



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)
- Sustainable Communities Environmental Assessment (SCEA)
- Mitigated Negative Declaration (MND)
- Negative Declaration (ND)
- Categorical Exemption (CE)
- 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: _____

Related Entitlement Case Number(s): _____

Project Address: _____

Date of Final Entitlement Determination: _____

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: _____

Company/Organization: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

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

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

4. Representative/Agent Information

Representative/Agent name (if applicable): _____

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: Enrique Velasquez Date: 10-8-21

ENVIRONMENTAL APPEAL FILING REQUIREMENTS

Note: City Clerk prepares mailing list for CEQA appeals per LAMC Section 11.5.13 E.

- 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)

October 8, 2021

Los Angeles City Council
200 N. Spring Street
Los Angeles, CA, 90012

Re: Case No. ENV-2020-5511-CE & DIR-2020-5510-TOC-SPR-HCA

Project Location: 2401-2417 W. 8th and 729-751 S. Park View St. (“the Project”)

Dear Los Angeles City Council:

On behalf of Coalition for an Equitable Westlake/MacArthur Park (“Coalition”), an unincorporated association of MacArthur Park and Koreatown tenants, we are writing to object to the City’s CEQA determination upon which the Site Plan Review is based upon.

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets certain criteria. However, before a project can be determined to qualify for a categorical CEQA exemption, exceptions to the exemption, such as cumulative impacts, must be considered. If an exception to a categorical exemption applies, CEQA review in the form of an MND or EIR must be conducted. CEQA Guidelines section 15355 states: “Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.”

The Project does not qualify for an exemption due to the cumulative effects of surrounding past, current and future projects. Because the cumulative effect of the succession of known projects of the same type and in the same place as the subject property, the Project fails to qualify for the Class 32 exemption. As such the environmental findings upon which the Site Plan Review approval is based on are flawed.

Additionally, any environmental impacts based on pre-Covid levels of public transit ridership that do not take into account declining public ridership, which is expected to further decline after Covid. <https://caltransit.org/news-publications/publications/transit-california/transit-california-archives/2019-editions/may/ridership-study-revisited>;
<https://www.latimes.com/opinion/story/2021-04-07/los-angeles-public-transit-crisis>

Los Angeles Municipal Code Section 16.05(A) states that the purpose of a site plan review is promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting; and to control or mitigate the development of projects which are likely to have a significant adverse effect on the environment as identified in the City’s environmental review process, or on surrounding properties by reason of inadequate site planning or improvements.

Below the Coalition submits a list of past projects, current projects and future projects

spanning back to January 1, 2018 that contribute towards the cumulative impacts of the Project that must be considered. The projects listed below are all within a 1-mile radius of the Project. Many have already been approved. The area within a 1-mile radius is heavily populated and is a high pedestrian and car traffic area.

	Address of proposed projects	Dist.	Existing	Proposed	Increase	Case No.
1	2005 W. James Wood Blvd.	.5 miles	9 units	100 rooms	91 units	CPC-2017-712-GPA-VZC-HD-VCU-SP
2	820 S. Hoover St.	.4 miles	None	44 units	44 units	DIR-2017-1741-DB-CLQ-ACI
3	971 S. Hoover St.	.4 miles	1 unit	39 units	38 units	DIR-2018-1122-TOC-WDI
4	714 S. Grand View St.	.2 miles	6 units	100 units	94 units	DIR-2018-4135-TOC-SPR
5	933 S. Park View St.	.3 miles	None	22 condos	22 units	VTT-82089
6	2347 W. Ocean View Ave.	.5 miles	2 units	20 units	18 units	DIR-2018-7067-TOC
7	2101 W. 8th St.	.3 miles	None	57 units	57 units	DIR-2019-1663-TOC
8	831 S. Westlake Ave.	.5 miles	17 units	79 units	62 units	DIR-2019-2893-TOC
9	827 S. Grand View St.	.2 miles	9 units	60 units	51 units	DIR-2019-4221-TOC
10	1001 S. Park View St.	.4 miles	None	138 units	138 units	DIR-2020-929-TOC-SPR
11	924 S. Park View St.	.3 miles	None	65 units	65 units	DIR-2020-1281-TOC-HCA
12	2700 W. 7th St.	.3 miles	None	55 units	55 units	DIR-2020-5151-TOC-HCA
13	2716 W James Wood Blvd.	.2 miles	2 units	58 units	56 units	DIR-2020-5300-TOC-HCA
	Totals		<u>Existing</u> 46 units	<u>Proposed</u> 837 units	<u>Increase</u> 791 unit	Note: By opening the .5 miles radius to .6 we get an additional 319 units increase, which gives us a total increase of 1,110 . And adding the 264 proposed projects units to the last total, then we get net increase of 1,374 units.

Additional Key Issues the Letter of Determination Fails To Address

1. The Westlake Community Plan is currently illegal. In its now years beyond the state's mandatory General Plan law that requires City's to update Community Plan's every 20 years. The Westlake Community Plan was adopted in the 1990s and is hopelessly out of date.

A project of the scope and scale cannot be adopted until the Westlake Community comprehensively addresses the future and a comprehensive range of urban issues for this specific, low-income minority planning zone. Proposed precedent setting development proposals are abusive, potentially destabilizing, unequal and unfair to the residents of the area prior to their ability to address their future through the state mandated community planning process.

2. Open Space. The proponents are demanding a 25% reduction in required open space, but the demand is much greater because the proponents self-define what open space is. The proponents define balconies and a 7th floor terrace as interactive open space, even though the actual amount of open space to active users is far less than what is stated. When taking into consideration the total square footage of the balcony and terrace, the amount of actual open space is less than 50% of the City zoning requirements. This is especially egregious because this project will reduce open space in the Westlake Community, which desperately needs open space.

The reduction in normal open space regulations is not the 25% stated in the document; rather, it is over 50% when non-active user space is factored into an analysis of purported 'open space categories' submitted by the proponents application documents.

3. FAR. In relation to zoning, the C2-2 square footage allows a larger FAR. The proponents, then manipulate this – they use the zoning currently only applicable to 8,987 sq ft, which constitutes only 14.5% of the total projected land, C2-1, C 2-2 and 50% of the alley, to govern FAR for the entire project. In an attempt to extend the illogic of 14.5% of the existing zoned land to supersede 100% of the site, the proponents are claiming a 50% increase in Floor to Area Ratio (FAR). In fact it is actually far more than what is addressed in the Actual Base Density analysis. The proponents are demanding a 3.75:1 FAR, far over the 1.5:1. This difference, 2.25:1 is a statistically significant 150% increase in FAR.

The Director's Defemination letter fails to address how less than 19% of the existing zoned land owned by the proponents should govern, essentially overrule the reasonable zoning for the remaining 81%+ of the land. In a realistic and conventional planning and zoning evaluation, the zoning of 81%+ should govern the overall zoning for the entire site. In addition, the massive concession, 75% of the required alley right-of-way, essentially a city give-a-way, serves no public purpose. Yet it contributes to the irrationality of massively expanding the FAR allowance. The project allows for a larger FAR because the CE undermines the fact that the 8,987 sq. ft. of the developments only constitutes 14.5% of the total projected land. Consequently, the proponents are only claiming an increase of 50% in FAR. This is an excessive increase of 150% in FAR, and thus will be excessive and destabilizing to the immediate and surrounding neighborhood.

Conclusion

The acute lack of clarity, in comprehensively analyzing how 18% of the land,, allows a massive 150% plus increase in FAR, how the loss of 50% of open space, how the loss of 75% of alley right-of-way, is not analyzed within the framework of the Planning Director's Defemination letter.

COUNTY CLERK'S USE

CITY OF LOS ANGELES

OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 395
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

DIR-2020-5510-TOC-SPR-HCA / Transit Oriented Communities, Site Plan Review

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2020-5511-CE

PROJECT TITLE

The Parkview

COUNCIL DISTRICT

1

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

2401-2417 West 8th Street and 729-751 South Park View Street

Map attached.

