

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
DIR-2019-2789-TOC-1A	ENV-2019-2790-CE-1A	5 – Koretz
PROJECT ADDRESS:		
1300 Westwood Boulevard Los Angeles, CA		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Mehdi Mossazadeh 1300 Westwood Development LLC <input type="checkbox"/> New/Changed	310-801-2719	mehdimoss@gmail.com
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Andy Simhaee Simha Engineering, Inc.	213-747-2560	Andy.simhaee@gmail.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Fix the City	310-497-5550	Laura.lake@gmail.com
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Laura Lake, Fix the City	310-497-5550	Laura.lake@gmail.com
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Jeanalee Obergfell City Planning Associate	213-978-0092	Jeanalee.obergfell@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Categorical Exemption pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32		

FINAL ENTITLEMENTS NOT ADVANCING:

Transit Oriented Communities (TOC) Compliance Review for a qualifying Tier 4 project totaling 31 dwelling units, reserving 4 units for Extremely Low-Income occupancy (**DIR-2019-2789-TOC-1A**).

ITEMS APPEALED:

CEQA Appeal for Class 32 Categorical Exemption (ENV-2019-2790-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 checked="" 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:
January 14, 2021	8-0
LAST DAY TO APPEAL:	APPEALED:
February 17, 2021	February 7, 2021
TRANSMITTED BY:	TRANSMITTAL DATE:
Irene Gonzalez, Commission Office	March 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: FEB 02 2021

Case No. DIR-2019-2789-TOC-1A
CEQA: ENV-2019-2790-CE
Plan Area: Westwood

Council District: 5 – Koretz

Project Site: 1300 Westwood Boulevard

Applicant: Mehdi Mossazadeh, 1300 Westwood Development LLC
Representative: Andy Simhaee, Simha Engineering, Inc.

Appellant: George Merkert
Representative: Laura Lake, Fix the City

At its meeting of **January 14, 2021**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Construction of a seven-story building with 31 residential units, with a maximum building height of 75 feet. The Project includes one level of subterranean parking consisting of 12 parking spaces with driveway access off the alley. The proposed Project encompasses 25,693 square feet of floor area, with a maximum Floor Area Ratio ("FAR") of 3.89:1. The site is currently developed with a parking lot built in 1975, which will be demolished for the project. The Project will involve grading of approximately 3,000 cubic yards of soil.

1. **Determined**, that based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to 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;
2. **Denied** the appeal and **sustained**, Planning Director's Determination dated September 10, 2020;
3. **Approved**, pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code (LAMC), a Transit Oriented Communities Affordable Housing Incentive Program for a project totaling 31 dwelling units, reserving four units for Extremely Low Income Household occupancy for a period of 55 years, with the following Base Incentives and Additional Incentives:
 - a. Residential Density. A 72.22 percent increase in the maximum density to permit a total of 31 dwelling units, in lieu of 18 units as otherwise permitted by the C4 base density;
 - b. Floor Area Ratio (FAR). A maximum FAR of up to 3.89:1 in lieu of 1.5:1 as otherwise permitted by LAMC Section 12.21.1 A.1;
 - c. Parking. No parking requirements per dwelling units are required per TOC;
 - d. Height and Transitional Height. A 30-foot increase in the building height, allowing 75 feet in lieu of the maximum 45 feet otherwise allowed by the C4-1VL-POD Zone; and Transitional Height per TOC Guidelines;
 - e. Yard/Setback. A reduction in required side and rear yards to allow RAS3 yards allowing five-foot side yards in lieu of the required 10-foot side yard and a 15-foot rear yard in lieu of 19-foot rear yard otherwise required by LAMC Section 12.11 C and the C4-1VL-POD Zone; and
 - f. Open Space. A maximum 25 percent decrease from the open space requirement, allowing 2,457 square feet in lieu of 3,275 square feet;
4. **Adopted** the attached Modified Conditions of Approval; and

5. **Adopted** the attached Findings.

