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

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

Telephone: \_\_\_\_\_ Email\*: \_\_\_\_\_

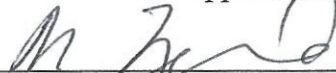
*\* By submitting this form electronically, you agree to accept communications from the City at the electronic mail address provided.*

## 4. LEGAL BASIS FOR THE CEQA APPEAL

Attach a separate sheet providing a brief summary of the legal basis for the CEQA Appeal.

## 5. APPELLANT'S AFFIDAVIT

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

Appellant's Signature:  Date: 12/11/2020

## 6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- The following documents are required for each appeal filed:
  - Complete appeal application (this form completely filled in)
  - Legal basis for the CEQA Appeal (attached to this form)
  - Copy of the challenged decision to certify an environmental impact report, adopt a negative declaration or mitigated negative declaration, or written determination that the project is not subject to CEQA (attach to this form)



## LOS ANGELES CITY CLERK APPLICATION FORM FOR CEQA APPEAL TO CITY COUNCIL (LAMC §197.01)

- All documents comprising this appeal must also be filed concurrently with the nonelected decisionmaking body or individual whose environmental determination is being appealed [LAMC 197.01 D]
- A CEQA Appeal can only be filed if the challenged decision is not otherwise appealable to the City Council [LAMC 197.01 B]
- A CEQA Appeal can only be filed within the earliest of: (i) 10 days following the filing of either a Notice of Exemption or Notice of Determination in compliance with CEQA; or (ii) 180 days following the Environmental Determination if no Notice of Exemption or Notice of Determination is filed [LAMC 197.01 C]
- Within 10 days of filing the CEQA Appeal, Appellant shall submit to the City Clerk all documentary evidence, other supporting material, and argument that Appellant wishes to present to the City Council [LAMC 197.01 E.2]

This Section for City Clerk Staff Use Only	
Reviewed & Accepted by (City Clerk):	Date:
<input type="checkbox"/> Internal review completed	
Deemed Complete/Referred for Assignment by (City Clerk):	Date:

December 11, 2020

LEGAL BASIS FOR CEQA APPEAL

I am Harvey Lind who owns the office building at 11965 Venice Blvd., adjacent to the proposed development, at 11961 Venice Blvd. We are the aggrieved neighboring property owner filing this appeal.

We have owned and managed our property in this neighborhood for the past 20 years.

We know this neighborhood well and would like to point out **why the exemption to CEQA, does not apply to this particular project, due to "UNUSUAL CIRCUMSTANCES" (PRC. [§] 15300.2[c]).**

1. The **unusual circumstances relates specifically to the proposed project's location, which is a mere 130 ft. from a major congested traffic intersection which is impacted by a confluence of unique factors, listed below. It is extremely dangerous to dump additional traffic, from this proposed project, directly into this intersection.**

AT THIS INTERSECTION IS A:

- Bus lane
- Right turn lane
- Bicycle lane
- 3 lanes reduced to 2 lanes to make way for bicycles.
- Fire Station

All traffic exiting the proposed project **dumps directly into this congested intersection with dangerous consequences, therefore it's an unusual circumstance, and requires an environmental impact report.** The Administrative record, without a traffic study, and, without a mention that the designee of the director of planning made a sight visit, would have revealed these "unusual circumstances" leading to a health and safety hazard. **We therefore believe that an environment impact report is required.**

2. Our building is 45 feet high and the highest building rooftop in the vicinity. It serves as a major communications hub for cellular service, for **First Responders** for the Westside of Los Angeles. At&T, Sprint- T mobile, and Spectrum have major infrastructure in the building and on the roof. The proposed project is 57 ft. high which is a full story above our building and will block the cell site transmissions from our roof.

**Blocking a cell site** is an exceptional circumstance, also placing residential units located 10 feet away from cellular antennas, is unsafe and unusual.