PROJECT DESCRIPTION:

Additional page(s) attached.

The proposed project involves the construction, use, and maintenance of a new seven-story mixed-use development, 92 feet 6 inches in height, containing a total of 264 dwelling units, with 27 proposed dwelling units reserved for Extremely Low Income Households. The proposed development will contain approximately 266,438 square feet of floor area, including 9,724 square feet of ground floor commercial space. The project contains one subterranean parking level, and ground level parking and will provide a total of 230 vehicular parking stalls and a total of 172 bicycle parking stalls.

NAME OF APPLICANT / OWNER:

John Safi, Pacific Parkview LP

CONTACT PERSON (If different from Applicant/Owner above)

Daniel Ahadian, nur - Development | Consulting

(AREA CODE) TELEPHONE NUMBER

(310)-339-7344

EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

STATUTORY EXEMPTION(S)

Public Resources Code Section(s)

CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)

CEQA Guideline Section(s) / Class(es) 32

OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION:

Additional page(s) attached

In-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.

None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.

The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE

Trevor Martin

[Handwritten Signature]

STAFF TITLE

Planning Assistant

ENTITLEMENTS APPROVED

Transit Oriented Communities, Site Plan Review

FEE:

RECEIPT NO.

REC'D. BY (DCP DSC STAFF NAME)

Jason Chan

DISTRIBUTION: County Clerk, Agency Record

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

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PRESIDENT

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CALIFORNIA**



ERIC GARCETTI
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LISA M. WEBBER, AICP
DEPUTY DIRECTOR

VACANT
DEPUTY DIRECTOR

March 30, 2021

John Safi (A)(O)
Pacific Parkview LP
1850 South Sepulveda Boulevard
Los Angeles, CA 90025

Daniel Ahadian (R)
nur – Development I Consulting
864 South Robertson Boulevard, #200
Los Angeles, CA 90035

RE: Case No. DIR-2020-5510-TOC-SPR-HCA
Related Case: N/A
Address: 2401-2417 West 8th Street and 729-
751 South Park View Street
Planning Area: Westlake
Zones : C2-1 and C2-2
D. M. : 132A201, 132A203
C. D. : 1 – Cedillo
CEQA : ENV-2020-5511-CE

RE: ENV-2020-5511-CE (Categorical Exemption - Class 32)

The project site is a sloping, rectangular-shaped parcel of land comprised of eight (8) contiguous lots, totaling approximately 58,535 square feet (approximately 1.34 acres) in size. The subject property has a street frontage of approximately 325 feet along the northwest side of Park View Street, 180 feet of frontage along the northeast side of 8th Street, and 325 feet of frontage along the southeast side of a public alley. The subject property is zoned C2-1 and C2-2: the northernmost lot zoned C2-2; and the remaining seven (7) lots zoned C2-1. The project site is located within the Westlake Community Plan Area which designates the subject property for Community Commercial land uses, corresponding to the C4, C2, C1, CR, RAS3, RAS4, P, and PB zones, and Highway Oriented Commercial land uses, corresponding to the C2, C1, CR, RAS3, RAS4, and P zones.

The project site is located within the Westlake Recovery Redevelopment Project Area (ZI-2488), a Transit Priority Area in the City of Los Angeles (ZI-2452), a Los Angeles State Enterprise Zone (ZI-2374), a Tier 3 Transit Oriented Communities area, and an Urban Agriculture Incentive Zone. The property is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance.

Based upon the existing mobility and circulation networks near the proposed project, the creation of 264 net new units will not result in significant traffic impacts in the community. The Los Angeles Department of Transportation (LADOT) Transportation Assessment Letter dated August 31, 2020, concluded that implementation of the proposed project would not result in a significant Household or Work VMT impact. Therefore, the project is not expected to result in any significant impact relating to traffic.

The project site is located within approximately 0.28 kilometers of the nearest fault (Puente Hills Blind Thrust Fault). The project site does not fall within the Alquist-Priolo Fault Zone, a Preliminary Fault Rupture Study Area, a Flood Zone, Liquefaction Area, Landslide Area, Tsunami Inundation Zone, Methane Zone, Methane Buffer Zone, Hillside Area, or BOE Special Grading Area. The

project involves associated grading that will result in approximately 18,000 cubic yards of earth being exported from the project site. A Geotechnical Investigation Report dated April 14, 2020 prepared by Geocon West, Inc. concluded that project would not have a significant effect on the environment and that there are no unusual circumstances associated with the project, the project site, or the vicinity.

While the project site is currently vacant, the subject property had previously been developed with a two-story, medical office building and surface parking lot, as well as a single-story church building with associated surface parking. The subject property was issued a permit for the demolition of the two-story medical office building on June 6, 2016 (Permit No. B16LA07303). On October 7, 2019, the subject property was issued a permit for the demolition of the church building, removal of fencing, and clearance of the parking lot (Permit No. B19LA20897). The Housing and Community Investment Department (HCID) SB 330 Determination Letter dated April 1, 2020, determined since April 7, 2006, that the subject property had been and continues to be used commercially. As such, the proposed housing development does not require the demolition of any prohibited types of housing. Further, the provisions of SB 330 do not apply to commercial properties, therefore no SB 330 replacement affordable units are required. The project site contains minimal vegetation, with no trees directly on the site. The property has two (2) street trees along Park View Avenue and one (1) tree within the public alley, none of which have been identified as protected tree species as defined under LA City Ordinance No. 177,404.

On September 4, 2015, the applicant filed an application requesting a Conditional Use and Site Plan Review (Case No. APCC-2015-3286-CU-SPR) in conjunction with the proposed project involving the construction of a six-story mixed-use development containing approximately 121,160 square feet of floor area with 144 dwelling units and 4,617 square feet of ground floor commercial space on the subject property encompassing 40,561 square feet of lot area. At its meeting held on February 28, 2017, the Central Los Angeles Planning Commission approved the Conditional Use Permit for a Floor Area Ratio (FAR) of 3:1 in lieu of the otherwise permitted FAR of 1.5:1 for mixed-use development in the C2-1 Zone, pursuant to Section 12.24 of the Los Angeles Municipal Code (LAMC); and approved the Site Plan Review for a development project which creates, or results in an increase of 144 dwelling units, pursuant to LAMC Section 16.05. Plans for proposed project approved under Case No. APCC-2015-3286-CU-SPR were subsequently abandoned.

The proposed project involves the construction, use, and maintenance of a new seven-story mixed-use development, 92 feet 6 inches feet in height, containing a total of 264 dwelling units, with 27 proposed dwelling units reserved for Extremely Low Income Households. The proposed development will contain approximately 266,438 square feet of floor area, including 9,724 square feet of ground floor commercial space. The project provides a total of 21,137 square feet of open space comprised of public courtyards, a fitness center/sport lounge, patios, terraces, and private balconies. The project contains one subterranean parking level, and ground level parking that will provide a total of 230 vehicular parking stalls: 217 residential parking stalls, and 13 commercial parking stalls. In addition, the project will provide a total of 172 bicycle parking stalls: 160 residential parking stalls and 12 commercial parking stalls. Proposed residential bicycle parking includes 144 long-term parking stalls and 16 short-term stalls. Proposed bicycle parking for the development's commercial uses includes 6 long-term and 6 short-term parking stalls. Ingress and egress for the development's commercial parking will be provided via one common access driveway located at the west corner of the project site along 8th Street. Vehicular ingress and egress for the development's residential parking is provided via two common access driveways located at the southeast perimeter of the project site along Park View Street.

