



APPLICATIONS:

APPEAL APPLICATION CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Instructions and Checklist

Related Code Section: The Los Angeles Municipal Code (LAMC) Section 11.5.13 (Ord. No. 186,338) established the appeal procedure to the City Council for California Environmental Quality Act (CEQA) determinations.

Purpose: *The Appeal* - A CEQA clearance can only be appealed if a non-elected decision-making body (ZA, APC, CPC, DIR) makes a determination for a project that is not further appealable. To initiate appeal of a CEQA document this form must be completely filled out with the required materials attached and filed within 15 calendar days from the final administrative decision, of the entitlement application.

General Information

Appealable CEQA documents:

- Certified Environmental Impact Report (EIR) - Negative Declaration (ND)
- Sustainable Communities Environmental Assessment (SCEA) - Categorical Exemption (CE)
- Mitigated Negative Declaration (MND) - Sustainable Exemption (SE)

NOTE:

- Actions not appealable include an addendum, findings made pursuant to CEQA Guidelines Section 15162, or an action in which the determination does not constitute a project under CEQA.
- All CEQA appeals are heard by the City Council.
- This form is only for the appeal of Department of City Planning determinations: All other CEQA appeals are filed with the City Clerk pursuant to the LAMC Section 197.01.
- 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.

1. Case Information

Environmental Case Number: ENV-2018-2454-CE _____

Related Entitlement Case Number(s): ZA-2018-2453-
CU-DB-SPR DIR-2020-4338-RDP _____

Project Address: 806 W Adams _____

Date of Final Entitlement Determination: June 23, 2021 _____

The CEQA Clearance being appealed is a(n):

- EIR SCEA MND ND CE SE

2. Appellant Identity (check all that apply)

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

3. Appellant Information

Appellant Name: Jean Frost WAHA _____

Company/Organization: West Adams Heritage Association (WAHA)

Mailing Address: 2341 Scarff St LA CA 90007

City: Los Angeles State: CA
Zip: _____

Telephone: 213 757 2526 E-mail: _____

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?
XXX Self XXX Other: _____

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

4. Representative/Agent Information

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

5. Appeal Justification

Attach a separate sheet providing your specific reasons for the appeal. Your reasons must state how you believe CEQA was incorrectly applied, providing a legal basis for the appeal.

6. Applicant's Affidavit

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



Appellant Signature: _____ Date: 2/28/2021

ENVIRONMENTAL APPEAL FILING REQUIREMENTS

1. 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.

- Environmental Appeal Application (form CP-7840)
- Justification/Reason for Appeal
- Copies of the written Determination Letter, from the final appellate body, which must be a non-elected decision-making body

2. 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. "Environmental Appeal Application.pdf", "Justification/Reason Statement.pdf", "Final Determination Letter.pdf"). No file should exceed 9.8 MB in size.

3. Appeal Fee

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

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)

West Adams Heritage Association APPEAL CONTINUATION ENV-2018-2454-CE

Related Case DIR-2020-4338-RDP, ZA-2018-2453-CU-DB-SPR

806 W. Adams Boulevard and 2810 S. Severance

CEQA Appeal under LAMC Section 197.01

On behalf of the West Adams Heritage Association (WAHA,) North University Park Community Association (N.U.P.C.A.), the Adams Severance Coalition and numerous other stakeholders who are aggrieved parties, we do object to and appeal the South Los Angeles Area Planning Commission Letter of Determination of June 23, 2021, to approve:

1. Determine, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
2. The City Cannot Rely on a Categorical Exemption when mitigation measures are required. The City's approval with conditions is an unlawful attempt to mitigate a project in violation of CEQA.
3. Decisions must be fact-based. The statement that "there is no substantial evidence in the record demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Article 19, 15399.2 applies" contradicts what the administrative record clearly establishes.

The exemption pursuant to CEQA Guidelines 15332 does not apply because the project falls within the exception under Section 15300.2.

The record shows that substantive fact-based arguments have been made by an entire phalanx of stakeholders which include city officials and experts, including NANDC, WAHA, the Adams Severance Coalition USC, WARD Economic Development, ACCE, NUPCA, City Living Realty, MSMU, UPAC, SEIU Local 721, the University Park HPOZ, and scores of individual stakeholders that have given factual, eyewitness testimony. And yet the City continues to bury its head in the sand in a post hoc rationalization effort to approve what flies in the face of the facts.

Substantial evidence, which is defined in the CEQA statute to mean "facts, reasonable assumptions predicated on facts, and expert opinion supported by facts" (14 CCR Section 15064.7(b)).¹

¹ *Thresholds of Significance Topic Paper, Emily Bacchini, Sacramento Municipal Utility District, March 23, 2016*

(a) *“Substantial evidence” as used in these (CEQA) guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.*²

In the record of this project there is more than what is required to constitute substantial evidence in the record and yet the City continues to look the other way and not look at the facts.