3. All exiting Project residents must be directed through residential neighborhoods because of the proximity of the intersection. All residents must use the right turn lane and take a circuitous route through mar vista residential streets resulting in an unusual circumstance.
4. Excavation of 20 feet depth on a 61 foot wide lot is unusual as there is no parking or stopping point for the construction trucks. There is also no guest or delivery parking which will impact traffic at this intersection. This is an unusual circumstance. Subjacent and lateral support concerns are an inherent concern due to the depth and proximity to existing residential and commercial structures.







## LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

### LETTER OF DETERMINATION

MAILING DATE: DEC 08 2020

Case No. DIR-2019-3815-DB-1A  
CEQA: ENV-2019-3816-CE  
Plan Area: Palms – Mar Vista – Del Rey

Council District: 11 – Bonin

**Project Site:** 11961 West Venice Boulevard

**Applicant:** Augusto Rojas, Rojas Augusto and Grace M TRS; Augusto and Grace Rojas Trust  
Representative: Nichole Smith, HORIZON Development + Entitlement

**Appellants:** Tupac A. Roberts, Vista Del Pacifico Properties, LLC

Mohammed J. Virani, Virani 1993 Family Trust & Esther Stuhl Disclaimer Trust

Harvey Lind, Sherlind Properties, LLC

At its meeting of **December 3, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of an existing medical office building and the construction of a new five-story, maximum 57-feet six-inches in height, 30,681 square foot, multi-family apartment building consisting of 38 dwelling units over one level of subterranean parking containing 39 automobile stalls. The Project reserves five of the units for Very Low Income Households. The Project will require the grading and export of approximately 8,008 cubic yards of soil and the removal of one non-protected tree in the adjacent public right-of-way.

1. **Determined**, that based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332 (Class 32 Urban In-Fill Development), and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Planning Director's determination to approve, pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC), a Density Bonus Compliance Review for a project totaling 38 dwelling units, reserving five units for Very Low Income household occupancy for a period of 55 years, with the following On-Menu Density Bonus Incentives:
  - a. Side Yard/Setback. A 20 percent decrease from the side yard requirements, allowing six feet five inches in lieu of eight feet;
  - b. Floor Area Ratio. An allowance for a 3:1 Floor Area Ratio in lieu of the otherwise maximum permitted 1.5:1 Floor Area Ratio; and
  - c. Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access. An averaging of floor area, density, open space and parking over the Project-site, and permit vehicular access from a less restrictive zone (C2-1) to a more restrictive zone (R3-1);
3. **Adopted** the attached Conditions of Approval; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

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

**Vote: 6 – 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.

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

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



## 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/Coastal/South 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 Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 38 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of 5 units, that is 15 percent of the base dwelling units, shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2).
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.25 (a-d).
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 5 units available to Very Low Income Households, for sale or rental, as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
6. **Yard/Setback.** The project shall provide a minimum 6-foot 5-inch westerly side yard setback, as shown in Exhibit "A".
7. **Floor Area Ratio.** The project shall be limited to area maximum Floor Area Ratio of 3:1.
8. **Automobile Parking.** Based upon the number and/or type of dwelling units proposed, a minimum of 43 parking spaces shall be provided for the project. Vehicle parking shall be provided consistent with LAMC Section 12.22 A.25, Parking Option 1, which permits one on-site parking space for each residential unit with one or fewer bedrooms; two on-site parking spaces for each residential unit with two to three bedrooms; and two-and-one-half parking spaces for each residential unit with four or more bedrooms. The Bicycle Parking Ordinance, LAMC Section 12.21.A.4, allows affordable residential projects to reduce required vehicle parking by 10 percent. Based upon the number and type of dwelling units proposed and the requested 10 percent reduction per the Bicycle Ordinance, 39 automobile parking spaces shall be provided.
9. **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 re-calculated by the Department of Building and Safety based upon the ratios set forth above.



10. **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 re-calculated by the Department of Building and Safety based upon the ratios set forth above.
11. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.
12. **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.