The project is requesting the following discretionary actions:

1. Pursuant to the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), the Tier 3 project is eligible for Base Incentives and up to three (3) Additional Incentives. As Base Incentives, the project is eligible to (1) increase the maximum allowable number of dwelling units permitted by 70 percent, (2) increase the maximum allowable FAR by 50 percent or to 3.75:1 if the maximum percentage increase results in a FAR of less than 3.75:1 for a project in a commercial zone, and (3) provide automobile parking at a ratio of 0.5 spaces per unit. As Additional Incentives, the project is requesting (1) utilization of rear yard setback requirements of the RAS3 Zone for a project in a commercial zone, (2) a maximum reduction of 25 percent in the required amount of open space, and (3) the averaging of Floor Area Ratio (FAR) across the entire project site; and
2. Pursuant to LAMC Section 16.05, a Site Plan Review for the construction of a new 266,438 square-foot mixed use development with 264 dwelling units and 9,724 square feet of ground floor commercial space; and
3. Any additional actions as deemed necessary or desirable, including but not limited to grading, tree removal, haul route, and building permits.

Properties surrounding the project site are zoned C2-1, C2-2, R4-1, and R4-2, having commercial, residential, and uses. Adjoining the project site to the north is a C2-2 zoned lot improved with a single-story multi-tenant commercial building with adjoining surface parking lots to the west, and to the east. Abutting the project site to the east, across Park View Street, is a public elementary school (MacArthur Park Visual and Performing Arts Elementary). Abutting the project site to the south, at the southeast corner of the intersection of 8th Street and Park View Street, is a C2-1 and R4-1 zoned parcel of land developed with a two-story nursing home. Abutting the project site to the southwest, across 8th Street, is a two-story mini-shopping center with a surface parking lot. Abutting the project site to the west, are properties zoned C2-1, R4-1, and R4-2, improved with apartment buildings ranging from one- to five-stories as well as a surface parking lot.

The proposed project would not have a significant effect on the environment. A “significant effect on the environment” is defined as “a substantial, or potentially substantial, adverse change in the environment” (CEQA Guidelines, Public Resources Code Section 21068). The proposed project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines, which establish guidelines and thresholds of significant impact, and provide the methods for determining whether or not the impacts of a proposed project reach or exceed those thresholds. Analysis of the proposed project has been determined that it is Categorically Exempt from environmental review pursuant to Article 19, Section 15332 of the CEQA Guidelines (Class 32) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. On March 30, 2021, the subject project was issued a Notice of Exemption for a Class 32 Categorical Exemption.

CLASS 32 CATEGORICAL EXEMPTION

The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of “In-fill Projects.” A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following five applicable conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services.

As stated above, the project proposes the construction of a new seven-story mixed-use development, 92 feet 6 inches feet in height, containing a total of 264 dwelling units, with 27 proposed dwelling units reserved for Extremely Low Income Households. The proposed development will contain a total of approximately 266,438 square feet of floor area, including 9,724 square feet of commercial space. In conjunction, an application for a haul route for the export of approximately 18,000 cubic yards of earth will be initiated with the Department of Building and Safety, Grading Division. All haul routes applications require the submittal of a Geology and Soils Report to the Los Angeles Department of Building and Safety (LADBS). Roof and site drainage as well as sewer availability are required to comply with Bureau of Engineering and Bureau of Sanitation standards, Hydrants, Fire Department Access, and Fire Safety also require review and approval by the Los Angeles Fire Department before permits can be issued. Furthermore, the project must comply with all City Regulatory Compliance Measures (RCMs) that apply.

As a new mixed-use building developed on an infill site, this project qualifies for the Categorical Exemption. The project can be characterized as infill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting the five conditions listed below.

- (a) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

The subject property is located within the Westlake Community Plan Area which is one of the 35 Community Plans that make up the Land Use Element of the General Plan. The Westlake Community Plan Area Map designates the subject property for Community Commercial land uses corresponding to the C4, C2, C1, CR, RAS3, RAS4, P, and PB zones, and Highway Oriented Commercial land uses corresponding to the C2, C1, CR, RAS3, RAS4, and P zones. The subject property's C2-1 and C2-2 zoning is thus consistent with the General Plan's land use designations for the site. The property is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance.

The proposed project is consistent with, and meets the goals, objectives, and policies of the Westlake Community Plan. The proposed mixed-use development will result in a net increase of 264 dwelling units on the subject property, adding new desirable multi-family housing to the region and contribute to the City's affordable housing stock. The project meets the intent of the following objectives and policies of the Westlake Community Plan:

RESIDENTIAL

Objective 1: To designate a supply of residential land adequate to provide housing of the types, sizes, and densities required to satisfy the varying needs and desires of all segments of the community's population.

Objective 2: To conserve and improve existing viable housing for persons desiring to live in Westlake, especially low and moderate income families.

Objective 3: To sequence housing development so as to provide a workable, efficient, and adequate balance between land use, circulation, and service system facilities at all times.

Policy 2: That medium density housing be located near commercial corridors where access to public transportation and shopping services is convenient and where a buffer from or a transition between low density housing can be achieved.

Policy 4: That the City shall support continued affordability of units subject to termination of Federal mortgage or rent subsidies and expiring bond projects.

COMMERCIAL

Objective 1: To provide a range of commercial facilities at various locations to accommodate the shopping needs of residents and to provide increased employment opportunities within the community.

Objective 2: To improve the compatibility between commercial and residential uses.

Policy 1: That commercial facilities be located on existing traffic arteries and commercial corridors.

In addition, the project meets the following objectives and policies of the City's Housing Element:

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1-1.4: Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.

Objective 2.2: Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services, and transit.

Policy 2-2.2: Provide incentives and flexibility to generate new multi-family housing near transit and centers, in accordance with the General Plan Framework element, as reflected in Map ES.1.

Policy 2-2.3: Promote and facilitate a jobs/housing balance at a citywide level.

Objective 2.4: Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.

The project makes a both practical and efficient use of the subject property by locating new, higher density residential development near transit lines and neighborhood services. The resulting development will thus be located in a manner that has the potential to reduce

vehicular trips. The project will also provide a mix of market rate and affordable units, thereby promoting the provision of adequate housing for all persons relative to income. The project meets all applicable design guidelines and standards, and is a mixed-use residential development with an appropriate, context-sensitive scale. The project has been conditioned and designed to contribute towards a pedestrian-friendly environment that is safe for all modes of transportation. Furthermore, the project features a neighborhood-serving commercial uses on the ground floor and is located within close proximity to public transit stops, including Metro and DASH bus stops on 8th Street, and the Metro Rail Station with Metro Purple and Red Lines at the Westlake/MacArthur Park Station. The provision of well-designed multi-family housing, which includes restricted affordable units, ensures a project that will complement the existing neighborhood while also providing valuable housing stock to current and future residents. Therefore, the proposed project is consistent with the General Plan policies and zoning regulations within the City of Los Angeles.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The subject property is located wholly within the Westlake Community Plan Area within the City of Los Angeles. The project site is a sloping rectangular-shaped parcel of land comprised of eight (8) contiguous lots totaling approximately 58,535 square feet, or approximately 1.34 acres, in size. The project site is substantially surrounded by urban uses and is not located near any areas designated for farmland or agricultural uses. The neighborhood is fully built-out with a variety of residential and commercial uses that are consistent with their General Plan land use designations and zoning.

(c) The project site has no value as habitat for endangered, rare or threatened species:

The project site is a sloping rectangular-shaped parcel of land comprised of eight (8) contiguous lots totaling approximately 58,535 square feet (approximately 1.34 acres) in size. While the project site is currently vacant, the subject property had previously been developed with a two-story, medical office building and surface parking lot, as well as a single-story church building with surface parking. The subject property was issued a permit for the demolition of the two-story medical office building on June 6, 2016 (Permit No. B16LA07303). On October 7, 2019, the subject property was issued a permit for the demolition of the church building, removal of fencing, and clearance of the parking lot (Permit No. B19LA20897).