This project **IS an exception to the exemptions**. There ARE unusual circumstances. Size of parcel. Historic location. Adams Boulevard is a City scenic highway and yet the Adams Boulevard frontage is being treated as a side yard.

There are impacts to the surrounding properties and streetscapes and elevations clearly show this.

When one examines the whole of the administrative record it is clear, as expressed by Roland Souza, President of West Adams Heritage:

Given all of the record, “A categorical exemption is not the appropriate level of environmental review for a project that is highly discretionary, is in a historically sensitive environmental, located on a scenic highway, and fails to meet objectives of the community plan and redevelopment plan.

The project will have a demonstrable significant effect on the environment and does not qualify under Article III, Class 32 exemption.

The Class 32 “Infill” Categorical Exemption (CEQA Guideline Section 15332), hereafter referred to as the Class 32 Exemption, exempts infill development within urbanized areas if it meets certain criteria. The class consists of environmentally benign infill projects that are consistent with the General Plan and Zoning requirements. This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts.

A CE should not be issued when there are unusual circumstances creating the reasonable possibility of significant effects; The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within an officially designated scenic highway.

*A categorical exemption should not be issued when there are sensitive issues and the project fails to comply with the redevelopment plan and the south community stated objectives. To permit a CE in this case would cause irreparable and irreversible harm to the environment.”*³

² 14 CCR § 15384, § 15384. Substantial Evidence.

The Board experts of the University Park HPOZ immediately across the street and adjacent to this development site found:

“It is clear that there are unusual circumstances creating the reasonable possibility of significant effects which prohibits the City from using a CE. The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within an officially designated scenic highway; the CE review ignores its adjacency to the University Park HPOZ, the North University Park Specific Plan, the Fraternity Sorority Row surveyed historic district, and its importance within the Redevelopment Project Area.”⁴

There are impacts to the surrounding properties and streetscapes and the developer’s elevations clearly show this. Yet in its determination letter the City continually opines *“there is no substantive evidence.”* This is blatantly not true. See this elevation? The Severance properties (1 and 2 story) are in beige with the project hovering behind.



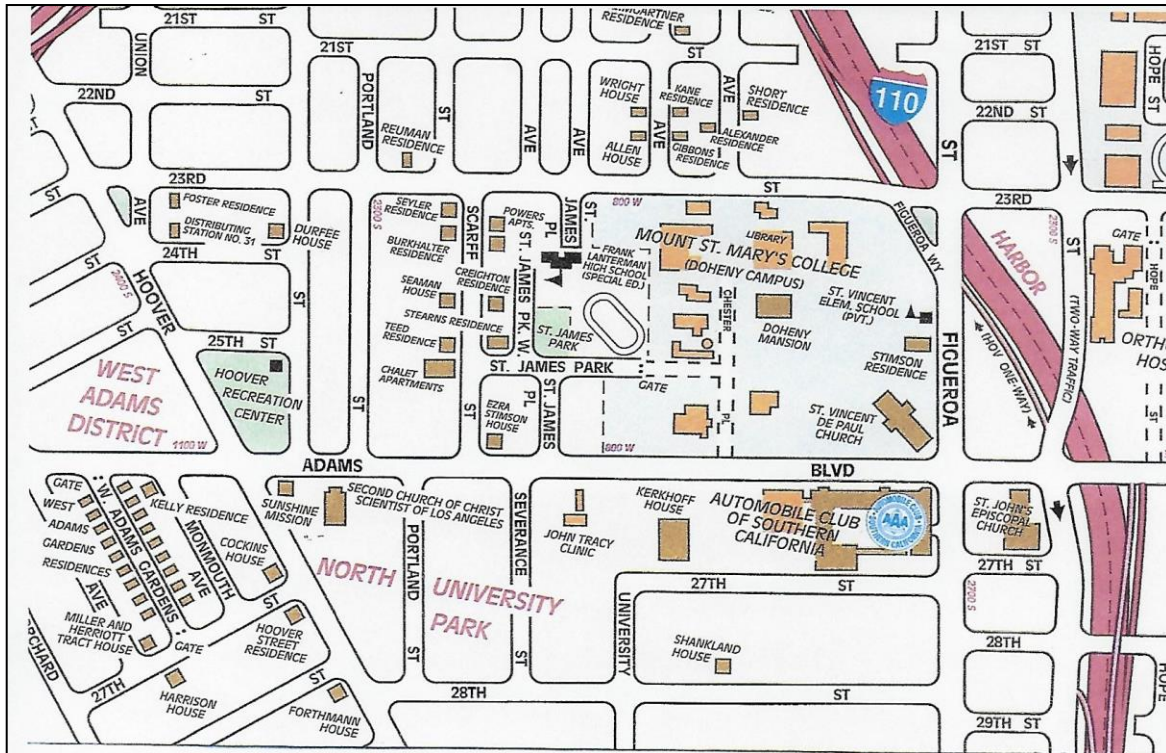
“The City has based its approval of this Project upon a Class 32 categorical exemption to environmental review under CEQA. This categorical exemption is inapplicable because the Project is inconsistent with City plan and zoning policies, goals, and regulations, would result in traffic impacts due to a severe parking shortage and would have adverse noise impacts on the surrounding residential community due to rooftop open space. The use of a categorical exemption is also unavailable because the Project may have aesthetic and cultural resource impacts on the historic West Adams neighborhood, at a Project and cumulative level, and due to the need for conditions of approval to mitigate potential impacts. Further, the Project is inconsistent with the Hoover-Exposition/University Park Redevelopment Plan requirements for density, compatibility, and adequate amounts of affordable housing.”⁵

