



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: CPC-2020-0595-DB-CU

Project Address: 1432-1434 South Beverly Drive, Los Angeles, CA 90035

Final Date to Appeal: 05/12/2021

2. APPELLANT

- Appellant Identity: Representative, Applicant, Property Owner, Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved Tenant who resides in a building immediately adjacent to the site of the proposed project

- Person affected by the determination made by the Department of Building and Safety, Representative, Applicant, Owner, Operator, Aggrieved Party

3. APPELLANT INFORMATION

Appellant's Name: Alison Block

Company/Organization: n/a

Mailing Address: 1436 South Beverly Drive

City: Los Angeles State: CA Zip: 90035

Telephone: (310) 617-5700 E-mail: ablock811@yahoo.com

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

- Self, Other: All residents of the building located at 1436-1440.1/2 S. Beverly Drive

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

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____
Company: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ E-mail: _____

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

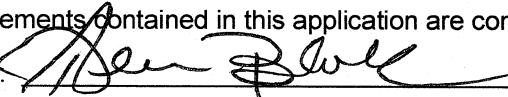
If Yes, list the condition number(s) here: A.3-Affordable Units; A.5-Housing; A.6-Incentives; A.7-Waivers

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:  Date: 5/11/2021

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)

ALISON BLOCK
1436 S. BEVERLY DRIVE
LOS ANGELES, CA 90035

Date: May 11, 2021

From: Alison Block <ablock811@yahoo.com>

To: Department of City Planning <planning.lacity.org>
City Planning Commission <CPC@lacity.org>

Re: Case No. CPC-2020-595-DB-CU – 1432-1434 South Beverly Drive

This Memorandum and the supporting documents attached hereto comprise the statement of “Justification/Reason for Appeal” in support of my and my neighbors’ application for appeal from CPC’s “approval” of a proposed project for demolishing the beautiful two-story, Spanish-style duplex located at 1432-1434 S. Beverly Drive, in the Pico-Beverlywood area of Los Angeles, and for constructing a massive 6-story, 67’-tall, multi-unit apartment building in its place. The original CPC Letter of Determination for the proposed project was issued on April 13, 2021, but that decision was superseded by a Corrected Letter of Determination dated April 27, 2021. For the reasons summarized below, and as stated in my previously made written objections, in various on-the-record oral objections made by me and other community stakeholders during the CPC hearings held on January 28, 2021 and February 25, 2021 with respect to the proposed project, and in other written and oral communications made by me and my neighbors to DCP and CPC employees, CPC’s Corrected Letter of Determination, Conditions of Approval and Findings are factually and legally erroneous, inconsistent, and in violation of limitations and requirements contained in the Government Code and the LAMC.

1. Although the Commission voted unanimously to reject the proposed project, CPC’s Corrected Letter of Determination dated 4/27/2021 would allow the project to proceed with every one of the excessive items that the Commission refused to accept. The Corrected Letter states, incorrectly, that the Commission “approved” every item requested by the applicant, including, among other things, (i) an excessive and unlawful density bonus of 57.5%, and (ii) certain On-Menu and Off-Menu Incentives that exceed statutory and regulatory restrictions contained in the Government Code and the LAMC with respect to increased height, inadequate setbacks, parking, etc. The Corrected Letter, Conditions of Approval and Findings also incorrectly, and inconsistently, calculate the number of Very Low Income (VLI) units required to approve the project as proposed. In addition, the Corrected Letter appears to prospectively “approve” plans for an entirely different, new project that was not considered or discussed during either CPC meeting or made available to community stakeholders or calendared for public comment, and it should be noted that I and my neighbors never received a mailed copy of the Corrected Letter of Determination, or the original Letter of Determination dated 4/13/2021, despite that each shows a “MAILING DATE” and supposedly was mailed.

2. In email exchanges involving me, one of my neighbors and various CPC and DCP staff, DCP City Planning Associate Alexander Troung stated that he reviewed the audio recording from the 2/25/2021 CPC meeting and, based on his review, believed that the Corrected Letter conforms with the decisions of the Commission with respect to the project. It does not. During the first CPC meeting, which occurred on 1/28/2021, the Commission acknowledged that the proposed project could not be approved as a straight Density Bonus or TOC case due to the excessive request for a density bonus and On-Menu and Off-Menu incentives that disregard the restrictions expressly stated in the Government Code and the LAMC. In particular, several Commissioners, and many community stakeholders living immediately adjacent to or near the proposed project, including me and others living in my building, expressed concerns about the proposed height of the project, the inadequate setbacks, the lack of tenant and guest parking, the reductions of required open space, the dismal aesthetics of the project (especially the 6-story, 67'-tall, bright-red wall with railing that looks like the inside of a prison), the specific adverse impact of the project on the physical environment (including the unnecessary destruction of mature trees and flora), and the general adverse impact on the Pico-Beverlywood neighborhood south of Alcott Drive. In particular, I refer you to the comments of Commissioner Dana Perlman and DCP Deputy Director of Planning Lisa Webber during the 1/28/2021 meeting, when it was specifically discussed that the project could not be approved as a Density Bonus or TOC project, but that the project might be recommended to the City Council for a conditional use permit if certain material alterations were made to the project to adjust certain excessive incentives. Below are some of those statements:

PERLMAN: As I said I don't believe we should be doing this ad hoc and on the fly I think this is more of a policy discussion. We've spent a lot of time at this commission about the consideration of the commission going into what are our on-menu what our off-menu incentives, why we are going to have certain on-menu and certain off-menu incentives and how we would deal with those depending upon the level "density bonus" that was being provided. We may want to revisit that and we may want to look at how that would impact different areas of the city and to me another way this should be dealt with is community planning which takes a lot longer. But in any event, when I look at a single project on a single corner and think, well, I'd hate to have that be the way that we change how we're looking at density bonus citywide because we're really not putting it into full context. And so that's what struck me. It's just I rarely seen density bonus cases with a 22-foot height variance without there being significant other issues coming before us and ... quite a higher percentage I should say of the base in affordable housing units then are provided here.

So with all of that said, my thinking on this... This is coming to us now as a 15 unit project. It's my understanding and, correct me if I'm wrong, that this could be, we could change the conditional use to have height increase back at 11 feet as opposed to 22 feet, then it would be 14 units, two of which would remain covenanted affordable housing units, so if the incentives that they are seeking is really not required looking at the findings, we have to provide for those two affordable housing units because we can still get to those affordable housing units with 11 feet left, and also this mitigates the specific adverse impact on the neighboring properties so I think that's an obligation we have to look at that so that's what I'd propose.

* * *

WEBBER: Just to be specific, your proposal is not to touch the density bonus because that creates issues and instead to look at the conditional use approval.

PERLMAN. Correct.

3. Under the Gov. Code and LAMC, DCP has no decision-making authority and cannot unilaterally "approve" density bonuses or incentives. That authority rests with CPC and must be exercised by CPC, in strict compliance with the review and comment procedures, with full and fair consideration by the Commission, upon a properly made motion approved by a majority of Commissioners. Although paragraphs 3-5 of the Corrected Letter of Determination states that the Commission "approved" applicant's request for an excessive Density Bonus and all On-Menu and Off-Menu Incentives and that the Commission "adopted" the attached Conditions of Approval and Findings, the Commission did not "approve" or "adopt" anything during the 1/28/2021 and 2/25/2021 hearings regarding the proposed project. Upon the motion of Commissioner Dana Perlman, the Commission rejected applicant's request to recommend approval of a conditional use permit. Yet, DCP astonishingly prepared two Letters of Determination that, on their face, purportedly overrule the unanimous decision of the Commission to reject the project, and someone at CPC went so far as to sign the Letters using the name of CPC Executive Assistant, Cecelia Lama, while she was away on vacation. During the 1/28/2021 hearing, the Commissioners made clear that they would not, and could not, consider the proposed project outside the conditional use permitting process and that, without material alterations, especially in height, any CUP application would be denied. And it was. Applicant declined the Commission's invitation to reduce the total height of the project and instead presented a plan for minor modifications altering only the "perceived" height of the project from one street view. As a result, the Commission voted unanimously to reject the project for a CUP. Nonetheless, in paragraphs 3-5 of the Corrected Letter of Determination, and in the Conditions of Approval and Findings, DCP signed off on the project as initially proposed without any reduction in the excess Density Bonus and by granting all of the requested On-Menu and Off-Menu Incentives, none of which were approved by the Commission. As a result, CPC issued a Corrected

Letter of Determination, Conditions of Approval and Findings that are factually and legally erroneous, internally inconsistent, unlawful and void. Among other reasons for striking paragraphs 3-5 from the Corrected Letter of Determination and revoking CPC's "adoption" of the Conditions of Approval and Findings :

- The Commission has no authority to grant a Density Bonus greater than 35%. Although the DCP Report acknowledged that the "Density Bonus" chart for Very Low Income ("VLI") units does not provide for a density bonus in excess of 35%, the DCP Report states that a conditional use permit ("CUP") may provide for a density bonus exceeding 35%. Although the Corrected Letter of Determination acknowledges that the Commission rejected the proposed CUP, the Corrected Letter nevertheless appears to authorize a 57.5% density bonus. In the absence of a proper CUP, a 57.5% density bonus is prohibited by law. LAMC §12.22-A,25(c)(1) expressly prohibits a density bonus in excess of 35% under any circumstance. LAMC §12.22-A,25(c)(1) states: "Notwithstanding any provision of this Code to the contrary, ... [a] Housing Development Project that includes ... 5% of the total units of the project for Very Low Income households ... shall be granted a minimum Density Bonus of 20%," and "[t]he bonus may be increased according to the percentage of affordable housing units provided ... [in LAMC §12.22-A,25(c)(1), but shall not exceed 35%." (Similarly, the "Density Bonus" chart contained in Gov. Code §65915(f)(2) similarly precludes approval of a density bonus totaling 57.5%. The maximum density bonus under Gov. Code §65915(f)(2) is only 50%.)
- The Commission has no authority to grant the requested "On-Menu" Incentives for increased height and reduced setbacks. LAMC §12.22-A,25(f) lists the "Menu of Incentives," or "On-Menu" Incentives, that may be granted to projects that meet the qualifications of LAMC §12.22-A,25(e). (See LAMC §12.22-A,25(f).) Pursuant to subdivision (e)(1), a qualifying applicant may be entitled to a yard/setback reduction equal to "[u]p to 20% decrease in the required width or depth of any individual yard or setback ... provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required." (See LAMC §12.22-A,25(f)(1).) Pursuant to subdivision (e)(5)(i), an applicant may be entitled to "[a] percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Housing Development Project is eligible[;] [provided that] [i]n any zone in which the height or number of stories is limited, this height increase shall permit a maximum of eleven additional feet or one additional story, whichever is lower, to provide the Restricted Affordable Units." (LAMC §12.22-A,25(f)(5)(i)). The DCP Report acknowledges that the proposed project does not qualify under LAMC §12.22-A,25(f) to receive either the requested yard/setback reduction or the requested increase in height. (See DCP Report, at A-6.) Yet, the Corrected Letter of Determination disregards these provisions of the LAMC. The 30% reduction in setback exceeds the 20% that is authorized under subdivision (e)(1), and the request for a 22-foot increase in height greatly exceeds the 11-foot increase that may be allowed under subdivision (e)(5)(i).

- The Commission cannot circumvent the statutory and regulatory restrictions on “On-Menu” Incentives, such as increased height and reduced setbacks, by “reclassifying” those Incentives as “Off-Menu” (especially for the purpose of avoiding appeal of a decision to grant the Incentives), and the Commission has no authority to approve the applicant’s request for a waiver of applicable statutory and regulatory restrictions with respect to “On-Menu” Incentives. LAMC §12.22-A,25(g) governs "Off-Menu" Waivers. Under appropriate circumstances, an "Off-Menu" Waiver may be allowed for "any development standard(s) that is not included on the Menu of Incentives in [LAMC §12.22-A,25(f)] ... and that [is] not subject to other discretionary applications." (Id. §12.22-A,25(g)(3)(C)(i)) Because minimum setback requirements and height restrictions are "development standards" (see Gov. Code §65915(o)(1)), and these development standards are included in the Menu of Incentives contained in LAMC §12.22-A,25(0), the statutory and regulatory restrictions on height increases of setback reductions under §12.22-A,25(f) may not be disregarded or "waived" under LAMC §12.22-A,25(g). The height restrictions in LAMC §12.22-A,25(f)(5)(i) also may not be "waived" under LAMC §12.22-A,25(g) because the increase-in-height limitation in §12.22-A,25(f)(5)(i) does not "have the effect of physically precluding the construction of a development ... at the densities or with the concessions or incentives permitted under [See Gov. Code §65915]" and LAMC §12.22-A,25. (See id. §65915(e)(1)) The applicant requested a 22-foot increase in height for the purpose of providing high-end lofts throughout the top floor of the building and to provide a rooftop deck. The elimination of these two luxury amenities would not "physically preclude" construction of a project under applicable regulations. With respect to the setback limitations, no waiver may be permitted for the further reason that it will have a "Specific Adverse Impact upon ... the physical environment," as defined in LAMC §12.22-A,25(b), the facts of which were substantiated by the statement of many community stakeholders and a few Commissioners during the 1/28/2021 and 2/25/2021 meetings.
- The proposed project violates the statutory and regulatory Density Bonus requirements because it fails to set aside the requisite number of Required Restricted Affordable Units. LAMC §12.22-A,25 "establish[es] procedures for implementing State Density Bonus requirements," as stated in Government Code §§65915-65918, to "increas[e] the production of affordable housing, consistent with City policies." (Id. §12.22-A,25(a)(1)). If the requisite number of Required Restricted Affordable Units are not set aside, the project cannot be approved. In this particular case, CPC has “approved” and “adopted” two different set aside requirements, neither of which satisfies the requirements of law. The Corrected Letter of Determination states that “two units – 11 percent of the base density [will be] set aside for Very Low Income Households.” (Id., ¶13.) In contrast, the Conditions of Approval and Findings state that “20 percent of the base density” shall be set aside for VLI units. In either case, based on the base density of the proposed project, a minimum of three (3) VLI units would be required to comply with the State Density Bonus requirements. Under the applicant’s original plans

for constructing a 15-unit apartment building, a minimum of three (3) VLI units is required under LACM §12.22-A,25. The error in DCP’s original calculations apparently arises from DCP’s failure to apply LAMC §12.22-A,25(c)(7), which states that “[i]n calculating Density Bonus and Restricted Affordable units, any number resulting in a fraction shall be rounded up to the next whole number.” (See LAMC §12.22-A,25(c)(7).) Rather than round up the fractional amount of VLI units, DCP appears to have rounded down the required number of VLI units, as detailed in the table below.

