



**APPLICATIONS:**

# APPEAL APPLICATION

## Instructions and Checklist

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

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

### A. APPELLATE BODY/CASE INFORMATION

#### 1. APPELLATE BODY

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

Regarding Case Number: DIR-2019-2789-TOC, ENV. 2019-2689-CE

Project Address: 1300 Westwood Boulevard, Los Angeles, CA 90024

Final Date to Appeal: \_\_\_\_\_

#### 2. APPELLANT

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

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

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

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

- Representative                       Owner                                       Aggrieved Party
- Applicant                                 Operator

#### 3. APPELLANT INFORMATION

Appellant's Name: Fix The City

Company/Organization: Fix The City

Mailing Address: 10558 Kinnard Avenue

City: Los Angeles                      State: CA                      Zip: 90024

Telephone: (310) 497-5550                      E-mail: Laura.Lake@gmail.com

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

- Self                       Other: \_\_\_\_\_

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

**4. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): Laura Lake, Ph.D.

Company: Fix The City

Mailing Address: 10558 Kinnard Avenue

City: Los Angeles State: CA Zip: 90024

Telephone: (310) 497-5550 E-mail: laura.lake@gmail.com

**5. JUSTIFICATION/REASON FOR APPEAL**

a. Is the entire decision, or only parts of it being appealed?  Entire  Part

b. Are specific conditions of approval being appealed?  Yes  No

If Yes, list the condition number(s) here: CEQA Class 32 Determination

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

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

**6. APPLICANT'S AFFIDAVIT**

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

Appellant Signature: *Laura Lake, Fix The City* Date: 2/8/21

**GENERAL APPEAL FILING REQUIREMENTS**

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

**1. Appeal Documents**

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

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

**b. Electronic Copy**

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

**c. Appeal Fee**

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

**d. Notice Requirement**

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

**SPECIFIC CASE TYPES - APPEAL FILING INFORMATION**

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

**1. Density Bonus/TOC**

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

**NOTE:**

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

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

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

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

**NOTE:**

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

**E. TENTATIVE TRACT/VESTING**

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

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

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

**F. BUILDING AND SAFETY DETERMINATION**

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

**a. Appeal Fee**

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

**b. Notice Requirement**

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

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

**a. Appeal Fee**

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

**b. Notice Requirement**

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

**G. NUISANCE ABATEMENT**

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

NOTE:

- Nuisance Abatement is only appealable to the City Council.

**a. Appeal Fee**

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

**2. Plan Approval/Compliance Review**

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

**a. Appeal Fee**

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

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

**NOTES**

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

***Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

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

# FIX THE CITY

February 16, 2021

## JUSTIFICATION FOR CEQA APPEAL TO LA CITY COUNCIL ENV 2790-CE) 1300 WESTWOOD BLVD.

Fix the City is a nonprofit organization that advocates for adequate infrastructure and public safety. This appeal focuses on the CEQA Class 32 Exemption granted to this TOC project (and applies to all other Class 32 exemptions granted to TOC projects seeking discretionary additional TOC incentives). We support the twin goals of Measure JJJ to increase affordable housing and good jobs.

### CLASS 32 CRITERION (E) REQUIRES ADEQUATE INFRASTRUCTURE AND CITY SERVICES

For too long the City has claimed that if a site is served already, the site qualifies for a Class 32 CEQA Exemption. But that is not what the Class 32 Criterion (e) requires: it requires **adequate** infrastructure, utilities and public services. In this case, the site is served, but *inadequately*, as the evidence in the record cited below, makes abundantly clear. *The city failed to make a finding of adequacy and support it with substantial evidence.*

This Class 32 CEQA exemption is **arbitrary and capricious and a prejudicial abuse of discretion**. It puts public safety at risk. It is an abdication of the city's responsibility to protect public safety under the **California Constitution** (Article XIII, Section 35). *Saying emergency services exist is not the same as concluding that they are adequate and supporting that conclusion with substantial evidence.*

The deception starts with fire safety CEQA analysis by the Planning Department (which is skipped with Class 32 Exemptions for TOC projects seeking discretionary incentives) by addressing water pressure, distance from a station, or the number of hydrants. *It does not reveal whether the station is actually available or whether traffic congestion severely delays response time. **There may be a station on a map, but is it available?*** Frequently, the answer is no.