³ Letter, Roland Souza, President, West Adams Heritage Association, December 19, 2019, to AZA Henry Chu

⁴ University Park HPOZ letter, February 19, 2019, to Henry Chu

⁵ Amy Minter, Chattem-Brown, Carstens & Minter

*“15300.2 Classes 3, 4, 5, 6, and 11 are qualified by consideration of **where the project is to be located** – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.”⁶*



Auto Club Map of the area with many of the Historic Buildings Noted

The errors proliferate as the City continually asserts in complete denial of the record that there is no substantive evidence in the record. This is simply not true. There is substantial evidence in the record which includes related case ZA 2018-2453-CU-DB-SPR-1A as well as DIR 2020-4338-RDP-1A, and the shared CE 2018-2454-CE.

There is substantial expert opinion proffered by SAPC Commissioners Bates, Willis and Stern who at various SAPC hearings supported the appeal and found the arguments not to approve the project’s compliance with CEQA and the Redevelopment Plan compelling. Alas, the Commissioners mentioned herein did not do so at the same meeting to provide a 3-vote decision of support for the appeal.

The proposed project and its density incentive will have a specific adverse impact on public health and safety and the physical environment which includes the Fraternity Sorority Row National Register District (eligible) to the south, the Chester Place Historic District, the St. James Park National Register District and University Park HPOZ to the north, the North University Park Specific Plan to the west, and numerous HCMs. One needs to understand the context of the

⁶ 2019 California Environmental Quality Act (CEQA) Statute and Guidelines

neighborhood and how the development of this 2.8 acre parcel will impact the character defining features of the entire historic neighborhood. No one opposes a development on this site; rather what is proposed is defective and creates serious negative impacts by its harmful massing, scale, traffic, circulation, reduced setbacks, and lack of green space.

The record shows that what the built form encourages here is a student housing facility that will be incompatible with its surroundings and disrupt the quality of life for the residents and stakeholders. The project will not *“contribute to the revitalization goals of the plan. The project will not contribute to a desirable residential environment, neighborhood stability, and will adversely impact the neighboring environment. The project will not provide units with adequate living area and avoid excessively dense development. The project will not provide adequate parking.”*⁷

AZA Chu further stated, *“The project’s scale and massing, in addition to the podium level add to a development that would not be comparable to any residential project in the immediate area. In addition to the height and massing, though not deviating from the Code, the rooftop amenity would overwhelm those multi-family structures immediately abutting the subject project on Severance Street.”*

The project will not enhance the built environment in the surrounding neighborhood nor perform a function nor provide a service that is beneficial to the community, city or region nor can the calculation that the project will *“increase the supply of off-street parking by 259 spaces”* be tallied as a benefit (as the City alleges) when it is adding approximately 990 new tenants, most of whom have cars. No less an authority that USC’s Director of Planning found:

*“...the Project is likely to accommodate upwards of 800 students. The Project includes 259 on-site parking spaces. We believe the majority of students living in this project would own cars, based on our experience with students living in off-campus student housing. The cars not parked on-site would need to park in the adjacent neighborhood, materially impacting an already-congested street parking scenario.”*⁸

AZA Henry Chu found:

*The developer’s assertion that the project would blend seamlessly with the existing built form is simply not supportable. “Findings that the arrangement of buildings and structures will be compatible with existing and future development on adjacent and neighboring properties cannot be made.... The project’s scale and massing, in addition to the podium level add to a development that would overwhelm those multi-family structures immediate abutting the subject project on Severance Street.”*⁴

⁷ AZA Henry Chu, decision letter of May 17, 2019

⁸ Letter from Brian League, USC Executive Director, Planning and Land Use, January 10, 2019, to Henry Chu

⁴ ZA Decision, 806 W. Adams, Henry Chu, pages 17 and 20.