Proposed Dwelling Units	15	<u>See</u> Project Application
Permitted Base Density	9	<u>See</u> DCP Report, at A-4
Density Bonus Per LAMC	4 (9 units x .35, rounded)	<u>See</u> DCP Report, at A-5
Total Units, Excluding Bonus	11 (15 units — 4 units)	<u>See</u> DCP Report, at A-5
Required VLI Units	3 (11 units x .20, rounded)	<u>See</u> LAMC §12.22-A,25(c)(7)

4. Seeming to acknowledge the inadequate set aside of VLI units under the original Letter of Determination, the Corrected Letter of Determination describes an entirely new and different project for a 13-unit apartment building rather than the 15-unit apartment building described in the developer’s application and detailed in the plans presented to the Commission and disclosed to community stakeholders. The application and plans for the project describe a 15-unit apartment building with a 20% set aside for Very Low Income units. The Corrected Letter describes a similarly sized, 6-story, 67’ high, 13-unit apartment building with only 11% of the base density set aside for Very Low Income units. No plans for a 13-unit project are contained within the file for the proposed project; the Commission never considered any such plans; and community stakeholders were never given an opportunity to review and comment upon any such project or plans. If CPC wanted to approve a proposed project for construction of a 13-unit apartment building, then notice of this new project should have been given to community stakeholders, as required by law, the Neighborhood Council should have held a hearing and be given an opportunity to weigh in on the revised proposal, and the Commission should have considered the revised proposal as well as the objections of impacted community stakeholders, of which there are many. By approving a project based on plans that apparently do not yet exist, the Commission exceeded its authority under the law. (Note also that, in my communications with CPC and DCP, I repeatedly requested copies of any plans for construction of a 13-unit apartment building at 1432-1434 South Beverly Drive, but no plans, or link to download such plans, were provided.)

In support of my appeal application, I am attaching my initial written objections to the proposed project, site photos that I provided on the day of submission, additional objections that I communicated to CPC and DCP before and after issuance of the original Letter of Determination and the Corrected Letter of Determination, and various emails that I and my neighbors have exchanged with CPC and DCP employees and individual Commissioners. As proof that I occupy an apartment that is immediately adjacent to, and abuts, the proposed project site, I am attaching a copy of my lease for 1436 South Beverly Drive, and a copy of a current utility bill, both of which have been redacted to protect my private financial information, and a photo of the abutting properties.

DOCUMENTATION IN SUPPORT OF
APPEAL APPLICATION OF ALISON BLOCK
REGARDING CASE NO. CPC-2020-595-DB-CU
(1432-1434 SOUTH BEVERLY DRIVE)

To the Attention of the Los Angeles City Planning Commission:

Re: Case No. CPC-2020-595-DB-CU (1432-1434 South Beverly Drive)

My name is Alison Block. I am one of the tenants in the rent-controlled 5-unit, 2-story building located at 1436-1440½ S. Beverly Drive. My building is located immediately south of 1432-1434 S. Beverly Drive, the site of the proposed project under consideration. My building is separated from the proposed project by only a 10-foot driveway. I have resided here for more than 10 years. Below are my written objections to the L.A. Department of City Planning's Recommendation Report ("DCP Report") regarding the proposed project and to DCP's "Density Bonus/ Affordable Housing Incentives Program Determination" recommending approval of the proposed project. I previously objected to the project during the initial hearing on this matter and hereby reserve my right to further object to the project during the 2/25/2021 hearing scheduled on the application. In addition, I hereby join in any other written or oral objections that previously have been made, or will be made, by any other nearby tenants, or any nearby property owners.

1. Neither the Commission nor the City Council has authority to grant a density bonus greater than 35%. Although the DCP Report acknowledges that the "Density Bonus" chart for Very Low Income ("VLI") units does not provide for a density bonus in excess of 35%, the DCP Report states that a conditional use permit ("CUP") may provide for a density bonus exceeding 35%. Not so. LAMC §12.22-A,25(c)(1) expressly prohibits a density bonus in excess of 35% under any circumstance. LAMC §12.22-A,25(c)(1) clearly states: "Notwithstanding any provision of this Code to the contrary, ... [a] Housing Development Project that includes ... 5% of the total units of the project for Very Low Income households ... shall be granted a minimum Density Bonus of 20%," and "[t]he bonus may be increased according to the percentage of affordable housing units provided ... [in LAMC §12.22-A,25(c)(1), but shall not exceed 35%." (The "Density Bonus" chart contained in Gov. Code §65915(f)(2) similarly precludes approval of a density bonus exceeding 50%. The maximum density bonus authorized under §65915(f)(2) is only 50%.)

2. The DCP Report incorrectly calculates the minimum number of Required Restricted Affordable Units for the proposed 15-unit project. LAMC §12.22-A,25 "establish[es] procedures for implementing State Density Bonus requirements," as stated in Gov. Code §§65915-65918, to "increas[e] the production of affordable housing, consistent with City policies." (Id. §12.22-A,25(a)(1)) However, the DCP Report incorrectly calculates the number of required VLI units for the proposed 15-unit project. The DCP Report states that only two (2) VLI units are required for the proposed project. Under LACM §12.22-A,25, at least three (3) VLI units would be required for approval of the proposed 15-unit project. The error in the DCP Report apparently arises from a failure to apply LAMC §12.22-A,25(c)(7), which states that "[i]n calculating Density Bonus and Restricted Affordable units, any number resulting in a fraction shall be rounded up to the next whole number." (LAMC §12.22-A,25(c)(7)) Rather than round up the fractional amount of VLI units, DCP rounded down the required number of VLI units, as detailed in the table below.

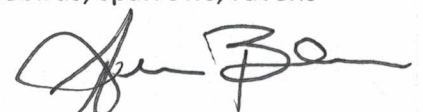
Proposed Dwelling Units	15	<u>See Project Application</u>
Permitted Base Density	9	<u>See DCP Report, at A-4</u>
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Total Units, Excluding Bonus	11 (15 units – 4 units)	<u>See DCP Report, at A-5</u>
Required VLI Units	3 (11 units x .20, rounded up)	<u>See LAMC §12.22-A,25(c)(7)</u>

3. The City has no authority to grant either of the so-called "Off-Menu" Incentives, for increased height and reduced setbacks. LAMC §12.22-A,25(f) lists the "Menu of Incentives," or "On-Menu" Incentives, that may be granted to "Housing Development Projects that meet the qualifications of [LAMC §12.22-A,25(e).]" (LAMC §12.22-A,25(f)) Pursuant to subdivision (1), a qualifying applicant may be entitled to a yard/setback reduction equal to "[u]p to 20% decrease in the required width or depth of any individual yard or setback ... provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required." (LAMC §12.22-A,25(f)(1)) Pursuant to subdivision (5)(i), a qualifying applicant may be entitled to "[a] percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Housing Development Project is eligible[;] [provided that] ... [i]n any zone in which the height or number of stories is limited, this height increase shall permit a maximum of eleven additional feet or one additional story, whichever is lower, to provide the Restricted Affordable Units." (LAMC §12.22-A,25(f)(5)(i))

The DCP Report acknowledges that the proposed project does not qualify under LAMC §12.22-A,25(f) to receive either the requested yard/setback reduction or the requested increase in height. (DCP Report, at A-6) The 30% proposed reduction in setback exceeds the 20% that is authorized under subdivision (1). Likewise, the request for a 22-foot increase in height greatly exceeds the 11-foot increase allowed under subdivision (5)(i). Under these circumstances, the applicant's request for these "On-Menu" Incentives must be denied. Likewise, the applicant's request for a waiver of the restrictions on these "On-Menu" Incentives must be rejected. LAMC §12.22-A,25(g) governs "Off-Menu" Waivers. Under appropriate circumstances, an "Off-Menu" Waiver may be allowed for "any development standard(s) that is not included on the Menu of Incentives in [LAMC §12.22-A,25(f)] ... and that [is] not subject to other discretionary applications." (Id. §12.22-A,25(g)(3)(C)(i)) Because minimum setback requirements and height restrictions are "development standards" (see Gov. Code §65915(o)(1)), and these development standards are included in the Menu of Incentives contained in LAMC §12.22-A,25(f), the restrictions on setback reductions and height increases under §12.22-A,25(f) may not be "waived" under LAMC §12.22-A,25(g).

With respect to the proposed project, the height restrictions set forth in LAMC §12.22-A,25(f)(5)(i) also may not be "waived" under LAMC §12.22-A,25(g) because the increase-in-height limitation in §12.22-A,25(f)(5)(i) does not "have the effect of physically precluding the construction of a development ... at the densities or with the concessions or incentives permitted under [Gov. Code §65915]" and LAMC §12.22-A,25. (Gov. Code §65915(e)(1)) The applicant is requesting an additional 11-foot increase in height for the purpose of providing lofts throughout the top floor of the building and to provide a rooftop deck. Elimination of those two luxury amenities clearly will not "physically preclude" construction of a project that complies with LAMC §22.12-A,25. As such, no waiver may be allowed under LAMC §22.12-A,25(g).

Finally, with respect to the proposed reduction in setback, the requested On-Menu Incentive/Off-Menu Waiver should be rejected because it will have a "Specific Adverse Impact upon ... the physical environment," as defined in LAMC §12.22-A,25(b). As shown in the photos accompanying this submission, the proposed project will result in the removal of more than one dozen mature trees and a massive amount of flora which currently provide food and shelter to a variety of local wildlife species, including squirrels, hummingbirds, bluebirds, sparrows, ravens and at least one possum.

A handwritten signature in black ink, appearing to read "John Bo", is located in the bottom right corner of the page.

Date: May 6, 2021

From: Alison Block <ablock811@yahoo.com>

To: Alexander Troung <alexander.truong@lacity.org>

Cc: Cecilia Lamas <cecilia.lamas@lacity.org>
Dana Perlman <dperlman@perlmanlaw.com>
City Planning Commission <CPC@lacity.org>
Lisa Webber <lisa.webber@lacity.org>
Heather Bleemers <heather.bleemers@lacity.org>
Oliver Netburn <oliver.netburn@lacity.org>

Re: Case No. CPC-2020-595-DB-CU – 1432-1434 South Beverly Drive

Hello, Alexander.

For convenience and ease of reference, I have attached a PDF copy of this email, as well as some of the supporting documents referenced in this email, so that you may print the email and supporting documents for easy reference and review.

I am writing in response to your email dated May 2, 2021 regarding the CPC's "approval" of a proposed project for demolishing an existing duplex and developing a massive 6-story, 67' tall, multi-unit apartment building at 1432-1434 S. Beverly Drive, in the Pico-Beverlywood area of the City [CPC-2020-595-DB-CU]. With all due respect, the CPC voted unanimously to reject the proposed project, not to approve entirely. Yet, that is the intended effect of the DCP's Corrected Letter of Determination dated 4/27/2021. The Corrected letter states (incorrectly) that the Commission "approved" every bonus, incentive and other item requested by the applicant, including (i) an excessive density bonus of 57.5%, and (ii) On-Menu and Off-Menu incentives that exceed statutory and regulatory restrictions contained in the Government Code and the LAMC with respect to an excessive increase in height, inadequate setbacks, etc.. The Corrected Letter and its attachments also incorrectly calculate the number of Very Low Income (VLI) units that would be required for approval of the original proposed project, which is three VLI units (rounding up), not two (rounding down). In addition, the Corrected Letter appears to "approve" plans for a different, new project, the plans of which were not considered or discussed during any CPC meeting or made available to community stakeholders or calendared for public comment.

Regarding your review of the audio recording from the 2/25/2021 meeting, note that the Commission considered the proposed project during two meetings, not just one. During the first meeting, which occurred on 1/28/2021, the Commission acknowledged that the proposed project could not be approved outside the conditional use permitting process due to the excessive request for a density bonus and On-Menu and Off-Menu incentives that greatly exceed those allowed under the Gov. Code and the LAMC. In particular, several Commissioners, and many community stakeholders

living adjacent to or near the proposed project, including me and other living in my building, expressed concerns about the proposed height of the project, the inadequate setbacks, the lack of tenant and guest parking, the reductions of required open space, the dismal aesthetics of the project (especially the 6-story, 67'-tall, bright red wall with railing that looks like the inside of a prison), the specific adverse impact of the project on the physical environment (i.e., the unnecessary destruction of mature trees and flora), and the general adverse impact on the Pico-Beverlywood neighborhood south of Alcott Drive. In particular, I refer you to the comments of Commissioner Dana Perlman and City Planner Lisa Webber during the 1/28/2021 meeting, where it was specifically discussed that the project could not be approved as a density bonus or TOC project, but that the project might be recommended to the City Council for a conditional use permit if material alterations were made to the proposed project to adjust certain excessive incentives. Below are some of those statements:

PERLMAN: As I said I don't believe we should be doing this ad hoc and on the fly I think this is more of a policy discussion. We've spent a lot of time at this commission about the consideration of the commission going into what are our on-menu what our off-menu incentives, why we are going to have certain on-menu and certain off-menu incentives and how we would deal with those depending upon the level "density bonus" that was being provided. We may want to revisit that and we may want to look at how that would impact different areas of the city and to me another way this should be dealt with is community planning which takes a lot longer. But in any event, when I look at a single project on a single corner and think, well, I'd hate to have that be the way that we change how we're looking at density bonus citywide because we're really not putting it into full context. And so that's what struck me. It's just I rarely seen density bonus cases with a 22-foot height variance without there being significant other issues coming before us and ... quite a higher percentage I should say of the base in affordable housing units then are provided here.

So with all of that said, my thinking on this... This is coming to us now as a 15 unit project. It's my understanding and, correct me if I'm wrong, that this could be, we could change the conditional use to have height increase back at 11 feet as opposed to 22 feet, then it would be 14 units, two of which would remain covenanted affordable housing units, so if the incentives that they are seeking is really not required looking at the findings, we have to provide for those two affordable housing units because we can still get to those affordable housing units with 11 feet left, and also this mitigates the specific adverse impact on the neighboring properties so I think that's an obligation we have to look at that so that's what I'd propose.

* * *

WEBBER: Just to be specific, your proposal is not to touch the density bonus because that creates issues and instead to look at the conditional use approval.

PERLMAN. Correct.

