



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: CPC-2019-4884-CU-DB-SPR-RDP and ENV-2019-4885-CE

Project Address: 2111 - 2139 Pacific Ave, San Pedro, CA 90731

Final Date to Appeal: October 20, 2021

2. APPELLANT

Appellant Identity:
(check all that apply)

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

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

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

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: See separate appeal forms for additional individual adjacent appellants

Company/Organization: CITIZENS PROTECTING SAN PEDRO

Mailing Address: 728 Paseo del Mar

City: San Pedro State: CA Zip: 90731

Telephone: 310-625-1157 E-mail: aquarianstudios@hotmail.com

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

- Self Other: _____

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

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

- a. Is the entire decision, or only parts of it being appealed? Entire Part *CU, SPR*
 - b. Are specific conditions of approval being appealed? Yes No *On menu DB CE, RDP*
- If Yes, list the condition number(s) here: _____

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

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: Joel Gould Date: 10/19/21

GENERAL APPEAL FILING REQUIREMENTS

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

1. Appeal Documents

- a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- b. **Electronic Copy**
 - Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.
- c. **Appeal Fee**
 - Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19 01B 1
 - Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19 01B 1.
- d. **Notice Requirement**
 - Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
 - Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment

October 20, 2021
Appeal of CPC-2019-4884-CU-DB-SPR-RDP and ENV-2019-4885-CE
Appeal Justification
2111-2139 Pacific Ave, San Pedro

INTRODUCTION

The vision for San Pedro is a stable community that provides a high quality of life for its residents: one that builds upon its distinctive natural beauty, rich cultural heritage, and proximity to the Port and waterfront, while retaining the community's small town feel for multiple generations of San Pedrans. (Plan)

Why has the City of Los Angeles developed a pattern and practice of helping developers find loopholes to avoid enforcing the requirements of its own laws?

Isn't it reasonable for people in communities to expect their leaders to act on their behalf and for their benefit rather than prioritizing developers' financial interests?

Don't our leaders have a fiduciary duty to serve our communities with the utmost care?

How can City officials publicize policies of equity and justice in communities of color while enabling land use that physically and financially harms these communities, and ultimately displaces them?

We show in our appeal how the City erred and how we, as a community, would be harmed if the City Planning Commission (CPC) September 9th, 2021 approval of a plethora of egregious entitlements for the project at 2111 South Pacific Ave in San Pedro is allowed to move forward.

It is not too late for our leaders to hear our grave concerns and grant our appeal. The community has turned out in large numbers every time a hearing regarding this project has occurred, and the Coastal San Pedro Neighborhood Council, with tremendous input from community members and leaders, has passed numerous motions regarding this project, incorporated herein by reference, stating that the community does not support it as proposed but providing a list of conditions for which the community would happily support and welcome the project. Certainly, as an elected branch of Los Angeles City government, Neighborhood Councils and their motions should be given great weight, as they reflect the most direct line of communication from the community to other branches of City government. But unfortunately, this has not been the case.

This applicant/developer, who is not from San Pedro and whose business model is to purchase property with the aid of Fundrise investors while promising stratospheric

returns, gain the absolute maximum number of entitlements they can, and then flip the entitled property to a builder and cash in on the sale. This practice actually increases housing costs and leaves the community in disarray, with nonexistent parking, dangerous traffic impacts, noise and air pollution, and a diminished quality of life. To maximize profits, these developers have proposed the largest possible building - a 45' 5" giant that is drastically out of character, mass, and scale with any building nearby, except for their almost identical sister project proposed at 1309-1331 S. Pacific Avenue. In the process, they violate numerous provisions of the Plan, the CPIO, the RDP, and CEQA - all while not providing any improvements to our aging infrastructure that a project of this size would require to be viable.

Again, we'd like to emphasize that it's not too late and there is a solution: please grant our appeal, in full, and help this applicant find a way to work with our community to build a project that follows the law and our Community Plans, which were developed through decades of collaboration with the City and provide the kind of project we need and want at this location.

SUMMARY OF APPEAL POINTS

- Development standards on the menu, including FAR and height, may not be approved as non-appealable waivers or off-menu items and must meet the requirements of LAMC 12.22 A.25(f).
- Parking requirements may not be approved as off-menu items and must meet one of the options provided in LAMC 12.22 A.25(d).
- Loading zone requirements must not be waived due to unacceptable unavoidable negative impacts on parking and traffic.
- The project does not meet the requirements for the San Pedro Community Plan (Plan), the Plan Implementation Overlay District (CPIO), or the Pacific Corridor Redevelopment Plan (RDP).
- The project does not meet the required findings for a Conditional Use permit for the 47% increase in density requested.
- The project does not meet the required findings for a Site Plan Review.
- The determination is in error, as a RDP Project Compliance Review with findings and conditions was not performed, which was required as the project is not in compliance with the RDP.

- The project does not meet the requirements for a Class 32 Categorical Exemption (CE) from CEQA. In addition, the project may not be eligible for a CE pursuant to CEQA Guidelines Sections 15300(b) and 15300(c) due to the potential for cumulative impacts and due to the impacts associated with unusual circumstances. The City cannot act on the project until the appropriate environmental documentation has been prepared and analyzed with respect to Sections 15300(b) and (c).
- The City cannot rely on the Plan's Program EIR in its CEQA review of environmental effects as the project is not within the scope of the Plan. There are site specific impacts of the proposed project that were not analyzed in the Program EIR that require new mitigation measures. Further, the Program EIR contains an Overriding Considerations clause that does not have any analysis and findings and thus cannot apply to individual projects as it would make the applicability of the CEQA law moot.
- The project conditions are in error as they do not include bus passes for at least the first year to all residents in studio units.
- The project does not comply with LAMC 12.36 Projects Requiring Multiple Approvals.
- The community's due process rights have been violated, including misleading and erroneous forms and instructions, erroneous onsite notice posting, and errors in the determination.

This appeal incorporates by reference all written and oral comments, in their entirety, submitted on the Project by any commenting party or agency.

HOW APPELLANTS ARE AGGRIEVED

The Appellants are aggrieved by the CPC approval of this project as it harms the Community of San Pedro because the project is materially out of conformance with the Plan and the RDP. The CPC erred and abused its discretion in approving the entitlements for the project at 2111-2139 Pacific and in not correctly following its own density bonus regulations. The project is materially larger than the mass and scale of the surrounding neighborhood and at 45.4 feet tall, 52% taller than the current height maximum of 30 feet in the CPIO, it will tower over surrounding buildings. The entrance and exit to the 84-car parking garage will be on a residential street just a few feet from the intersection at Pacific, San Pedro's two-lane main thoroughfare and evacuation route, without a stop sign or streetlight, creating a dangerous traffic situation. Infrastructure is already taxed in this area and this project will only stress it further. The

project does not conform with the Plan, the CPIO, the RDP, the City's Density Bonus regulations and other applicable land use laws, and it is completely out of character with the surrounding mainly one- and two-story homes and thus would cause a significant adverse cumulative impact on community character and the available infrastructure.

Citizens Protecting San Pedro (CPSP) is an unincorporated association dedicated to the protection of both the community and the environment in San Pedro. CPSP was organized for the purpose of achieving significant benefits for the public interest in preserving and protecting San Pedro from the forces causing over development and the destruction of San Pedro's character, which is protected by the Coastal Act, the Plan, the CPIO, the RDP and other applicable land use laws. Strong and proper enforcement of the law and conformance to the Plan are crucial to achieving these goals. As proposed, this project violates many of the agreed upon standards that have been put in place for this hard-working neighborhood and sets a dangerous precedent for future development. CPSP has a direct and substantial beneficial interest in ensuring that the City complies with laws relating to environmental protection.

CPSP and its respective members will be adversely impacted by the project and the determination made by the CPC and the City's failure to comply with CEQA because it has a substantial interest in ensuring that the City's decisions are in conformity with the requirements of law, and in having those requirements properly executed and the public duties of City officials enforced as they relate to application of the laws that protect the quality of life in San Pedro.

CPSP, of which the individual owner or tenant Appellants are members, and the surrounding neighborhood will be adversely impacted by the project and the CPC determination because the project will negatively impact their quality of life. Of the seven adjacent residential properties in the block between 21st and 22nd St., there are six one story homes and one two story home, which would all be approximately 20 feet away and completely in the shadow of this proposed 45 foot 5 inches apartment building lined with balconies to look down on them. The project's size is grossly out of sync with the surrounding neighborhood, and it will shade adjacent residents' homes for much of the day, reducing their quality of life. The public infrastructure on Pacific, including utilities, is outdated and insufficient. The project, which will have a significant impact on the area, does not provide for any infrastructure upgrades for water, sewer, streets, power, or cable. There will be significantly increased parking and traffic issues. The project's size is materially beyond the mass and scale of the existing neighborhood, which will also significantly lessen sunlight and air flow.

DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE
FINDINGS (DB)

Finding 1.a.

The density bonus and requested incentives shall not be approved as it is impossible to find that 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.

There is insufficient evidence to support the required finding at LAMC 12.22 A.25(g)(2)(i)c. that the incentives requested shall be approved unless the decision maker finds that the incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.2 or Section 50053 for rents for the affordable units. In this case, it is impossible to make this determination as no evidence is required to be provided by the applicant to the City and none was requested by the City in order for the City to be able to determine whether or not the incentives are required in order to provide for the affordable housing costs. A finding cannot be made without evidence. Government Code Section 65915(a)(3)(C)(III) states that the local government must provide the applicant with a determination as to whether the applicant has provided adequate information for the local government to make a determination as to any incentives, concessions, or waivers or reductions of development standards being requested. The City erred as it did not require or request any information from the applicant in order to make this determination and thus there is no information on which to base a determination.

Finding 1.a. is in error because unless the City is provided, or asks for, the evidence that the incentives are needed and reviews the evidence for reasonableness, it is impossible to tell whether the incentives requested are in fact needed to provide for the required affordable units or whether they are only being requested in order to increase profits for the applicant. It cannot be determined that the requested incentives do not result in actual and identifiable cost reductions to provide for the affordable housing costs without having any evidence on which to base that finding/conclusion. It should be noted that the determination states that incentives are needed to accommodate larger sized units in order to increase the revenues. In addition, the applicant requests a parking waiver from 121 units to 80 units, a reduction of 41 spaces, or 34%. The determination states that the 41-space reduction would result in cost savings of approximately \$2,100,000 but it is not clear whether or not that cost savings is necessary in order to provide for the affordable units.