The data provided by the developer shows 1,516 additional trips generated **per day** on historic Severance Street. And the target group for this rental project will not be taking public transportation to work as this is student housing. The 1000 students will not be leaving their roof decks to go to the office but rather to the classroom.

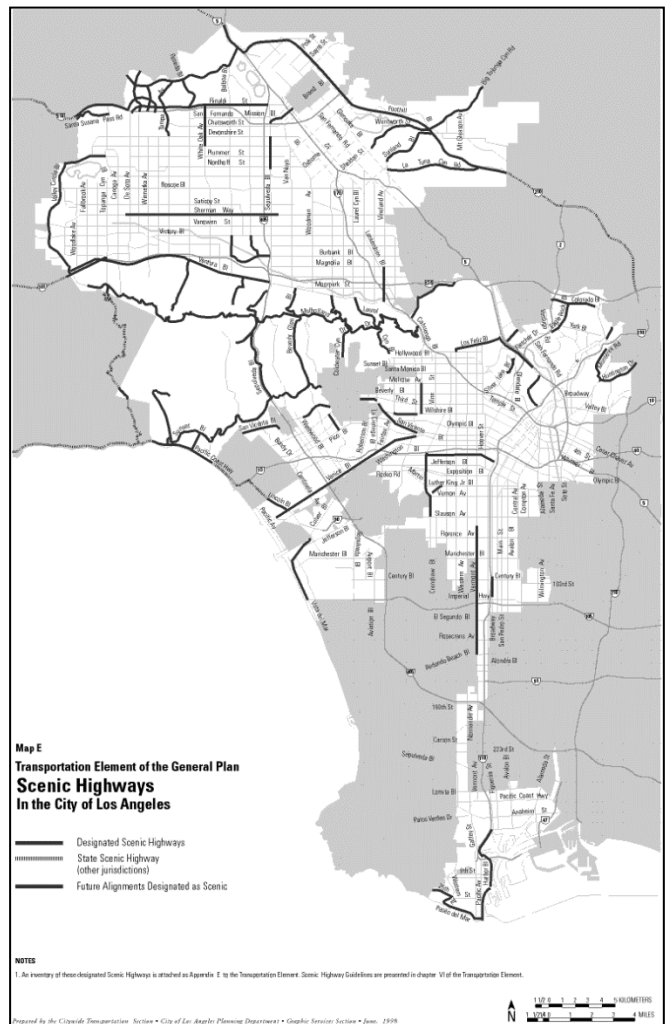
This is an off-campus student housing project that does not meet the goals of the redevelopment plan. It does not satisfy the needs and desires of the various age, income, and ethnic groups of the community, nor promote “compatible development, with consideration to scale, height, material, architectural quality, and site orientation.”⁹

Unique circumstances

*2.16 Scenic Highways: Ensure that future modifications to any scenic highway do not impact the unique identity or characteristic of that scenic highway. Scenic Highways include many of the City’s iconic streets. Preservation and enhancement of these streets and their scenic resources need to be preserved per the Scenic Highways Guidelines in Appendix B of this Plan.*¹⁰

While the record clearly demonstrates impacts, as pointed out by the California Supreme Court in the Berkeley Hills side Preservation case, a party invoking the exception may establish unusual circumstance even without evidence of an environmental effect, by showing that the project has some feature that distinguishes from others in the exempt class such as its size or location. In such a case to render the exception applicable the party need only show a reasonable possibility of a significant effect due to that unusual circumstance.¹¹

(Los Angeles Scenic Highways Map r.)



⁹ Redevelopment Plan objective.

¹⁰ Mobility Plan 2035, An Element of the General Plan, adopted by City Council 9/7/2016

¹¹ Berkeley Hillside Pres., supra 60 Cal 4th at p.1105. The California Supreme Court, in Berkeley Hillside Preservation.

Yet the determination letter evaluates whether a **state** scenic highway is affected. In its clever misuse of a CEQA regulation, they assert a claim we never made yet omit evaluation of impacts on the officially designated City Scenic Highway. That this project TREATS Adams Boulevard as a SIDE YARD, wallowing reduced setbacks, was never evaluated by the City because there was no environmental review.

Clearly the case has been made that this is an exception to the exemption and the CE should be rescinded and environmental review commence. The case is replete with facts showing unusual circumstances and illustrating damaging effects; to understand the impacts of seven towering four story buildings in this fragile site requires environmental review. There has been none.