2. As you know, the DCP has no decision-making authority, and cannot unilaterally act or “approve” density bonuses or incentives. That authority rests with the CPC and must be exercised by the CPC, in strict compliance with the review and comment procedures, and with full and fair consideration by the Commission, upon a properly made motion approved by a majority of Commissioners. The Commission “approved” nothing during the 1/28/2021 and 2/25/2021 meetings with respect to the proposed project. Yet, astonishingly, the DCP prepared two separate Letters of Determination that seemingly overrule the unanimous decision of the Commissioners to reject the project, and apparently went so far as to affix Cecelia Lamas’ name to both Letters while she has been out of the office on vacation and is currently in coronavirus quarantine. During the 1/28/2021 hearing, the Commissioners made clear that they would not, and could not, approve the proposed project without material alterations, especially in height, and that any recommendation for approval of the project must be made pursuant to the CUP regulations. Yet, the DCP signed off on the project as it was initially proposed without any reduction in the excess density bonus and by granting all of the requested On-Menu and Off-Menu incentives. As noted in my written objections, in my verbal objections during the two hearings, and in my recent emails Ms. Lamas, as well as the objections of other stakeholders who reside immediately adjacent to or near the proposed project, this action is unlawful, is legally void, and should be immediately corrected.

- The Commission has no authority to grant a density bonus greater than 35%. Although the DCP Report acknowledged that the "Density Bonus" chart for Very Low Income ("VLI") units does not provide for a density bonus in excess of 35%, the DCP Report states that a conditional use permit ("CUP") may provide for a density bonus exceeding 35%. Although the Corrected Letter of Determination acknowledges that the Commission rejected the proposed CUP, the Corrected Letter nevertheless appears to authorize a 57.5% density bonus. In the absence of a proper CUP, a 57.5% density bonus is prohibited by law. LAMC §12.22-A,25(c)(1) expressly prohibits a density bonus in excess of 35% under any circumstance. LAMC §12.22-A,25(c)(1) states: "Notwithstanding any provision of this Code to the contrary, ... [a] Housing Development Project that includes ... 5% of the total units of the project for Very Low Income households ... shall be granted a minimum Density Bonus of 20%," and "[t]he bonus may be increased according to the percentage of affordable housing units provided ... [in LAMC §12.22-A,25(c)(1), but shall not exceed 35%." (Similarly, the "Density Bonus" chart contained in Gov. Code §65915(f)(2) similarly precludes approval of a density bonus totaling 57.5% The maximum density bonus under Gov. Code §65915(f)(2) is only 50%.)

- The Commission has no authority to grant the "On-Menu" Incentives for increased height and reduced setbacks. LAMC §12.22-A,25(f) lists the "Menu of Incentives," or "On-Menu" Incentives, that may be granted to projects that meet the qualifications of LAMC §12.22-A,25(e). (See LAMC §12.22-A,25(f)) Pursuant to subdivision (e)(1), a qualifying applicant may be entitled to a yard/setback reduction equal to "[u]p to 20% decrease in the required width or depth of any individual yard or setback ... provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required." (See LAMC §12.22-A,25(f)(1)) Pursuant to subdivision (e)(5)(i), an applicant may be entitled to "[a] percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Housing Development Project is eligible[;] [provided that] [i]n any zone in which the height or number of stories is limited, this height increase shall permit a maximum of eleven additional feet or one additional story, whichever is lower, to provide the Restricted Affordable Units." (LAMC §12.22-A,25(f)(5)(i)). The DCP Report acknowledges that the proposed project does not qualify under LAMC §12.22-A,25(f) to receive either the requested yard/setback reduction or the requested increase in height. (See DCP Report, at A-6) Nonetheless, the Corrected Letter of Intent disregards these provisions of the LAMC. The 30% reduction in setback exceeds the 20% that is authorized under subdivision (e)(1), and the request for a 22-foot increase in height greatly exceeds the 11-foot increase that may be allowed under subdivision (e)(5)(i).
- The Commission likewise has no authority to approve the applicant's request for a waiver of the restrictions on these "On-Menu" Incentives. LAMC §12.22-A,25(g) governs "Off-Menu" Waivers. Under appropriate circumstances, an "Off-Menu" Waiver may be allowed for "any development standard(s) that is not included on the Menu of Incentives in [LAMC §12.22-A,25(f)] ... and that [is] not subject to other discretionary applications." (Id. §12.22-A,25(g)(3)(C)(i)) Because minimum setback requirements and height restrictions are "development standards" (see Gov. Code §65915(o)(1)), and these development standards are included in the Menu of Incentives contained in LAMC §12.22-A,25(0), the restrictions on setback reductions and height increases under §12.22-A,25(f) may not be "waived" under LAMC §12.22-A,25(g). The height restrictions in LAMC §12.22-A,25(f)(5)(i) also may not be "waived" under LAMC §12.22-A,25(g) because the increase-in-height limitation in §12.22-A,25(f)(5)(i) does not "have the effect of physically precluding the construction of a development ... at the densities or with the concessions or incentives permitted under [See Gov. Code §65915]" and LAMC §12.22-A,25. (See Gov. Code §65915(e)(1)) The applicant requested a 22-foot increase in height for the purpose of providing high-end lofts throughout the top floor of the building and to provide a rooftop deck. The elimination of these luxury amenities would not "physically preclude" construction of a project under applicable regulations. With respect to the setback limitations, no waiver may be permitted because it will have a "Specific Adverse Impact upon ... the physical environment," as defined in LAMC §12.22-A,25(b), and as stated by many neighborhood residents and some of the Commissioners during the 1/28/2021 and 2/25/2021 meetings.

One more thing. The Corrected Letter of Determination dated April 27, 2021 ([see https://planning.lacity.org/pdiscaseinfo/search/encoded/MjM1MzQx0](https://planning.lacity.org/pdiscaseinfo/search/encoded/MjM1MzQx0)) is completely detached from the actual proposed project and plans that were submitted to the Commission for approval and made available to community stakeholders for review and comment. The application for the project describes a 15-unit apartment building with a 20% set aside for Very Low Income units, and the plans for the project concern only this building. The Corrected Letter describes a similarly sized, 6-story, 67' high, 13-unit apartment building with only 11% of the base density set aside for Very Low Income units. No plans for a 13-unit project are contained within the file for the subject project; the Commission never considered any such plans; and community stakeholders were never given an opportunity to review and comment upon any such plans. If the applicant wants to submit a new proposal for a 13-unit apartment building, then notice should be given to community stakeholders, as required by law, the Neighborhood Council should hold a hearing and be given an opportunity to weigh on the revised proposal, and the Commission may consider the revised proposal and the objections of impacted community stakeholders, of which there are many.

I expect that this matter will be drawn to the attention of each Commissioner so that Corrected Letter of Determination may be further corrected in advance of the 5/12/2021 appeal date so that I may avoid paying the filing fee for commencing an appeal to the Commission or pursuing the matter by petition for writ of mandamus. Also, if they exist and the DCP has them, I will appreciate receiving copies of the applicant's plans for the 13-unit apartment building described in Corrected Letter, or a link for downloading the new documents.

Thank you.

Alison

Alison Block
1436 S. Beverly Drive
Los Angeles, CA 90035

Re: Case No. CPC-2020-595-DB-CU - 1432-1434 S. Beverly Drive - 2/25/2021 CPC Hearing

From: Alison Block (ablock811@yahoo.com)
To: cpc@lacity.org; dperلمان@perلمانlaw.com
Bcc: alisondblock@gmail.com
Date: Wednesday, April 28, 2021, 4:01 PM PDT

Hi Cecilia.

I took note of another material inconsistency in the attached "Corrected" Letter of Determination dated April 27, 2021. Paragraph 3 of the Letter states that the CPC approved "a Density Bonus for a Housing Development with a total of 13 units (with two units -- 11 percent of the base density set aside for Very Low Income Households) in lieu of the base density of nine units," but the CONDITIONS OF APPROVAL attached to the "Corrected" Letter of Determination states that "[a] minimum of two (2) dwelling units, that is 20 percent of the base dwelling units ... shall be reserved as Very Low Income units" (paragraph 3.a) and that, "[p]rior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the ... HCIDLA... to make 20 percent of the site's base density units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years" (paragraph 4).

What's happening here? Requiring only an 11-percent set aside for VLI Households was never proposed by the developer, or considered by the Commission.

Thanks you for your prompt attention to this matter.

Alison Block
1436 S. Beverly Drive
Los Angeles, CA 90035

On Wednesday, April 28, 2021, 2:46:35 PM PDT, Alison Block <ablock811@yahoo.com> wrote:

Hello, Cecilia.

I reviewed the "Corrected" Determination Letter dated April 27, 2021 (<https://planning.lacity.org/pdiscaseinfo/search/encoded/MjM1MzQx0>) and took note of another major error. The "Corrected" Letter refers to actions supposedly taken on the proposed "construction, use and maintenance of a new 16,338 square-foot, six-story, 67-foot 13-unit apartment building reserving two units for Very Low Income Households." No such proposal was considered by the CPC. The developer's application and plans detail only the proposed construction of a 15-unit apartment building, not a 13-unit apartment building. A 13-unit apartment building was never discussed. Moreover, even if a 13-unit apartment building were permissible, the developer would not be entitled to several of the incentives described in the "Corrected" Letter (e.g., increased height and reduced setbacks), which

exceed the limitations expressly stated in the Government Code and the LAMC.

My neighbors and I find it shocking that the DCP staff have prepared a Letter of Determination that flatly contradicts the unanimous ruling of the Commission and purportedly approves a proposed project that the Commissioners voted unanimously to deny. Please be sure that this error is corrected. The Commission voted to deny the proposed project, not approve it via a "Corrected" Letter of Determination that does not accurately reflect the CPC's ruling. If the developer wants to submit a revised proposal for a 13-unit apartment building, then notice should be given to adjacent residents and businesses, as required by law, the Neighborhood Council should hold a hearing and be given an opportunity to weigh on the revised proposal, and then the Commission may consider the revised proposal and the objections of impacted community stakeholders, of which there are many.

Thank you.

Alison Block
1436 S. Beverly Drive
Los Angeles, CA 90035

On Tuesday, April 27, 2021, 4:05:42 PM PDT, Alison Block <ablock811@yahoo.com> wrote:

Good afternoon, Cecilia.

The "Corrected" Determination Letter does not correct any of the materials errors that I noted in my email below (although it does extend the appeal date to May 2021). Please explain the justification for including paragraphs 3-5 of the "Corrected" Determination Letter. As I stated in my email below, Commissioner Perlman moved to deny the developer's request for a conditional use permit, and the Commissioner's approved the motion 8-0. No other motion was made with respect to the DCP Recommendation Report, and the Commission never considered the developer's request for an unlawful density bonus, for prohibited incentives, or for a reduction in the Required Restricted Affordable Units. As Commissioner Perlman noted during the hearing, the developer requested a conditional use permit because the proposed project could not be approved under the Government Code and LAMC guidelines for density bonuses, etc. It certainly was not the Commission's intent, and it was not their decision during the Feb 2021 hearing, to deny the request for a conditional use permit, but to permit the exact same project to be approved under the normal guidelines which clearly prohibit approval of the proposed project. All of my neighbors and I will appreciate an explanation.

Thank you.

Alison Block
1436 S. Beverly Drive
Los Angeles, CA 90035

On Tuesday, April 27, 2021, 3:49:15 PM PDT, Planning CPC <cpc@lacity.org> wrote:

Good afternoon,

Please find attached the Corrected **Determination Letter** for the above mentioned case.

If you have any further questions or concerns, please contact:

Cecilia Lamas: cpc@lacity.org

Thank you and have a great day.

----- Forwarded Message -----

From: Alison Block <ablock811@yahoo.com>

To: Planning CPC <cpc@lacity.org>

Cc: dperlman@perlmanlaw.com <dperlman@perlmanlaw.com>

Sent: Tuesday, April 27, 2021, 12:37:28 PM PDT

Subject: Re: Case No. CPC-2020-595-DB-CU - 1432-1434 S. Beverly Drive - 2/25/2021 CPC Hearing

Hi, Cecilia.

I was following up on the status of the application for a conditional use permit for the proposed project at 1432-1434 S. Beverly Drive. As you may recall, I submitted written objections to the DCP Recommendation Report based on a array of violations of the Government Code and the LAMC. For your convenience, a copy of my written objections is attached. In addition, certain neighbors who reside adjacent to the proposed project and I made oral objections during the telephonic hearing with respect to my written objections and other material objections to the proposed project.

During the hearing, my written objections were not considered. As I understand it, my written objections were not considered because the developer had elected to proceed under the regulations applicable to conditional use permits. The Commissioners therefore did not consider whether the proposed density bonus was lawful (which it is not), or whether the Commission may, or should, approve certain of the proposed incentives in violation of express limitations contained in the Government Code and the LAMC (which it may not, and should not). The Commissioners also did not consider whether the DCP correctly calculated the minimum number of Required Restricted Affordable Units that would be required for approval of the proposed project. Instead, the Commissioners considered only whether to recommend approval of the conditional use permit, which requires a benefit to the community exceeding the adverse consequences of the proposed project. Based on the motion of Commissioner Perlman, which is stated on the official audio record of the hearing, the Commissioners present voted 8-0 in favor of denying approval of a conditional use permit and that was the end of it.

Yesterday, when I went online to check on the status of the proposed project, I took note that the "CPC Action" was "DENIED." A copy of the online record is attached. However, the Letter of Determination that accompanies the online record is inconsistent with the motion and actual ruling of the Commission. The attached Letter of Determination correctly states that the proposed conditional use permit was "disapproved and denied" (paragraph 2), but the Letter also states, incorrectly, that the proposed density bonus and all of the requested incentives were "approved" by the Commission (paragraph 3), and that the Commission "adopted" the Modified Conditions of Approval and Amended Findings of the DCP (paragraphs 4, 5). In fact, that did not happen. No motion was made with respect to the DCP Recommendation Report, and the Commissioners never considered the developer's request

for an unlawful density bonus, for prohibited incentives, or for a reduction in the Required Restricted Affordable Units. I assume that the inclusion of paragraphs 3-5 were clerical errors made by the DCP staff members who prepared the Letter.

I note also that the Letter of Determination for the proposed project states that it was mailed on "Apr 13 2021." However, I did not receive a copy of the Letter of Determination, none of the neighbors in my building received a copy of the Letter, and a copy of the Letter is not posted on the proposed project site. Given that the Letter appears to set a final appeal date of "Apr 28 2021," which is tomorrow, I will appreciate a response today (1) whether the clerical errors contained in the Letter of Determination will be corrected to strike paragraphs 3-4, which were not part of Commissioner Perlman's motion or any other motion made during the hearing, and which are contrary to law, and, (2) if not, whether the appeal date is actually April 28, 2021, given that the Letter of Determination apparently was not mailed to everyone who resides in properties adjacent to the site of the proposed project and was not posted. A prompt response to this email also may allow me to avoid paying the filing fee required to appeal from the incorrectly prepared Letter of Determination.