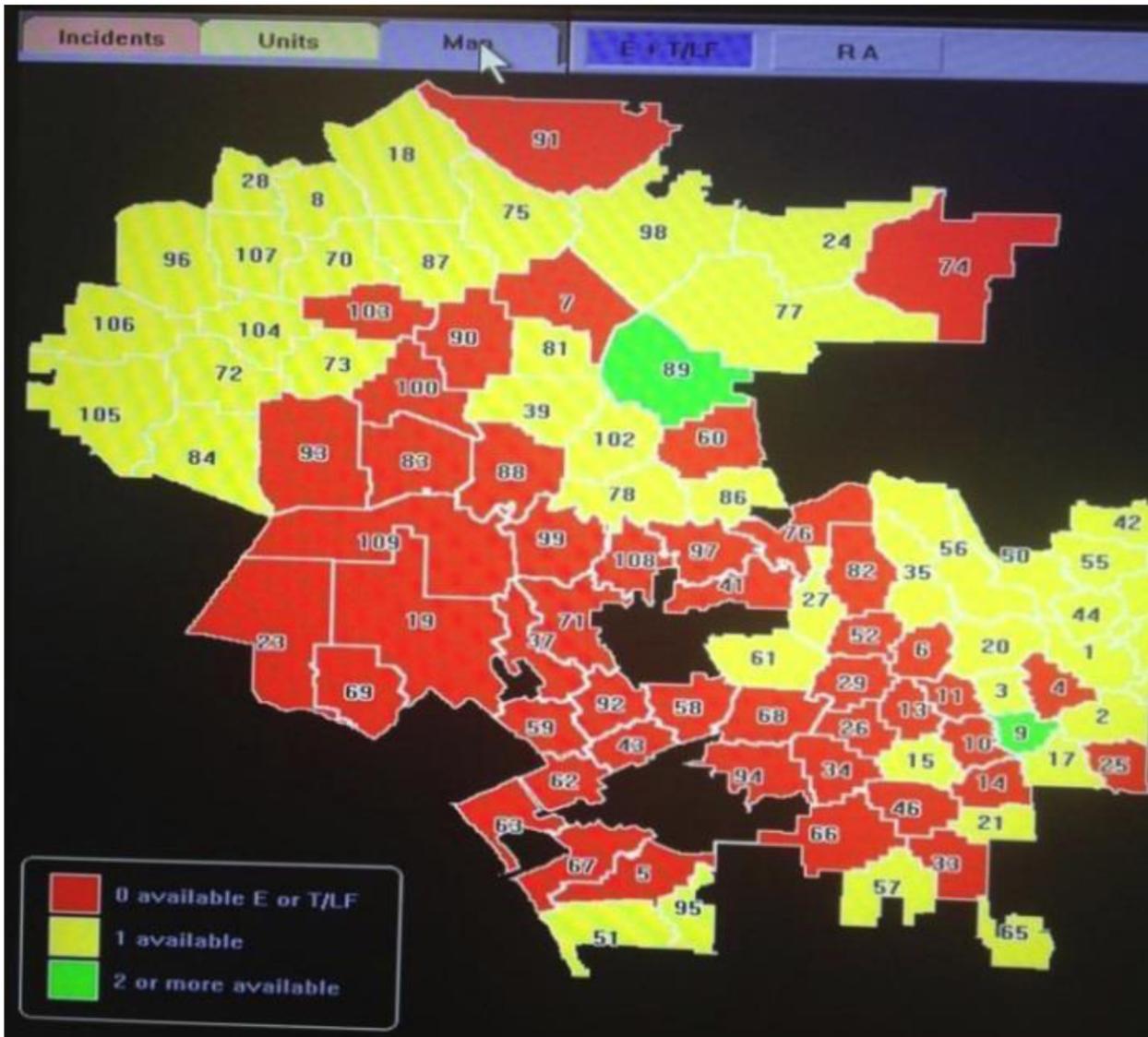
While Fix the City's focus is on emergency services, this city has also experienced chronic water rationing, power outages, sinkholes, air pollution that exceeds federal limits, inadequate park space per capita, etc. *This city is not adequately served.* Under these circumstances, a Class 32 Exemption cannot be lawfully granted. We ask that the Class 32 CEQA determination be rescinded.