An abuse of discretion is established if the agency's order or decision is not supported by the findings, or the findings are not supported by the evidence. As to the former, the agency must "bridge the analytic gap between the raw evidence and ultimate decision or order." (*West Chandler Boulevard Neighborhood Assn. v. City of Los Angeles* (2011) 198 Cal.App.4th 1506, 1517-1518, citing *Topanga Ass'n for a Scenic Community v. County of*

L.A. (1974) 11 Cal. 3d 506, 511.) The standard of review for the latter is the substantial evidence test, which is essentially a reasonable person standard. (*Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493). Findings require evidence and the bridging of the analytic gap between the evidence and the decision. Not only did the City not have the evidence needed to find that the incentives are not required, it has no expertise in preparing or analyzing pro formas for construction projects. The City cannot say it did not find any problem if it does not have the ability to do the analysis to determine if there is any problem. The City did not take any action to analyze whether the incentives were necessary to provide the affordable housing, nor did it have any evidence in order to do so. A reasonable person can plainly see that without any evidence the finding cannot be made.

The Project does not comply with the State Density Bonus Ordinance and local implementing ordinance adopted by the City. Los Angeles Municipal Code (LAMC) 12.22 A.25(f) contains the list of eight on-menu incentives for affordable housing provision. All of the requested incentives except for the loading zone request are for on-menu development standards and as such must meet the special requirements for these development standards in LAMC 12.22 A.25(f). LAMC 12.22 A.25(g)(3) refers to “requests for Waiver or Modification of any Development Standard(s) Not on the Menu,” also known as “off-menu” incentives. As such, this section of the code allows for a waiver or a modification of any development standard that is not one of the eight development standards included as an on-menu incentive in LAMC 12.22 A.25(f). The requested waiver or modification incentives for FAR and height are for on-menu development standards, and as per LAMC 12.22 A.25(g)(3) any incentives for these development standards are limited to what is provided “on the menu” at LAMC 12.22 A.25(f).

Finding 1.a. is also erroneous as there is no difference between an off-menu incentive and a waiver of development standard. Government Code Section 65915(e)(2) states that a proposal for the waiver or reduction of development standards...shall neither reduce nor increase the number of incentives or concessions to which an applicant is entitled pursuant to subdivision (d). In other words, “waivers or reduction of development standards” are not called incentives in this state regulation and are not subject to the on-menu incentive limits, in this case three incentives. That is because they are covered by Government Code Section 65915(e) (considered by the City as off-menu incentives). Government Code Section 65915(d) relates to LAMC 12.22 A.25(f) for on-menu incentives, and subdivision (e) relates to LAMC 12.22 A.25(g)(3) for “Requests for Waiver or Modification of any Development Standard(s) Not on the Menu.” (a.k.a. off-menu incentives) Thus, a waiver as used in the state law is synonymous with off-menu item as used in the city law. The City’s grant of a waiver of development standard for increased height would be a fourth incentive as it is no different than any other incentive, and calling it a waiver as if it is a separate class of incentives is simply a way for the project to attempt to get four, rather than three incentives, which is the limit for this project as per LAMC 12.22 A.25(e)(1).

LAMC 12.22 A.25(f) states that “Housing Development Projects that meet the qualifications of paragraph (e) of this subdivision may request one or more of the following incentives.” Thus, it is clear that the incentives discussed in Government Code Section 65915(d), for which the applicant qualifies for three, relate to the eight development standards included in LAMC 12.22 A.25(f) Menu of Incentives. A waiver for height is not allowed under LAMC 12.22 A.25(g)(3) because it is a development standard that is on the menu in LAMC 12.22 A.25(f). There is no limit on the number of incentives indicated for requests for waiver or modification of development standards not on the menu in LAMC 12.22 A.25(g)(3), the limitation of three for this case applies to the on-menu incentives.

The City failed to proceed in the manner required by law when it approved the Waiver of Development Standards as a way of granting four rather than three incentives and when it approved the FAR and height as off-menu incentives, in excess of the incentives specifically allowed for these on-menu development standards in LAMC 12.22 A.25(f).

Finding 2.a.

The density bonus and requested incentives shall not be approved as the waivers or reductions are contrary to state or federal laws and the incentive will have specific adverse impact upon public health and safety or the physical environment for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households.

Finding 2.a. is in error because it states that the project qualifies for three incentives and may request other waivers or reductions of development standards if those development standards are precluding the ability of the applicant to meet the affordable unit requirement. As explained above, the three incentives apply to the menu of incentives, LAMC 12.22 A.25(f), and the other waivers or reductions of development standards are based on LAMC 12.22 A.25(g)(3) for “Requests for Waiver or Modification of any Development Standard(s) Not on the Menu” (a.k.a. off-menu incentives). Height and FAR are development standards on the Menu in LAMC 12.22 A.25(f) and do not qualify for an essentially unlimited waiver or modification of development standard not on the menu. In addition, it is erroneous and not even reasonable to assume that the development standards on the menu could be shifted to the non-appealable “waiver or modification of any development standard not on the menu” density bonus provision. First, LAMC 12.22 A.25(g)(3) is explicit in that it only covers development standards not on the menu.

Another consideration is that the approval of the density bonus ordinance and related CEQA review was based on the wording of the ordinance, which wording makes it clear that the development standards on the menu are subject to the limits LAMC 12.22

A.25(f) and do not qualify for the non-appealable, essentially unlimited section in LAMC 12.22 A.25(g)(3). If they did qualify to be non-appealable then that would mean there would be no limit to the variances from code that the City could approve for any given project. That possibility was not covered by the CEQA review for the ordinance as written and would also not be covered by the EIR for the Plan.

A change from on-menu requirements for development standards that don't meet those on-menu requirements and to waiver or modification of development standards on the Menu of Incentives is not allowed by LAMC 12.22 A.25. The density bonus law, whether State or City, does not allow for an end run around specific regulations such that any on-menu item that does not comply with the specific on-menu requirements of the density bonus law can be approved as an off-menu item. If there was an unlimited off-menu approval capability for the on-menu items, the law would not need to go through all the detailed requirements for the on-menu items as the on-menu section would be moot.

The requirements for development standards (1) through (8) on the Menu of Incentives in paragraph (f) of LAMC 12.22 A.25, including FAR and height, may not be circumvented through waiver or modification because waivers and modifications of development standards are limited to any Development Standard(s) Not on the Menu of Incentives--see LAMC 12.22 A.25(g)(3).

To allow on-menu development standards that exceed the on-menu requirements to be approved as off-menu requests makes no legislative sense. If a development standard incentive exists "on the menu" then the applicant is stuck with the incentive that is described there, and so-called off-menu incentives are for things that are not listed on the Menu of Incentives. Otherwise, it would be as if the City wrote this very specific set of instructions and limitations for on-menu incentives, but then wrote another section of the ordinance that they interpret as saying the applicant can ask for anything they want instead of complying with the on menu density bonus development standard instructions and limitations. As noted above, the City's interpretation of the regulation that on-menu development standard incentives can be approved as off-menu items is directly contrary to the letter of the law at LAMC 12.22 A.25(g)(3), and any other interpretation of LAMC 12.22 A.25(g)(3) is not reasonable. It is impossible to understand how the City could interpret 12.22 A.25(g)(3) to allow on-menu development standards to be approved off-menu when the code clearly states that such waivers and modifications only qualify for off-menu approval for development standards that are NOT on the Menu of Incentives. Any reasonable mind could see that the City's interpretation of the law is incorrect and unreasonable and that error is being exploited by the developer as a way to obtain on-menu incentives for development standards for which they do not qualify.

If the law intended for items that don't comply with the on menu requirements to just be shifted to off-menu requests, then it would have stated that, or it would have simply done away with on-menu requests.

The City's interpretation and implementation of the law is unreasonable, erroneous, and an abuse of discretion.

Accordingly, we are appealing FAR and height as on-menu items, which is where they belong and must be analyzed for compliance:

FAR

The maximum FAR bonus allowed is 35%, or 2.025:1. The City's density bonus ordinance permits a FAR incentive bonus up to a maximum of 35% above the base FAR, or 2.025:1, and it can be increased up to 3:1 if the project satisfies additional criteria. However, the project does not front a street designated as a Major Highway and at least 50% of the project parcel is not within 1,500 feet of a "Transit Stop/Major Employment Center" as the Metro Rapid bus requirement is not met (see details at EXHIBIT B, pages 2 - 3), and thus the project does not satisfy the additional criteria and FAR must be limited to 35%.

The City has erred and abused its discretion in approving a FAR of 3.26:1.

Height

The maximum height incentive allowed is 41 feet: the 30 feet permitted in the base C2-1XL zone plus 11 feet or one additional story, whichever is lower. The Waiver of Development Standard is being used to allow a considerably taller project height than what the on-menu incentive at LAMC 12.22 A.25(f)(5) allows, which is counter to the language and intent of the density bonus law, as explained above. The density bonus on-menu height limit of 41 feet may not be circumvented through waiver as height is included in the Menu of Incentives and waivers are limited to any Development Standard(s) Not on the Menu of Incentives--see LAMC 12.22 A.25(g)(3).

A height of 45 feet 5 inches, which is 15 feet 5 inches, or 52%, over the base height in the Plan of 30 feet, creates a significant conflict with the Plan. It would be an unacceptable precedent and would cause a significant adverse cumulative impact on the character and scale of San Pedro for this applicant and other future applicants to violate the density bonus ordinance on-menu limitations for height.

The City has erred and abused its discretion in approving a height of 45 feet 5 inches.

Parking

The same arguments hold true for the parking requirement. LAMC 12.22 A.25 provides for specific parking options. If the intent was for parking requirements to be able to be waived in LAMC 12.22 A.25(g)(3), then there would be no need for those parking

options. It is implicit that a parking variance should not be approved off menu because the ordinance provides two options. There would be no sense in putting those options in the ordinance if anything could be requested for parking reductions off menu. The parking must meet one of the two parking options at LAMC 12.22 A.25(d).

Also, there is no evidence that the proposed bicycle spaces would mitigate the impacts of this parking reduction on parking and traffic.

In addition, the project must not be allowed to have unbundled parking as those selecting this option will be parking on the street, where virtually no additional parking exists already.

The City has erred and abused its discretion in approving a reduction of 41 spaces for the residential parking to 80 spaces.

CONDITIONAL USE FINDINGS (CU)

Finding 3.

The project will not enhance the built environment in the surrounding neighborhood or perform a function or provide a service that is essential or beneficial to the community, city or region.