Thank you.

Stay safe, and have a great day!

Alison Block
1436 S. Beverly Drive
Los Angeles, CA 90035

On Thursday, February 25, 2021, 11:31:21 AM PST, Planning CPC <cpc@lacity.org> wrote:

Hello Ms. Block,

Day of submissions are posted online on our website at the end of the meeting, but they can also be found in the shared drive as listed on the first page of the agenda.

Please click on this link for your review: <https://drive.google.com/drive/folders/1uB-2a2sl7Pn1GyLx3E-HxjhV9SMhDmUg?usp=sharing>

Your submission was distributed prior to opening item 5a. Please do not hesitate to reach out with any other questions or concerns you may have. Thank you.

On Thu, Feb 25, 2021 at 11:26 AM Alison Block <ablock811@yahoo.com> wrote:

Hi Cecillia.

I was reviewing the supplemental documents shown on the CPC website for the 2/25/2021 hearing. My Day of Hearing Submission is not included in the pack of materials made available online. (There are no Day of Hearing Submissions included.) Please be sure that my submission is added to the online materials so that they are included in that record and be sure that the materials are made available to the Commissioners.

Thank you so much.

Stay safe!

Alison Block
1436 S. Beverly Drive
(310) 617-5700

On Thursday, February 25, 2021, 7:48:37 AM PST, Planning CPC <cpc@lacity.org> wrote:

Good morning,

Please note your submission has been received and will be distributed to the City Planning Commission for the meeting of February 25, 2021. Thank you.



LOS ANGELES
CITY PLANNING

Cecilia Lamas
Commission Executive Assistant
Los Angeles City Planning

200 N. Spring St., Room 272
Los Angeles, CA. 90012
Planning4LA.org

On Wed, Feb 24, 2021 at 11:12 AM Alison Block <ablock811@yahoo.com> wrote:

Good morning.

Attached is my Day of Hearing Submission for Case No. CPC-2020-595-DB-CU.

Also attached is a ZIP file containing several photos of the subject property, 1423-1434 S. Beverly Drive.

Please confirm that you received my submission and photos and that they will be delivered for consideration by the Commission.

Thank you. Stay safe!

Alison Block
1436 S. Beverly Drive
(310) 617-5700



2020-04-27 LA CPC Corrected Determination Letter.pdf
1.8MB

Re: Case No. CPC-2020-595-DB-CU - 1432-1434 S. Beverly Drive

From: Alison Block (ablock811@yahoo.com)

To: alexander.truong@lacity.org

Cc: cecilia.lamas@lacity.org; dperlman@perlmanlaw.com; lisa.webber@lacity.org; cpc@lacity.org; heather.bleemers@lacity.org; oliver.netburn@lacity.org

Bcc: ablock811@yahoo.com

Date: Thursday, May 6, 2021, 8:39 AM PDT

Mr. Truong:

For convenience and ease of reference, I have attached a PDF copy of this email so that you may print my email for easy reference and review.

I am writing in response to your email dated May 2, 2021 regarding the CPC's "approval" of a proposed project for demolishing an existing duplex and constructing a massive 6-story, 67' tall, multi-unit apartment building at 1432-1434 S. Beverly Drive, in the Pico-Beverlywood area of Los Angeles. With all due respect, the CPC voted unanimously to reject the proposed project, not to approve it entirely. Yet, the practical effect of the CPC's "Corrected" Letter of Determination dated 4/27/2021 is to approve the application with every one of the excessive items that the Commission refused to accept. The Corrected letter states (incorrectly) that the Commission "approved" every item requested by the applicant, including (i) an excessive density bonus of 57.5%, and (ii) On-Menu and Off-Menu incentives that exceed statutory and regulatory restrictions contained in the Government Code and the LAMC with respect to increased height, inadequate setbacks, etc. The Corrected Letter and its attachments also incorrectly calculate the number of Very Low Income (VLI) units that would be required for approval of the original proposed project, which is three VLI units (rounding up), not two (rounding down). In addition, the Corrected Letter appears to "approve" plans for a different, new project, the plans of which were not considered or discussed during any CPC meeting or made available to community stakeholders or calendared for public comment, and I and my neighbors have yet to receive a mailed copy of the Corrected Letter, or the original Letter of Determination dated 4/13/2021, despite that both bear a "MAILING DATE" and purportedly were mailed.

You stated in your email to me, and in a similar email to one of my neighbors, that you reviewed the audio recording from the 2/25/2021 meeting and believe that the Corrected Letter conforms with the decisions of the Commission with respect to the project. It certainly does not. Preliminarily, you should note that the Commission considered the proposed project during two CPC meetings, not just one. During the first meeting, which occurred on 1/28/2021, the Commission acknowledged that the proposed project could not be approved outside the conditional use permitting process due to the excessive request for a density bonus and On-Menu and Off-Menu incentives that greatly exceed the limitation stated expressly under the Gov. Code and

the LAMC. In particular, several Commissioners, and many community stakeholders living adjacent to or near the proposed project, including me and others living in my building, expressed concerns about the proposed height of the project, the inadequate setbacks, the lack of tenant and guest parking, the reductions of required open space, the dismal aesthetics of the project (especially the 6-story, 67'-tall, bright red wall with railing that looks like the inside of a prison), the specific adverse impact of the project on the physical environment (including the unnecessary destruction of mature trees and flora), and the general adverse impact on the Pico-Beverlywood neighborhood south of Alcott Drive. In particular, I refer you to comments of Commissioner Dana Perlman and DCP Deputy Director of Planning Lisa Webber during the 1/28/2021 meeting, when it was specifically discussed that the project could not be approved as a density bonus or TOC project, but that the project might be recommended to the City Council for a conditional use permit if material alterations were made to the project to adjust certain excessive incentives. Below are some of those statements:

PERLMAN: As I said I don't believe we should be doing this ad hoc and on the fly I think this is more of a policy discussion. We've spent a lot of time at this commission about the consideration of the commission going into what are our on-menu what our off-menu incentives, why we are going to have certain on-menu and certain off-menu incentives and how we would deal with those depending upon the level "density bonus" that was being provided. We may want to revisit that and we may want to look at how that would impact different areas of the city and to me another way this should be dealt with is community planning which takes a lot longer. But in any event, when I look at a single project on a single corner and think, well, I'd hate to have that be the way that we change how we're looking at density bonus citywide because we're really not putting it into full context. And so that's what struck me. It's just I rarely seen density bonus cases with a 22-foot height variance without there being significant other issues coming before us and ... quite a higher percentage I should say of the base in affordable housing units then are provided here.

So with all of that said, my thinking on this... This is coming to us now as a 15 unit project. It's my understanding and, correct me if I'm wrong, that this could be, we could change the conditional use to have height increase back at 11 feet as opposed to 22 feet, then it would be 14 units, two of which would remain covenanted affordable housing units, so if the incentives that they are seeking is really not required looking at the findings, we have to provide for those two affordable housing units because we can still get to those affordable housing units with 11 feet left, and also this mitigates the specific adverse impact on the neighboring properties so I think that's an obligation we have to look at that so that's what I'd propose.

* * *

WEBBER: Just to be specific, your proposal is not to touch the density bonus because that creates issues and instead to look at the conditional use approval.

PERLMAN. Correct.

As you know, the DCP has no decision-making authority, and cannot unilaterally act or “approve” density bonuses or incentives. That authority rests with the CPC and must be exercised by the CPC, in strict compliance with the review and comment procedures, and with full and fair consideration by the Commission, upon a properly made motion approved by a majority of Commissioners. The Commission “approved” nothing during the 1/28/2021 and 2/25/2021 meetings with respect to the proposed project. Yet, astonishingly, the DCP prepared two separate Letters of Determination that seemingly overrule the unanimous decision of the Commissioners to reject the project, and apparently went so far as to affix Cecelia Lamas’ name to both Letters while she has been out of the office on vacation and is currently in coronavirus quarantine. During the 1/28/2021 hearing, the Commissioners made clear that they would not, and could not, approve the proposed project without material alterations, especially in height, and that any recommendation for approval of the project would only be considered pursuant to the CUP regulations. Yet, the DCP signed off on the project as it was initially proposed without any reduction in the excess density bonus and by granting all of the requested On-Menu and Off-Menu incentives. As noted in my written objections, in my verbal objections during the two hearings, and in my recent emails to Ms. Lamas, as well as the objections of other stakeholders who reside immediately adjacent to or near the proposed project, this action is unlawful, it is legally void, and it should be corrected immediately.

* The Commission has no authority to grant a density bonus greater than 35%. Although the DCP Report acknowledged that the "Density Bonus" chart for Very Low Income ("VLI") units does not provide for a density bonus in excess of 35%, the DCP Report states that a conditional use permit ("CUP") may provide for a density bonus exceeding 35%. Although the Corrected Letter of Determination acknowledges that the Commission rejected the proposed CUP, the Corrected Letter nevertheless appears to authorize a 57.5% density bonus. In the absence of a proper CUP, a 57.5% density bonus is prohibited by law. LAMC §12.22-A,25(c)(1) expressly prohibits a density bonus in excess of 35% under any circumstance. LAMC §12.22-A,25(c)(1) states: "Notwithstanding any provision of this Code to the contrary, ... [a] Housing Development Project that includes ... 5% of the total units of the project for Very Low Income households ... shall be granted a minimum Density Bonus of 20%," and "[t]he bonus may be increased according to the percentage of affordable housing units provided ... [in LAMC §12.22-A,25(c)(1), but shall not exceed 35%." (Similarly, the "Density Bonus" chart contained in Gov. Code §65915(f)(2) similarly precludes approval of a density bonus totaling 57.5% The maximum density bonus under Gov. Code §65915(f)(2) is only 50%.)

* The Commission has no authority to grant the “On-Menu” Incentives for

increased height and reduced setbacks. LAMC §12.22-A,25(f) lists the "Menu of Incentives," or "On-Menu" Incentives, that may be granted to projects that meet the qualifications of LAMC §12.22-A,25(e). (See LAMC §12.22-A,25(f)) Pursuant to subdivision (e)(1), a qualifying applicant may be entitled to a yard/setback reduction equal to "[u]p to 20% decrease in the required width or depth of any individual yard or setback ... provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required." (See LAMC §12.22-A,25(f)(1)) Pursuant to subdivision (e)(5)(i), an applicant may be entitled to "[a] percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Housing Development Project is eligible[;] [provided that] [i]n any zone in which the height or number of stories is limited, this height increase shall permit a maximum of eleven additional feet or one additional story, whichever is lower, to provide the Restricted Affordable Units." (LAMC §12.22-A,25(f)(5)(i)). The DCP Report acknowledges that the proposed project does not qualify under LAMC §12.22-A,25(f) to receive either the requested yard/setback reduction or the requested increase in height. (See DCP Report, at A-6) Nonetheless, the Corrected Letter of Intent disregards these provisions of the LAMC. The 30% reduction in setback exceeds the 20% that is authorized under subdivision (e)(1), and the request for a 22-foot increase in height greatly exceeds the 11-foot increase that may be allowed under subdivision (e)(5)(i).

* The Commission likewise has no authority to approve the applicant's request for a waiver of the restrictions on these "On-Menu" Incentives. LAMC §12.22-A,25(g) governs "Off-Menu" Waivers. Under appropriate circumstances, an "Off-Menu" Waiver may be allowed for "any development standard(s) that is not included on the Menu of Incentives in [LAMC §12.22-A,25(f)] ... and that [is] not subject to other discretionary applications." (Id. §12.22-A,25(g)(3)(C)(i)) Because minimum setback requirements and height restrictions are "development standards" (see Gov. Code §65915(o)(1)), and these development standards are included in the Menu of Incentives contained in LAMC §12.22-A,25(0, the restrictions on setback reductions and height increases under §12.22-A,25(f) may not be "waived" under LAMC §12.22-A,25(g). The height restrictions in LAMC §12.22-A,25(f)(5)(i) also may not be "waived" under LAMC §12.22-A,25(g) because the increase-in-height limitation in §12.22-A,25(f)(5)(i) does not "have the effect of physically precluding the construction of a development ... at the densities or with the concessions or incentives permitted under [See Gov. Code §65915]" and LAMC §12.22-A,25. (See Gov. Code §65915(e)(1)) The applicant requested a 22-foot increase in height for the purpose of providing high-end lofts throughout the top floor of the building and to provide a rooftop deck. The elimination of these luxury amenities would not "physically preclude" construction of a project under applicable regulations. With respect to the setback limitations, no waiver may be permitted because it will have a "Specific Adverse Impact upon ... the physical environment," as defined in LAMC §12.22-A,25(b), and as stated by many neighborhood residents and some of the Commissioners during the 1/28/2021 and 2/25/2021 meetings.

One more thing. The Corrected Letter of Determination dated April 27, 2021 ([see https://planning.lacity.org/pdiscaseinfo/search/encoded/MjM1MzQx0](https://planning.lacity.org/pdiscaseinfo/search/encoded/MjM1MzQx0)) is completely detached from the actual proposed project and plans that were submitted to the Commission for approval and made available to community stakeholders for review and comment. The application for the project describes a 15-unit apartment building with a 20% set aside for Very Low Income units, and the plans for the project concern only this building. The Corrected Letter describes a similarly sized, 6-story, 67' high, 13-unit apartment building with only 11% of the base density set aside for Very Low Income units. No plans for a 13-unit project are contained within the file for the subject project; the Commission never considered any such plans; and community stakeholders were never given an opportunity to review and comment upon any such plans. If the applicant wants to submit a new proposal for a 13-unit apartment building, then notice should be given to community stakeholders, as required by law, the Neighborhood Council should hold a hearing and be given an opportunity to weigh in on the revised proposal, and the Commission may consider the revised proposal and the objections of impacted community stakeholders, of which there are many.

I expect that this matter will be drawn to the attention of each Commissioner. I also expect that the Corrected Letter of Determination will be further corrected to conform with the Commission's actual decision before the 5/12/2021 appeal date so that I may avoid paying the filing fee for commencing an appeal to the Commission or filing a petition for writ of mandamus in the Los Angeles Superior Court. Also, if they exist and the DCP has them, I will appreciate receiving copies of the applicant's plans for the 13-unit apartment building described in Corrected Letter, or a link for downloading the new documents.