Look at the map from the LAFD Dispatch Center taken in 2012 (next page). Almost no station was available to answer a call. *It's worse now.* Many stations are dark and serving other communities.

CEQA is a disclosure law. It requires that the City answer the question of whether public safety services are adequate. The City cannot lawfully dodge the question of adequacy by saying a site is already hooked up to utilities and there are services.

# FIX THE CITY

Adequacy is the key factor. By granting CEQA Class 32 Exemptions without regard for the adequacy of public safety services, the City is exacerbating public safety hazards.



Substantial evidence has been presented by the city itself proving inadequate emergency service:

- A 2005 LAFD letter for the Casden Expo EIR stating that LAFD Station 37, the first-in station for 1300 Westwood, is too old, small and inadequate,
- LA City Controller's Response Time Audit,
- LA County Grand Jury on LAFD Response Lag Time,
- Third-Party Study on LAFD (2015), and
- LAFD 2020 Strategic Plan.

In addition to the documents above, Fix the City incorporates by reference the 26,000 pages of city infrastructure and emergency service substantial evidence submitted to

## FIX THE CITY

the city and in the administrative record for the Expo TNP. This substantial evidence supports our appeal of the CEQA determination of Criterion (e) regarding the inadequacy of existing infrastructure and public services.

In the name of transparency and public safety, the Council needs to admit that emergency services are inadequate and stop issuing Class 32 CEQA Exemptions by dodging the question of adequacy.

### **INADEQUATE INFRASTRUCTURE AND PUBLIC SERVICES PREVENT DISCRETIONARY INCREASES IN DENSITY OR INTENSITY**

Under General Plan Framework Mandatory Mitigation Policy 3.3.2 (a CEQA mitigation declared by the LA City Council to be mandatory),<sup>1</sup> discretionary increases in density or intensity cannot be lawfully approved unless adequate infrastructure and public services can accommodate current development as well as the added demand. Adequacy is determined regarding staffing, equipment, facilities and response times.

Unfortunately, the Planning Department considers this policy as optional despite the clear intent of the City Council in 2001 as well as the pleadings the City filed with the Court of Appeal for the *Hillside Federation* case challenging the General Plan Framework. We seek to enforce that binding commitment to balance development with adequate infrastructure and public services so that this city is livable, safe and sustainable.

Approval of discretionary increases in height, reductions of open space and required yards (i.e., increased intensity of development) for 1300 Westwood Blvd., given the inadequate emergency service for this project site, violates mandatory mitigation Policy 3.3.2. The mitigation through policy section of the FEIR for the GPF follows in Exhibit A. Exhibit B is the Notice of Determination for the FEIR for the GPF. Note that the City Council certified that the mitigation measures included in the FEIR (e.g., 2.10.5) are a condition of approval – mandatory, and not optional.

### **DISCRETIONARY APPROVALS WITH CONDITIONS OF APPROVAL MAKE THIS PROJECT INELIGIBLE FOR CLASS 32 EXEMPTION**

To grant a Class 32 CEQA Exemption a project must be consistent with ALL FIVE criteria for Class 32 Exemptions. This project not only violates **Criterion (e)** as discussed above, it is also in violation of **Criterion (a)** and is therefore not exempt from CEQA review.