This applicant claims that the increased density and intensity of use of the proposed development will be offset by the project's ability to provide the number of affordable units required by the City's Density Bonus policy and that therefore, the proposed project would provide a service that is essential and beneficial to the community, city, and region. This contention is absurd given that the community in which this proposed project is to be built is a low-income community of color in which the average median household income is approximately \$41,900 per year, and almost 90% of the proposed dwelling units will be market rate! Furthermore, this proposed project, at a height of 45 feet 5 inches, will tower over the surrounding community. The row of houses about 15 feet across the alley on the west side of the project, which consist of six one story and one two story, along with an entire block of similar homes to the west will be dwarfed by this block long giant, and they will lose over half the day's sunlight, which is vital to human health, in an area already subject to a large amount of pollution from the Port of Los Angeles. The few other apartment buildings in the area max out at 30 feet and are either two or three stories. This project would be 15 feet 5 inches, or over 50% taller than the tallest apartment building in the area! In addition, this entire area has a notorious dearth of available street parking to the point where it's nearly impossible to find a single space for blocks in the evening, yet this project's entitlement seekers are demanding a 41 space reduction from parking requirements resulting in a variance of 34% below code, making the ridiculous assertion that people potentially living here

won't have many cars and will take public transportation instead; however, this area doesn't even qualify as a Transit Oriented Community (TOC)! On top of that, half of their 80 parking spaces are proposed to be tandem, which is not permitted by any code for a building with these proposed entitlements and specifications, which will make half the parking unusable, and finally they say that the parking will be unbundled from 90% of the dwelling units. This will create a road rage mentality of people fighting for any available space they can find, double parking in narrow streets, blocking traffic, causing accidents, and jamming the two major tsunami evacuation routes, which are also the main routes for fire and police assistance, and in so doing, will be destroying the quality of life for the residents who live here now as well as potential future residents. *How does this in ANY WAY enhance the built environment in the surrounding neighborhood, perform a function, or provide a service that is essential or beneficial to the community, city, or region? The answer is that this project does the exact opposite!* There is no question that our community wants a project at this site, but we want a project that has a wide range of housing price points including very low income, low income, middle income, workforce housing, and lastly market rate. We already have a glut of vacant market rate housing in San Pedro, and an oversized, overpriced, out of character, mass, and scale generic urban infill, entitlement flipper fundrise profit scheme is not essential or beneficial to the solution our community.

Finding 4.

The project's location, size, height, operations and other significant features are incompatible with and will adversely affect and further degrade adjacent properties, the surrounding neighborhood, and the public health, welfare, and safety.

Significant Negative Effects of Incompatibility

CPSP, of which the individual owner or tenant Appellants are members, and the surrounding neighborhood will be adversely impacted by the project and the CPC determination because the project will negatively impact their quality of life. Of the seven adjacent residential properties in the block between 21st and 22nd street, there are six one-story homes and one two-story home, which would all be approximately twenty feet away from, and completely in the shadow of, this proposed 45.4-foot apartment building lined with balconies to look down on them. The project's size is grossly and materially over the mass and scale of the surrounding neighborhood [see exhibit 1], and it will shade adjacent residents' homes for much of the day, reducing their quality of life. It will significantly lessen sunlight and air flow and shut out the sunset views that are a defining characteristic of the neighborhood. The towering mixed-use structure is incompatible with its surroundings and will impair the integrity and character of the neighborhood and it will be detrimental to the public welfare.

Loss of Prosperity Opportunity

There will be a loss of prosperity opportunity due to the eighteen private studio lofts on the ground floor, which comprise more than 90% of the floor area in lieu of retail space.

This defies the Redevelopment Plan's key goals of retail continuity and promoting ground floor retail commerce and will have a significant adverse effect on the potential for small business opportunities for local residents.

Negative Effects on Outdated Infrastructure

The proposed project will significantly increase stress on the public infrastructure on Pacific Avenue, which is already outdated and insufficient. This will have a significant negative impact on area residents. San Pedro's Pacific Corridor residents already face daily infrastructure challenges including power interruptions, low water pressure, unreliable internet/cable services, sewer backup, and traffic flow problems. The currently outdated infrastructure presents frequent hardships. The proposed 100-unit project does not provide for any infrastructure upgrades for water, sewer, streets, power, or cable, and the City did not meet its obligations to assess the insufficient/outdated infrastructure by engaging the appropriate City Agencies to properly evaluate faltering systems including water, sewer, power, cable/high speed internet, street, traffic, mass transit, and emergency services. The City has not addressed the critical infrastructure issues related to this proposed project that will adversely affect the strained systems in the surrounding neighborhood and negatively affect public welfare and safety due to the significant increased intensity of use.

Safety Hazards Due to Insufficient Parking in the High Injury Network

Due to the proposed project's insufficient parking, there will be significantly increased parking and traffic issues in the community, which will endanger public safety. There is currently a shortage of street parking in the community, with people frequently double-parked and delivery trucks regularly parked in turn lanes along Pacific Avenue. Because there are only eighty proposed 'unbundled' parking spaces for 300+ new residents, residents will inevitably be driving around looking for non-existent parking.

This will be particularly dangerous because the proposed project is located in the City of LA's High Injury Network (HIN), which spotlights streets with a high concentration of traffic collisions that result in severe injuries and deaths, with an emphasis on those involving people walking and bicycling [see exhibit 2]. Nearly half the people killed in traffic crashes were pedestrians and cyclists. Residents of under-served communities like San Pedro are disproportionately killed in these traffic crashes, and an alarming number of those killed are children and older adults.

With children walking to and from the 15th Street Elementary School on Pacific Avenue, this is a very serious concern. And the inadequate/unlawful parking scheme of the proposed project will create an even more dangerous situation. The option of unbundled parking will turn many tenants to the street to look for free parking, especially those with financial limitations. Frustrated tenants will drive around looking for unavailable parking, which will compound the hazards in the High Injury Network. The City has failed to address these very real issues, which could be mitigated, in part, through limiting the project's size and providing required parking as per code. Traffic

Engineer Denis Bolideau provided the CPC with a detailed comment letter outlining the project's parking code violations [see exhibit 2].

Insufficient Mass Transportation

The Letter of Determination cites the 'proximity to public transit' as a justification for reduced parking, and a reason that the proposed project will not adversely affect adjacent properties, the surrounding neighborhood, or public health, welfare, and safety. However, it has been established in the Case File that the frequency of accessible public transit bus lines near the site does not qualify them as Major Transit stops - and therefore the project does not qualify for AB 744 or TOC parking reductions. To qualify, the project must be located within one-half mile of a major transit stop. As per PRC 21155 and 21064.3, major transit stop means a site containing any of the following: (a) existing rail or bus rapid transit station, (b) a ferry terminal served by either a bus or rail transit service, (c) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. The frequency of service interval of the Silver Line 910/950 Bus, with the stop directly in front of the subject site along Pacific Avenue (referenced in the Determination Letter), is 23 minutes during peak weekday mornings [see exhibit 3]. So, the public transit on Pacific Avenue does not qualify as 'Major Transportation.'

This is important because the tandem parking in the project plans would only be allowed in a TOC - and since Pacific Avenue does not qualify as a TOC, tandem parking is not allowed. As stated in Safety Hazards Due to Insufficient Parking in the High Injury Network above, the City's approval of tandem parking, which appears to be justified only by inference using the phrase 'proximity to public transit', will further complicate parking and traffic problems, and endanger local residents.

The inadequate mass transportation on Pacific Avenue is an existing infrastructure failure that will be exacerbated by the proposed project, because many more people will need to take the bus from subject site.

Project Environmental Impacts will Further Endanger Public Health

San Pedro's Port-related environmental hazards are well-documented:

The US EPA lists the area for 2111-2139 Pacific as among the worst in the nation in the categories of Environmental Indicators, Demographic Indicators, and Environmental Justice Indexes.

The California EPA has identified the project area as an SB 535 Disadvantaged Community, and among the neediest and most at-risk neighborhoods from pollution.

The South Coast AQMD's MATES IV Study lists the neighborhood as in the highest category for carcinogenic risk from exposure to air toxins and noxious ultrafine particle concentrations.

The LA County Department of Public Health lists Port-adjacent communities as having the highest numbers of Childhood Asthma cases in the City of LA.

A USC Annenberg Center for Health Journalism article states: "... *the intense pollution that emanates from the nation's largest port compromises the health of nearby communities... Asthma, sleep deprivation, hypertension, cancer: all have been linked to living near the Port...*" and cites the disproportionate "burden of disease" in communities like San Pedro.

The community has already commissioned expert noise, air quality, and traffic evaluations for a substantially similar (but smaller) project by the same developer seven blocks north on Pacific Avenue [CPC-2019-4908-DB-SPR/ENV-2019-4909-CE]. These studies, which are on record with the City, clearly demonstrate the significant adverse environmental impacts of the project with respect to Air Quality, Noise, and Traffic and are incorporated herein by reference to the City's files.

The addition of a second, larger project of the same type, within 2500 feet, is likely to have the same, if not worse, significant adverse impacts with respect to Air Quality, Noise, and Traffic as the first project. Experts in their respective fields have confirmed the significant adverse impacts from a project of this type and size in the Pacific Corridor and filed these reports with the City. The City appears to be ignoring the significant evidence that the proposed project's environmental impacts will further endanger public health in this already environmentally overburdened community.

"To obtain a use permit, the applicant must generally show that the contemplated use is compatible with the policies in terms of the zoning ordinances, and that such use would be essential or desirable to the public convenience or welfare, and will not impair the integrity and character of the zoned district or be detrimental to the public health, safety, morals or welfare" (0 'Hagen v. Board of Zoning Adjustment (1971) 19 Cal.App.3d 151).

As demonstrated above, the proposed project will further degrade and adversely affect other properties, impair the integrity and character of the zoned district, and be detrimental to the public health, safety, and welfare. Therefore, the conditional use permit cannot be allowed.

Finding 5.

The project does not substantially conform with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

RE: General Plan's Framework Element

The City attempts to justify the proposed project's scale abnormalities by citing consistency with the Framework Element's description of Mixed Use Boulevards

allowing “3- to 6-story mixed-use buildings between centers and higher buildings within centers.”

However, The Framework Element “does not supersede the more detailed community and specific plans.” [see exhibit 5], nor do the Framework Element's policies revise community plans or the Municipal Code, which are the basic mechanisms through which the City must regulate the use and development of land. The proposed project does not adhere to the community and specific plans or the Municipal Code, as demonstrated throughout this document and in the detailed letter to members of the City Planning Commission from Channel Law Group, LLP, dated August 30, 2021 [see exhibit 6].

There are no four, five, or six story buildings on Pacific Avenue in the RDP area within a mile of this proposed project, because they are not allowed in the “more detailed community and specific plans.”

Additionally, the intent of the General Plan Framework Element is to focus growth in areas “with available infrastructure” [see exhibit 5]. However, the City did not meet its obligations to actually assess the insufficient and outdated infrastructure in the Pacific Corridor by engaging the appropriate City Agencies to properly evaluate systems including water, sewer, power, cable/high speed internet, street, traffic, mass transit, and emergency services.