Thank you.

Alison

Alison Block
1436 S. Beverly Drive
Los Angeles, CA 90035

On Friday, April 30, 2021, 2:13:04 PM PDT, Alexander Truong <alexander.truong@lacity.org> wrote:

Hello,

Thank you for your email concerning the determination letter for CPC-2020-595-DB-CU. We reviewed the audio for that meeting date and determined that the Letter of Determination is consistent with the action taken that day.

While Commissioner Perlman did make a motion to deny the Conditional Use, no denial findings were provided with regard to the Density Bonus. The motion specifically discusses the findings for denial of the conditional use. Typically when the Commission denies a project, findings and a justification is provided for each entitlement request; in this case none were provided with regard to the density bonus incentives.

Thank you,
Alex

On Tue, Apr 27, 2021 at 3:48 PM Planning CPC <cpc@lacity.org> wrote:

FYI-

----- Forwarded message -----

From: **Alison Block** <ablock811@yahoo.com>

Date: Tue, Apr 27, 2021 at 12:37 PM

Subject: Re: Case No. CPC-2020-595-DB-CU - 1432-1434 S. Beverly Drive - 2/25/2021 CPC Hearing

To: Planning CPC <cpc@lacity.org>

Cc: dperلمان@perلمانlaw.com <dperلمان@perلمانlaw.com>

Hi, Cecilia.

I was following up on the status of the application for a conditional use permit for the proposed project at 1432-1434 S. Beverly Drive. As you may recall, I submitted written objections to the DCP Recommendation Report based on a array of violations of the Government Code and the LAMC. For your convenience, a copy of my written objections is attached. In addition, certain neighbors who reside adjacent to the proposed project and I made oral objections during the telephonic hearing with respect to my written objections and other material objections to the proposed project.

During the hearing, my writtten objections were not considered. As I understand it, my written objections were not considered because the developer had elected to proceed under the regulations applicable to conditional use permits. The Commissioners therefore did not consider whether the proposed density bonus was lawful (which it is not), or whether the Commisison may, or should, approve certain of the proposed incentives in violation of express limitations contained in the Government Code and the LAMC (which it may not, and should not). The Commissioners also did not consider whether the DCP correctly calculated the minimum number of Required Restricted Affordable Units that would be required for approval of the proposed project. Instead, the Commissioners considered only whether to recommend approval of the conditional use permit, which requires a benefit to the community exceeding the adverse consequences of the proposed project. Based on the motion of Commissioner Perlman, which is stated on the official audio record of the hearing, the Commissioners present voted 8-0 in favor of denying approval of a conditional use permit and that was the end of it.

Yesterday, when I went online to check on the status of the proposed project, I took note that the "CPC Action" was "DENIED." A copy of the online record is attached. However, the Letter of Determination that accompanies the online record is inconsistent with the motion and actual ruling of the Commission. The attached Letter of Determination correctly states that the proposed conditional use permit was "disapproved and denied" (paragraph 2), but the Letter also states, incorrrectly, that the proposed density bonus and all of the requested incentives were "approved" by the Commission (paragraph 3), and that the Commission "adopted" the Modified Conditions of Approval and Amended Findings of the DCP (paragraphs 4, 5). In fact, that did not happen. No motion was made with respect to the DCP Recommendation Report, and the Commissioners never considered the developer's request for an unlawful density bonus, for prohibited incentives, or for a reduction in the Required Restricted Affordable Units. I assume that

the inclusion of paragraphs 3-5 were clerical errors made by the DCP staff members who prepared the Letter.

I note also that the Letter of Determination for the proposed project states that it was mailed on "Apr 13 2021." However, I did not receive a copy of the Letter of Determination, none of the neighbors in my buidling received a copy of the Letter, and a copy of the Letter is not posted on the proposed project site. Given that the Letter appears to set a final appeal date of "Apr 28 2021," which is tomorrow, I will appreciate a response today (1) whether the clerical errors contained in the Letter of Determination will be corrected to strike paragraphs 3-4, which were not part of Commissioner Perlman's motion or any other motion made during the hearing, and which are contrary to law, and, (2) if not, whether the appeal date is actually April 28, 2021, given that the Letter of Determination apparently was not mailed to everyone who resides in properties adjacent to the site of the proposed project and was not posted. A prompt response to this email also may allow me to avoid paying the filing fee required to appeal from the incorrectly prepared Letter of Determination.

Thank you.

Stay safe, and have a great day!

Alison Block
1436 S. Beverly Drive
Los Angeles, CA 90035

On Thursday, February 25, 2021, 11:31:21 AM PST, Planning CPC <cpc@lacity.org> wrote:

Hello Ms. Block,

Day of submissions are posted online on our website at the end of the meeting, but they can also be found in the shared drive as listed on the first page of the agenda.

Please click on this link for your review: <https://drive.google.com/drive/folders/1uB-2a2sl7Pn1GyLx3E-HxjhV9SMhDmUg?usp=sharing>

Your submission was distributed prior to opening item 5a. Please do not hesitate to reach out with any other questions or concerns you may have. Thank you.

On Thu, Feb 25, 2021 at 11:26 AM Alison Block <ablock811@yahoo.com> wrote:

Hi Cecillia.

I was reviewing the supplemental documents shown on the CPC website for the 2/25/2021 hearing. My Day of Hearing Submission is not included in the pack of materials made available online. (There are no Day of Hearing Submissions included.) Please be sure that my submission is added to the online materials so that they are included in that record and be sure that the materials are made available to the Commissionners.

Thank you so much.

Stay safe!

Alison Block
1436 S. Beverly Drive
(310) 617-5700

On Thursday, February 25, 2021, 7:48:37 AM PST, Planning CPC <cpc@lacity.org> wrote:

Good morning,

Please note your submission has been received and will be distributed to the City Planning Commission for the meeting of February 25, 2021. Thank you.



LOS ANGELES
CITY PLANNING

Cecilia Lamas
Commission Executive Assistant
Los Angeles City Planning
200 N. Spring St., Room 272
Los Angeles, CA. 90012
Planning4LA.org

On Wed, Feb 24, 2021 at 11:12 AM Alison Block <ablock811@yahoo.com> wrote:

Good morning.

Attached is my Day of Hearing Submission for Case No. CPC-2020-595-DB-CU.

Also attached is a ZIP file containing several photos of the subject property, 1423-1434 S. Beverly Drive.

Please confirm that you received my submission and photos and that they will be delivered for consideration by the Commission.

Thank you. Stay safe!

Alison Block
1436 S. Beverly Drive
(310) 617-5700



Alison Block Email re CPC-2020-595-DB-CU.pdf
57kB

Fw: Andrew letter

Sent from my mobile.

+ Looping in the commission for visibility.

Good morning. Hope you had a great weekend and a chance to get outside to enjoy the summer weather!

To recap, on February 25th, 2021 the commission reviewed revised designs for a proposed 67-foot high density structure at 1432-1432 South Beverly Drive (Case No. CPC-2020-0595-DB-CU).

This project previously came before the commission on January 28th, 2021 where they requested the project be adjusted to better reflect neighborhood height and building standards. On February 28th, after a thoughtful conversation around the issues with the project, the commission voted 8-0 to not move forward with a proposed project. An initial Letter of Determination was released on April 13th, 2021 incorrectly citing the vote count and listing items approved/adopted incorrectly. A Corrected Letter of Determination was released April 27th, 2021 with an adjusted vote count, but continues to list items 3-5 as approved/adopted inconsistent to the commission's decision on February 28th (including an inconsistent number of units in the structure compared to the plans that went before and were denied by the commission).

It's also important to note neither the initial Letter of Determination nor the Corrected Letter of Determination were ever mailed to neighborhood stakeholders or posted publicly at the property. The appeal date of the Corrected Letter of Determination is unfair to the community as residents have not yet been made aware. The only reason I became aware of the document's existence was from looking online after noticing development activity at the property.

Alexander, I appreciate your thoughts on the technicalities surrounding items being clearly articulated in the motion process. Unfortunately per the audio from the February 25th meeting, the motion does not specifically call out the conditional use alone and alludes to prior conversation surrounding additional items.

Commissioner Perlman's motion states:

"I'm going to move to deny staff's recommendations because CUP findings I believe cannot be made. I believe that, as I said, this does not enhance the built environment or provide a function or service that is or essential or beneficial to the community and that it is not compatible with and will adversely effect or further degrade adjacent properties in the surrounding neighborhood" (Perlman, February 25th 31:25).

Although items 3-5 are inconsistent with the meeting records in accordance with the above motion and have no documentation to support their approval/adoption, I'd like to draw attention specifically to item 3. b i: "to permit a 22-foot height increase from 45-feet to 67-feet."

In his motion, Perlman states "as I said" connecting back to earlier statements about issues surrounding the project which had been requested of the applicant to adjust: "First of all, let's go into what has been brought back to us. We asked this project, this applicant, to go back after hearing our comments, and to revise the project to address some of our concerns. One of which, a major one, was as to the height." (Perlman, February 25th, 18:23).

In response to the applicant's "perceived" height of the structure still surpassing neighborhood standards by 22 feet, Perlman states "I don't believe that. I wrote it down because that's what it was. It changes the 'perceived' roof height only from Beverly. It does not change it from any of the other perspectives or from the neighbors who ajoin it on the other two sides who are still going to have a building that is 65-feet... 66-feet... 67, I'm sorry, 67-feet in an area that's zoned 45 and I've sat through more than my share of density bonus cases and the typical exception that's allowed is 11-feet. 58. not 22-feet. 67." (Perlman, February 25th 18:53).

The 67-foot height of the project was a major issue for the commission as it broke neighborhood height standards so much so that it required the project to come before the commission a second time. The height was not revised and the commission noted it continued to be unacceptable for the neighborhood zoning of 45-feet. How then is item 3. b i pertaining to an approved 22-foot height increase to 67-feet approved in the Corrected Letter of Determination when the council openly objected in audio documentation and voted 8-0 against it?

The commissioners invest time, energy, and thoughtfulness into the decisions they make. DCP Administrative documentation of CPC decisions should be executed with the same integrity as the commission's vote and not seek to undermine the authority of their role. As a member of the impacted community raising valid concerns over clear discrepancies between the February 25th CPC meeting and the Corrected Letter of Determination regarding Case No. CPC-2020-0595-DB-CU, I request that the Corrected Letter of Determination be Re-Corrected and mailed to all stakeholders as required by the city of Los Angeles.

Thank you so much for your time. I really appreciate all your help on this issue.

RESIDENTIAL LEASE

THIS IS INTENDED TO BE A LEGALLY BINDING AGREEMENT READ IT CAREFULLY (07/08)

Landlord and Tenant agree that Tenant's performance of and compliance with each of the terms hereof constitutes a condition on Tenant's right to occupy Premises. Any failure of compliance or performance by Tenant shall allow Landlord to forfeit Tenant's right of possession.

Please make checks payable to: MILLER & DESATNIK Trust Account.
LoS Angeles, California APRIL 28 2010
Miller & Desatnik Management Company, Landlord, and ALISON DANA BLOCK

Tenant, agree as follows:

1. Landlord leases to Tenant and Tenant hires from Landlord those premises described as: 1436 BEVERLY DR, LOS ANGELES CA 90035 BDRMS 1 BATHS 1

If there is a refrigerator it will not be repaired but removed in case of malfunction.

CAT DEPOSIT \$ [REDACTED]

2. The term of this lease shall be for a period of 12 months; — year(s) commencing MAY 8 2010 & terminating MAY 7 2011

3. Tenant agrees to pay rent \$ [REDACTED] per month in advance, due and payable on the FIRST day of each and every month for the term of the lease. Rent and other monetary obligations may be paid by check; however, if for any reason any such check is unpaid/dishonored when presented for payment, the privilege of paying by check is automatically and irrevocably terminated. Returned-Check charges and Late Charges shall be enforced pursuant to the amounts on attached addendum and should be rendered at the time of payment.

\$ 964.16 to prorate from 5/8/10 thru 5/30/10. Thereafter, rent will be due and payable on the 1st of each and every month. Upon the expiration of this lease, either party may terminate this rental agreement by giving a written notice 30 days in advance.

The rent shall be paid at 3623 Motor Avenue, Los Angeles, CA. 90034 OR to the Resident Manager OR P.O. Box. 1373, Temecula, CA 92593 (Pay to whichever selection is circled) or at any address designated by the Landlord in writing.

4. \$ [REDACTED] as security has been deposited. Landlord may use there from such amounts as are reasonably necessary to remedy Tenant's defaults in the payment of rent, late fees, to repair damages caused by Tenant, & to clean the premises upon termination of tenancy, pursuant to Civil Code 1950.5. The security deposit is not to be used as any part of the last month's rent. Written notice to vacate must be given at least thirty days in advance. Balance of security deposit, if any, together with a written itemized accounting shall be mailed to Tenant's last known address within 21 days of surrender of premises. Premises are deemed surrendered when all keys are turned into Landlord or Landlord's representative.

5. Tenant agrees to pay for all utilities & services based upon occupancy of the premises, except water & [REDACTED]

6. Tenant has examined the premises & all furniture, furnishings & appliances, if any, & fixtures contained therein, & accepts the same as being clean, in good order, condition, & repair, with the following exceptions: [REDACTED]

7. The premises are leased for use as a residence by the following named persons only: ALISON DANA BLOCK

8. No animal or pet shall be kept on or about the premises without Landlord's prior written consent.**

9. Any holding over at the expiration of this lease shall create a month-to-month tenancy at a monthly rent of the current rate payable in advance. All other terms & conditions herein shall remain in full force and effect.

10. Tenant shall not disturb, annoy, endanger or interfere with other Tenants of the building, or neighbors, nor use the premises for any unlawful purposes, nor violate any law or ordinance, nor commit waste or nuisance upon or about the premises.

11. Tenant agrees to comply with all reasonable rules or regulations posted on the premises or delivered to the Tenant by Landlord. Tenant shall keep the premises & furniture, furnishings and appliances, if any, & fixtures, which are leased for his exclusive use in good order & condition & pay for any repairs to the property caused by Tenant's negligence or misuse or that of Tenant's invitees. Landlord shall otherwise maintain the property. Tenant's personal property is not insured by Landlord under any circumstances. Tenant shall obtain and pay for insurance coverage necessary to protect tenant's personal property.