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<sup>1</sup> The Notice of Determination issued by the City Council in 2001 is attached to this appeal. It clearly shows that the mitigations included in the FEIR for the General Plan Framework were a condition of approval. They are mandatory.

## FIX THE CITY

This project does not comply with the zone or General Plan, as required by Criterion (a). The Planning Director has been issuing Class 32 infill exemptions for TOC projects that are approved with conditions, in violation of CEQA Class 32 Exemptions.<sup>2</sup>

Class 32 Exemptions are limited to ministerial, by-right projects. When a TOC project is ministerial and relies on just the three TOC incentives authorized by Measure JJJ (increased FAR and density, reduced parking under California Public Resources Code 65915(p)), it can be granted approval over-the-counter and not require Director's Approval. Such a project is eligible for a Class 32 Exemption.

1300 Westwood Blvd. seeks three additional discretionary incentives (75-foot height in a 45-foot 1VL height district, reduced open space, and reduced yards). It was approved with conditions. The discretionary review coupled with conditions of approval make this project ineligible for a Class 32 CEQA Exemption. The *TOC Guidelines Staff Report of May 25, 2017* (page A10)<sup>3</sup> make it clear that requesting discretionary incentives triggers CEQA review.

Fix The City respectfully requests that the City Council rescind the Class 32 CEQA determination for this project and that the City Council instruct the Planning Department to cease issuing Class 32 Exemptions to TOC projects that seek discretionary/additional incentives (the bulk of TOC projects). In this case, the city conditioned approval, the litmus test for CEQA review.<sup>4</sup>

The Planning Department recently issued a Memo on CEQA review for on-menu Density Bonus applications being exempt from CEQA review.<sup>5</sup> However, if conditions are placed on the Density Bonus approval, it cannot be considered exempt from CEQA.

### CLASS 32 CRITERION (A)

Class 32 CEQA exemptions for infill projects are limited to by-right, ministerial projects that are "consistent with the applicable general plan designation and ***all*** applicable general plan policies as well as with the applicable zoning designation and regulations" (Emphasis added, Criterion (a)). This project is not consistent. Therefore, granting a Class 32 CEQA exemption for a project limited to 45-feet and approved for 75-feet

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<sup>2</sup> "Because approval of any Additional Incentives would require a discretionary approval, this would also trigger CEQA review" (Staff Report, TOC Guidelines, May 25, 2017, p. A10).

<sup>3</sup> "CONDITIONS OF APPROVAL (As modified by the City Planning Commission at its meeting on January 14, 2021" (P.C-1, LD).

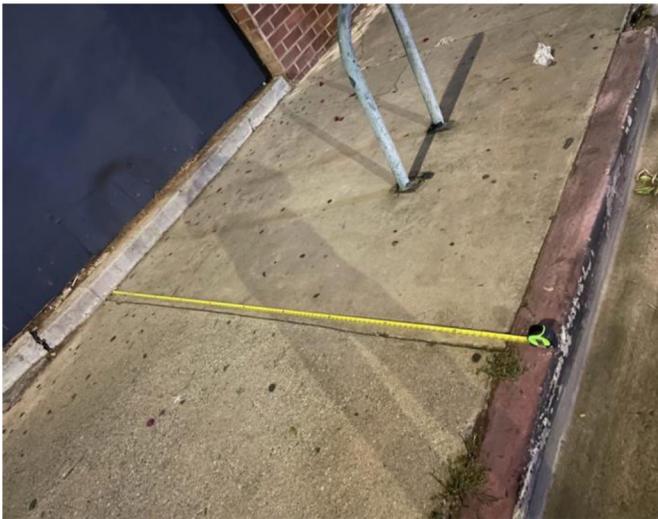
<sup>4</sup> The *Friends of Westwood* (1987) decision stated that projects which involve a mix of discretion and ministerial approvals even if they conform with zoning and are therefore subject to CEQA review under Site Plan Review. The author of this appeal co-founded Friends of Westwood and was a plaintiff in that lawsuit. Discretion and conditioning approval therefore make this project ineligible for a Class 32 exemption.