The currently vacant project site contains minimal vegetation, with no trees directly on the site. A tree report letter dated May 20, 2020 from Viriditas Design, confirmed that there are no trees located on the subject property. There are two (2) street trees located within the public right-of-way along Park View Avenue and one (1) tree within the public alley none of which have been identified as protected tree species as defined under LA City Ordinance No. 177,404, nor are they a habitat for any endangered, rare, or threatened species. Furthermore, the project site is located in a long-established urban neighborhood which is fully built out with primarily commercial and residential development. The project site, therefore, has no value as habitat for endangered species, rare, or threatened species.

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

Traffic. A significant impact may occur if the project conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. On July 30, 2019, pursuant to SB 743 and the recent changes to Section 15064.3 of the State's CEQA Guidelines, the City of Los Angeles adopted vehicle miles traveled (VMT) as a criteria in determining transportation impacts under CEQA. The new Los Angeles Department of Transportation (LADOT), Transportation Assessment Guidelines (TAG) provide instructions on preparing transportation assessments for land use proposals and defines the significant impact thresholds. LADOT has established that any project resulting in a net increase of 250 or more daily vehicle trips requires a VMT analysis.

The proposed project involves the construction, use, and maintenance of a new seven-story mixed-use development, 92 feet 6 inches feet in height, containing a total of 264 dwelling units, with 27 proposed dwelling units reserved for Extremely Low Income Households. The proposed development will contain approximately 266,438 square feet of floor area, including 9,724 square feet of ground floor commercial space. The project provides a total of 21,137 square feet of open space comprised of public courtyards, a fitness center/sport lounge, patios, terraces, and private balconies. The project contains one subterranean parking level, and ground level parking that will provide a total of 230 vehicular parking stalls: 217 residential parking stalls, and 13 commercial parking stalls. In addition, the project will provide a total of 172 bicycle parking stalls: 160 residential parking stalls and 12 commercial parking stalls. Proposed residential bicycle parking includes 144 long-term parking stalls and 16 short-term stalls. Proposed bicycle parking for the development's commercial uses includes 6 long-term and 6 short-term parking stalls.

A Traffic Assessment Report dated August 2020 was prepared by Gibson Transportation Consulting, Inc. in order to determine whether or not the proposed project would result in any significant effects relating to traffic. The Traffic Study found that the project would generate a net increase of 967 daily vehicle trips and a net increase of 5,879 daily vehicle miles traveled (VMT), thus requiring the proposed project to conduct a vehicle miles traveled (VMT) analysis.

The LADOT VMT Calculator tool measures project impact in terms of Household VMT per Capita, and Work VMT per Employee. DOT identified distinct thresholds for significant VMT impacts for each of the seven Area Planning Commission (APC) areas in the City. For the Central Los Angeles APC area, in which the project is located, the following thresholds have been established:

- Household VMT per Capita: 6.0
- Work VMT per Employee: 7.6

As cited in the VMT Analysis report, prepared by Gibson Transportation Consulting, Inc., the project proposes to incorporate the Transportation Demand Management (TDM) strategies of Reduce Parking Supply and Bicycle Parking per LAMC as project design features. The proposed project is projected to have a Household VMT per capita of 3.6 and a Work VMT per employee of 0. Subsequently, LADOT completed its Transportation Impact Assessment and in a letter dated August 31, 2020, concluded that implementation of the proposed project would not result in a significant Household or Work VMT impact. Therefore, the project is not expected to result in any significant impact relating to traffic.

Noise. The project must comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances which prohibit the emission or creation of noise beyond certain levels. The Ordinances cover both operational noise levels (i.e. post-construction), as well as any noise impact during construction. Section 41.40 of the LAMC regulates noise from demolition and construction activities and prohibits construction activity (including demolition) and repair work, where the use of any power tool, device, or equipment would disturb persons occupying sleeping quarters in any dwelling hotel, apartment, or other place of residence, between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, and between 6:00 p.m. and 8:00 a.m. on Saturdays and holidays; all such activities are also prohibited on Sundays. Section 112.05 of the LAMC also specifies the maximum noise level of construction machinery that can be generated in any residential zone of the city or within 500 feet thereof. As the project is required to comply with the above ordinances and regulations, it will not result in any significant noise impacts. All construction-related noise impacts would be less than significant and temporary in nature.

A Noise Technical Report prepared by DKA Planning, in May 2020 and attached to the subject environmental case file, concluded that no significant permanent operational or cumulative noise impacts are expected as a result of the proposed project (the Noise Study provides the full analysis). Given that the project would be required to comply with all existing and applicable noise regulations, the study concluded that the project would not result in any significant impacts and that no mitigation measures are necessary. Although noise arising from construction is unavoidable, the noise would be temporary and limited to the duration of the construction in any one location. The report states that standard, industry-wide best practices for construction in urban or otherwise noise-sensitive areas would ensure that construction noise does not exceed the noise limit imposed by LAMC Section 112.05. These could include erecting temporary noise barriers around the project's perimeter, using mufflers to dampen noise from internal combustion engines, and warming-up or staging equipment away from sensitive receptors. Complete elimination of construction activity noise is technically infeasible; however, incorporation of the best available noise reduction methods will minimize impacts on the residential uses bordering the project site. Compliance with the various local regulatory measure will further minimize any adverse construction noise impact potential.

The project involves the construction of a new seven-story mixed-use development that will contain 264 residential units and 9,724 square feet of ground floor commercial retail space. Although the development will have a commercial component, the proposed commercial uses are expected to comply with LAMC requirements of the C2 Zone. In addition, the project site is located in a long-established neighborhood that is built out having a wide variety of commercial and residential development. The site itself had previously been developed with a two-story medical office building, a church, and surface parking lots. The project is not expected to generate significant permanent operational noise impacts. Noise generated through human conversation and activities (particularly in outdoor recreational spaces, such as balconies and patios), landscape maintenance, or trash collection would not exceed the recommended noise compatibility guidelines. Any new stationary sources of noise, such mechanical HVAC equipment, installed on the proposed development will be required to comply with LAMC Sections 112.02 and 112.05 which prohibit noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level at neighboring occupied properties by more than five dBA. The project is forecast to generate a maximum of 61 A.M. and 84 P.M. net peak hour residential vehicle trips that would enter and exit the development's garage driveways. The Noise Technical Report concluded that the project's residential and retail parking garage would have no noticeable effect on the surrounding noise

environment. As such, the proposed project is expected to generate a negligible increase in ambient noise from operation.

Through compliance with all existing regulations governing both construction and operational noise, any noise impacts resulting from the project will be less than significant.

Air Quality. The South Coast Air Quality Management District (SCAQMD) is the agency primarily responsible for comprehensive air pollution control in the South Coast Air Basin and reducing emissions from area and point stationary, mobile, and indirect sources. The 2016 Air Quality Management Plan (AQMP) was prepared by SCAQMD and adopted in April 2017 to meet federal and state ambient air quality standards. A significant air quality impact may occur if a project is inconsistent with the AQMP or would in some way represent a substantial hindrance to employing the policies or obtaining the goals of that plan. The project is not expected to conflict with, or obstruct, the implementation of the AQMP and SCAQMD rules. The project is consistent with current zoning regulations and policies within the City of Los Angeles, allowing for the proposed development on the subject site. The project would also comply with the 2017 Los Angeles Green Building Code (LAGBC), which builds upon and sets higher standards than those in the 2016 California Green Building Standards Code. Additionally, the project's infill location would promote the concentration of development in a long-established urban neighborhood with extensive infrastructure and access to public transit facilities, thus reducing the vehicle miles traveled for residents, the local workforce, and visitors. Therefore, project impacts related to air quality will be less than significant.

During construction, appropriate dust control measures would be implemented as part of the proposed project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site, and maintaining effective cover over exposed areas.

Best Management Practices (BMP) will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

By implementing BMPs, all construction-related impacts will be less than significant and temporary in nature. No permanent significant impacts are anticipated to occur from construction.