12. Tenant shall not paint, wallpaper, nor make alterations to the property without Landlord's prior written consent.

13. Upon not less than 24 hours advance notice, Tenant shall make the premises available during normal business hours to Landlord or his authorized agent or representative, for the purpose of entering (a) to make necessary agreed repairs, decorations, alterations or improvements, or to supply necessary or agreed services, and (b) to show the premises to prospective or actual purchasers, mortgagees, tenants, workmen or contractors. In an emergency, Landlord, his agent or authorized representative may enter the premises at any time without securing prior permission from Tenant for the purpose of making corrections or repairs to alleviate such emergency.

14. Tenant shall not let or sublet all or any part of the premises, nor assign this lease or any interest in it without the prior written consent of Landlord. This is to include any or all roommate changes.

15. If Tenant abandons or vacates the premises, Landlord may at his option terminate this lease, and regain possession in the manner prescribed by law.

16. In the event that it is deemed necessary by landlord to bring an action (including serving any notices leading up to an action) for possession or money damages, then landlord shall be entitled to recover, in addition to all other relief, landlord's attorney fees and court costs and disbursements whether the matter proceeds to judgment or to any other final disposition.

17. Time is of the essence. The waiver by Landlord or Tenant of any breach shall not be construed to be a continuing waiver of any subsequent breach.

18. Notice upon Tenant shall be served as provided by law. Notice upon Landlord may be served upon Manager of the demised premises, Miller & Desatnik Management Company at 3623 Motor Ave., Los Angeles, CA. 90034.

19. Within 10 days after written notice Tenant agrees to execute and deliver an estoppel certificate, as submitted by Landlord, acknowledging that this agreement is unmodified and in full force and effect, or in full force and effect as modified and stating the modifications. Failure to comply shall be deemed Tenant's acknowledgment that the certificate as submitted by Landlord is true and correct and may be relied upon by any lender or purchaser.

20. No liquid furniture allowed in the premises. No fixtures may be hung from ceiling, if the unit has radiant heat coils.

The Undersigned Tenant acknowledges having read the foregoing prior to execution and receipt of a copy hereof. An addendum containing additional terms is attached.

Landlord [Signature]

Tenant [Signature]

Tenant _____

Tenant _____



ACCOUNT NUMBER [REDACTED]
 SERVICE FOR
 ALISON BLOCK
 1436 S BEVERLY DR
 LOS ANGELES CA 90035-3008

DATE MAILED Apr 13, 2021 Page 1 of 3
 24 Hour Service
1-800-427-2200 English
 1-800-342-4545 Español
 1-800-252-0259 TTY
 socialgas.com

A meter calibration adjustment factor has been incorporated in the Billing Factor for this bill period. The calibration factor corrects small meter registration inaccuracies, effectively reducing the recorded registration by 2%.

Did you overlook paying your last bill? Please pay the total amount due. Disregard this message if payment was already made. Thank you.

California is fighting climate change and so can you! Your bill includes a Climate Credit from a state program to cut carbon pollution while also reducing your energy costs. Find out how at EnergyUpgradeCA.org/credit.

You are currently receiving the CARE discount. The discount now appears as a separate credit on your bill.

Account Summary

Amount of Last Bill			\$214.26
Payment Received	03/16/21	THANK YOU	- 125.00
Current Charges			+ 26.06
Total Amount Due			\$115.32

Current Charges

Rate: GR - Residential Climate Zone: 1 Baseline Allowance: 49 Therms
 Meter Number: 11923349 (Next scheduled read date May 10 2021) Cycle: 7

Billing Period	Days	Meter Number	Current Reading	-	Previous Reading	=	Difference	Billing x Factor	BTU x Factor	=	Total Therms
03/11/21 - 04/09/21	29	11923349	6580		6537		43	0.980	1.038		44

GAS CHARGES		Amount(\$)
Customer Charge	29 Days x \$.16438	4.77
Gas Service (Details below)	44 Therms	
<hr/>		
Therms used	44	
Rate/Therm	\$1.17614	
Charge	\$51.75	= 51.75

(Continued on next page)

PLEASE KEEP THIS PORTION FOR YOUR RECORDS. (FAVOR DE GUARDAR ESTA PARTE PARA SUS REGISTROS.)
 PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. (FAVOR DE DEVOLVER ESTA PARTE CON SU PAGO.)



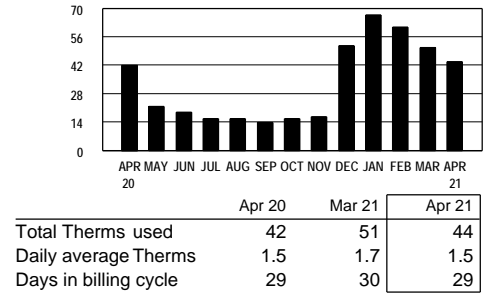
Save Paper & Postage
 PAY ONLINE
 socialgas.com

ACCOUNT NUMBER
 139 501 6238 1

ALISON BLOCK
 1436 S BEVERLY DR
 LOS ANGELES CA 90035-3008

Past Due	[REDACTED]
Current Charges	[REDACTED]
Total Amount Due	[REDACTED]

Gas Usage History (Total Therms used)



Spring is the season for backyard projects and home upgrades! Contact 811 before you dig to keep your family and neighborhood safe. More info at socialgas.com/811

SoCalGas' gas commodity cost per therm for your billing period:
 Apr. \$.31371 Mar. \$.36982

Past Due	[REDACTED]
Current Charges	[REDACTED]
Total Amount Due	[REDACTED]

Please enter amount enclosed.
 \$
 Write account number on check and make payable to SoCalGas.

SoCalGas
 PO BOX C
 MONTEREY PARK CA 91756-5111

[REDACTED] 0000989418

CV 07 2335 0929 P



ACCOUNT NUMBER [REDACTED]
 DATE DUE AMOUNT DUE
 May 3, 2021 [REDACTED]

DATE MAILED Apr 13, 2021 Page 2 of 3
1-800-427-2200 English
1-800-342-4545 Español
1-800-252-0259 TTY
socalgas.com

Transportation Charge Adj	44 Therms x \$.00136	-06
CARE Program Discount		-11.29
California Climate Credit		-22.39
Total Gas Charges		\$22.78
TAXES & FEES ON GAS CHARGES		
		Amount(\$)
State Regulatory Fee	44 Therms x \$.00577	.25
CARE Public Purpose Surcharge	44 Therms x \$.02278	1.00
Los Angeles City Users Tax	\$22.78 x 8.92%	2.03
Total Taxes and Fees on Gas Charges		\$3.28
Total Current Charges		\$26.06

Other Important Phone Numbers (

- For the following, call
 Monday - Friday, 8 a.m. - 5 p.m.:
- 粵語電話 Cantonese **1-800-427-1420**
 - 한국어 전화 Korean **1-800-427-0471**
 - 國語電話 Mandarin **1-800-427-1429**
 - NÓI TIẾNG VIỆT Vietnamese **1-800-427-0478**

Self Service Options available 24 hours a day, 7 days a week **1-800-772-5050**
 For information regarding payment arrangements, office locations, account balance, billing recap, duplicate bill and CARE applications for income qualified customers.

To locate underground cables & gas pipes, please call DigAlert, Monday-Friday, 6 a.m. - 7 p.m. . . . **8-1-1**

Payment Options \$

Online: It's fast, easy and free. Just register or sign into My Account at <https://myaccount.socalgas.com>

Home banking: If you pay bills online through your bank, check with them, to see if you can receive your bill online.

Direct Debit: Have your payment automatically deducted from your account. For more information, call 1-800-427-2200 or visit socalgas.com

Pay by Phone: Call 1-800-427-2700 to enroll or, if already enrolled, call to authorize a payment from your checking account.

By Mail: Mail your check or money order, along with the payment stub at the bottom of your bill, in the enclosed envelope to SoCalGas, PO Box C, Monterey Park, CA 91756

ATM/Debit/Credit Card or Electronic Check: You can use most major ATM/debit cards, VISA and MasterCard credit cards, or the Electronic Check thru BillMatrix. A convenience fee is charged. Contact BillMatrix at 1-800-232-6629 or visit socalgas.com.

In Person: Pay in person at one of our conveniently located payment locations. To find the nearest location and hours of operation, call 1-800-427-2200 or visit socalgas.com.

SoCalGas Payment Locations

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Company Offices - Business Hours: Monday - Friday 9am - 5pm

- | | |
|---------------------------------------|---|
| Alhambra, 333 E. Main St. Suite J | Hollywood, 1811 Hillhurst Ave. |
| Anaheim, 716 S. State College Blvd. | Huntington Park, 5916 Pacific Blvd. |
| Banning, 60 E. Ramsey St. #A | Indio, 45123 Towne Ave. |
| Commerce, 5708 E. Whittier Blvd. | Inglewood, 3530 W. Century Blvd. Ste. 102 |
| Compton, 700 N. Long Beach Blvd. | Lancaster, 2065 W. Avenue K |
| Corona, 341 S. Lincoln Ave. #A | Lompoc, 128 S. "H" St. |
| Covina, 932 N. Citrus Ave. | Los Angeles, 3739 Crenshaw Blvd. #C |
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Drop Box Location

Burbank, Public Service Department,
 164 W. Magnolia Blvd.

SoCalGas: Delivering affordable, clean and increasingly renewable energy to more than 21 million Californians.



ACCOUNT NUMBER [REDACTED]
 DATE DUE AMOUNT DUE
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DATE MAILED Apr 13, 2021 Page 3 of 3
1-800-427-2200 English
 1-800-342-4545 Español
 1-800-252-0259 TTY
socalgas.com

SoCalGas Policies and Notices

Electronic Check Processing - When you pay your bill by check, you authorize us to electronically process your payment. If your check is processed electronically, your checking account may be debited on the same day we receive the check. Your check will not be returned by your bank, however, the transaction will appear on your bank statement. If you do not wish to participate in this program, please have your account number ready and call 1-877-272-3303.

Closing your Gas Service - We require two (2) working days and access to the meter to close your gas service.

Information about Deposits

Amount of Deposit - The amount of deposit required to establish or re-establish service credit is twice the estimated average periodic bill.

Return of Deposit/Interest on Deposit - This deposit, together with any interest due, less the amount of any unpaid bills, will normally be returned either on discontinuance of service or after the deposit has been held for twelve (12) consecutive months, during which time continuous gas service has been received and all bills for such service have been paid in accordance with the rules in effect and filed with the Public Utilities Commission of the State of California. No Interest will be paid if the service is temporarily or permanently discontinued for non-payment of bills.

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Baseline - Amount of gas billed at the lowest residential rate.

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California Relay Service Phone Numbers:

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TTY/VCO/HCO to Voice	English	1-800-735-2929
	Spanish	1-800-855-3000
Voice to TTY/VCO/HCO	English	1-800-735-2922
	Spanish	1-800-855-3000
From or to Speech-to-Speech	English & Spanish	1-800-854-7784

To avoid having service turned off while waiting for the outcome of a complaint to the CPUC specifically regarding the accuracy of your bill, please contact CAB for assistance. If your case meets the eligibility criteria, CAB will provide you instructions on how to mail a check or money order to be impounded pending resolution of your case. You must continue to pay your current charges while your complaint is under review to keep your service turned on.



A  Sempra Energy utility®



Image capture: Mar 2019 © 2021 Google

1432 - 1434 SOUTH BEVERLY DRIVE

1436 - 1440-1/2 SOUTH BEVERLY DRIVE

RESIDENTIAL LEASE

THIS IS INTENDED TO BE A LEGALLY BINDING AGREEMENT READ IT CAREFULLY (07/08)

Landlord and Tenant agree that Tenant's performance of and compliance with each of the terms hereof constitutes a condition on Tenant's right to occupy Premises. Any failure of compliance or performance by Tenant shall allow Landlord to forfeit Tenant's right of possession.

Please make checks payable to: MILLER & DESATNIK Trust Account.
LoS Angeles, California APRIL 28 2010
Miller & Desatnik Management Company, Landlord, and ALISON DANA BLOCK

Tenant, agree as follows:

1. Landlord leases to Tenant and Tenant hires from Landlord those premises described as: 1436 BEVERLY DR, LOS ANGELES CA 90035 BDRMS 1 BATHS 1

If there is a refrigerator it will not be repaired but removed in case of malfunction. CAT DEPOSIT \$ [REDACTED]

2. The term of this lease shall be for a period of 12 months; 1 year(s) commencing MAY 8 2010 & terminating MAY 7 2011

3. Tenant agrees to pay rent \$ [REDACTED] per month in advance, due and payable on the FIRST day of each and every month for the term of the lease. Rent and other monetary obligations may be paid by check; however, if for any reason any such check is unpaid/dishonored when presented for payment, the privilege of paying by check is automatically and irrevocably terminated. Returned-Check charges and Late Charges shall be enforced pursuant to the amounts on attached addendum and should be rendered at the time of payment.

\$ 964.16 to prorate from 5/8/10 thru 5/30/10. Thereafter, rent will be due and payable on the 1st of each and every month. Upon the expiration of this lease, either party may terminate this rental agreement by giving a written notice 30 days in advance.

The rent shall be paid at 3623 Motor Avenue, Los Angeles, CA. 90034 OR to the Resident Manager OR P.O. Box. 1373, Temecula, CA 92593 (Pay to whichever selection is circled) or at any address designated by the Landlord in writing.

4. \$ [REDACTED] as security has been deposited. Landlord may use there from such amounts as are reasonably necessary to remedy Tenant's defaults in the payment of rent, late fees, to repair damages caused by Tenant, & to clean the premises upon termination of tenancy, pursuant to Civil Code 1950.5. The security deposit is not to be used as any part of the last month's rent. Written notice to vacate must be given at least thirty days in advance. Balance of security deposit, if any, together with a written itemized accounting shall be mailed to Tenant's last known address within 21 days of surrender of premises. Premises are deemed surrendered when all keys are turned into Landlord or Landlord's representative.

5. Tenant agrees to pay for all utilities & services based upon occupancy of the premises, except water & [REDACTED]

6. Tenant has examined the premises & all furniture, furnishings & appliances, if any, & fixtures contained therein, & accepts the same as being clean, in good order, condition, & repair, with the following exceptions: [REDACTED]

7. The premises are leased for use as a residence by the following named persons only: ALISON DANA BLOCK

8. No animal or pet shall be kept on or about the premises without Landlord's prior written consent.**

9. Any holding over at the expiration of this lease shall create a month-to-month tenancy at a monthly rent of the current rate payable in advance. All other terms & conditions herein shall remain in full force and effect.

10. Tenant shall not disturb, annoy, endanger or interfere with other Tenants of the building, or neighbors, nor use the premises for any unlawful purposes, nor violate any law or ordinance, nor commit waste or nuisance upon or about the premises.