## FIX THE CITY

adjacent to a single-family home, as well as reduced yards and open space, is a substantial prejudicial abuse of discretion.

Criterion A requires that “The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designations and regulations.” **The 75-feet in height approved for this project violates the height district designation of 1VL (45-feet) as well as the established Transitional Height Ordinance**, a zoning regulation. Transitional Height was not amended by Measure JJJ. Therefore, the project violates the zoning and general plan and make the project ineligible for a Class 32 Exemption under Criterion (a). Measure JJJ Section 6 only permits up to three (3) ministerial incentives (extra density and FAR and reduced parking). Height, yards, etc. are not authorized by the voters and violate City Charter Section 464(a). It therefore does not meet criterion (a).

**10-FOOT SIDEWALK INADEQUATE.** Furthermore, Fix the City provided substantial evidence that the **sidewalk** for the project **does not comply with the 15-foot sidewalk standard mandated by MP 2035**. See the photo below that shows the inadequate sidewalk for Westwood Boulevard. From the property line to the curb is only 10’ 1”, and not 15-feet. The sidewalk therefore does not comply with MP 2035 and does not qualify for a Class 32 Exemption. None of the plans provide dimension of sidewalk.



**CPC “Condition 15.** Westwood Boulevard Pedestrian Oriented District (POD). The Department of Building and Safety shall not issue a building permit for the Project unless the Project conforms to all of the applicable provisions of the Westwood Boulevard Pedestrian Oriented District.” Ordinance No. 174,260. Fix the City requests that City Council instruct B&S not to issue any permits for this project because it violates several provisions of the Westwood POD.

## FIX THE CITY

**VIOLATES POD ENTRANCE REQUIREMENT.** This project violates LAMC Section 13.07(d): “Pedestrian Access: All new developments fronting on Pedestrian Oriented Streets shall provide at least one entrance for pedestrians to each Ground Floor.” This project has no door on its Westwood Boulevard frontage within the Westwood POD. The building entrance is on Wellworth Avenue, not Westwood Blvd. Therefore, the project violates the POD and does not qualify for a Class 32 Exemption.

**VIOLATES POD HEIGHT:** The height of this project violates LAMC 13.07.5(a): “The height of a building shall not exceed 40 feet. If the underlying zone otherwise permits a height in excess of 40 feet, then any portion of the building above 40 feet in height, including the roof and roof structure, shall be set back from the front line at a 45-degree angle, for a horizontal distance of not less than 20 feet.” This project does not provide required setback above 40-feet and therefore does not qualify for a Class 32 Exemption. See p. 32 (Exhibit A, A3.12) shows Westwood frontage does not conform to the above-40-feet setback.

### CONCLUSION

In conclusion, this project does not qualify for a Class 32 CEQA Exemption. Please rescind the Class 32 Exemption for this project and instruct Building and Safety not to issue any permits for this project.

Laura Lake, Ph.D.

Fix The City

### EXHIBIT A:

#### **“LA GENERAL PLAN FRAMEWORK FEIR FIRE/EMERGENCY MITIGATION MEASURES, pages 16-17.**

LOS ANGELES CITYWIDE GENERAL PLAN FRAMEWORK EIR

#### *2.10 FIRE/EMERGENCY MEDICAL SERVICES*

##### *2.10.5 Mitigation Measures*

##### **2.10.5.1 Mitigation through Framework Policy**

Policies 3.3.2, 7.10.1, 9.17.1, 9.18.1 through 9.18.4, 9.19.1, 9.20.1 through 9.20.3 contained in the General Plan Framework represent measures that would serve to lessen impacts relative to fire/EMS.