Furthermore, an Air Quality Technical Report was prepared by DKA Planning in May 2020, which is included in the subject case file. The study quantifies the estimated daily construction and operational emissions for various pollutants from the project site using CalEEMod simulations. Based on the simulation results, none of the construction and operational emissions are expected to exceed the South Coast Air Quality Management

District (SCAQMD) air quality significance thresholds. Furthermore, the report finds that the project is consistent with all applicable aspects of the City's General Plan Air Quality Element. The study does not recommend any mitigation measures as all construction and operational emissions are expected to be below the thresholds considered by SCAQMD to be significant under CEQA guidelines. Potential impacts related to air quality from the project will therefore be less than significant.

Water Quality. With regard to water quality, a significant impact would occur if the project would: 1) exceed wastewater treatment requirements of the Los Angeles Regional Water Quality Control Board (LARWQCB); 2) increase water consumption or wastewater generation to such a degree that the capacity of facilities currently serving the project site would be exceeded; or 3) increase surface water runoff, resulting in the need for expanded off-site storm water drainage facilities. All wastewater from the project would be treated according to requirements of the National Pollutant Discharge Elimination System (NPDES) permit authorized by the LARWQCB. Therefore, the proposed project would result in a less than significant impact related to wastewater treatment requirements.

Additionally, prior to any construction activities, the project applicant would be required to coordinate with the City of Los Angeles Bureau of Sanitation (BOS) to determine the exact wastewater conveyance requirements of the proposed project, and any upgrades to the wastewater lines in the vicinity of the project site that are needed to adequately serve the proposed project would be undertaken as part of the project. Therefore, the proposed project would not result in a significant impact related to water or wastewater infrastructure.

Lastly, development of the proposed project would maintain existing drainage patterns; site generated surface water runoff would continue to flow to the City's storm drain system. The proposed project would not create or contribute runoff water that would exacerbate any existing deficiencies in the storm drain system or provide substantial additional sources of polluted runoff. Therefore, the proposed project would not result in a significant impact related to existing storm drain capacities.

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

The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. These utilities and public services have continuously served the area for the past several decades. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any substantial impact on existing utilities and public services through the net addition of 264 dwelling units.

In addition, roof and site drainage as well as sewer availability must comply with Bureau of Engineering and Bureau of Sanitation standards; and hydrants, Fire Department Access, and Fire Safety must be reviewed and approved by the Los Angeles Fire Department before permits can be issued. Furthermore, the project must comply with all City Regulatory Compliance Measures (RCMs) that apply. Therefore, the proposed project can be adequately served by all required utilities and public services.

EXCEPTIONS TO CATEGORICAL EXEMPTIONS

The City has further considered whether the proposed project is subject to any of the six exceptions set forth in State CEQA Guidelines Section 15300.2 that would prohibit the use of any categorical exemption. Planning staff has determined that none of the exceptions apply to the proposed project, as described below.

- (a) **Location. 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. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

As the proposed project is not defined as a Class 3, 4, 5, 6 or 11 project, this exception is non-applicable. The project site is in an urbanized area in the City of Los Angeles. The project site is not located in a particularly sensitive environment and is not located on a site containing wetlands, endangered species, or wildlife habitats; therefore, this exception is not applicable.

- (b) **Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant**

The proposed seven-story mixed-use development with 264 residential units and 9,724 square feet of ground floor commercial retail space on the project site is consistent with the zones and land uses as designated by the Westlake Community Plan, and as permitted by the City's TOC Affordable Housing Incentive Program pursuant to LAMC 12.22-A.31. A successive project of the same type and nature would reflect a development that is consistent with the underlying land use designation and the Los Angeles Municipal Code, and thus would be subject to the same regulations and requirements, including development standards and environmental impacts. The impacts of each subsequent project will be mitigated if necessary, and thus will not result in a cumulative impact.

The project would not result in a cumulatively considerable contribution to any impact. The threshold of significance for a cumulatively considerable contribution to a traffic impact is the same as the threshold of significance for a project impact. Therefore, since the project would not exceed that threshold, it would have neither a project-specific significant impact, nor the potential to result in a cumulatively considerable contribution to a significant traffic impact. The same is true for air quality thresholds of significance; the project does not have the potential to result in a project-specific significant air quality impact, and therefore, does not have the potential to result in a cumulatively considerable contribution to a significant air quality impact.

Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate impacts related to Air Quality, Construction Noise/Vibrations, Operational Noise/Vibrations, and Transportation/traffic. Numerous Los Angeles Municipal Code Sections provide requirements for construction activities and ensure impacts from construction related noise, traffic, and parking are less than significant. The Noise Regulation Ordinance, No. 144,331, provides regulatory compliance measures related to construction noise and maximum noise levels for all activities. LAMC Section 62 provides specific regulatory compliance measures related to construction traffic and parking. LAMC Section 41

requires construction site postings listing representative contact information and permitted construction/demolition hours as established by the Department of Building and Safety. Additionally, there is insufficient evidence to conclude that significant impacts will occur based on past project approvals or in progress entitlement applications and that the proposed project will have adverse impacts on the cumulative impacts of construction noise and transportation/traffic in this area. Furthermore, there is insufficient evidence to conclude that the proposed project will be under construction at the same time as projects within the vicinity. Thus, this exception does not apply.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

The project site is a sloping, rectangular-shaped parcel of land comprised of eight (8) contiguous lots, totaling approximately 58,535 square feet (approximately 1.34 acres) in size. The project involves the construction, use, and maintenance of a new seven-story mixed-use development, 92 feet 6 inches in height, containing a total of 264 dwelling units, with 27 proposed dwelling units reserved for Extremely Low Income Households. The proposed development will contain a total of approximately 266,438 square feet of floor area, including 9,724 square feet of commercial space. The project involves associated grading that will result in approximately 18,000 cubic yards of earth being exported from the project site. The project is located in an urbanized area within the City of Los Angeles and consists of residential and commercial uses and operations that are compatible with the surrounding urban development and consistent with the underlying zoning. The project site is a long-established neighborhood and is surrounded by various residential, commercial, and civic uses. The site does not demonstrate any unusual circumstances, and the project will not generate any significant impacts regarding traffic, noise, air quality, or water quality. There are no special districts or other known circumstances that indicate a sensitive surrounding environment. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.**

Based on a review of the California Scenic Highway Mapping System, the subject site is not located along a California State Scenic Highway and will not impact any identified scenic resources, including trees, historic buildings, rock outcroppings, or other similar resources, within a highway officially designated as a State Scenic Highway. Therefore, this exception does not apply.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

Based on a review of the California Department of Toxic Substances Control "Envirostor Database," no known hazardous waste sites are located on the project site. Additionally, there are also no listed hazardous waste sites within the immediate vicinity of the project site. The subject property had previously been developed with a two-story medical office

building, a single-story church, and surface parking lots which are not expected to utilize hazardous waste or materials that pose significant constraint on the now vacant site.

Additionally, the project site is not located within a Methane Zone or Methane Buffer Zone, nor is it located in a Hazardous Waste / Border Zone Property area as designated by the City of Los Angeles. There are also no oils, elevators, in-ground hydrologic systems, monitoring or water supply wells, or above- or below-ground storage tanks, or potentially fluid-filled electrical equipment on or immediately adjacent to the project site. No industrial wastewater is generated on the project site and sanitary wastewater is discharged to the City Bureau of Sanitation. Therefore, this exception for a Categorical Exemption does not apply to this project.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The project site is currently vacant and has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, or the Los Angeles Historic-Cultural Monuments Register. In addition, the project site is not located within a Historic Preservation Overlay Zone and thus not subject to historic preservation review. Furthermore, the project site has not been identified as having buildings of architectural or historical significance under the Westlake Recovery Redevelopment Project Area requirements and designations. For these reasons, construction of the proposed project would not constitute a substantial adverse change in the significance of a historic resource as defined by CEQA, therefore, this exception does not apply.