The project will not enhance the built environment in the surrounding neighborhood nor perform a function nor provide a service that is beneficial to the community, city or region nor can the calculation that the project will “increase the supply of off-street parking by 259 spaces” be tallied as a benefit when it is adding approximately 800-1000 new tenants, most of whom have cars. No less an authority that USC’s Director of Planning found:

“...the Project is likely to accommodate upwards of 800 students. The Project includes 259 on-site parking spaces. We believe the majority of students living in this project would own cars, based on our experience with students living in off-campus student housing. The cars not parked on-site would need to park in the adjacent neighborhood, materially impacting an already-congested street parking scenario.”¹²

AZA Henry Chu found:

“The developer’s assertion that the project would blend seamlessly with the existing built form is simply not supportable. “Findings that the arrangement of buildings and structures will be compatible with existing and future development on adjacent and neighboring properties cannot be made.... The project’s scale and massing, in addition to the podium level add to a development that would overwhelm those multi-family structures immediate abutting the subject project on Severance Street.”⁴

The City Cannot Rely on a Categorical Exemption When Mitigation Measures Are Required.

Categorical exemptions cannot be relied upon for projects such as this one where mitigation measures are required.¹³

¹² Letter from Brian League, USC Executive Director, Planning and Land Use, January 10, 2019, to Henry Chu ⁴ ZA Decision, 806 W. Adams, Henry Chu, pages 17 and 20.

¹³ *Salmon Protection and Watershed Network v. County of Marin (2004) (125 Cal.App.4th 1098, 1108; Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster (1997) 52 Cal.App.4th 1165, 1191, 1201 [agency may not “evade these standards by evaluating proposed mitigation measures in connection with the significant effect exception to a categorical exemption”]*

Here, the AZA Chu acknowledged the Project's incompatibility with surrounding development, finding:

"The project's scale and massing, in addition to the podium level add to a development that would not be comparable to any residential project in the immediate area. In addition to the height and massing, though not deviating from the Code, the rooftop amenity would overwhelm those multi-family structures immediately abutting the subject project on Severance Street...As such, the finding that the arrangement of the building and associate components of this finding cannot be made."¹⁴

To address these incompatibility impacts, the site plan for the Project was slightly revised to create a less modern design and attempt to camouflage the steel podium parking level. The conditions of approval require development in accordance with these revised plans.

The conditions of approval also set hours of operation for the rooftop shared open space to address concerns raised regarding noise impacts. Additionally, the Project was revised to relocate the rooftop open space to a more interior portions of the Project site to address this impact. The Planning Commission relied upon these revisions in determining the Project would be compatible with current uses in the immediate area.

By definition, a project does not qualify for a categorical exemption unless the agency has determined environmental impacts cannot occur and mitigation measures are unnecessary. Here, the City has imposed conditions of approval to mitigate the Project's impacts. For this reason, the City cannot rely on a Class 32, or any other, categorical exemption to CEQA review. Environmental review is required to assess the adequacy of the conditions to mitigate the Project's impacts to a less than significant level.

The Project Would Result in Cumulatively Considerable Impacts

A categorical exemption is "inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant." (CEQA Guidelines § 15300.2(b).) The City adopted the NSO for this area to address the negative impacts multi-habitable room projects cause, including traffic impacts due to lack of parking, incompatible character of multi-habitable room projects, impacts to the quality of life for existing residents from noise and traffic. Thus, the NSO acknowledges an existing cumulative impact caused by the type of student housing provided by the Project.

The Applicant Has Confused the Facts

¹⁴ (ZA Approval, p. 20.)

The applicant has been less than factually correct at times, for example, when he came to the neighborhood council (NANDC) and stated that this project is “by-right.” And again, when the applicant representative wrote the SAPC on June 11 that the requirement to comply with the Redevelopment Plan was explained to the applicant **after project approval** which is not the case. The applicants’ representative told the SAPC:

*Following its final approval, the Planning Department determined the Project was required to apply **for one additional entitlement**, a Redevelopment Plan Project Compliance approval, which was required by an ordinance adopted by the City in November 2019 – after the final CPC hearing on the Project’s entitlements.¹⁵*

In fact, the requirement for Redevelopment Compliance ¹⁶was noted at the City Planning Commission hearing and was also noted numerous times in public testimony that the Redevelopment Plan compliance had been ignored by the applicant until he filed for Redevelopment Plan compliance approval in 2021. The required compliance process had no public hearings, a fact which was strongly objected to by stakeholders when the City issued its RDP compliance letter on January 28, 2021.

Conclusion: This Is an Exception to an Exemption

The case has been made and this appeal is supported by the facts. We ask that City Council rescind the CE and direct Planning to commence environmental review.

¹⁵ DLA Piper Andrew Brady letter of June 11, 2021, to SAPC

¹⁶ See Laura Meyers NUPCA Letter to the SAPC, June 15, 2021



SOUTH LOS ANGELES AREA PLANNING COMMISSION

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

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: JUN 23 2021

Case No. DIR-2020-4338-RDP-1A

Council District: 9 – Price, Jr.