Policy 3.3.2 directs monitoring of infrastructure and public service capacities to determine need within each CPA for improvements based upon planning

# FIX THE CITY

standards. This policy also directs determinations of the level of growth that should correlate with the level of capital, facility, or service improvement that are necessary to accommodate that level of growth. In addition, the policy directs the establishment of programs for infrastructure and public service improvements to accommodate development in areas the General Plan Framework targets for growth. Lastly, the policy requires that type, amount, and location of development be correlated with the provision of adequate supporting infrastructure and services.

Policy 7.10.1 focuses available implementation resources in targeted areas or "communities in need." Policy 9.17.1 addresses the monitoring and forecasting' of demand for existing and future fire facilities and service for the purpose of assuring that every neighborhood would have the necessary level of fire protection service and infrastructure.

Policies 9.18.1 through 9.18.4 and 9.19.1 address the issue of achieving a goal for the highest level of service at the lowest possible cost to meet existing and future demand. Specific issues covered in this set of policies include: completion of current fire service capital improvements; identifying and prioritizing areas of insufficient fire facilities; land acquisition for fire station sites in areas deficient in these facilities; ordinance related actions pertaining to fire protection services; and advance planning for fire station site funding and construction.

Policies 9.20.1 through 9.20.3 address issues related to the LAFD's ability to assure public safety in emergency situations. Specific issues covered by these policies include: mutual aid and assistance agreements; special fire-fighting units for unique situations; and preparation of contingency plans for emergencies and disasters. Public services are either funded entirely or partially by the General Fund and/or by Special Funds. The General Fund is composed of property tax, sales tax and other general taxes that can vary according to economic conditions. Special funds are those fees and charges that are associated with specific services or products such as sewers, public parking, gasoline and parks. Moneys generated by these specific fees go entirely to the service which generated them. Even though revenues from these fees can vary according to economic conditions; they can be considered a more reliable source of revenue than those in the General Fund. Fire services are funded entirely by General Fund moneys. Consequently, the budget available to this department can vary according to the priorities of the City.

2.10-15

## *2.10 FIRE/EMERGENCY MEDICAL SERVICES*

As discussed in Appendix B, the fiscal impacts of the Framework Plan result in a slight net surplus of funds. Preliminary work from the Development Reform Committee indicates that additional funds may be necessary. However, the Framework fiscal analysis assumes:

1) Current expenditure levels are maintained through year 2010 (i.e., no

expansion of services);

2) Economic conditions result in full utilization of commercial and industrial areas.

Given the limited surplus of funds, it is unlikely that fire services could be expanded to the levels identified in this analysis. Furthermore, if economic conditions do not result in full utilization of commercial and industrial designated areas, there may be insufficient revenue to maintain, let alone expand, fire services to serve the buildout population.

However, because the Framework Plan contains Policy 3.3.2 which considers monitoring the type and location of development and population the negative fiscal effects of the Framework Plan could be minimized.

#### 2.10.5.2 Additional Recommended Mitigation

Full implementation of these policies would reduce significant impacts to a less than significant level so that no additional mitigation measures would be required.

#### 2.10.6 Level of Impact Significance

Although the Plan would generate increased land use density in CP As that already have shortages of service availability or high fire risk areas, with full implementation of the policies contained in the Plan, overall impacts would be reduced to a less than significant level (Class III).”