San Pedro’s Pacific Corridor residents face daily infrastructure challenges including power interruptions, low water pressure, unreliable internet/cable services, sewer backup, and traffic flow problems. The outdated infrastructure already presents frequent hardships. In addition, Pacific Avenue is the community and the Port’s main Tsunami Evacuation Route [see exhibit 7], the primary Emergency Services route, and is in the City’s High Injury Network [see exhibit 2]. The addition of hundreds of new residents and cars cannot be supported by the existing faltering infrastructure.

Finally, although there are two bus stops directly in front of the subject site along Pacific Avenue - one for the Metro Silver Line 950 BUS, and the other for the 246 bus line - the frequency of these lines does not qualify as a Major Transit stop. The insufficient transit service is another example of insufficient infrastructure, which does not align with the intent of the General Plan Framework Element.

RE: Land Use Element - San Pedro Community Plan

The determination erroneously states that “the proposed project aligns with the intent of the Plan.”

See following excerpts from the Plan and explanation of violations (a -h):

- a. *RE: Page F-9 Goal LU3: Multi-family residential neighborhoods with a mix of ownership and rental units that are well-designed, safe, provide amenities for residents, and exhibit the architectural characteristics and qualities that distinguish San Pedro.*

There is not a mix of ownership and rental units in this project as per Goal LU3. Also, the project, a generic contemporary-style urban infill design, in no way exhibits the architectural characteristics and qualities that distinguish San Pedro.

- b. *RE: Page F-9 Policy LU3.1: Neighborhood stability. Stabilize and improve existing multi-family residential neighborhoods, allowing for growth in areas where there are sufficient public infrastructure and services and where quality of life can be maintained or improved.*

The project's size is grossly out of sync with the surrounding neighborhood, and it will shade adjacent residents' homes for much of the day and block air circulation, reducing their quality of life. In addition, a four-story wall of balconies will loom over the adjacent predominately single-story homes only twenty feet to the west of the project, destroying the privacy of residents.

As established above (RE: General Plan's Framework Element) the public infrastructure on Pacific, including utilities, is outdated and insufficient. The project does not provide for any infrastructure upgrades for water, sewer, power, cable/high speed internet, street, traffic, mass transit, and emergency services. There is also insufficient public transportation as the bus schedules are too infrequent to qualify the area as a Transit Oriented Community (TOC). The project also does not qualify for a parking reduction under AB 744 as it is not located within one-half mile of a major transit stop--as per PRC 21155 and 21064.3, major transit stop means a site containing any of the following: (a) existing rail or bus rapid transit station, (b) a ferry terminal served by either a bus or rail transit service, (c) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

Residents' quality of life will not be maintained or improved but instead will be seriously degraded.

- c. *RE: Page F-9 Policy LU3.3: Equitable housing distribution. Provide an equitable distribution of housing types for all income groups throughout San Pedro's multi-family neighborhoods and promote mixed-income developments rather than creating concentrations of below-market-rate housing.*

The project does not provide equitable housing distribution. The project provides almost 90% market rate housing in the working-class Pacific Corridor with a median household income of \$41,900.

The average rent for an apartment in Los Angeles is \$2,524/month or \$30,288/year. Average local residents would have to spend almost 75% of their annual income to rent a market rate apartment in this development, which would make living there impossible.

Although the project succeeds in not “creating concentrations of below-market-rate housing” it is not even remotely an equitable housing distribution of housing types for all income groups. Based on median incomes, nearly 90% of the units are unaffordable for local residents. This in fact creates an inequitable distribution of market-rate housing and discriminates against lower income residents.

- d. RE: Page F-9 Policy LU3.4: Affordable housing and displacement. Encourage the replacement of demolished quality affordable housing stock with new affordable housing opportunities while minimizing the displacement of residents, through programs that support development while meeting the relocation needs of existing residents.*

The LA Mayor’s Displacement Pressure Index [[see exhibit 8](#)] shows that the current residents in the project area on Pacific Avenue, who are 82% non-white, are likely to be displaced.

The City cannot claim consistency with the Plan when in fact it is actively violating the central concept of anti-displacement of residents by approving a project, the cumulative impact of which will destabilize and displace an existing vulnerable community. This is clearly contrary to the guiding concepts of the Plan. The Determination Letter does not mention programs that will “meet the relocation needs of existing residents” as required.

- e. RE: Policy LU3.6: Amenities. Include amenities for residents such as on-site recreational facilities, community meeting spaces, and useable private and/or public open space in new multi-family development.*

There are no on-site recreational facilities or community meeting spaces for the area residents. With more than 90% of ground floor space dedicated to private residences, this development will largely eliminate an entire block of commercial public space and offers no usable public open space in the plans - effectively destroying opportunities for prosperity and engagement for the community.

- f. RE: Goal LU5: Strong and competitive commercial districts that are aesthetically appealing, pedestrian-oriented, easily accessible and serve the needs of the community while preserving the unique commercial and cultural character of the community.*

The City has not adequately assessed the needs of the existing community. The “unique cultural character of the community” has been disregarded in almost every aspect of the design of this project. Instead, the proposed project is an oversized generic

contemporary-style urban infill design, which is grossly out of sync with the surrounding neighborhood and in no way exhibits the architectural characteristics or cultural qualities that distinguish San Pedro.

- g. RE: Policy LU5.7: Strategically locate new large projects. Allow large projects in appropriate locations, and provided that projects do not interrupt community fabric, the street grid, designated public views, or the viability of commercial areas, and that those facilities are designed to be compatible in scale and character with surrounding uses.*

The project interrupts community fabric and the viability of commercial areas by privatizing most of an entire block in a commercial zone. As established through this document, the project, as designed, is incompatible in scale and character with surrounding uses [see exhibit 1 and exhibit 9]. This 'large new project' has not been strategically located as required. It will loom over the adjacent predominately single-story homes only twenty feet across the alley from the project, destroying the privacy of residents. There is no effective transition from the adjacent one-story homes to the looming 4-story 45 foot 5", 1 block long structure.

- h. RE: Policy LU5.15: Well-designed parking. Provide adequate employee and public parking for all commercial facilities that is complementary to adjacent uses, separating it from residential uses. Where possible, replace surface parking with structured parking, replace parking area drive aisles with pedestrian-friendly walkways, and infill parking areas with multi-story mixed-use buildings.*

The total of four (4) parking spaces for two retail units totaling 1,800 square is inadequate and will contribute to parking related traffic congestion that already negatively impacts the neighborhood. This will create an additional safety risk in the High Injury Network.

The project's parking is not designed according to regulations [see exhibit 3]. The tandem parking proposed violates LA Municipal Code in the following four ways:

1 - to qualify for tandem parking one parking stall per dwelling must be individually and easily accessible.

There are 100 units and only 59 stalls are individually accessible.

2 - One standard stall per dwelling unit must be provided.

Since the parking is "unbundled" - stalls are not provided for ANY dwelling units as required.

3 - Tandem parking is prohibited in commercial corner lot developments.

The land-use designation for this project is "neighborhood commercial" and the project is a commercial corner development with retail and mixed use.

Tandem parking is prohibited.

4 - When tandem parking is provided, onsite queuing spaces for the shuffling of cars is required.

There are no such queuing spaces in the plan.

The project's proposed parking is an extreme example of poor design and does not conform with the various plans and codes.

- i. *RE: Goal LU6: Attractive, pedestrian-friendly Neighborhood Districts that serve surrounding neighborhoods and businesses as local gathering places where people shop and socialize.*

Due to the largely private residential building's minimal amount of retail and lack of required public open space, it will not serve the surrounding neighborhood and businesses as a local gathering place where people shop and socialize.

RE: Housing Element

RE: Housing Element 2013-2021 - Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

This predominately market rate project will not be affordable to people of all income levels, races, ages, in San Pedro's Pacific Corridor. The community needs more affordable housing, in proportion to its demographics. Only 11%, or 11 VLI units out of 100 total project units is a very low ratio relative to other density bonus projects in the City. Contrary to Goal 1, the City has documented the significant harmful impacts of largely market rate development in our 82% non-white low income community [see exhibit 8]. Luxury market rate housing in low-income communities of color displaces and replaces residents. This proposed project will not suit the various needs of the existing community as required.

In its determination, the City states that the proposed project *conforms "with the applicable policies of the Housing Element."* However, the City cherry-picked which policies to cite as applicable, while actually omitting the most critical concepts guiding the Housing Element Update.

On City Planning's 'Housing Element Update' website [see exhibit 10], the city outlines six key Housing Element concepts that "*respond to urgent needs*" of Angelenos. **The top level priority is "Housing Stability and Anti-Displacement - Protect Angelenos – especially persons of color – from indirect and direct displacement, and ensure stability of existing vulnerable communities."**

However, the Mayor's own Displacement Pressure Index [see exhibit 8] shows that the current residents in the project area on Pacific Avenue, who are 82% non-white, are likely to be displaced.

The City cannot claim consistency with the policies of the Housing Element when in fact it is actively violating the central concept of anti-displacement of persons of color by approving a project, the cumulative impact of which will destabilize and displace an existing vulnerable community. This is clearly contrary to the guiding concepts of the Housing Element.

Although the proposed project will provide eleven affordable units, 89 units - roughly 90% - will be market rate. The cumulative impact will be to displace residents rather than "ensure stability of existing vulnerable communities."

RE: Mobility Plan

Mobility Plan 2035 includes goals that are equal in weight and define the City's high-level mobility priorities. Each of the goals contains objectives (targets used to help measure the progress of the Plan) and policies (broad strategies that guide the City's achievement of the Plan's five goals):

- *Safety First*
- *Access for All Angelenos*
- *World Class Infrastructure*
- *Collaboration, Communication and Informed Choices*
- *Clean Environments & Healthy Communities*

These goals represent a confluence of transportation and public health policy that can create opportunities to address the historic inequities in the City that have starkly limited quality of life in low-income communities. By placing a citywide emphasis on safety, access, and health the city can begin to equalize the playing field and first address socioeconomically disadvantaged areas with the highest need to connect people to more prospects of success through mobility.

Two of the Mobility Plan's key policy initiatives are the goals of 'Safety First' and 'Clean Environments and Healthy Communities.' The proposed project would violate both of these key policy initiatives.

The applicant cherry picks their conformance - citing the 127 bicycle parking spaces as healthy alternatives to spaces for cars. But they omit the fact that San Pedro is largely a 'bedroom community,' without adequate mass transportation, and so residents MUST have cars to get to work.

Without sufficient automobile parking included in the proposed project, people will drive around in circles in the High Injury Network looking for available street parking,

generating unnecessary vehicle exhaust and safety hazards in an already environmentally overburdened community. Creating 127 bicycle parking spaces instead of required automobile parking will create an unsafe and unhealthy environment. This would violate the Plan's key goals of 'Safety First' and 'Clean Environments and Healthy Communities.' Instead of upholding the Plan's goal to "*equalize the playing field and first address socioeconomically disadvantaged areas*" the project developer's goal appears to be profit-driven, at the expense of the community.