CEQA: ENV-2018-2454-CE

Plan Area: South Los Angeles

Project Site: 806 West Adams Boulevard

Applicant: Robert Champion, 806 West Adams Property, LLC
Representative: Andrew Brady and Kyndra Casper, DLA Piper, LLP

Appellant: Jean Frost, West Adams Heritage Association (WAHA)

At its meeting of **June 15, 2021**, the South Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following Project:

Construction of a new four-story (45 feet high), approximately 185,985 square foot residential complex with 102 residential units. This includes five units set aside for Very Low Income Households and two units set aside for Workforce Households, on a 124,257 net square foot lot in the Low Medium II District of the Hoover Redevelopment Project Area.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines Article 19, Section 15332, Class 32, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Planning Director's determination dated January 28, 2021;
3. **Approved with conditions**, pursuant to Sections 11.5.14 D.5 of the Los Angeles Municipal Code (LAMC), a Redevelopment Plan Project Compliance Review to permit a 2.47 percent density increase to match the base density of the LAMC pursuant to the Exposition/University Park Redevelopment Plan, Sections 1304 and 1306, for the construction of a new four-story (45 feet high), approximately 185,985 square foot residential complex with 102 residential units;
4. **Adopted** the Conditions of Approval; and
5. **Adopted** the Findings.

The vote proceeded as follows:

Moved: Orozco
Seconded: Stern
Ayes: Anderson
Nays: Bates, Willis

Vote: 3 – 0

Etta Armstrong

Etta Armstrong, Commission Executive Assistant I
South Los Angeles Area 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 South Los Angeles Area Planning Commission is final upon the mailing date of this letter, and it is not further appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.**

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

Attachments: Conditions of Approval, Findings, Interim Appeal Procedures

c: Faisal Roble, Principal City Planner
Michelle Singh, Senior City Planner
Sergio Ibarra, City Planner
Rafael Fontes, Planning Assistant

CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled Exhibit "A", dated July 16, 2019, and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, West/South Project Planning Bureau, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Residential Density.** The project shall be limited to a maximum density of 102 residential units, including on-site Restricted Affordable Units.

Administrative Conditions

3. **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.
4. **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.
5. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
6. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
7. **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.

8. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning through the enforcement of the Department of Building and Safety.
9. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
10. **Recording Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center at the time of Condition Clearance for attachment to the subject case file.
11. **Indemnification.** 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 includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

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

FINDINGS

Redevelopment Plan Compliance Findings

Pursuant to Section 11.5.14 D.5(d) of the LAMC, the Director shall grant a Project Compliance upon written findings that the project:

- 1. Substantially complies with the relevant Redevelopment Regulations, findings, standards and provisions of the Redevelopment Plan.**

The project furthers the following goals of the Redevelopment Plan as follows:

Section 1300 – The Project Site's location at 806 W. Adams Boulevard falls within the Expanded Project Area boundary on page 34 of the Redevelopment Plan, within the "Low Medium II" designation area, one of three of the Redevelopment Plan's medium density multi-family residential zones, which in this case allows for a maximum of twenty-four dwelling units per gross acre. The Project, a medium density multi-family residential development, substantially complies with the Low Medium II designation under the Redevelopment Plan, as set forth below.

Section 1301 – As stated in Section 1301 of the Redevelopment Plan, designated land uses within the Expanded Project Area under the Redevelopment Plan are only permitted to the extent that they are consistent with the applicable Community Plan. The Project Site is located within the South Los Angeles Community Plan area with a Land Use Category of "Low Medium II Residential." The Low Medium II Residential category, as identified in the applicable South Los Angeles Community Plan General Plan Land Use Map, includes the corresponding zones of RD1.5, RD2, and RZ2.5. The Project Site is within the RD 1.5 zone. The Project substantially conforms with the purpose, intent and provisions of the Community Plan, and complies with the development standards applicable to the Low Medium II Residential designation and the RD1.5 zone. The base density is 1 unit per 1,500 square feet (83 units), and the maximum height is 45 feet. Yard requirements are 15 feet for the front and rear, and 7 feet for the sides (5 feet plus one foot per every additional story above the second). The maximum Floor Area Ratio is 3:1 which, starting with an area of 106,454 square feet (this is the total lot area minus the setbacks for a one story building), makes for a total of 319,362 square feet. Based on the foregoing, the Project substantially conforms with Section 1300 and 1301 of the Redevelopment Plan.

Section 1302 – The Project proposes the development of 102 residential dwelling units in conformity with the residential use requirement and medium density residential designations under the Redevelopment Plan. The Project only includes multiple family housing with ancillary amenity, parking and open space areas and includes no nonconforming uses.