## EXHIBIT B:

### NOTICE OF DETERMINATION, GPF FEIR MANDATORY MITIGATIONS (INCLUDING POLICY 3.3.2 IN 2.10.5 ABOVE), AUGUST 2001.



GPF\_FEIR\_CCCertification.pdf

# FIX THE CITY

February 8, 2021

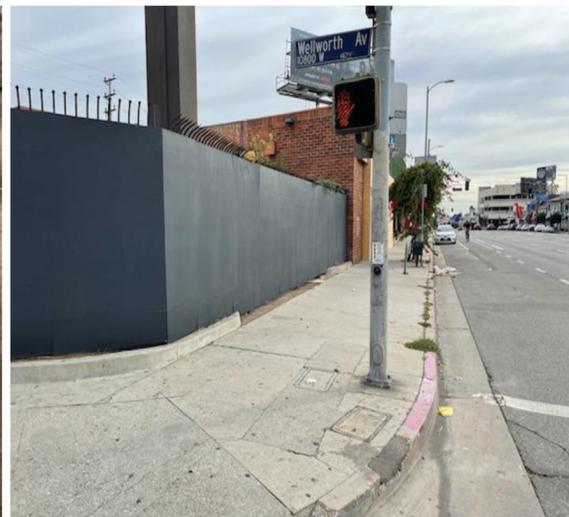
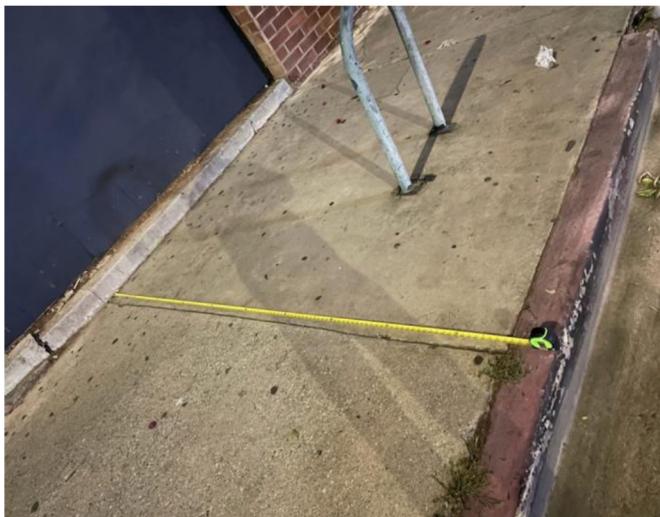
## JUSTIFICATION FOR CEQA APPEAL TO LA CITY COUNCIL (DIR 2019-2789-TOC, ENV 2790-CE) 1300 WESTWOOD BLVD.

Fix the City is a nonprofit organization that advocates for adequate infrastructure and public safety. In particular, we have focused on emergency services and response times. We have provided extensive substantial evidence to the City regarding inadequate emergency services and infrastructure and incorporate that evidence by reference (see Expo Specific Plan lawsuit record, with 26,000 pages of city documents showing chronic, systemic LAFD equipment, facilities and staff shortages.

To grant a Class 32 Exemption a project must be consistent with ALL FIVE criteria for Class 32 Exemptions. This project does not meet two Class 32 criteria: **(a)** and **(e)** and is therefore not exempt from CEQA. *We respectfully request that the City Council rescind the CEQA determination for this project.*

**Criterion (a):** requires that “The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designations and regulations.” **The 75-feet in height approved for this project violates the height district designation of 1VL (45-feet)** as well as the established **Transitional Height Ordinance**, a zoning regulation. Transitional Height was not amended by Measure JJJ. Therefore, the project violates the zoning and general plan and make the project ineligible for a Class 32 Exemption under Criterion (a). Measure JJJ Section 6 only permits up to three (3) ministerial incentives (extra density and FAR and reduced parking). Height, yards, etc. are not authorized by the voters and violate City Charter Section 464(a). It therefore does not meet criterion (a).

**10-FOOT SIDEWALK INADEQUATE.** Furthermore, Fix the City provided substantial evidence that the **sidewalk** for the project **does not comply with the 15-foot sidewalk standard mandated by MP 2035.** See the photo below that shows the inadequate sidewalk for Westwood Boulevard. From the property line to the curb is only 10' 1", and not 15-feet. The sidewalk therefore does not comply with MP 2035 and does not qualify for a Class 32 Exemption. None of the plans provide dimension of sidewalk.



# FIX THE CITY

**CPC “Condition 15.** Westwood Boulevard Pedestrian Oriented District (POD). The Department of Building and Safety shall not issue a building permit for the Project unless the Project conforms to all of the applicable provisions of the Westwood Boulevard Pedestrian Oriented District.” Ordinance No. 174,260. Fix the City requests that City Council instruct B&S not to issue any permits for this project because it violates several provisions of the Westwood POD.