RE: San Pedro CPIO

*"The San Pedro Community Plan was recently updated in 2017. The vision for San Pedro is a stable community that provides a high quality of life for its residents: one that **builds upon its distinct natural beauty, rich cultural heritage, and proximity to the Port and waterfront, while retaining the community's small town feel** for multiple generations of San Pedrans."* [see exhibit 11]

As demonstrated elsewhere in this appeal and in the detailed letter to Members of the City Planning Commission from Channel Law Group, LLP, dated August 30, 2021 [see exhibit 6], the proposed project is not in substantial conformance with the Plan's implementing ordinance, the CPIO.

The City has not demonstrated how the project "*builds upon its [San Pedro's] distinct natural beauty, rich cultural heritage, and proximity to the Port and waterfront, while retaining the community's small town feel*" as per the Plan. The proposed project is an oversized generic contemporary-style urban infill design, which is grossly out of sync with the surrounding neighborhood and in no way exhibits the architectural characteristics or cultural qualities that distinguish San Pedro.

Additionally, the City erroneously asserts that the project conforms with the CPIO, but also states that: "*The project is subject to administrative review for compliance with the CPIO. Therefore, as conditioned herein and required by LAMC Section 13.14 G.2 and CPIO, the project will be subject to an administrative review and clearance process for CPIO compliance prior to the issuance of building permits.*" Since the project has not yet undergone the administrative review and clearance process for CPIO compliance, the City cannot make a finding that project is in compliance with the CPIO.

Finally, the design guidelines (page 50 of the CPIO) state: "development projects occupying more than 50% of a length of one side of a street block should provide public open space in the form of a plaza, outdoor dining area or another similar space." No such public open space has been provided, so the project is out of conformance.

RE: Pacific Corridor Redevelopment Plan

The project has not been adequately reviewed for consistency and compliance with the RDP. The Determination Letter states that "the project is consistent with the goals of the

Redevelopment Plan which seeks to preserve existing housing stock and provide choice for a variety of new and rehabilitated housing opportunities.”

However, the project clearly violates the RDP Vision Statement:

San Pedro is a stable community that provides a high quality of life for its residents -- one that builds upon its distinct natural beauty, rich cultural heritage, and proximity to the Port and waterfront, while retaining the community's small town feel for multiple generations of San Pedrans.

As established throughout this appeal, the generic oversized project in no way builds upon San Pedro's distinct natural beauty, rich cultural heritage, and proximity waterfront, while retaining the community's small-town feel.

The project's size is grossly out of sync with the neighborhood and is also out of alignment with the following RDP guideline:

*5.1.5. Transition to Adjacent Residential: **Respond to adjacent residential uses with a sensitive transition in scale and massing.** Where appropriate, building mass should be broken down with step backs in height, articulated sub-volumes, and facade articulation. Transitions between uses so as to maintain residential privacy. Situate parking, service, and storage facilities to mitigate impacts on adjacent residences and / or use appropriate screening techniques to conceal them.*

It has been proven throughout this Appeal that the project is not in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan, and therefore the Conditional Use (CU) cannot be approved.

Finding 6.

The project is not consistent with and does not implement the affordable housing provisions of the Housing element of the General Plan.

This finding is in error as the project does not provide a proportional amount of affordable housing units compared to the density increase it is seeking. The applicant is seeking a 47.5% increase in density, or 32 units (100 total units - 68 base units). The number of affordable units is only 16% of base units (11/68) and only 11% of total units (11/100). 11 VLI units out of 100 total units, or 11%, is not proportional to the 32 unit/47.5% density increase. In addition, 11 units is not proportional to the incentives approved by the CPC, of a 117% bonus for FAR, a 52% bonus for height and a 34% reduction in parking.

Also, only 11 VLI units for a 100-unit project, or 11%, is very low compared to the other density bonus projects being approved in the City and compared to the RDP's requirement that 15% of all new dwelling units are affordable.

Finding 7.

Calculation appears accurate.

Finding 8.

n/a

Finding 9.

Covenant is included in conditions.

Finding 10.

The conditions must be modified to specify that the 11 affordable units will be allocated between the various sized units – studio, 1 bedroom, 2 bedroom.

SITE PLAN REVIEW FINDINGS (SPR)

Finding 11.

The project is not in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.

Finding 11 is in error because, as noted in Finding 5. above and as further detailed below, the project does not meet the goals, objectives, and policies of the General Plan, Plan, Housing element, and Mobility Plan.

The SPR findings erroneously state [page F-15-16, point 11] that *“the proposed project is in substantial conformance with the purpose, intent, and provisions of the General Plan’s Framework Element, San Pedro Community Plan, Housing Element, Mobility Plan, CPIO, and Redevelopment Plan,”*

and

“As provided under Finding No. 5, the project would meet the goals, objectives, and policies of the General Plan, San Pedro Community Plan, Housing Element, and Mobility Plan, particularly those concerning adding housing and affordable housing near transit...”

These assertions are inaccurate in the following ways:

RE: General Plan's Framework Element

The City attempts to justify the proposed project's scale abnormalities by citing consistency with the Framework Element's description of Mixed Use Boulevards allowing "3- to 6-story mixed-use buildings between centers and higher buildings within centers."

However, The Framework Element "*does not supersede the more detailed community and specific plans.*" [see exhibit 5], nor do the Framework Element's policies revise community plans or the Municipal Code, which are the basic mechanisms through which the City must regulate the use and development of land. The proposed project does not adhere to the community and specific plans or the Municipal Code, as demonstrated throughout this document and in the detailed letter to members of the City Planning Commission from Channel Law Group, LLP, dated August 30, 2021 [see exhibit 6].

There are no four, five, or six story buildings on Pacific Avenue in the RDP area within a mile of this proposed project, because they are not allowed in the "*more detailed community and specific plans.*"

Additionally, the intent of the General Plan Framework Element is to focus growth in areas "*with available infrastructure*" [see exhibit 5]. However, the City did not meet its obligations to actually assess the insufficient and outdated infrastructure in the Pacific Corridor by engaging the appropriate City Agencies to properly evaluate systems including water, sewer, power, cable/high speed internet, street, traffic, mass transit, and emergency services.

San Pedro's Pacific Corridor residents face daily infrastructure challenges including power interruptions, low water pressure, unreliable internet/cable services, sewer backup, and traffic flow problems. The outdated infrastructure already presents frequent hardships. In addition, Pacific Avenue is the community and the Port's main Tsunami Evacuation Route [see exhibit 7], the primary Emergency Services route, and is in the City's High Injury Network [see exhibit 2]. The addition of hundreds of new residents and cars cannot be supported by the existing faltering infrastructure.

Finally, the inadequate mass transportation on Pacific Avenue is an additional existing infrastructure failure that will be exacerbated by the proposed project, because many more people will need to take the bus from subject site.

Without evaluating the insufficient infrastructure and requiring improvements commensurate with ongoing development, the City cannot assert that the project aligns with the intent of the General Plan's Framework Element to focus growth in areas "*with available infrastructure.*"

RE: San Pedro Community Plan and CPIO

"The San Pedro Community Plan was recently updated in 2017. The vision for San Pedro is a stable community that provides a high quality of life for its residents: one that builds upon its distinct natural beauty, rich cultural heritage, and proximity to the Port and waterfront, while retaining the community's small town feel for multiple generations of San Pedrans." [see exhibit 11]

As demonstrated elsewhere in this letter and in the detailed letter to Members of the City Planning Commission from Channel Law Group, LLP, dated August 30, 2021 [exhibit 6], the proposed project is not in substantial conformance with the Plan's implementing ordinance, the CPIO.

The City has not demonstrated how the project *"builds upon its [San Pedro's] distinct natural beauty, rich cultural heritage, and proximity to the Port and waterfront, while retaining the community's small town feel"* as per the Plan. The proposed project is an oversized generic contemporary-style urban infill design, which is grossly out of sync with the surrounding neighborhood and in no way exhibits the architectural characteristics or cultural qualities that distinguish San Pedro.

The determination states that the project is subject to administrative review for compliance with the CPIO but does not disclose the fact that the project does not comply with the CPIO and thus does not meet the requirements of the administrative review. The determination indicates that the project's increased FAR, reduced parking, elimination of loading requirements and increased height are allowed by the underlying zone in combination with Density Bonus law. However, the finding does not state that other laws can be considered that materially change the community plan and its CPIO. The project is not consistent with the required finding for consistency with the Community Plan and its CPIO.

Additionally, the City erroneously asserts that the project conforms with the CPIO, but also states that: *"The project is subject to administrative review for compliance with the San Pedro Community Plan Implementation Overlay ("CPIO"). Therefore, as conditioned herein and required by LAMC Section 13.14 G.2 and CPIO, the project will be subject to an administrative review and clearance process for CPIO compliance prior to the issuance of building permits."* Since the project has not yet undergone the administrative review and clearance process for CPIO compliance, the City cannot make a finding that project is in compliance with the CPIO.

RE: Pacific Corridor Redevelopment Plan

The project has not been adequately reviewed for consistency and compliance with the RDP. The Determination Letter states that "the project is consistent with the goals of the Redevelopment Plan which seeks to preserve existing housing stock and provide choice for a variety of new and rehabilitated housing opportunities."

However, the project clearly violates the RDP Vision Statement:

San Pedro is a stable community that provides a high quality of life for its residents -- one that builds upon its distinct natural beauty, rich cultural heritage, and proximity to the Port and waterfront, while retaining the community's small town feel for multiple generations of San Pedrans.

As established throughout this appeal, the generic oversized project in no way builds upon San Pedro's distinct natural beauty, rich cultural heritage, and proximity waterfront, while retaining the community's small-town feel.

The project's size is grossly out of sync with the neighborhood and is also out of alignment with the following RDP guideline:

*5.1.5. Transition to Adjacent Residential: **Respond to adjacent residential uses with a sensitive transition in scale and massing. Where appropriate, building mass should be broken down with step backs in height, articulated sub-volumes, and facade articulation. Transitions between uses so as to maintain residential privacy.** Situate parking, service, and storage facilities to mitigate impacts on adjacent residences and / or use appropriate screening techniques to conceal them.*

RE: Housing Element

In its determination the City states that the proposed project *conforms "with the applicable policies of the Housing Element."* However, the City cherry-picked which policies to cite as applicable, while actually omitting the most critical concepts guiding the Housing Element Update.

On City Planning's 'Housing Element Update' web page [see exhibit 10], the city outlines six key Housing Element concepts that "*respond to urgent needs*" of Angelenos. The top level priority is "***Housing Stability and Anti-Displacement - Protect Angelenos – especially persons of color – from indirect and direct displacement, and ensure stability of existing vulnerable communities.***"

However, the Mayor's own Displacement Pressure Index [see exhibit 8] shows that the current residents in the project area on Pacific Avenue, who are 82% non-white, are likely to be displaced.