As stated above, the Redevelopment Plan Map indicates that the Project Site falls within the Expanded Project Area and is designated as being in the Residential Low Medium II category. Section 1304 of the Redevelopment Plan indicates new housing in this area shall not exceed 24 units per acre. However, as set forth below, the City finds that the Project is permitted to exceed 24 units per acre pursuant to Redevelopment Plan Section 1306. The Project therefore substantially conforms with Section 1302 of the Redevelopment Plan.

Section 1304 – At a density of one unit per 1,500 square feet of lot area per the LAMC, the 124,757 square foot Project Site would support 83 dwelling units. The Project proposes to construct 102 units in compliance with the City's Density Bonus ordinance and the state Density Bonus statute, applicable to the Project due to providing six percent of its base

number of units at the Very Low Income level. As a result of this provision of affordable units, the Project qualifies for a 22.5 percent density bonus under the City's Density Bonus ordinance under Los Angeles Municipal Code Section 12.22.A.25 and the State Density Bonus law under Government Code Section 65915, subsection (f)(1), allowing the Project's proposed 102 unit density.

Government Code Section 65915, subsection (f) states that local agencies must utilize, as the base density for projects that qualify for density bonuses, the density limits provided in a general plan or zoning code as of the date of the application by the applicant to the City. The Project's zoning entitlement application, including the request for Density Bonus review and incentives, was filed on April 30, 2018. The applicable General Plan and zoning code provisions then in effect apply a base density of 1 unit per 1500 square feet of lot area for the RD 1.5 zone, which applies to the Project Site.

The base density for the 124,757 square foot Project Site under this applicable state law standard is thus 83 units. The applicable General Plan and zoning code provisions in effect at that time do not provide for any lower base density, including under Los Angeles Municipal Code Section 12.21.3, which allows the incorporation into the zoning code of height and Floor Area Ratio standards under a Redevelopment Plan, but not density. The Project is consistent with the height limit imposed by Redevelopment Plan Section 1325, which adopts by reference the applicable height limit under local ordinances, where the Project is consistent with the 45 foot height limit applicable to the RD1.5 zone, and the Redevelopment Plan does not impose an independent Floor Area Ratio limit on the Project.

Accordingly, any lower density limits under the Redevelopment Plan under the Low Medium II designation could not apply to the City's approval of the Project under the terms of the State Density Bonus law, because the base density for the determination of the base and total densities for the Project are based on the zoning code density at the time the Project was applied for in April 2018. In addition, Los Angeles Municipal Code Section 11.5.14, adopting Redevelopment Plan Procedures into the zoning code, did not become effective until November 11, 2019, well after the project's entitlement application was filed in April of 2018, so that provision as well does not affect the City's base density and Density Bonus determinations for the Project. Nevertheless, Section 1306 of the Redevelopment Plan permits higher densities than otherwise permitted by Sections 1303, 1304, and 1305, thereby allowing a greater "base density" so long as the project can show conformance to criteria 1 through 4. By providing an additional 3 workforce housing units, the project demonstrates further conformance to these four criteria.

Furthermore, under recent revisions to the State Housing Accountability Act under Senate Bill 330, the Housing Crisis Act of 2019, the City is prohibited from reducing the density of residential development projects including affordable housing units pending approval before the City such as the Project unless certain findings can be made under Government Code Section 65589.5, subsection (d). The City finds that it cannot make these findings for the Project for the following reasons: (1) as set forth in the General Plan Housing Element 2013-2021, the City's share of the regional housing need allocation pursuant to Section 65584 for the Very Low Income affordable housing category proposed for the housing development has not yet been met and, in any event, the City finds it has a critical need for additional multi-family housing units, which would be provided by the Project; (2) as a standard residential Project consistent with zoning.

2. Is subject to all conditions required by the relevant Redevelopment Regulations.

The approval herein includes Conditions to ensure compliance with the Redevelopment Regulations as discussed above in Finding No. 1.

3. **Complies with CEQA.**

The City of Los Angeles has determined based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15332 (Class 32/In Fill Development), and none of the exceptions to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. The proposed project will not result in significant cumulative impacts from successive projects of the same type in the same place. The project does not involve unusual circumstances. The proposed project will not damage scenic resources in a state scenic highway. The project site is not on a list compiled pursuant to Government Code Section 65962.5 related to hazardous waste sites. The project will not cause a substantial adverse change in the significance of a historical resource.

4. **Any other findings that are required in the relevant Redevelopment Plan.**

Section 1306 – The Redevelopment Plan states that, “in order to promote revitalization and after the review and recommendation of the Project Area Committee, the Agency may, but is not required to, subject to a development or participation agreement, authorize new housing to be developed at higher densities than otherwise permitted by sections 1303, 1304, 1305. The purpose is to achieve flexibility in housing design, well-planned neighborhoods offering variety in housing and environment to all socioeconomic groups, and to provide appropriate land use through special methods of development.”