CONCLUSION

In summary, the project proposes the construction of a new seven-story mixed-use development, 92 feet 6 inches feet in height, containing a total of 264 dwelling units, with 27 proposed dwelling units reserved for Extremely Low Income Households. The proposed development will contain a total of approximately 266,438 square feet of floor area, including 9,724 square feet of commercial space. The project will provide a total of 230 vehicular parking stalls and a total of 172 bicycle parking stalls. The project is consistent with the surrounding developments (which consists of established residential, commercial, and public uses), is permitted by the TOC Guidelines, and is entirely consistent with the existing General Plan designation, zoning, and requirements of the LAMC. The project will not generate a significant number of vehicle trips and will not result in any significant impacts to land use planning, environmental habitat, noise, air quality, or water quality. The project is located in a long-established urbanized neighborhood, and thus will be adequately served by all required public utilities and services.

Furthermore, the project is not in a particularly sensitive environment, and will not impact an environmental resource of hazardous or critical concern that is designated, precisely mapped, or officially adopted by any federal, state, or local agency. The project will not result in any significant impacts and, therefore, will not make a cumulatively considerable contribution to any significant impacts that are not already accounted for by the General Plan and future environmental clearances. The project is consistent with the surrounding developments, including established residential and commercial uses, does not present any unusual circumstances that would result in a significant impact on the environment, and would not constitute a substantial adverse change in the significance of a historic resource as defined by CEQA. Therefore, none of the possible

exceptions to Categorical Exemptions, found in Section 15300.2 Exceptions, apply to this project, and as such, the project qualifies for a Class 32 Categorical Exemption.



CENTRAL 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: SEP 30 2021

Case No. DIR-2020-5510-TOC-SPR-HCA-1A
CEQA: ENV-2020-5511-CE
Plan Area: Westlake

Council District: 1 – Cedillo

Project Site: 2401-2417 West 8th Street and 729-751 South Park View Street

Applicant: John Safi, Pacific Parkview, LP
Representative: Daniel Ahadian, nur-Development Consulting

Appellant: Enrique Velasquez, Coalition for An Equitable Westlake Macarthur Park

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

Construction, use, and maintenance of a new seven-story mixed-use development, 92 feet 6 inches feet in height, containing a total of 264 dwelling units, with 27 proposed dwelling units reserved for Extremely Low Income Households. The proposed development will contain 266,438 square feet of floor area, including 9,724 square feet of ground floor commercial space. The Project provides a total of 22,137 square feet of open space that will comprise of public courtyards, a fitness center/sport lounge, patios, terraces, and private balconies. The Project contains one subterranean parking level, and ground level parking providing a total of 230 vehicular parking spaces.

1. **Determined** 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 any exceptions contained in Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Planning Director's determination dated June 10, 2021;
3. **Approved with conditions**, pursuant to Sections 12.22 A 31 and 16.05 of the Los Angeles Municipal Code (LAMC), a 70 percent increase in density consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program along with the following three incentives for a Tier 3 project totaling 264 dwelling units, reserving 27 units for Extremely Low Income (ELI) Household occupancy for a period of 55 years:
 - a. Yard/Setback – Utilization of rear yard setback requirements of the RAS3 Zone for a project in a commercial zone;
 - b. Open Space – A maximum 25 percent reduction in required open space; and
 - c. Averaging of Floor Area Ratio (FAR) – The averaging of FAR across the entire project site;
4. **Approved with conditions**, pursuant to Sections 12.22 A.31 and 16.05 of the LAMC, a Site Plan Review for the construction, use and maintenance of a new seven-story mixed-use development that will include a total of 264 dwelling units (including 27 affordable units) and 9,724 square feet of commercial space in the C2-1 and C2-2 zones;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

This vote proceeded as follows:

DIR-2020-5510-TOC-SPR-HCA-1A

Moved: Gold
Seconded: DelGado
Ayes: Lawrence, Lindgren
Absent: Chung-Kim

Vote: 4 - 0

Etta Armstrong

Etta Armstrong, Commission Executive Assistant I
Central 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 Central 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 to a City appellate body** and the decision is final. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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

Attachments: Conditions of Approval, Findings, Interim Appeal Filing Procedures

- c: Heather Bleemers, Senior City Planner
- Esther Ahn, City Planner
- Trevor Martin, Planning Assistant

CONDITIONS OF APPROVAL

Pursuant to LAMC Sections 12.22-A,31, and 16.05, the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of City Planning. Each change shall be identified and justified in writing.
2. **On-site Restricted Affordable Units.** 27 units, or equal to 10 percent of the total number of dwelling units, shall be designated for Extremely Low Income Households, as defined by the Los Angeles Housing and Community Investment Department (HCIDLA) and California Government Code Section 65915(c)(2).
3. **Changes in On-site Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,31.
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 10 percent of the total number of dwelling units available to Extremely 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 set-aside affordable units may be adjusted, consistent with the Transit Oriented Communities Guidelines, to the satisfaction of HCIDLA, and in consideration of the project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination. 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. Additionally, the project shall comply with any other requirements stated in project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination Letter, dated April 1, 2020, including but not limited to replacement unit requirements and requirements regarding relocation, right of return, and right to remain for occupants of protected units.
5. **Base Incentives.**
 - a. **Residential Density.** The project shall be limited to a maximum density of 264 residential dwelling units, (equal to a maximum density increase of 70 percent), including On-Site Restricted Affordable Units.
 - b. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 4.56:1 (utilizing FAR averaging) for a Tier 3 project in the C2-1 and C2-2 zones.
 - c. **Parking.**

- i. **Automotive Parking.** Automobile parking shall be provided consistent with the Transit Oriented Communities Guidelines under LAMC Section 12.22-A,31. The proposed development, a Tier 3 project, shall not be required to exceed 0.5 automobile parking spaces per dwelling unit. Up to a 30 percent reduction in nonresidential parking shall be permitted. A greater number of parking spaces may be provided at the applicant's discretion.
 - ii. **Bicycle parking.** Bicycle parking shall be provided consistent with LAMC 12.21-A,16. In the event that the number of On-Site Restricted Affordable Units should increase or the composition of such units should change, then no modification of this determination shall be necessary and the number of bicycle parking spaces shall be re-calculated consistent with LAMC Section 12.21-A,16.
 - iii. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22-A,25.
 - iv. **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.
6. **Additional Incentives.**
- a. **Yard/Setback.** The project shall be permitted to utilize the rear yard setback requirements of the RAS3 Zone for a project in a commercial zone.
 - b. **Open Space.** The project shall be permitted up to a maximum 25 percent reduction in required open space.
 - c. **Averaging of Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 4.56:1 (utilizing FAR averaging) for a Tier 3 project in the C2-1 and C2-2 zones.

Design Conformance Conditions

7. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The landscape plan shall indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.
8. **Entrances.** The pedestrian entrances to the residential lobbies on 8th Street and Park View Street shall be recessed as shown in "Exhibit A."
9. **Window Treatments.** Architectural window framing elements that project or recess shall be at a minimum of 3-inches from the exterior façade on 75 percent of the windows of each

elevation of the structure. The architectural window framing element projection or recess may exceed the 3-inch minimum as permitted by the LAMC.

10. **Building Materials.** Each façade of the building shall incorporate a minimum of three (3) different building materials. Windows, doors, balcony/deck railings, and fixtures (such as lighting, signs, etc.) shall not count towards this requirement.
11. **Signage.** The project shall comply with all signage requirements of the LAMC as well as the Design Guidelines of the Westlake Redevelopment Project Area. No signage approvals have been granted herein.