The City cannot claim consistency with the policies of the Housing Element when in fact it is actively violating the central concept of anti-displacement of persons of color by approving a project, the cumulative impact of which will destabilize and displace an existing vulnerable community. This is clearly contrary to the guiding concepts of the Housing Element.

Although the proposed project will provide eleven affordable units, 89 units - roughly 90% - will be market rate. The cumulative impact will be to displace residents rather than *“ensure stability of existing vulnerable communities.”*

RE: Mobility Plan

Mobility Plan 2035 includes goals that are equal in weight and define the City’s high-level mobility priorities. Each of the goals contains objectives (targets used to help measure the progress of the Plan) and policies (broad strategies that guide the City’s achievement of the Plan’s five goals):

- *Safety First*
- *Access for All Angelenos*
- *World Class Infrastructure*
- *Collaboration, Communication and Informed Choices*
- *Clean Environments & Healthy Communities*

These goals represent a confluence of transportation and public health policy that can create opportunities to address the historic inequities in the City that have starkly limited quality of life in low-income communities. By placing a citywide emphasis on safety, access, and health the city can begin to equalize the playing field and first address socioeconomically disadvantaged areas with the highest need to connect people to more prospects of success through mobility.

Two of the Mobility Plan’s key policy initiatives are the goals of 'Safety First' and 'Clean Environments and Healthy Communities.' The proposed project would violate both of these key policy initiatives.

The applicant cherry picks their conformance - citing the 127 bicycle parking spaces as healthy alternatives to spaces for cars. But they omit the fact that San Pedro is largely a ‘bedroom community,’ without adequate mass transportation, and so residents MUST have cars to get to work.

Without sufficient automobile parking included in the proposed project, people will drive around in circles in the High Injury Network looking for available street parking, generating unnecessary vehicle exhaust and safety hazards in an already environmentally overburdened community. Creating 127 bicycle parking spaces instead of required automobile parking will create an unsafe and unhealthy environment. This would violate the Plan’s key goals of 'Safety First' and 'Clean Environments and Healthy Communities.' Instead of upholding the Plan’s goal to *“equalize the playing field and first address socioeconomically disadvantaged areas”* the project developer’s goal appears to be profit-driven, at the expense of the community.

Finding 12.

The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, and landscaping that is incompatible with existing and future development on adjacent properties and neighboring properties.

Incompatible Height, Bulk, and Setbacks

CPSP, of which the individual owner or tenant Appellants are members, and the surrounding neighborhood will be adversely impacted by the project and the CPC determination because the project will negatively impact their quality of life. Of the seven adjacent residential properties in the block between 21st and 22nd street, there are six one-story homes and one two-story home, which would all be approximately twenty feet away and completely in the shadow of this proposed 45.4-foot apartment building lined with balconies to look down on them. The project's size is grossly and materially over the mass and scale the surrounding neighborhood [see exhibit 1], and it will shade adjacent residents' homes for much of the day, reducing their quality of life. It will significantly lessen sunlight and air flow and shut out the sunset views that are a defining characteristic of the neighborhood. The towering mixed-use structure is incompatible with its surroundings, will impair the integrity and character of the neighborhood, and will be detrimental to the public welfare.

The determination states: "The proposed project will be four (4) stories and approximately 45 feet and 5 inches in building height, which will be comparable to the existing three-story apartment buildings directly across the street and corner from the subject site on 21st Street."

These three-story buildings are approximately thirty feet tall, so the proposed project will be 50% taller than both of them, and therefore is NOT comparable in height. The footprint of these buildings is much smaller than that of the proposed project, so they are also not comparable in mass.

It's important to note that these two are the ONLY three-story buildings within a 1,000-foot radius of the project. They are an anomaly - giants in an almost exclusively low-profile neighborhood. The proposed project would be 50% taller than any building, more massive than any building, and an aberration in the existing neighborhood.

Incompatible Parking

Due to the proposed project's insufficient parking, there will be significantly increased parking and traffic issues in the community, which will endanger public safety. There is currently a shortage of street parking in the community, with people frequently double-parked and delivery trucks regularly parked in turn lanes along Pacific Avenue. Because there are only eighty proposed 'unbundled' parking spaces for 300+ new residents, residents will inevitably be driving around looking for non-existent parking.

This will be particularly dangerous because the proposed project is located in the City of LA's High Injury Network (HIN), which spotlights streets with a high concentration of traffic collisions that result in severe injuries and deaths, with an emphasis on those involving people walking and bicycling [see exhibit 2]. Nearly half the people killed in traffic crashes were pedestrians and cyclists. Residents of under-served communities like San Pedro are disproportionately killed in these traffic crashes, and an alarming number of those killed are children and older adults.

With children walking to and from the 15th Street Elementary School on Pacific Avenue, this is a very serious concern. And the inadequate/unlawful parking scheme of the proposed project will create an even more dangerous situation. The unbundled parking will turn many tenants to the street to look for free parking, especially those with financial limitations. Frustrated tenants will drive around looking for unavailable parking, which will compound the hazards in the High Injury Network. The City has failed to address these very real issues, which could be mitigated, in part, through limiting the project's size and providing required parking as per code. Traffic Engineer Denis Bolideau provided the CPC with a detailed comment letter outlining the project's parking code violations [see exhibit 2].

Incompatible Loading Area

The community already struggles with an epidemic of double-parking by residents and delivery trucks, which also regularly park in turning lanes in the center of Pacific Avenue. The proposed project's internal loading area will cause additional ongoing hardship for the community, because it is likely that hurried delivery drivers will not choose to pull into the subterranean garage and park in order to drop off a package. With 100 units there are likely to be hundreds of deliveries each week, creating a chaotic and dangerous environment around the building.

LAMC 12.21 C.6 requires that a loading space be provided and maintained for a building with a commercial use that is located on a C or M Zone abutting an alley. As a mixed-use building with a commercial component at the ground floor on a C2-1XL-CPIO zoned lot adjacent to an alley, the project is required to provide a loading space with a minimum height of 14 feet, be accessible through a usable door not less than 3 feet in width and not less than 6 feet 6 inches in height, with a minimum area of 400 square feet, and a minimum width of 20 feet as measured along the alley. The applicant has requested to eliminate the loading space requirements of LAMC 12.21 C.6 and contends that the locational requirements along the alley will affect the residential units on the ground floor. The applicant instead proposes a loading space in the subterranean parking garage which further reduces the number available to the residents. The applicant has stated, without substantiation, that up to 2 dwelling units would be lost to comply with the code. This is an absurd argument. Compliance with any code requirements will result in fewer dwelling units.

Incompatible Landscaping

The design guidelines (page 50 of the CPIO) state: "development projects occupying more than 50% of a length of one side of a street block should provide public open space in the form of a plaza, outdoor dining area or another similar space." No such public open space has been provided, so the proposed project is out of conformance and will be incompatible with future development on neighboring properties. In addition, the proposed project offers no usable public open space - effectively destroying opportunities for community gathering and engagement.

The project's arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, and landscaping is incompatible with existing and future development on adjacent properties and neighboring properties, and reduces neighborhood stability and consistency with the visual quality of the area.

Finding 13.

The residential project does not provide recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

The 5,400 square feet open-air rooftop deck is likely to be a source of noise, and along with the 2,800 square feet of balconies will result in a loss of privacy for surrounding residents in one- and two-story homes.

SEC. 16.05. SITE PLAN REVIEW

(Renumbered and amended by Ord. No. 166,127, Eff. 9/23/90, Oper. 10/13/90.)

The purposes of site plan review are to 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.

The Site Plan Review for the proposed project at 2111-2139 Pacific was approved by the City in error and averts its responsibility to ensure adequate *site planning and improvements*, "promote public safety and the general welfare," and mitigate the significant adverse effects on the environment and surrounding properties.

The City erred and abused its discretion as the project violates LAMC 16.05.

PACIFIC CORRIDOR REDEVELOPMENT PLAN (RDP)

The determination is in error as a RDP Project Compliance Review was not performed, which was required as the project is not in compliance with the RDP.

Los Angeles City Ordinance 186,325/LAMC 11.5.14 provides review procedures for projects located within an active redevelopment plan area. The proposed project is located within the RDP area. The RDP was adopted in 2002 and does not expire until May of 2033.

The case number for the project originally included an entitlement for a RDP Project Compliance Review. The entitlement was later withdrawn by the applicant in error. While the City did conduct a review, that review was a ministerial review using a checklist that was completed erroneously by the applicant. The checklist concluded that the project conforms to the RDP. In fact, the project, for all of the reasons detailed herein, does not comply with the applicable RDP regulations and as such the City is required to perform a RDP Project Compliance Review. The City erred as it failed to comply with LAMC 11.5.14, which requires a RDP Project Compliance Review that includes findings and conditions for projects that do not comply with the RDP regulations.

The failure to comply with Ordinance No. 186,325 also retards the City's ability to comply with Section 33413 of the Health and Safety Code (HSC), which requires that:

(2) (A) (i) Prior to the time limit on the effectiveness of the redevelopment plan established pursuant to Sections 33333.2, 33333.6, and 33333.10 **at least 15 percent of all new and substantially rehabilitated dwelling units developed within a project area** under the jurisdiction of an agency **by public or private entities or persons other than the agency shall be available at affordable housing cost** to, and occupied by, persons and families of low or moderate income. Not less than 40 percent of the dwelling units required to be available at affordable housing cost to, and occupied by, persons and families of low or moderate income shall be available at affordable housing cost to, and occupied by, very low-income households. (Emphasis added).

The Project will result in the construction of 100 new dwelling units, only 11 of which will be affordable and reserved for VLI household occupancy for a period of 55 years. While this does represent 16% of base units, 11 units represents only 11% of the project's **total** units and HSC 33413(2)(A)(i) requires that 15 percent of **all new dwelling units** developed by "public or private entities other than the agency" be affordable. The proposed project would thus hamper the City's ability to comply with this State law requirement.

The 15 percent requirement for private and agency developments is distinct from HSC 33413(b)(1)'s requirement that 30 percent of all new and rehabilitated units developed

by an agency be affordable. For example, the One San Pedro Specific Plan project proposed by the Housing Authority of the City of Los Angeles (HACLA) that would redevelop an existing 478-unit public housing complex known as “Rancho San Pedro” with a 1,390-unit, mixed-income project cited by the applicant’s attorney in their June 1, 2021 letter, would be a project developed by an agency and would be subject to HSC 33413(b)(1) not HSC 33413(2)(A)(i). It therefore does not count against the HSC 33413(2)(A)(i) requirement.