In this case, the project will be providing a new residential development in place of an under-utilized site on a prime residential corner within the Redevelopment Plan. As discussed herein, in exchange for greater density, “agency approval of the development shall:”

- *Contribute to the revitalization goals of the plan.*

The Project would be situated between a four-story residential building to the west across Severance Street, a three-story residential building to the north across Adams Boulevard, a two-story commercial building on the adjacent property to the east, and two and one-story residential and educational buildings to the south owned by the University of Southern California. The Project is more-broadly situated within a vibrant university community in close proximity to transit and a variety of cultural, dining, educational, and entertainment amenities. As such, the project meets the goals of Section 1200 to make provisions for housing as is required to satisfy the needs and desires of the various age, income and ethnic groups of the community, maximizing the opportunity for individual choice and alleviates overcrowded, substandard housing conditions to promote the development of sufficient number of housing units for low and moderate income households.

- *Contribute to a desirable residential environment, neighborhood stability, and not adversely impact the neighboring environment.*

The Project would include outdoor residential amenity spaces at the podium and building roof levels. The podium-level amenity space is proposed to include landscaping, gathering areas, paseos, outdoor cooking areas, and an outdoor swimming pool. The pool area, which is located at a second level deck along the Severance Street frontage, is designed to include a steel-framed, five foot glass barrier to reduce potential noise

impacts on neighboring uses. The Project building roofs would contain additional private amenity spaces that would include landscaping and outdoor lounge and cooking areas, which are all located to the center of the property away from neighboring uses.

- *Provide units with adequate living area and avoid excessively dense development.*

The Project's approved density per the state Density Bonus law puts the proposed project density at approximately 1,218 square feet of lot area per unit. By comparison, the three existing apartment blocks (Hillview Apartments, Regal Trojan, and USC Founders Apartments) along the south side of West Adams Boulevard between Severance and Portland Streets have densities of approximately 500-620 square feet of lot area per unit. While the Project consists mainly of unit layouts with 5-7 bedrooms per unit, all bedrooms are grouped around generous common room living/kitchen and dining areas. Many of the adjacent single-family homes have a similar range of 4-8 bedrooms per unit, with many of the apartment buildings westwards along Adams Boulevard and Severance Street are four stories and of a similar height to the proposed project.

The project also includes outdoor residential amenity spaces at the podium and building roof levels. The podium-level amenity spaces are apportioned into long courtyards that subdivide the site lengthwise, including landscaping, gathering areas, paseos, outdoor cooking areas, and an outdoor swimming pool. The pool area, which is located at a second level deck along the Severance Street frontage, is designed to include a steel-framed, five-foot glass barrier to reduce potential noise impacts on neighboring uses. The Project building roofs would contain additional private amenity spaces that would include landscaping and outdoor lounge and cooking areas, which are all located to the center of the property away from neighboring uses.

As a benefit to the community, the Project also provides two covenanted affordable 3-bedroom units created for families at the Workforce affordability level, along with the five 5 five-bedroom units to be covenanted for tenants qualifying at the Very Low Income level pursuant to the prior Density Bonus approval, thereby providing housing for various income levels in the community.

- *Provide adequate parking.*

The seven buildings would sit on a fully enclosed and fully screened single level ground floor parking structure providing a total of 255 vehicle parking spaces for off-street parking. California Government Code Section 65915, subsection (p)(1) provides that, where a project provides the required amount of affordable housing for the required term, a local land use permitting authority is prohibited from imposing parking ratios that exceed 2.5 spaces for dwelling units with four or more bedrooms. Accordingly, with 102 units constructed for the Project, the Project conforms to the requirement by providing 255 spaces. The parking garage screening has been designed to seamlessly integrate with the rest of the building, completely eliminating the visual appearance of a parking garage. Ingress and egress to the parking structure would occur through a primary driveway off of Adams Boulevard and a secondary driveway on University Avenue.

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

Applicant Copy
 Office: Downtown
 Application Invoice No: 73295

City of Los Angeles
 Department of City Planning



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



6800173295



City Planning Request

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

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

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

Receipt Number:280621A42-8D56E956-C355-4876-88EE-6FDE8E417C53, Amount:\$109.47, Paid Date:06/28/2021

Applicant: FROST, JEAN (C:213-7572526)
Representative:
Project Address: 2610 S SEVERANCE ST, 90007

NOTES:

ENV-2018-2454-EAF-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

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

Council District: 9
 Plan Area: South Los Angeles
 Processed by VIDAL, ANNA on 06/28/2021

Signature: _____

Building & Safety Copy
 Office: Downtown
 Application Invoice No: 73295

City of Los Angeles
 Department of City Planning



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