**VIOLATES POD ENTRANCE REQUIREMENT.** This project violates LAMC Section 13.07(d): “Pedestrian Access: All new developments fronting on Pedestrian Oriented Streets shall provide at least one entrance for pedestrians to each Ground Floor.” This project has no door on its Westwood Boulevard frontage within the Westwood POD. The building entrance is on Wellworth Avenue, not Westwood Blvd. Therefore, the project violates the POD and does not qualify for a Class 32 Exemption.

**VIOLATES POD HEIGHT:** The height of this project violates LAMC 13.07.5(a): “The height of a building shall not exceed 40 feet. If the underlying zone otherwise permits a height in excess of 40 feet, then any portion of the building above 40 feet in height, including the roof and roof structure, shall be set back from the front line at a 45-degree angle, for a horizontal distance of not less than 20 feet.” This project does not provide required setback above 40-feet and therefore does not qualify for a Class 32 Exemption. See p. 32 (Exhibit A, A3.12) shows Westwood frontage does not conform to the above-40-foot setback.

**Criterion (e):** Since there is *no substantial evidence in the record that the site can be adequately served* by all required utilities and public services, granting the Class 32 CEQA exemption without evidence in the record to support the determination of adequacy of infrastructure and public services is arbitrary and capricious and a ***prejudicial abuse of discretion***. It is also an abdication of the city’s responsibility to protect public safety under the ***California Constitution*** (Article XIII, Section 35).

For too long the City has erroneously claimed that if a site is served already, the site qualifies for Class 32. But that is not what the criterion requires: it requires adequate infrastructure, utilities and public services. In this case, the site is served, but *inadequately*, as the evidence in the record cited above makes abundantly clear.

In a 2005 certified EIR for the Casden Expo project, LAFD stated that Station 37, the first-in for this project, was found to be old, small and inadequate. It has not been improved. In fact, due to budget cuts, the station and other nearby stations are dark on a rotating basis, requiring response from stations further away, thus worsening response time. This was prior to the pandemic, which has worsened and severely strained emergency services, as reported in the *LA Times*.

Abundant substantial evidence exists of an inadequate and worsening emergency response service from LAFD: LA City Auditor’s Report (2013), LA County Grand Jury on LAFD Response Lag Time (2013), the Third-Party Study on LAFD (2015), and the LAFD 2020 Strategic Plan. Nothing has happened since then to improve response time, which is a determinant of adequate emergency service, according to the LAFD 2020 Strategic Plan. Emergency services are inadequate as defined by the City of Los Angeles. Rolling closures of LAFD stations is now chronic. LAFD service is inadequate and therefore a Class 32 exemption may not be lawfully granted.

In conclusion, this project does not qualify for a Class 32 CEQA Exemption. Please rescind the Class 32 Exemption for this project and instruct Building and Safety not to issue any permits for this project.

**Applicant Copy**  
 Office: Downtown  
 Application Invoice No: 70118

City of Los Angeles  
 Department of City Planning



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



## City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

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:100221ED2-F5C328CF-428E-49FD-B73E-1B87BC766780, Amount:\$109.47, Paid Date:02/10/2021**

Applicant: FIX THE CITY - LAKE, LAURA ( B:310-4975550 )
Representative: SAME AS APPLICANT
Project Address: 1300 S WESTWOOD BLVD, 90024

**NOTES: CEQA APPEAL - CLASS 32 EXEMPTION // RELATED CASE NO. DIR-2019-2789-TOC-1A**

ENV-2019-2790-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: 5  
 Plan Area: Westwood  
 Processed by NGUYEN, MINDY on 02/09/2021

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

**Building & Safety Copy**  
 Office: Downtown  
 Application Invoice No: 70118

City of Los Angeles  
 Department of City Planning



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## City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

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

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