Site Plan Review Conditions

12. **Parking.** With the exception of vehicle and pedestrian entrances and/or fresh air intake grilles, all vehicle parking shall be completely enclosed along all sides of the building.
13. **Parking / Driveway Plan.** Prior to the issuance of any building permit, the applicant shall submit a parking and driveway plan to the Department of Transportation for approval.
14. **Loading Area.** The project's loading area may be accessed from 8th Street in lieu of the adjacent alley otherwise required pursuant to LAMC Section 12.21 C.6.
15. **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 skies.
16. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping consistent with LADWP access requirements.
17. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, walkways, common open space, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
18. **Trash.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.
19. **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.

Administrative Conditions

20. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & 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 & 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.
21. **Notations on Plans.** Plans submitted to the Department of Building & 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.

22. **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.
23. **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.
24. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the LAMC, Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & 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 & 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.
25. **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.
26. **Department of Transportation and LAUSD's Transportation Branch.** A construction work site traffic control plan shall be submitted to the Department of Transportation's Citywide Temporary Traffic Control Office and LAUSD's Transportation Branch for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties.
27. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
28. **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.
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. **Expedited Processing Section Fee.** 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.

31. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

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

FINDINGS

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

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

1. Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(e) of the California Government Code, the Director shall approve a density bonus and requested incentive(s) unless the Director finds that:

- a. *The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

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

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

Yard/Setback. The requested incentive to utilize setback requirements of the RAS3 Zone for a project in a commercial zone is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate the creation of affordable housing. In this case, the applicant has requested to utilize the northerly rear yard as permitted by the RAS3 Zone. The requested incentive will allow the project to have a rear yard setback on the commercial and residential levels of the building reduced from 20 feet (as required in underlying the C2 zone) to five (5) feet. Additionally, the project does not have to set back the rear of the building one additional foot for each floor above the third floor, as would otherwise be required in the C2 zone. The RAS3 Zone also requires a ground floor (5) five-foot rear yard. Utilization of the RAS3 rear yard requirement increases the buildable area of the residential levels of the building so units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses can be increased. This incentive supports the applicant's decision to reserve 27 units for Extremely Low Income Households and facilitates the creation of affordable housing units.

Open Space. The requested open space incentive, allowing for a maximum 25 percent reduction of the open space requirement, is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building

design or construction efficiencies that facilitate affordable housing costs. The requested incentive allows the developer to reduce open space requirements so that affordable housing units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. These incentives support the applicant's decision to reserve 27 units as affordable housing units reserved for Extremely Low Income Households.

Floor Area. The requested averaging of Floor Area Ratio (FAR) incentive, allowing for the averaging of FAR across an entire project site, is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. The requested incentive allows the developer to utilize the averaging of the FARs of the project site's underlying C2-1 and C2-2 zoning, allowing for more buildable area to accommodate affordable housing units while remaining in compliance with all other applicable zoning regulations. The incentive further supports the applicant's decision to reserve 27 units for Extremely Low Income Households and facilitates the creation of affordable housing units.

Therefore, the three Additional Incentives are necessary to provide for affordable housing costs.

- b. *The Incentives will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible methods to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65915(d)(B) and 65589.5(d)).*

There is no evidence that the proposed 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. According to ZIMAS, the project is not located in a Hillside area or a Very High Fire Hazard Severity Zone. While the project site does have street frontage on two substandard streets, the project will provide the necessary dedication and street improvements along both 8th Street and Park View Street per Bureau of Engineering's recommendations. Therefore, there is no substantial evidence that the proposed project, and thus the requested incentives, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource.

- c. *The incentives are contrary to state or federal law.*

There is no substantial evidence in the record indicating that the requested incentives are contrary to any state or federal law.

SITE PLAN REVIEW FINDINGS

2. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and does not conflict with any applicable regulations, standards, and any applicable specific plan.**

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. There are twelve elements of the General Plan. The majority of the policies derived from these elements are in the form of code requirements of the Los Angeles Municipal Code. Except for those entitlements requested herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the General Plan is divided into 35 Community Plans. The subject property is located within the Westlake Community Plan, which designates the site for Community Commercial land uses corresponding to the C4, C2, C1, CR, RAS3, RAS4, P, and PB zones, and Highway Oriented Commercial land uses corresponding to the C2, C1, CR, RAS3, RAS4, and P zones. The subject property's zoning is thus consistent with the General Plan's land use designations for the site. The property is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance.

The proposed project is consistent with the following goals, objectives, and policies of the Westlake Community Plan:

RESIDENTIAL

- Objective 1:** To designate a supply of residential land adequate to provide housing of the types, sizes, and densities required to satisfy the varying needs and desires of all segments of the community's population.
- Objective 2:** To conserve and improve existing viable housing for persons desiring to live in Westlake, especially low and moderate income families.
- Objective 3:** To sequence housing development so as to provide a workable, efficient, and adequate balance between land use, circulation, and service system facilities at all times.
- Policy 2:** That medium density housing be located near commercial corridors where access to public transportation and shopping services is convenient and where a buffer from or a transition between low density housing can be achieved.
- Policy 4:** That the City shall support continued affordability of units subject to termination of Federal mortgage or rent subsidies and expiring bond projects.

COMMERCIAL

- Objective 1:** To provide a range of commercial facilities at various locations to accommodate the shopping needs of residents and to provide increased employment opportunities within the community.
- Objective 2:** To improve the compatibility between commercial and residential uses.

Policy 1: That commercial facilities be located on existing traffic arteries and commercial corridors.

In addition, the project meets the following objectives and policies of the City's Housing Element:

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1-1.4: Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.

Objective 2.2: Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services, and transit.

Policy 2-2.2: Provide incentives and flexibility to generate new multi-family housing near transit and centers, in accordance with the General Plan Framework element, as reflected in Map ES.1.

Policy 2-2.3: Promote and facilitate a jobs/housing balance at a citywide level.

Objective 2.4: Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.

The proposed project is a seven-story, mixed-use development, which includes a total of 264 residential units, (including 27 units reserved for Extremely Low Income Households), and 9,724 square feet of ground floor commercial space. The project includes a variety of unit types, including studio, one-bedroom, and two-bedroom units. By providing a range of housing opportunities, the project accommodates an adequate supply of housing units by type and cost. The new, in-fill development has been well-conditioned to ensure high quality design and architecture which will enhance the existing neighborhood, consisting of a wide variety of residential, commercial, and public facility uses. The project features attractive and quality landscaping in addition to a variety of amenities available for all tenants and residents of the project.

The project site is zoned for commercial uses as intended by the Community Plan, and has street frontage along Park View Street, and 8th Street, a busy commercial thoroughfare. The project's proposed ground floor commercial uses located at the southeast corner of the site, will strengthen and provide new viable commercial development in a long-established commercial corridor. The project's neighborhood-serving commercial uses will benefit the community by contributing towards a pedestrian-friendly environment that is safe for all modes of transportation. The project is within close proximity to public transit stops, including Metro and DASH bus stops on 8th Street, and the Metro Rail Station with Metro Purple and Red Lines at the Westlake/MacArthur Park Station. The resulting development will thus be located in a manner that has the potential to reduce vehicular trips. Furthermore, the subject property had been previously developed with non-residential uses, and is now currently, a vacant site. Thus, the project will improve an underutilized site, and will not cause displacement of housing or loss of any existing residential units.

Therefore, the project is in substantial conformance with the purposes, intent and provisions of the Westlake Community Plan and does not conflict with any applicable regulations or standards.

3. **That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on neighboring properties.**

The arrangement of the proposed development is consistent and compatible with existing and future development in neighboring properties. The subject site is located within the Westlake Community Plan at the intersection of 8th Street and Park View Street. The project site is bound by 8th Street to the southwest; Park View Street to the southeast; and a public alley to the northwest. Adjoining the project site to the north is a C2-2 zoned lot improved with a single-story multi-tenant commercial building with adjoining surface parking lots to the west, and to the east. Abutting the project site to the east, across Park View Street, is a public elementary school (MacArthur Park Visual and Performing Arts Elementary). Abutting the project site to the south, at the southeast corner of the intersection of 8th Street and Park View Street, is a C2-1 and R4-1 zoned parcel of land developed with a two-story nursing home. Abutting the project site to the southwest, across 8th Street, is a two-story mini-shopping center with a surface parking lot. Abutting the project site to the west, are properties zoned C2-1, R4-1, and R4-2, improved with apartment buildings ranging from one to five stories as well as a surface parking lot.