The vote proceeded as follows:

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

Vote: 8 – 0

Cecilia Lamas (Electronic Signature due to COVID-19)
Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

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

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

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedures (CEQA),
Appeal Facts Sheet

c: Michelle Singh, Senior City Planner
Connie Chauv, City Planner
Jeanalee Obergfell, City Planning Associate

CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on January 14, 2021)

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, West/South/Coastal Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 31 residential units per Exhibit "A".
3. **Affordable Units.** A minimum of four (4) units, that is 11 percent On-Site Restricted Affordable Units, shall be reserved for Extremely Low-Income Households as defined in Section 50106 of the California Health and Safety Code. 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 change parking numbers shall be consistent with LAMC Section 12.22-A.31 and comply with the Transit Oriented Communities Affordable Housing Incentive Program Guidelines adopted by the City Planning Commission.
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make four (4) units for 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 the said covenant shall be the responsibility of HCIDLA. The Applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination.
6. **Floor Area Ratio (FAR).** The project shall be limited to a Floor Area Ratio of approximately 3.89:1 and 25,693 square feet per Exhibit "A".
7. **Height.** The project shall be limited to seven stories and a maximum of 75 feet in height.
 - a. Height increases over 11 feet, resulting in building height over 56 feet, shall be stepped back at least 15 feet from the exterior façade of the ground floor of the building located along any street frontage, as provided in Exhibit "A".

8. **Transitional Height.** The project building height limit shall be stepped back at a 45-degree angle as measured from a horizontal plane originating 25 feet above grade at the property line of the adjoining lot in the RW1 Zone or more restrictive zone, per TOC Guidelines.
9. **Yard/Setback.** The project may utilize the side yards and rear yard requirements of the RAS3 Zone per LAMC 12.10.5. The westerly and easterly side yards setbacks shall be no less than 5 feet, and the rear yard setback shall be no less than 15 feet per Exhibit "A".
10. **Open Space.** The project qualifies for a maximum 25 percent reduction in the required amount of open space. The project shall provide a minimum of 2,457 square feet of open space per Exhibit "A". The common open space shall meet the requirements of LAMC Section 12.21 G per the satisfaction of the Department of Building and Safety.
11. **Automobile Parking.** Per TOC Guidelines, no automobile parking spaces are required for an Eligible Housing Development located in Tier 4. The proposed project is providing 10 compact parking spaces, 1 standard parking space, and 1 accessible parking space, for a total of 12 parking spaces, as provided in Exhibit "A".
12. **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 in the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines).
13. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16.
14. **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.
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.
16. **Street Trees.** Street trees shall be planted at a ratio of at least one street tree for each 30 feet of street frontage where possible per Westwood Pedestrian Oriented District Section 5.E.1.

Administrative Conditions

17. **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.
18. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for 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.
19. **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.
20. **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.
21. **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.
22. **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 any 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 the 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 include actions, as defined herein, alleging failure to comply with any federal, state, or local law.

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

- 23. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the Los Angeles Municipal Code.

FINDINGS

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

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

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

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

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

The list of on-menu incentives in the TOC Guidelines was pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

Increased Height:

A restriction on height could limit the ability to construct the additional residential dwelling units, and specifically the Restricted Affordable Units. The project is financially feasible because of the increased flexibility the incentives allow the applicant in the building envelope. The applicant has requested a Tier 4 Additional Incentive for increased height, which allows for three additional stories up to 33 additional feet. The C4-1VL-POD zone and Height District No. 1VL allows for a maximum height of 45 feet. Therefore, the Tier 4 Height Incentive would allow a maximum height of 78 feet. The project is within that envelope at 75 feet and 7 stories and is consistent with the TOC Guidelines. The proposed project requests an increase of 30 additional feet to allow for approximately 75 feet in building height, in lieu of the otherwise permitted 45 feet in building height in the C4-1VL-POD Zone. Per the TOC Guidelines, the proposed project qualifies for the 33-foot height increase. The limitation on the height could limit the ability to construct the residential dwelling units permitted by-right and the Restricted Affordable Units which are of sufficient size. The building as proposed would have a maximum height of approximately 75 feet and would have a total of seven stories. In accordance with TOC Guidelines, height increases over 11 feet over a height district limit of 45 feet shall be stepped back at least 15 feet from the exterior facade of the ground floor of the building

located along any street frontage. As proposed, the additional height would allow for the construction of affordable residential units.

Reduced Yard/Setback:

The proposed project requests RAS3 yard incentive in the northerly and southerly side yard setbacks, allowing 5-foot setbacks in lieu of the 10-foot side setbacks and 15-foot rear yard setback in lieu of 19-foot rear yard setback required per the C4-1VL-POD Zone. The requested incentives allow the developer to reduce setback requirements so the affordable housing units can be constructed and the overall space dedicated to residential uses is increased.

Reduced Open Space:

The proposed project requests a 25 percent reduction in the open space requirements of LAMC Section 12.21 G, allowing a minimum of 2,457 square feet of open space in lieu of 3,275 square feet of open space. Common open space will be provided in the form of a gym, recreation center, and rooftop deck per Exhibit "A", and is conditioned to meet the requirements of LAMC Section 12.21 G per the satisfaction of the Department of Building and Safety. The requested incentive will allow the developer to reduce open space requirements so the affordable housing units are reserved to be constructed and the overall space dedicated to residential uses increased.