#### **Administrative Conditions**

13. **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.
14. **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.
15. **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.
16. **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.
17. **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.
18. **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.

#### **19. 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.

## DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

1. Pursuant to Section 12.22 A.25(c) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:

- a. *The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for Very Low, Low, and Moderate Income Households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

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

The requested incentives, a 20 percent decrease in the side yard setback, an increase in FAR, and an Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access, are expressed in the Menu of Incentives per LAMC 12.22 A.25(f) and, as such, permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentives allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential uses is increased. These incentives support the applicant's decision to set aside five (5) Very Low Income dwelling units for 55 years.

*Side Yard Setback:* The proposed project requests a 20 percent reduction in the required side yard to allow a 6-foot 5-inch side yard setback in lieu of the 8-foot setback otherwise required in the C2 Zone by LAMC 12.14 C.2. The requirement for the side yard setback could limit the ability to construct the residential dwelling units permitted by-right and the Restricted Affordable units which are of a sufficient size. As proposed, the decreased side yard setback would allow for the construction of the affordable residential units.

*Floor Area Ratio Increase:* The subject site is zoned C2-1 and R3-1 which permits a base density of 28 units on the 11,759 square foot site, with a maximum 1.5:1 Floor Area Ratio (FAR) and unlimited height in the commercial zone and a maximum of 3:1 FAR and a maximum height of 45 feet in the residential zone.

The FAR Increase incentive permits a percentage increase in the allowable Floor Area Ratio equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35 percent, or an FAR not to exceed 3:1, provided that the parcel meets the following conditions: it is within a commercial zone in Height District 1 (including 1VL, 1L and 1XL), it fronts on a Major Highway as identified in the City's General Plan, it includes a number of Restrictive Affordable Units sufficient to qualify for a 35% Density Bonus, and 50% or more of the commercially zoned parcel is located in or within 1,500 feet of a Transit Stop or Major Employment Center. The commercially



zoned project site is within 1,500 feet of a bus stop servicing Metro Rapid Bus Route 733, located along Venice Boulevard. Venice Boulevard is designated as a Boulevard II, as identified in the City's General Plan. As shown below, the total maximum floor area allowed by-right is 17,393.

By-Right FAR	Buildable Lot Area (sf)* *sf gross lot area less required yards	Total Floor Area (sf)
1.5:1 commercial zone	9,643	$9,643 \times 1.5 = 14,465$
3:1 residential zone	976*	$976 \times 3 = 2,928$
<b>TOTAL</b>	<b>10,619</b>	<b>17,393</b>

By utilizing the FAR increase incentive, the Applicant is proposing a FAR of 3:1 in the C2-1 zone. The maximum floor area allowed is therefore 31,857 square feet. However, the Applicant is proposing 29,221 square feet of floor area.

FAR with Incentive	Buildable Lot Area (sf)* *sf gross lot area less required yards	Total Floor Area (sf) + Incentive
3:1 commercial zone	9,643	$9,643 \times 3 = 28,929$
3:1 residential zone	976*	$976 \times 3 = 2,928$
<b>TOTAL</b>	<b>10,619</b>	<b>31,857</b>

*Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access:* The Project is comprised of two different zones, C2-1 and R3-1, with different allowable maximum FARs. The C2-1 Zone allows for a 1.5:1 FAR and the R3-1 Zone allows for a 3:1 FAR. The FAR averaging permits the total allowable floor area for all parcels to be allocated to the entire site. For this project the maximum allowable floor area is 31,857 square feet.

Total Floor Area	Total Buildable Lot Area	Total Site FAR
29,221	10,619	$29,221/10,619 = 2.75$

The requested incentive will allow the developer to expand the Project's building envelope so that the restricted affordable units can be constructed and the overall space dedicated to residential units is increased. These incentives support the Applicant's decision to set aside five (5) Very Low Income units for 55 years.