11. Tenant agrees to comply with all reasonable rules or regulations posted on the premises or delivered to the Tenant by Landlord. Tenant shall keep the premises & furniture, furnishings and appliances, if any, & fixtures, which are leased for his exclusive use in good order & condition & pay for any repairs to the property caused by Tenant's negligence or misuse or that of Tenant's invitees. Landlord shall otherwise maintain the property. Tenant's personal property is not insured by Landlord under any circumstances. Tenant shall obtain and pay for insurance coverage necessary to protect tenant's personal property.

12. Tenant shall not paint, wallpaper, nor make alterations to the property without Landlord's prior written consent.

13. Upon not less than 24 hours advance notice, Tenant shall make the premises available during normal business hours to Landlord or his authorized agent or representative, for the purpose of entering (a) to make necessary agreed repairs, decorations, alterations or improvements, or to supply necessary or agreed services, and (b) to show the premises to prospective or actual purchasers, mortgagees, tenants, workmen or contractors. In an emergency, Landlord, his agent or authorized representative may enter the premises at any time without securing prior permission from Tenant for the purpose of making corrections or repairs to alleviate such emergency.

14. Tenant shall not let or sublet all or any part of the premises, nor assign this lease or any interest in it without the prior written consent of Landlord. This is to include any or all roommate changes.

15. If Tenant abandons or vacates the premises, Landlord may at his option terminate this lease, and regain possession in the manner prescribed by law.

16. In the event that it is deemed necessary by landlord to bring an action (including serving any notices leading up to an action) for possession or money damages, then landlord shall be entitled to recover, in addition to all other relief, landlord's attorney fees and court costs and disbursements whether the matter proceeds to judgment or to any other final disposition.

17. Time is of the essence. The waiver by Landlord or Tenant of any breach shall not be construed to be a continuing waiver of any subsequent breach.

18. Notice upon Tenant shall be served as provided by law. Notice upon Landlord may be served upon Manager of the demised premises, Miller & Desatnik Management Company at 3623 Motor Ave., Los Angeles, CA. 90034.

19. Within 10 days after written notice Tenant agrees to execute and deliver an estoppel certificate, as submitted by Landlord, acknowledging that this agreement is unmodified and in full force and effect, or in full force and effect as modified and stating the modifications. Failure to comply shall be deemed Tenant's acknowledgment that the certificate as submitted by Landlord is true and correct and may be relied upon by any lender or purchaser.

20. No liquid furniture allowed in the premises. No fixtures may be hung from ceiling, if the unit has radiant heat coils.

The Undersigned Tenant acknowledges having read the foregoing prior to execution and receipt of a copy hereof. An addendum containing additional terms is attached.

Landlord [Signature] Tenant [Signature]

Tenant _____ Tenant _____



ACCOUNT NUMBER [REDACTED]
 SERVICE FOR
 ALISON BLOCK
 1436 S BEVERLY DR
 LOS ANGELES CA 90035-3008

DATE MAILED Apr 13, 2021 Page 1 of 3
 24 Hour Service
1-800-427-2200 English
 1-800-342-4545 Español
 1-800-252-0259 TTY
 socialgas.com

A meter calibration adjustment factor has been incorporated in the Billing Factor for this bill period. The calibration factor corrects small meter registration inaccuracies, effectively reducing the recorded registration by 2%.

Did you overlook paying your last bill? Please pay the total amount due. Disregard this message if payment was already made. Thank you.

California is fighting climate change and so can you! Your bill includes a Climate Credit from a state program to cut carbon pollution while also reducing your energy costs. Find out how at EnergyUpgradeCA.org/credit.

You are currently receiving the CARE discount. The discount now appears as a separate credit on your bill.

Account Summary

Amount of Last Bill			\$214.26
Payment Received	03/16/21	THANK YOU	- 125.00
Current Charges			+ 26.06
Total Amount Due			\$115.32

Current Charges

Rate: GR - Residential Climate Zone: 1 Baseline Allowance: 49 Therms
 Meter Number: 11923349 (Next scheduled read date May 10 2021) Cycle: 7

Billing Period	Days	Meter Number	Current Reading	-	Previous Reading	=	Difference	Billing x Factor	BTU x Factor	=	Total Therms
03/11/21 - 04/09/21	29	11923349	6580		6537		43	0.980	1.038		44

GAS CHARGES		Amount(\$)
Customer Charge	29 Days x \$.16438	4.77
Gas Service (Details below)	44 Therms	
	Baseline	
Therms used	44	
Rate/Therm	\$1.17614	
Charge	\$51.75	= 51.75

(Continued on next page)

PLEASE KEEP THIS PORTION FOR YOUR RECORDS. (FAVOR DE GUARDAR ESTA PARTE PARA SUS REGISTROS.)
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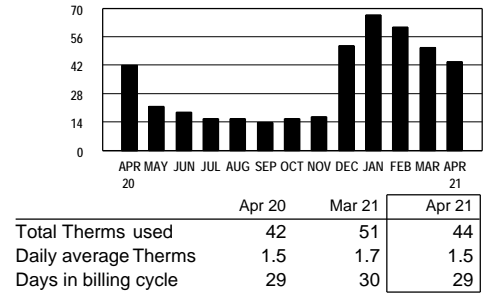
Save Paper & Postage
 PAY ONLINE
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ACCOUNT NUMBER
 139 501 6238 1

ALISON BLOCK
 1436 S BEVERLY DR
 LOS ANGELES CA 90035-3008

Past Due	[REDACTED]
Current Charges	[REDACTED]
Total Amount Due	[REDACTED]

Gas Usage History (Total Therms used)



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 Apr. \$.31371 Mar. \$.36982

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 Write account number on check and make payable to SoCalGas.

SoCalGas
 PO BOX C
 MONTEREY PARK CA 91756-5111

0000989418

CV 07 2335 0929 P



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socalgas.com

Transportation Charge Adj	44 Therms x \$.00136	-06
CARE Program Discount		-11.29
California Climate Credit		-22.39
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A  Sempra Energy utility®



Image capture: Mar 2019 © 2021 Google

1432 - 1434 SOUTH BEVERLY DRIVE

1436 - 1440-1/2 SOUTH BEVERLY DRIVE



LOS ANGELES CITY PLANNING COMMISSION

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

www.planning.lacity.org

CORRECTED LETTER OF DETERMINATION

MAILING DATE: APR 27 2021

Case No. **CPC-2020-0595-DB-CU**
CEQA: ENV-2020-0597-CE
Plan Area: West Los Angeles

Council District: 5 – Koretz

Project Site: 1432 – 1434 South Beverly Drive

Applicant: Ben Kohanteb, Ben and Lili Kohanteb Trust
Representative: Gary Benjamin, Alchemy Planning + Land Use

At its meeting of **February 25, 2021**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

*Demolition of an existing duplex and the construction, use, and maintenance of a new 16,388 square-foot, six-story, 67-foot, 13-unit apartment building reserving two units for Very Low Income Households. The Project will include 22 parking spaces between an at-grade and subterranean level.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, 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. **Disapproved** and **denied**, pursuant to Section 12.24 U.26 of the Los Angeles Municipal Code (LAMC), a Conditional Use Permit to allow a Density Bonus for a Housing Development Project in which the density increase (57.5 percent) is greater than the maximum permitted by LAMC Section 12.22 A.25;
3. **Approved**, pursuant to LAMC Section 12.22 A.25, a Density Bonus for a Housing Development with a total of 13 units (with two units – 11 percent of the base density set aside for Very Low Income Households) in lieu of the base density of nine units, along with the following On- and Off-Menu Incentives and Waivers of Development Standards:
 - a. Pursuant to LAMC Section 12.22 A.25(g)(2), an On-Menu Incentive to permit a 22 percent increase in Floor Area Ratio (FAR) from 3:1 to 3.65:1;
 - b. Pursuant to LAMC Section 12.22 A.25(g)(3), the following Off-Menu Incentives:
 - i. to permit a 22-foot height increase from 45 feet to 67 feet; and
 - ii. to permit a 30 percent side yard reduction from nine feet to six feet, four inches;
 - c. Pursuant to LAMC Sections 12.22 A.25(g)(3), the following Off-Menu Waivers of Development Standards:
 - i. to permit a reduction in the number of parking spaces from 23 to 22 spaces;
 - ii. to permit a reduction in the number of guest parking spaces from four to zero spaces; and
 - iii. to permit open space provided above the first habitable room level;
4. **Adopted** the attached Modified Conditions of Approval; and
5. **Adopted** the attached Amended Findings.

The vote proceeded as follows:

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

Vote: 8 – 0

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 related to the Off-Menu and Waiver of Development Incentives are not appealable. The decision of the Los Angeles City Planning Commission related to the Density Bonus On-Menu Incentives is appealable to City Council by the Applicant or abutting owner/occupants per LAMC Section 12.22 A.25(g)(2)(i)(f). The remaining action related to the Conditional Use is appealable to the Los Angeles City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

***FINAL APPEAL DATE: MAY 12 2021**

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.

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, Amended Findings, Interim Appeal Filing Procedure

c: Heather Bleemers, Senior City Planner
 Oliver Netburn, City Planner
 Alexander Truong, City Planning Associate

¹ The approved project description reflects a correction. Therefore, the appeal period is re-opened for 15 days after the mailing date of this corrected determination letter.

CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on February 25, 2021)

Pursuant to Sections 12.22-A,25 and 12.24-U,26 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

A. Development Conditions

Density Bonus

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans dated February 9, 2021, submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 13 dwelling units.
3. **Affordable Units.**
 - a. A minimum of two (2) dwelling units, that is 20 percent of the base dwelling units permitted in the [Q]R3-1VL-O Zone, shall be reserved as Very Low Income units, as defined by the State Density Bonus Law per Government Code Section 65915(c)(2).
 - b. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,25.
4. **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 20 percent of the site's base density units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22-A,25, to the satisfaction of HCIDLA, and in consideration of the project's SB 330 Determination, dated May 27, 2020. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant shall present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination for more information.

Housing replacement units required pursuant to SB 330 may be used to satisfy the On-site Restricted Affordable Units provided such units meet the income levels, to the satisfaction of HCIDLA.
5. **Housing Replacement.** 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), and in compliance with HCIDLA's May 27, 2020 SB330 Determination Letter, to make one (1) unit as affordable to Low Income Households, and one (1) unit as affordable to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. The owner shall provide notice to each of the existing tenants of the right of first refusal, to the satisfaction

of HCIDLA. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination for more information.

On-site Restricted Affordable Units may be used to satisfy the Housing Replacement units required pursuant to SB 330 provided such units meet the income levels, to the satisfaction of HCIDLA.

6. Incentives.

- a. **Floor Area Ratio (FAR).** A maximum Floor Area Ratio (FAR) of 3.65 to 1 shall be permitted in lieu of the 3 to 1 otherwise permitted by the [Q]R3-1VL-O Zone.
- b. **Height.** The project shall be permitted a maximum height of 67 feet in lieu of the 45 feet otherwise permitted by the [Q]R3-1VL-O Zone. The measured height of the building may exclude roof structures and equipment, pursuant to LAMC Section 12.21.1, and to the satisfaction of the Los Angeles Department of Building and Safety.
- c. **Side Yards.** The project shall be permitted to observe six-foot and four-inch side yards in lieu of the nine (9) feet otherwise required by the R3 Zone.

7. Waivers of Development Standards.

a. Parking.

- i. The project shall be permitted to provide a total of 22 parking spaces in lieu of the otherwise required 23 parking spaces.
- ii. The project shall be permitted to provide zero (0) guest parking spaces in lieu of the otherwise required four (4) guest parking spaces.

b. Open Space.

- i. The project shall be permitted to count all open space with a minimum of 150 square feet that is above the ground level or above the first habitable room level as open space in lieu of the requirements set forth in Ordinance No. 166,676, provided that the landscaping shall be sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O".
- ii. The project shall provide private balconies for every unit. In addition, a minimum of half of the total number of units shall provide private open space in accordance with the following:
 - 1) contain a minimum of 50 square feet;
 - 2) have no horizontal dimension less than six (6) feet when measured perpendicular from any point on each of the boundaries of the open space area;

- 3) provide a minimum eight-foot vertical clearance under any projection, except as provided in Section 12.22-C,20(b); and
- 4) that portion of a balcony which extends or projects into a required front yard in compliance with Section 12.22 C.20.(d) may qualify as usable open space provided it meets each of the above specified requirements set forth in this subparagraph.

8. **Parking.**

- a. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.
- b. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21-A,16.

9. **Solar.** The project shall dedicate a minimum of 325 square feet of rooftop space for the installation of a photovoltaic system, in substantial conformance with the plans stamped "Exhibit A", and comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

10. **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 LAMC.

11. **Construction Generators.** The project construction contractor shall use on-site electrical sources and solar generators to power equipment rather than diesel generators, where feasible.

12. **Materials.** A variety of high quality exterior building materials, consistent with Exhibit A, shall be used. The variety of materials used shall include at least the following: dark metal panel, fiber-reinforced cementitious panels, large format slim porcelain, aluminum sliding door, metal framed storefront, aluminum windows, glass glazing, smooth plaster, and perforated decorative metal panel. Substitutes of an equal quality shall be permitted, to the satisfaction of the Department of City Planning.

13. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer, if located in the front yard, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides (those not adjacent to a building wall).

14. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.

15. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

16. **Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.

B. **Administrative Conditions**

21. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
22. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
23. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
24. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
25. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
26. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
27. **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.
28. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, 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.

29. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
30. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
31. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
32. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
33. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. 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.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. 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 (b).
- d. 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 (b).

- e. 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 are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

FINDINGS

(As amended by the City Planning Commission at its meeting on February 25, 2021)

Density Bonus/Affordable Housing Incentives Compliance Findings

1. Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC, the decision-maker **shall approve** a density bonus and requested incentive(s) unless the decision-maker finds that:
 - a. ***The Incentive is 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 City Planning Commission to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health and Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for Very Low, Low, and Moderate Income Households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds depending on affordability levels.

Based on the set-aside of 20 percent of the base density for Very Low Income Households, the applicant is entitled to three (3) incentives under both Government Code Section 65915 and the LAMC. The request for increased floor area ratio qualifies as an On-Menu Incentive. The remaining requests to allow for increased height and a reduction in the side yards are Off-Menu Incentives. Lastly, the requests for a reduction in parking requirements and to count open space above the first habitable room level must be processed as waivers of development standards.