- b. The Incentive will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there 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 incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The finding that there is no evidence in the record that the proposed incentive(s) will have a specific adverse impact is further supported by the recommended CEQA finding. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. For example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project that 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 Environmental Quality Act (CEQA) Guidelines. Analysis of the proposed Project determined that it is Categorical Exempt from environmental review pursuant to Article 19, Class 32 of the CEQA Guidelines. The Categorical Exemption (CE) could be adopted, including, on the basis that none of the potential environmental effects of the

proposed Project would cause substantial adverse effects on human beings, the physical environment, on public health and safety, or is the 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 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 is for the construction of a seven-story 31-unit residential building with a maximum height of approximately 75 feet and encompasses approximately 25,693 square feet of floor area. The project provides 12 parking spaces located in one subterranean level, with pedestrian access of Westwood Boulevard and vehicular access off the rear alley. The project also provides 32 long-term and four short-term bicycle parking spaces and will involve grading and a haul route to export 3,000 cubic yards of soil to accommodate the subterranean parking level. The Department of Building and Safety, Grading Division issued a Geology and Soils Report Approval letter on May 23, 2019 (Log No. 108317) which details conditions of approval that must be followed. The existing parking lot on site is proposed to be demolished and there are no significant trees or street trees on-site. No trees will be removed from this existing site and the two street trees located on Wellworth Avenue will remain. As a multi-family residential building, and a project that 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 site consists of one 7,108 square foot lot and is zoned C4-1VL-POD and is designated Neighborhood Commercial/Neighborhood Office Commercial Land Uses with corresponding zones of C1, C1.5, C2, C4, RAS3, and RAS4. The site is located within the Westwood Community Plan Area, West Los Angeles Transportation Improvement and Mitigation Specific Plan Area, Transit Priority Area, and located in Tier 4 Transit-Oriented Communities (TOC) Affordable Housing Incentive Area and the Westwood Oriented Pedestrian District Overlay.

The project site is not located within a Methane Zone, Flood Zone, Landslide Area, Liquefaction Zone, or Very High Fire Hazard Severity Zone but is located within a Special Grading Area and the Santa Monica Fault Zone. As shown in the case file, the project is consistent with all the applicable Westwood Community Plan land use designation, policies, and zoning designations. The project is allowed an increase in dwelling units by 80 percent and floor area ratio up to 4.25:1 as an Eligible Housing Development within Tier 4 of the TOC Guidelines. The proposed residential floor area is 25,693 square

feet and the proposed floor area ratio is 3.89:1, after consideration of the TOC Guidelines per LAMC Code Section 12.22 A.31.

- (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 7,108 square feet or 0.15 acres. Lots adjacent to the subject site to the north, west, and south, are all zoned C4-1VL-POD, designated for commercial uses, and developed with commercial uses. Lots adjacent to the east are all zoned R1-1, for low residential uses and are developed with single-family dwellings.

- (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 site is currently developed as a street-level commercial parking lot. The site has a slope of less than 10 percent and is not heavily graded. The proposed project is in a heavily developed area and will not cause any impact on wildlife. There are no protected trees and street trees located on-site.

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

The Subject Site is not located within a Liquefaction zone, Flood Zone, Hillside Area, Landslide Area, Methane Zone, Very High Fire Hazard Severity Zone, or Alquist-Priolo Fault Zone, but is located within a Special Grading Area and the Santa Monica Fault Zone. Specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate grading and construction in these particular types of “sensitive” locations and reduce any potential impacts to less than significant. Regulatory Compliance Measures (RCMs) include the submittal of a Geology and Soils Report prepared by AGI Geotechnical, Inc. (dated January 15, 2019) to the Department of Building and Safety (DBS) for the issuance of a Soils Report Approval Letter. Such Soils Report Approval Letter was issued by DBS on May 23, 2019 (Log No. 108317) which details conditions of approval that must be followed. The RCMs require that design and construction of the building must conform to the California Building Code, and grading on site shall comply with the City’s Landform Grading Manual, as approved by the Department of Building and Safety Grading Division.

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-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-GEO-5 (Subsidence Area):** Prior to the issuance of building or grading permits, the applicant shall submit a geotechnical report prepared by a registered civil engineer or certified engineering geologist to

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

- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement, or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include but are not limited to ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements, or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
- **Regulatory Compliance Measure RC-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, earthmoving, 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 an 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.
- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include but are not limited to ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements, or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project and as it may be subsequently amended or modified.