Because the City failed to conduct the required review, findings and conditions for a project which is located in a redevelopment plan area, the City failed to proceed in the manner required by law. The City’s failure to comply with Ordinance 186,325 compounds the City’s severe affordable housing crisis and hinders the City’s ability to comply with Section 33413 of the HSC.

CEQA

Rather than prepare an EIR or MND for the project, the City has improperly approved the Project using an Exemption from CEQA pursuant to CEQA Guidelines, Section 15332, Article 19 (Class 32 – In-fill Development Projects).

A Categorical Exemption cannot be allowed and must be denied. The City must require an EIR or MND.

California Environmental Quality Act (CEQA) Guidelines Section 15332(a) requires Findings that 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. As such, all entitlements requested, including all density bonus on- and off-menu requests, the Conditional Use Permit, Redevelopment Plan compliance (RDP) and the Site Plan Review (SPR), are appealable under CEQA and challenged herein as pertains to these required CEQA Findings.

Pursuant to the CEQA Guidelines, Section 15332(a), the class 32 categorical exemption does not meet the condition that “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 project does not comply with all applicable zoning code regulations, including LAMC 12.22 A.25 (DB), LAMC 12.24 U.26 (CU), LAMC 12.36 (Multiple Permits), LAMC 11.5.14 (RDP) and LAMC 16.05 (SPR), as described at length in the appeal points herein. For example, the project does not qualify for a FAR density bonus incentive in excess of 35% (FAR of 2.025:1) as per the on-menu requirements. The applicant is requesting a FAR of 3.26:1, a bonus of 117%, significantly in excess of 35%. In addition, the FAR incentive does not qualify for an off-menu incentive (aka Waiver or Modification of any

Development Standard(s) Not on the Menu) under LAMC 12.22 A.25(g)(3) as FAR is included on the Menu of Incentives at LAMC 12.22 A.25(f) and thus is not eligible for LAMC 12.22 A.25(g)(3). Another example of non-compliance with the zoning code regulations is that the density bonus on-menu height limit of 41 feet may not be circumvented through waiver to allow a height of 45 feet 5 inches because height is included in the Menu of Incentives and as per LAMC 12.22 A.25(g)(3) waivers are limited to any Development Standard(s) Not on the Menu of Incentives.

In addition, the project is not in substantial conformance with the General Plan, which includes the Plan, as further detailed herein. For example, the height of the project of 45 feet 5 inches, which is 15 feet 5 inches (52%) over the base height in the Community Plan of 30 feet as per C2-1XL zone, which creates a significant conflict with the Plan.

Also, as noted in letters to DCP from members of the Public, incorporated by reference herein, there is inaccurate data provided by the applicant and its representative in the environmental application, which must be corrected prior to any further City decision. The surrounding infrastructure, including streets, water, sewer, power and cable, is outdated and insufficient. The project, which entails a significant increase in density and intensity of use over what is existing, will have a significant impact on the infrastructure of the area but does not provide for any infrastructure upgrades or mitigation of impacts. Studies done by the applicant's consultants, which conclude that there are no significant impacts, are erroneous and unrealistic. For example, export of 20,000 cubic yards of soil is a misleading and unrealistic number, clearly a "plug" in an attempt to qualify for a CE. Also, the traffic study uses unrealistic and misleading assumptions, resulting in grossly inaccurate estimated vehicle trips of 40 during the weekday a.m. peak hour and 33 during the weekday p.m. peak hour. DOT, relying on this flawed data, concluded that none of the study intersections would be significantly impacted by project-related traffic and thus the project will not have any significant impacts related to traffic. Again, these inaccurate and unrealistic assumptions were used as a "plug" in an attempt to qualify for a CE. In addition, impacts of construction risks such as asbestos and lead were not even studied, even though the consultants recognized that these were serious risks, for the sole reason that the applicant did not pay for them to opine on those risks.

The City has approved a CE in error. As described above, the project is not consistent with the applicable general plan (includes the Plan) designation and all applicable general plan policies and it also is not consistent with the applicable zoning regulations. Therefore, the project does not comply with CEQA Guidelines Section 15332(a).

In addition, as detailed in CEQA Guidelines Section 15300.2, there are exceptions to when a Categorical Exemption may be used:

15300.2. EXCEPTIONS

- (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.
- (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.
- (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.
- (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.
- (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.
- (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 proposed project may not be eligible for a CE pursuant to CEQA Guidelines Sections 15300(b) and 15300(c) due to the potential for cumulative impacts and due to the impacts associated with unusual circumstances. The City cannot act on the project until the appropriate environmental documentation has been prepared and analyzed with respect to Sections 15300(b) and (c).

A correct cumulative impact analysis of the project as required by CEQA would show that the project meets the exception to a CE and the City must require an MND or EIR. Under CEQA Guidelines 15300.2 EXCEPTIONS, categorical exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. A correct cumulative impacts analysis would show that the project meets the exception from a categorical exemption as it would include consideration of:

- the proposed project at 1309-1331 Pacific (between 13th St and 14th St)

- the subject proposed project at 2111-2139 Pacific (entire block between 21st St and 22nd St)
- the completed project at 1803 Mesa, 1 block east and 4 blocks south of the proposed project, on the entire block between 18th St & 19th St, which is within the Coastal Zone,
(all three of these projects are by the same applicant),
together with:
- the nine other similar large projects proposed or under construction in the area (see complete list of these projects mentioned in local news article “If You Think Traffic is Bad Now, Just Wait,” [see exhibit 12])

In considering other projects in analyzing cumulative impacts the City cannot only consider distance between projects. The City’s cumulative impact analysis only looks to a surrounding 500-foot radius of projects and fails entirely to identify or consider applicable past projects, concurrent projects or likely future projects and is thus inadequate; thus, the City has erred and abused its discretion.

Unusual Circumstances Preclude Usage of Class 32 Exemption

Under CEQA Guidelines 15300.2 EXCEPTIONS, categorical exemptions 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 City erroneously concluded that the project’s size and height is not unusual for the vicinity of the subject site, and is similar in scope to other existing multi-family dwellings and proposed future projects in the area. However, other commercial and multi-family dwellings in the area are consistent with height limits for the subarea. Further, the City failed to adequately recognize the following unusual circumstances, which in combination with the proposed project have the potential to result in significant impacts: (1) The project’s location in an area with poor air quality, increased cancer risk, and high environmental hazards scores from several agencies, (2) The project’s location on the City’s High-Injury Network and adjacency to both the Enhanced Pedestrian District in the 2035 Mobility Plan and Mobility Plan 2035 Bicycle Network, and (3) The fact that the project site is served by aging sewer lines.

The Project’s unusual circumstances, further described herein, have the potential to result in a number of potentially significant project and cumulative impacts, including: (1) Increased cancer and health risks, (2) Increased pedestrian and bicyclist accident risks and (3) Increased risk of sewer pipe leaks.

[see exhibit 6] for letter to the CPC dated August 30, 2021 from Jamie Hall, lawyer for Citizens Protecting San Pedro.

San Pedro Community Plan Program EIR

The CPC states that the environmental effects of the project were covered in the Program EIR for the Plan and that no new environmental effects not identified in the

Program EIR will occur and no new mitigation is required, and that the City has incorporated all feasible mitigation measures from the Program EIR on the project.

However, the project is not within the scope of the Plan. The only mention of the density bonus program in the Plan is in Program 9:

“Continue the implementation of the Density Bonus program in order to facilitate a mix of such units within the Community.”

The overriding theme throughout the Plan as well as the RDP is that preservation of the character of the community and compatibility of new projects with the surrounding neighborhood is paramount:

The vision for San Pedro is a stable community that provides a high quality of life for its residents: one that builds upon its distinct natural beauty, rich cultural heritage, and proximity to the Port and waterfront, *while retaining the community’s small town feel for multiple generations of San Pedrans.* (Plan)

Many of the community’s neighborhoods, including single-family neighborhoods, are well-established and not expected to change significantly as growth in other parts of the community occurs. The Plan seeks to generally direct growth away from these existing residential neighborhoods towards transit-oriented districts and corridors in commercial centers. (Plan p 10 introduction)

- To establish a basis for judging whether specific development proposals and public projects are in harmony with Plan policies and standards;
- To direct City Departments, other public agencies, and private developers to design projects that enhance the character of the community, taking advantage of its setting and amenities (Plan Chapter 1: Introduction & Orientation)

Conserve existing residential neighborhoods.

By focusing much of the City’s growth in centers and along commercial corridors, the City can better protect the existing scale and character of its single- and multi-family neighborhoods. The elements that contribute to the unique character of different residential neighborhoods should be identified and preserved whenever possible. (Plan Ch 1 p 18)

Mixed-Use Boulevards serve as “connecting spaces,” linking Neighborhood Districts, Community Centers, and Regional Centers with one another. *The scale, density, and height of development along designated Mixed-Use Boulevards* vary throughout the City but *are intended to be compatible with adjacent residential neighborhoods.* The term “mixed-use” connotes a variety of uses occurring within the boulevard, but *also the potential for mixing uses within individual*

structures, such as commercial on the ground floor and residential above. (Plan Ch 1 p 20)

Intent

New development should make a positive contribution to the community, and sensitivity to the surrounding character is especially crucial to the success of mixed-use infill and redevelopment projects. These projects should reinforce architectural context, placing strong visual emphasis on the street, and support active public space. (RDP 5.1)

Design harmonious transitions between new and older buildings.

Scale, massing and composition should be responsive to adjacent and nearby historically and architecturally significant buildings. Also, consider designs that are respectful and interpret history and context in a contemporary manner that avoids mimicry or imitation of historic styles. (RDP 5.1.1)

5.1.5. Transition to Adjacent Residential: Respond to adjacent residential uses with a sensitive transition in scale and massing. Where appropriate, building mass should be broken down with step backs in height, articulated sub-volumes, and facade articulation. Transitions between uses so as to maintain residential privacy. Situate parking, service, and storage facilities to mitigate impacts on adjacent residences and/or use appropriate screening techniques to conceal them. (RDP 5.1.5)

Thus, it is clear that the Plan and its EIR did not contemplate projects with the level of incentive requests of this project, materially in excess of the Plan's implementing ordinance--the CPIO's requirements-- a 47% increase in density, 117% increase (more than double what is allowed in the CPIO) in FAR, a 52% increase in height, and a 34% decrease in parking. Projects with incentives so materially different from the 35% density limit, on menu development standard incentive limits and parking development standard options must require additional analysis of impacts as they were not contemplated in the Plan. For example, the impacts of the increased density together with a 34% decrease in the parking requirement would very likely cause significant increased pressure on street parking in the area as well as on traffic circulation. This would very likely result in increasing cut through traffic on other residential neighborhood streets. For another example, the significantly increased use of Amazon deliveries due to the pandemic, which would impact the traffic and safety of the adjacent streets, could not have been considered as a part of the Program EIR.