The proposed project involves the construction of a seven-story mixed-use building, 92 feet 6 inches in height with 264 residential units, inclusive of 27 units set aside for Extremely Low Income Households, and approximately 9,724 square feet of ground floor commercial space. The project will provide a total of 230 vehicular parking stalls, and 172 bicycle parking stalls. The project site is a sloping, rectangular-shaped parcel of land comprised of eight (8) contiguous lots, totaling approximately 58,535 square feet (approximately 1.34 acres) in size.

Height, Bulk and Setbacks

The proposed building reaches a maximum height of 92 feet, 6 inches with seven stories above a subterranean parking level, as permitted by the underlying Height District Nos. 1 and 2 of the site which each allow for unlimited height and stories for developments within commercially-zoned properties. The subject property is zoned C2-1 and C2-2. The C2-1 zoning of the site normally allows for a maximum Floor Area Ratio (FAR) of 1.5:1; however, as permitted through the TOC Incentive Program and LAMC Section 12.22-A,31, Housing Developments in Tier 3-designated commercial zones may qualify for a FAR increase of up to 3.75:1 in exchange for setting aside a portion of the proposed residential units toward affordable housing. Likewise, the C2-2 zoning of the site normally allows for a maximum FAR of 6:1; however, as permitted through the TOC Incentive Program and LAMC Section 12.22-A,31, the development may qualify for an FAR increase of up to 9:1. The project is requesting the Averaging of Floor Area Ratio (FAR) incentive, allowing for the averaging of FAR across the entire project site. As such, the project is proposing a total floor area ratio of 4.56:1, equating to approximately, 266,438 square feet of floor area.

The proposed building provides the minimum required front and side yard setbacks of the C2 zone for mixed-use developments. The project qualifies for an Additional Incentive through the TOC Incentive Program to allow for a reduced northerly rear yard of (5) five feet in lieu of the 20 feet, otherwise required by the LAMC.

To minimize the bulk and massing of the proposed building, the project includes variations in building materials and the exterior walls of the building are also articulated, incorporating street-facing balconies and windows. The ground floor consists of a variation in wall treatments, including glass, metal, cement plaster, and green screens integrated into the overall architectural style of the building. In addition, landscaping is utilized to create an attractive buffer between the exterior wall and the public right-of-way. The project design employs various architecture methods to establish a distinguishable and attractive building design. A variety of building materials and finishes, as well as landscape and hardscape materials, will result in a design that is complementary to the neighborhood.

Off-Street Parking Facilities

The project includes a total of 230 vehicular parking spaces and 172 bicycle parking stalls for residential and commercial uses, consistent with the requirements of the LAMC and TOC Guidelines. The project includes one ingress and egress driveway for commercial uses along 8th Street and provides two ingress and egress driveways for residential uses along Park view Street. This southerly driveway along Park View Street provides access to the building's subterranean parking level, and the northerly driveway provides access to the ground floor parking level. The residential driveways placements along Park View Street, the secondary right-of-way, allows for the maximization of commercial space along 8th Street while minimizing disruptions to traffic flow. All parking will be screened and not be visible from the public right-of-way. Therefore, for the reasons stated above, the off-street parking facilities will be compatible with the existing and future developments in the neighborhood.

Loading Areas

The proposed project is situated in a commercial zoned property that adjoins a public alley and contains commercial uses. The project's proposed commercial loading zone is approximately 1,000 square feet in size, having a 14-foot height clearance, and is located within the commercial parking area at the southwest corner of the ground level of the development. The applicant is requesting a modification to LAMC 12.21 C.6, requiring that every required loading space be located and arranged so that delivery vehicles may be driven upon or into said space from the alley. The requested modification would allow for delivery vehicles to be driven into the loading zone from 8th Street in lieu of the northwesterly-adjointing alley. There are several factors that create a hardship in utilizing the alley for delivery vehicles: (1) there are gates positioned in two locations of the alley prohibiting through traffic; (2) the alley T's off into two substandard alleyways to the north posing a potential hazard for delivery vehicles and the general public; (3) given the close proximity of several high-density residential buildings and commercial buildings, utilization of the alley for loading activity could exacerbate vehicular and pedestrian access; and (4) the natural grade of the property slopes to an upward from 8th Street, therefore, locating the driveway for commercial parking would contribute to an inefficient parking design and higher building costs. Furthermore, an LADOT determination dated May 21, 2021, states that the modified loading zone on the site plan as shown in Exhibit "A", satisfies LADOT requirements. For these reasons, the requested modification to allow delivery vehicles for the project's commercial tenants to access the loading area from 8th Street in lieu of the adjacent alley is justified, as it will improve public safety and maximize efficiency.

Lighting

Lighting for the proposed project has been conditioned to be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The project will provide a total of approximately 3,565 square feet of landscaped area. Various types of vegetation and trees are integrated into the design of the building facades to minimize the visual impact of the maximum 92.5-foot tall building and provide buffering for neighboring properties. The proposed project's landscaping creates a pedestrian-friendly ground floor that helps unify and bolster continuity between the neighborhood and the project site as a whole along 8th Street and Park View Street. Furthermore, the project has been conditioned to require that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks be attractively landscaped. Therefore, as designed and conditioned, the on-site landscaping of the proposed project will be compatible with the existing and future developments in the neighborhood.

Trash Collection

The project will include centralized on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. Additionally, all trash and recycling areas are conditioned to be enclosed and not visible to the public. Trash collection will occur within two separate trash/recycle rooms. The residential trash/recycle room is located at the northeasterly ground floor portion of the building. The project includes trash and recycling chutes throughout the building to encourage recycling and keep trash and recycling hidden from the view of residents and neighbors. The trash and recycling area for the commercial portion of the building is completely enclosed within the commercial parking garage. Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above, the project consists, of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that will be compatible with existing and future development on adjacent and neighboring properties.

4. That any residential project provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.

The project provides several recreational amenities for the residents of the project. Pursuant to Section 12.21-G,2 of the LAMC, there shall be 100 square feet of open space provided for each residential unit having less than three habitable rooms; 125 square feet of open space provided for each residential unit consisting of three habitable rooms; and 175 square feet of open space provided for each residential unit containing more than three habitable rooms. The project is for a mixed-use development consisting of 264 apartments units, and 9,724 square feet of commercial space. Whereas approximately 27,375 square feet of open space is required by the LAMC, the project will provide approximately 22,137 square feet of open space that is inclusive of common open areas as well as private (balcony) open space areas by utilizing a TOC Additional Incentive. For transit-dependent residents, the subject property is located approximately 1,584 feet from a Major Transit Stop. Therefore, the project contains adequate recreational amenities and is within close proximity to transit services which will contribute to the habitability of the residents of the 264 dwelling units and minimize the impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

5. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
6. It has been determined based on the whole of the administrative record that the project is exempt from CEQA pursuant to State 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.

The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "In-fill Projects". The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document dated March 30, 2021 and attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption.

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: 75692

City of Los Angeles
 Department of City Planning



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



City Planning Request

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

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

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

Receipt Number:121021ABF-F87DBA32-3FEF-4841-9261-07B2D6FBC4BB, Amount:\$109.47, Paid Date:10/12/2021

Applicant: VELASQUEZ, ENRIQUE (323-6058393)
Representative:
Project Address: 2401 W 8TH ST, 90057

NOTES:

ENV-2020-5511-CE-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: 1
 Plan Area: Westlake
 Processed by CHAN, JASON on 10/12/2021

Signature: _____

Building & Safety Copy
 Office: Downtown
 Application Invoice No: 75692

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.



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