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

The Project will be subject to further Regulatory Compliance Measures (RCMs). These require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will reduce any potential impacts on noise and water to less than significant. Furthermore, the project does not exceed the threshold criteria established by the Los Angeles Department of Transportation (LADOT) for preparing a traffic study. The LADOT Referral Form dated August 26, 2020, indicates that the project would generate a net increase of 169 daily vehicle trips, which is less than the threshold of 250 daily trips that would otherwise require a Vehicle Miles Traveled (VMT) analysis. Therefore, the project will not have any significant impacts on traffic. All haul route applications require the submittal of a Geology and Soils Report to the Department of Building and Safety (DBS). A Geology and Soils Report Approval Letter for the subject property, which details

conditions of approval that must be followed, has been issued by DBS on May 23, 2019 (Log No. 108317). Thus, in conjunction with the above RCMs and compliance with other applicable regulations, the Project will not result in a significant impact based on its location.

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

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

Therefore, the project meets all of the Criteria for 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.*

According to NavigateLA, there is one open haul route for the grading, excavation, and export of approximately 5,830 cubic yards of earth for a project at 1361 South Kelton Avenue which is approximately 1,100 feet from the subject site, for the period between June 2018 and December 2020; and one pending haul route for the grading, excavation, and export of approximately 1,642 cubic yards of earth is located at 10717 West Ohio Avenue which is within 0.5 miles from the site and would use the same street as the subject site.

The haul route approval will be subject to recommended conditions prepared by LADOT to be considered by the Board of Building and Safety Commissioners that will reduce the impacts of the construction-related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. Furthermore, DBS staggers the haul route schedules to ensure that all of the haul routes do not occur simultaneously. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected. All projects would be subject to the citywide Regulatory Compliance Measures as noted above. Furthermore, the project will result in less than significant impacts related to traffic, noise, and air quality, as shown above.

(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 consists of the construction of a new 31-unit multi-family dwelling with one level of subterranean parking. The project consists of seven stories featuring a total of 25,693 square feet. The proposed project consists of one level of subterranean parking spaces include 11 parking spaces and one 1 ADA parking space located on the ground floor, a haul route for the export of approximately 3,000 cubic yards on a 6,608 square foot lot. The proposed residential floor area and density are below the maximum amount after the consideration of an 80 percent density bonus per TOC Guidelines.

The proposed project is seeking various Base and Additional Incentives as stated under TOC Guidelines. Those consist of: a) increasing the allowable number of dwelling units by 80%, b) increasing floor area ratio up to 3.89:1 totaling 25,693 square feet, c) to allow RAS3 side yards and rear yard as an incentive, allowing 5-foot side yard setbacks in lieu of 10-foot side yard setbacks and allowing 15-foot rear yard setback in lieu of 19-foot rear yard setback, d) decreasing 25 percent of open space that totals to 2,457 square feet, and e) increasing total height by 30 feet.

The proposed project is not unusual for the vicinity of the Subject Site and is similar in scope to other existing residential uses and commercial in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

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

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The Subject Site is approximately 14.4 miles away from the Topanga Canyon State Scenic Highway. Therefore, the Project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

- (d) **Hazardous Waste 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, the Subject Site, is not identified as a hazardous waste site. Furthermore, the building permit history for the Project Site does not indicate the Site may be hazardous or otherwise contaminated and this exception does not apply.

- (e) **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 is currently developed with a parking lot that has not been identified as a historic resource by local or state agencies, and 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. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

COVID-19 UPDATE

Interim Appeal Filing Procedures

March 27, 2020



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

OPTION 1: EMAIL PLUS US MAIL

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

STEP 1:

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

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

Include as individual attachments to the email:

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

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

STEP 2:

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

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

Mail the appeal application to:

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

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

OPTION 2: DROP OFF AT DSC

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

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

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

FACT SHEET

Planning Entitlement Appeals

Summary

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

Background

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

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

Frequently Asked Questions

Where are project appeals filed?

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

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


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

Where can applicants access the appeal form and corresponding instructions?

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

Who decides the outcome of project appeals?

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



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

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

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

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

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

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

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

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

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

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

REQUIREMENTS FOR COMMISSION SUBMISSION OF MATERIALS

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

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

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

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

Commission email addresses:

City Planning Commission: cpc@lacity.org

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

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

Harbor Area Planning Commission: apcharbor@lacity.org

North Valley Area Planning Commission: apcnorthvalley@lacity.org

South Valley Area Planning Commission: apcsouthvalley@lacity.org

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


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

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

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

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

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



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

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

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


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

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

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

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

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



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

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

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

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

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

When can a CEQA appeal be filed?

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



When should appellants fill out the CEQA Appeal Form?

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