The FAR Averaging incentive results in a maximum floor area of 31,857 (28,929 sf + 2,928 sf), or a FAR of 3:1 across the two zones. The Project is proposing 29,221 square feet of floor area, or a FAR of 2.75: 1 ( $29,221/10,619 = 2.75$ ).

- a. *The Incentive will have 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 in the record that the proposed density bonus incentive(s) 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, Sections 15332 (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 incentive.

## **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 Proposed Project is a five-story multi-family residential dwelling measuring 57-foot 6-inches in the C2 Zone and 45-feet in the R3 Zone. The Proposed Project contains 38 residential dwelling units (including 5 Very Low Income units). The building will be approximately 30,681 square feet of floor area, with a Floor Area Ratio ("FAR") of 2.89:1. The project will provide 39 vehicle parking spaces in one subterranean parking level, and will replace four (4) vehicle parking spaces with bicycle parking as permitted by Los Angeles Municipal Code (LAMC) Section 12.21 A.4. The project will also provide 52 long-term bicycle spaces and four (4) short-term bicycle spaces. The existing medical office building will be demolished. There are no existing trees on the subject site. One non-protected tree in the adjacent public right-of-way will be removed to accommodate the proposed driveway. The project will require the grading and export of approximately 8,008 cubic yards of soil. As a multi-family residential building and a project which is characterized as in-fill development, the project 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 subject site is located within the Palms – Mar Vista – Del Rey Community Plan and is designated for Community Commercial Land Uses, corresponding to the CR, C2, C4, RAS3, and RAS4 Zones. The site is zoned C2-1 and is consistent with the land use designation. As shown in the case file, the project is consistent with the applicable Palms – Mar Vista – Del Rey 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 0.27 acres. The existing site is improved with a medical office building. Lots adjacent to the subject site are developed with the following urban uses: commercial and multi-family residential uses.

- (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. There are trees on the subject site. There is one non-protected tree in the adjacent public right-of-way, as identified in the Tree Report prepared by McKinley & Associates on October 17, 2019, which will be removed to accommodate the proposed driveway.

- (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, 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), 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.

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 the Los Angeles Department of Transportation (LADOT) for preparing a traffic study. Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on California Emissions Estimator Model (CalEEMod) 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.

(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 construction of a multi-family residential building will be on a site which has been previously developed 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.** *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. Therefore, no cumulative impacts would occur.

- (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.*

As mentioned, the project proposes a multi-family residential building in an area zoned and designated for such uses. Adjacent lots are developed with commercial and multi-family residential uses, and the subject site is of a similar size and slope to nearby properties. The project proposes a Floor Area Ratio (FAR) of 2.89:1 on a site that is permitted to have a maximum FAR of 3:1 through the Density Bonus Affordable Housing Program and pursuant to LAMC Section 12.22 A.25. The project size and height is not unusual for the vicinity of the subject site. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.



- (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 State Route 27 is approximately 8.9 miles northwest of the subject site. Therefore, the subject site will not create any impacts within a designated as a state scenic highway.

- (d) **Hazardous Waste Sites.** *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, is identified as a hazardous waste site.

- (e) **Historical 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.

**Applicant Copy**  
Office: Downtown  
Application Invoice No: 69012

City of Los Angeles  
Department of City Planning



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## City Planning Request

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This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

**Receipt Number: 181220EC0-D7A8C420-29C4-4CF5-956B-C6E58D5C1888, Amount: \$109.47, Paid Date: 12/18/2020**

Applicant: SHERLIND PROPERTIES LLC - LIND, HARVEY ( 310-7170091 )
Representative:
Project Address: 11961 W VENICE BLVD, 90066

**NOTES:**

ENV-2019-3816-CE-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
<b>Case Total</b>			<b>\$89.00</b>

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

Council District: 11  
Plan Area: Palms - Mar Vista - Del Rey  
Processed by CHAN, JASON on 12/18/2020

Signature: \_\_\_\_\_



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