Floor Area Ratio

The subject property is zoned [Q]R3-1VL-O. The property's residential zoning and designation of Height District No. 1VL permit a maximum FAR of 3 to 1, equal to a maximum of 13,500 square feet of total building area. The applicant is requesting an on-menu incentive for a 22 percent increase in FAR, up to 3.65 to 1 to allow for a total building area of 16,388 square feet.

The requested increase in FAR will allow for the construction of affordable units in addition to larger-sized dwelling units. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. This Incentives supports the applicant's decision to set aside a minimum of two (2) dwelling units for Very Low Income Households for 55 years.

Height

The subject property's [Q]R3-1VL-O Zone permits a maximum height of 45 feet for a residential-only development. The project has requested an Off-Menu Incentive to allow

a maximum height of 67 feet in lieu of the otherwise permitted 45 feet in the [Q]R3-1VL-O Zone pursuant to LAMC Section 12.21.1-A.

As proposed, the height increase will allow an additional 22 feet in building height, and will accommodate the construction of affordable units in addition to larger-sized dwelling units. Granting of the Off-Menu Incentive would result in a building design and construction efficiencies that provide for affordable housing costs given the limited size of the lot; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. This Incentives supports the applicant's decision to set aside a minimum of two (2) dwelling units for Very Low Income Households for 55 years.

Side Yards

The R3 Zone requires a minimum nine-foot side yards for the proposed development. The project has requested a 30 percent reduction through an Off-Menu Incentive to provide a six-foot and four-inch side yards in lieu of the otherwise required nine (9) feet.

As proposed, the reduced side yards will allow for the construction of the affordable residential units given the limited size of the lot. This Incentive will allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential units is increased.

- b. *The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or 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 general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.***

There is no evidence that the proposed density bonus incentives will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. 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 project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project's proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

- c. *The waiver[s] or reduction[s] of development standards will not have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the***

concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1))

A project that provides at least 5 percent of its base density for Very Low Income Households may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).

Therefore, the requests for reductions in the number of parking spaces, the number of standard parking spaces, and the number of guest parking spaces, and the request to count all open space with a minimum of 150 square feet above the first habitable room level are requested as waivers of development standards. Without the requested waivers, the existing development standards would preclude the development of the proposed density bonus units and project amenities for the reasons stated below.

Parking

Pursuant to LAMC Section 12.22-A,25(d), Parking Option 1, the proposed project would be required 23 parking spaces; in addition, pursuant to Ordinance No. 166,676 the proposed project would be required four (4) guest parking spaces, all resulting in a total of 27 required parking spaces. Furthermore, pursuant to LAMC Section 12.21-A,5(c), one (1) standard parking space must be provided for every one (1) dwelling unit, or for the proposed project, 13 standards parking spaces for the 13 dwelling units. In lieu of these requirements, given the limited size of the property, the applicant has requested a total of 22 parking spaces with zero (0) parking spaces reserved for guest parking. In order to provide the minimum requirement of 30 parking spaces and to stay within the 67-foot height limit, as requested as an Incentive, the project would require a minimum of four (4) additional subterranean parking levels considering the disproportionate amount of space that would be required for internal circulation and ramping. With five (5) levels of subterranean parking, the project would reach a depth of 45 feet which would be five (5) feet below the historically highest groundwater level. These development standards would have the effect of physically precluding construction of a development providing 15 dwelling units, of which a minimum of two (2) units will be set aside for Very Low Income Households. The waiver for a reduction in parking spaces enable the project to increase the overall space dedicated to residential use, thereby allowing for the provision of affordable residential units. These waivers support the applicant’s decision to provide two (2) units as affordable housing units reserved for Very Low Income Households.

Open Space

Ordinance No, 166,676 requires that private patios or enclosed yards (located at the ground level or above the first habitable room level) which are part of the dwelling unit can be counted towards the usable open space if they are a minimum of 150 square feet. Without counting the additional the private open space which is in excess of 150 square feet and which is above the first habitable room level (level 2), the project would not meet its open space requirement. This development standard would have the effect of physically precluding construction of a development providing 13 dwelling units, of which a minimum of two (2) units will be set aside for Very Low Income Households. The waiver to count the additional open space above the first habitable room level enable the project to meet its open space requirement, thereby allowing for the provision

of affordable residential units. This waiver supports the applicant's decision to provide two (2) units as affordable housing units reserved for Very Low Income Households.

Conditional Use Findings

2. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.

The project site is relatively flat and consists of one (1) corner lot at the southeast corner of Beverly Drive and Alcott Street. The subject property totals approximately 7,075 square feet of lot area, with a width of 55 feet and a depth of 130 feet. Currently, the site is developed with a two-story duplex which is proposed to be demolished as part of the project.

The proposed project involves the construction, use, and maintenance of a six-story, 67-foot tall, multi-family residential building consisting of 15 dwelling units in the West Los Angeles Community Plan. Of the proposed residential units, the project will set aside two (2) units for Very Low Income Households, while the remaining 13 units will be rented at market rate. The dwelling units will be comprised of a mix of one-, two- and three-bedroom units.

The requested Conditional Use Permit would permit two (2) additional units beyond the 13 units otherwise permitted pursuant to a 35% Density Bonus, pursuant to LAMC Section 12.22-A,25; however, the additional two (2) units do not result in provision of any additional affordable units.

Therefore, the development of the two (2) additional units beyond the 13 units otherwise permitted pursuant to a 35% Density Bonus, pursuant to LAMC Section 12.22-A,25 will not perform a function or service that is beneficial to the city and the region.

3. That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood or the public health, welfare, and safety.

The proposed project consists of the construction of a new six-story multi-family building with 15 residential units. The project site is currently developed with a duplex which will be demolished as part of the proposed development.

The property is located within the West Los Angeles Community Plan, a densely populated portion of the City of Los Angeles. The project site is located in an urbanized area surrounded primarily by multi-family residential uses. The subject property is not adjacent to any single-family zoned properties. Rather, it is surrounded by properties zoned for multi-family development and designated for Medium Residential land uses. Although the multi-family housing project will serve to benefit the neighborhood, the height of the project and lack of the provision of guest parking are not compatible with the area and will adversely affect the area. Given the proposed project's location within the West Los Angeles Community Plan area, along with the existing development in the immediate vicinity of the subject property and its proximity to commercial thoroughfares, the project's location, size, height, operations, and other significant features will not be compatible with and will adversely affect adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

4. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The project site is located within the West Los Angeles Community Plan, which is one of 35 Community Plans which together form the land use element of the General Plan. The Community Plan designates the site for Medium Residential land uses corresponding to the R3 Zone. The project site is zoned [Q]R3-1VL-O and is thus consistent with the existing land use designation. The subject property is not located within the boundaries of and is not subject to any specific plan or community design overlay.

The proposed project does not conform to the following goals, objectives and policies of the Community Plan:

Goal 1: A safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the community.

Objective 1.4: To promote adequate and affordable housing and increase its accessibility to more segments of the population, especially students and senior citizens.

Policy 1.4.1: Promote greater individual choice in type, quality, price and location of housing.

The requested Conditional Use Permit would permit two (2) additional units beyond the 13 units otherwise permitted pursuant to a 35% Density Bonus, pursuant to LAMC Section 12.22-A,25; however, the additional two (2) units do not result in provision of any additional affordable units.

Therefore, the development of the two (2) additional units beyond the 13 units otherwise permitted pursuant to a 35% Density Bonus, pursuant to LAMC Section 12.22-A,25 will not yield housing that's more accessible to more segments of the population or promote greater individual choice in type, quality, price and location of housing.

The project is further inconsistent with other elements of the General Plan, including the Framework Element, the Housing Element, and the Mobility Element. The Framework Element was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide polices regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The project is in conflict with the following goal and objective of the Framework Element:

Goal 3C: Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

The property location does not qualify the project as a Transit Oriented Communities project because it is outside the TOC Affordable Housing Incentive Area; areas where growth can be primarily accommodated. The project requests are consistent with a Tier 3 Transit Oriented Communities project despite not qualifying for such a tier. In consideration of this, the project is outside such areas where public infrastructure is located and is in conflict with the

Framework Element objective of allowing for growth in areas where there is sufficient public infrastructure and services.

In addition to the above findings set forth in Section 12.24-E of the LAMC, the City Planning Commission shall find that:

5. The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan.

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The Housing Element of the General Plan will be implemented by the recommended action herein. The Housing Element is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City

The requested Conditional Use Permit would permit two (2) additional units beyond the 13 units otherwise permitted pursuant to a 35% Density Bonus, pursuant to LAMC Section 12.22-A,25; however, the additional two (2) units do not result in provision of any additional affordable units.

Therefore, the development of the two (2) additional units beyond the 13 units otherwise permitted pursuant to a 35% Density Bonus, pursuant to LAMC Section 12.22-A,25 will not yield any additional affordable housing.

6. The project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows:

- a. **11% Very-Low Income Units for a 35% density increase; or**
- b. **20% Low Income Units for a 35% density increase; or**
- c. **40% Moderate Income Units for a 35% density increase in for-sale projects.**

The project may then be granted additional density increases beyond 35% by providing additional affordable housing units in the following manner:

- a. **For every additional 1% set aside of Very-Low Income Units, the project is granted an additional 2.5% density increase; or**
- b. **For every additional 1% set aside of Low Income Units, the project is granted an additional 1.5% density increase; or**
- c. **For every additional 1% set aside of Moderate Income Units in for-sale projects, the project is granted an additional 1% density increase; or**
- d. **In calculating the density increase and Restricted Affordable Units, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.**

The subject property is zoned [Q]R3-1VL-O, which limits density to one (1) dwelling unit per 800 square feet of lot area. The subject property has a total lot area of 7,075 square feet, and

as such, the permitted base density on the subject property is nine (9) units.¹ In exchange for reserving a portion of the units for affordable housing, the applicant is entitled to a maximum 35 percent density bonus by-right. The applicant is seeking an additional 22.5 percent density bonus (or a total of a 57.5 percent density bonus) through a Conditional Use to allow for the proposed 15 dwelling units to be built on the site.

Pursuant to the LAMC and California Government Code Section 65915, a Housing Development Project that sets aside a certain percentage of units as affordable, either in rental or for-sale units, shall be granted a corresponding density bonus, up to a maximum of 35 percent. While these provisions are limited to 35 percent, Government Code Section 65915(f) states that “the amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds percentage established.” As such, in instances where a project is seeking a density bonus increase that is more than 35 percent, the amount of required units that are set aside as affordable shall vary depending on the requested amount of density bonus. Therefore, it is appropriate that any project that requests a density bonus increase beyond 35 percent would extend the existing set-aside charts located in Section 12.22-A,25 of the LAMC. LAMC Section 12.24-U,26, which implements this provision of State law, states, as a Conditional Use, a project may be granted additional density increases beyond the 35 percent maximum by providing additional affordable housing units. Consistent with this Section, Table 2 below illustrates how the maximum allowable Density Bonus increases for every unit set aside for Very Low Income Households (2.5 percent density increase for every additional one (1) percent of Very Low Income units provided), based on the base density and the chart prescribed in Section 12.22-A,25 of the LAMC.

Density Bonus Percentages

Very Low Income Units (Percentage of Base Density)	Maximum Density Bonus Permitted (Based on Base Density)
5 %*	20 %*
6 %*	22.5 %*
7 %*	25 %*
8 %*	27.5 %*
9 %*	30 %*
10 %*	32.5 %*
11 %*	35 %*
12 %	37.5 %
13 %	40 %
14 %	42.5 %
15 %	45 %
16 %	47.5 %
17 %	50 %
18 %	52.5 %

¹ Assembly Bill 2501 clarifies that density calculations that result in a fractional number are to be rounded up to the next whole number. This applies to base density, number of bonus units, and number of affordable units required to be eligible for the density bonus.

19 %	55 %
20 %	57.5 %
<i>* Existing set-aside chart as listed in Section 12.22-A,25 of the LAMC</i>	

For the subject property, a 35 percent by-right density bonus would allow for 13 units (equal to an increase of four [4] units beyond the nine-unit base density) to be constructed on the project site. As illustrated in Table 2 above, in order to qualify for the 35 percent by-right density bonus, the project would be required to set aside 11 percent of the base density, or one (1) unit, for Very Low Income Households. The applicant is seeking an additional 22.5 percent density bonus through a Conditional Use to allow for a total of 15 dwelling units, representing an increase of two (2) units beyond what would otherwise be permitted through the by-right 35 percent density bonus. In order to obtain the additional requested 22.5 percent density bonus, as shown in Table 2, the project must set aside at least 20 percent of the base density, equal to two (2) units, for Very Low Income Households. The project proposes to set aside two (2) units for Very Low Income Households in exchange for the requested Density Bonus.

7. The project meets any applicable dwelling unit replacement requirements of the California Government Code Section 65915(c)(3).

The project proposes the demolition of an existing duplex. Per the SB 330 Determination Letter dated May 27, 2020, two (2) units need to be replaced with equivalent type, including, at minimum, one (1) unit restricted to Very Low Income Households and one (1) unit restricted to Low Income Households. The project's two (2) proposed Very Low Income units will fulfill the replacement housing requirements of this determination. Therefore, the project will meet the applicable dwelling unit replacement requirements of the California Government Code Section 65915(c)(3).

8. The project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the LAMC.

The proposed project has been conditioned to record a covenant for affordability restriction of a period of 55 years from the issuance of the Certificate of Occupancy, to the satisfaction of the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the LAMC.

9. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.

The City Planning Commission approved the Affordable Housing Incentives Guidelines (under Case No. CPC-2005-1101-CA) on June 9, 2005. The Guidelines were subsequently approved by the City Council on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. HCIDLA utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. The Guidelines prescribe that the design and location of affordable units be comparable to the market rate units, the equal distribution of amenities, HCIDLA monitoring requirements, affordability levels, and procedures for obtaining HCIDLA sign-offs for building permits.

The project will result in 15 new dwelling units, of which two (2) will be reserved for Very Low Income Household occupancy and the remainder will be offered as market rate units. In order to ensure that there is equal distribution of amenities, the project has been conditioned to provide the private balconies in accordance with the requirements of the LAMC. All residents of the proposed project will have access to all common open space amenities within the building and each unit will have adequate private open space. The restricted units will comply with affordability requirements in the Guidelines set forth by HCIDLA in conformance with US Department of Housing and Urban Development (HUD). Additionally, as part of the building permit process, the applicant will execute a covenant to the satisfaction of HCIDLA who will ensure compliance with the Guidelines. Therefore, the project will address the policies and standards contained in the Guidelines.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

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.

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

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