There are site specific impacts of the proposed project that were not analyzed in the Program EIR that require new mitigation measures. Further, the Program EIR contains an Overriding Considerations clause that does not have any analysis and findings and thus cannot apply to individual projects as it would make the applicability of the CEQA law moot.

The Plan's Program EIR looked at environmental impacts assuming the projects complied with the Plan's CPIO. For density bonus projects, especially ones with such significant incentive requests over and above the normal 35%, additional environmental analysis must be required.

The City and applicant cannot avoid their responsibilities and obligations to the citizenry to assure adequate infrastructure is provided for a project such as this one that is so significantly beyond the CPIO requirements. We have the right to expect that our City leaders will provide the infrastructure necessary to support projects of this nature and size in terms of streets, circulation, utilities, schools, etc.

It is inconceivable to conclude that a project with de facto variances to the extent that this applicant is requesting doesn't require analysis of environmental impacts.

ERROR IN CONDITIONS

The applicant told the community that they were going to give bus passes for at least the first year to all residents in studio units. That should have been included in site plan condition number 14 but wasn't. This must be corrected.

ALL ENTITLEMENTS ARE APPEALABLE FOR PROJECTS REQUIRING MULTIPLE APPROVALS

Under LAMC 12.22 A.25(g)(3)(ii)a., for a project with a request for waiver or modification of any development standard(s) not on the menu that also has other discretionary applications, such as for this project (DB, CU, SPR, RDP), the applicable procedures set forth in LAMC 12.36 Projects Requiring Multiple Approvals shall apply. The requirements of LAMC 12.36 apply to quasi-judicial approvals for which the initial decision becomes final unless the specific code sections listed are appealed. The list of code sections covered by LAMC 12.36 includes LAMC 12.22 A.25 (DB), LAMC 12.24 (CU), LAMC 16.05 (SPR) and LAMC 11.5.14 (RDP). LAMC 12.36 further states that when the CPC is the initial decision-making authority for projects requiring multiple approvals that the appellate body is the City Council. Thus, all entitlements requested--density bonuses (whether indicated as on-menu or a request for modification of any development standard(s) not on the menu, Site Plan Review, Conditional Use, Redevelopment Plan and CEQA--are appealable to the City Council under LAMC 12.36.

The CPC determination states on page 2, under "Effective Date/ Appeals" that the decision of the CPC related to the off-menu incentives is not appealable. This is not

correct as all entitlements for the entire project are appealable under LAMC 12.36, as noted above. There is no provision for any exclusions.

DUE PROCESS ERRORS

Under the 5th and 14th amendments to the U.S. Constitution and Article 1, Section 7 of the State Constitution, stakeholders have Due Process rights when local agencies hold hearings for the purpose of making land use decisions.

Violation of On-Site notice posting requirements

The on-site notice required by law was not provided for the hearing scheduled for September 9, 2021 before the CPC. LAMC 12.24 D.3. requires a physical notice of the public hearing be posted at the site. This section of the Code states:

The Department **shall** give notice in **all** of the following manners: 3. **Site Posting.** By the applicant posting notice of the public hearing in a conspicuous place on the property involved at least ten days prior to the date of the public hearing. If a hearing examiner is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, shall also post notice of the initial meeting of the decision-making body on the matter. This notice shall be posted in a conspicuous place on the property involved at least ten days prior to the date of the meeting. *The Director of Planning may adopt guidelines consistent with this section for the posting of notices if the Director determines that those guidelines are necessary and appropriate.*

Further, the Director of Planning has adopted guidelines consistent with LAMC 12.24 D.3. on form CP-3251 FINDINGS/SPECIALIZED REQUIREMENTS: HOUSING INCENTIVES Density Bonus (DB) - Conditional Use (CU) - Public Benefit PUB). This project is requesting both DB and CU entitlements. Form CP-3251 states (near the bottom of page 1):

Notification includes mailings to property owners and occupants within a 500-foot radius of all contiguously owned properties of the subject site as well as on-site posting of the hearing notice. Applications reviewed at Planning Commission level also require on-site posting of the Commission Meeting Agenda.

In addition, Form CP-3251 DB refers to Forms CP-2074 and CP-7762 for additional instructions.

The site posting required by LAMC 12.24 D.3. and the special guidelines of Form CP-3251 for applications reviewed by the Planning Commission did not occur. Pictures taken on September 5, 2021 were provided.

We asked that the hearing be continued due to these deficiencies so that the required legal notice could be provided to the surrounding residents in order for the hearing to be valid. The hearing was not continued and thus the community's due process rights were violated.

In addition, according to CP-7762:

If the case involves more than one street frontage, post a sign on each street frontage involved.

We have photo evidence confirming that although there were signs posted on Pacific Ave and 21st Street, there were no signs on 22nd Street or on the adjacent alley.

As we notified the planner prior to the hearing, the hearing did not have the notice required by law, which violates the due process rights of those in the area surrounding the site. We believe there were many residents in the surrounding error who may not have received notice of the project due to these deficiencies and know that one resident whose home is adjacent to the alley did not see any on-site posting.

We also note that this applicant has a pattern and practice of violating City code and denying the neighbors surrounding their projects of due process.

Erroneous and confusing determination

On October 14, 2021, community members notified CPC staff and planning that the determination for CPC-2019-4884-CU-DB-SPR that was sent out electronically, and also by mail on October 5, 2021, has two sections called Findings. The second section appears to be an exact duplicate of the earlier section. The community is confused and not clear whether there are differences between the two Findings sections or whether another part of the determination has been left out that precedes the second Findings section. Because of this error, the document's integrity has been called into question. Neither CPC staff nor planning responded to our concerns. On October 18, 2021, we again requested that staff double-check the document and send out a new corrected version with a new appeal deadline. To this date there has been no response.

The public's due process rights have been violated due to the errors in noticing and the errors in the determination letter.

Misleading and erroneous appeal requirements

The Appeal form requirements are confusing and misleading as they only address Density Bonus projects under LAMC 12.22 A.25(g)(2)(i)f:

- a. At the top of page 3 of the form it states:
 “Density Bonus/TOC Appeal procedures for Density Bonus/TOC per LAMC Section 12.22 A.25(g)f.”
 Presumably the City meant to say LAMC Section 12.22 A.25(g)(2)(i)f. The appeal form must be corrected.
- b. The problem is that this code section does not cover the “additional incentives,” which are covered by LAMC 12.22 A.25(g)(3).
- c. Yet, as indicated near the top of page 3 of the appeal form the “additional incentives” may be appealed:
 “NOTE: Density Bonus/TOC cases, only the *on-menu or additional incentives* items can be appealed.”

It is not clear whether “additional incentives” as per the Appeal form is the same as “off-menu incentives” or if it is the same as “requests for waiver or modification of any development standards not on the menu” as used in LAMC 12.22 A.25(g)(3).

Another inconsistency is that the Housing Incentives form, CP-3251, states on page 3:

Density Bonus with Off-Menu Incentive Items: LAMC 12.22 A.25(g)(3) – Provide a pro-forma or other documentation to show that the waiver or modification is needed in order to make the Restricted Affordable Units economically feasible. A third-party peer review of the pro-forma is also required.

A pro-forma was not provided for the waiver and modification of development standards requested for this project, as is required.

City Planning has not accurately communicated the applicable regulations, even after the undersigned brought these errors to their attention in July 2020, and in fact it appears that the City is purposely leaving the inaccuracies on the form in order to obfuscate and help hide their errors.

Stakeholders were not allowed to speak in the public hearing

At the September 9, 2021 CPC hearing, numerous interested citizens attempted to provide a public comment by “raising their hand” on the zoom meeting as instructed, but they were not called on by the hearing coordinator. In addition, the neighborhood council representative was not allowed time to present her complete presentation.

The City has violated the community’s due process rights.

SUMMARY

New development has the power to transform communities, for better or worse. If approved, this proposal will set a dangerous precedent by ignoring the Plan, the CPIO and the RDP. San Pedro is in a unique position to change the way the city is being gentrified, for the better. We must incorporate lessons learned in Venice, downtown L.A, and other areas of the city where we have seen rapid overdevelopment resulting in rapid gentrification, and we should make inclusiveness of a community a core value of redevelopment.

We look forward to a project at this location and we welcome the opportunity at this time to work with the applicant to identify appropriate changes that would not only bring the project into compliance.

However, if that is not achieved, we insist that Councilman Buscaino and the City not allow a project to become a precedent for San Pedro, or anywhere else in the City of Los Angeles, that does not adhere to the law, as explained in this Appeal. The applicant is requesting a 52% height bonus, a 117% FAR bonus, a 46% increase in density, a 34% reduction from the density bonus parking option, and a waiver of loading zone requirements, but is only providing 11 VLI dwelling units out of the total of 100 dwelling units. These are outrageous bonuses compared to the affordable housing provided. The project is over two times the FAR allowed in the CPIO, and the project significantly undermines our Plan, the CPIO and the RDP, which will result in a significant adverse cumulative impact on the area surrounding the project location as well as on all of San Pedro, if not all of Los Angeles.

Table of Contents - EXHIBITS

EXHIBIT 1 - Height Differential - Proposed Project vs. Adjacent Single-Story Bungalows

EXHIBIT 2 - High Injury Network on Pacific Avenue

EXHIBIT 3 - Traffic Engineer Comment Letter

EXHIBIT 4 - Metro Silver Line Bus Schedule on Pacific Avenue

EXHIBIT 5 - General Plan Framework Element - Executive Summary

EXHIBIT 6 - Channel Law Group - Attorney Comment Letter

EXHIBIT 7 - Tsunami Evacuation Route on Pacific Avenue

EXHIBIT 8 - Displacement Pressure Map - Proposed Project Area

EXHIBIT 9 - Adjacent Garden Bungalows between 21st and 22nd Street

EXHIBIT 10 - Housing Element - Stability and Anti-Displacement

EXHIBIT 11 - San Pedro Community Plan Vision Statement

EXHIBIT 12 - San Pedro Today - Traffic and Development Article

**HEIGHT DIFFERENTIAL - SINGLE STORY HOMES
ADJACENT TO THE PROJECT, APPROXIMATELY TWENTY
FEET AWAY ACROSS THE ALLEY TO THE WEST.**



Of the seven adjacent residential properties in the block between 21st and 22nd street, there are six one-story homes and one two-story home, which would all be approximately twenty feet away and completely in the shadow of this proposed 45.4-foot apartment building lined with balconies to look down on them. The project's size is grossly out of sync with the surrounding neighborhood, and it will shade adjacent residents' homes for much of the day, reducing their quality of life.

exhibit 2

High Injury Network

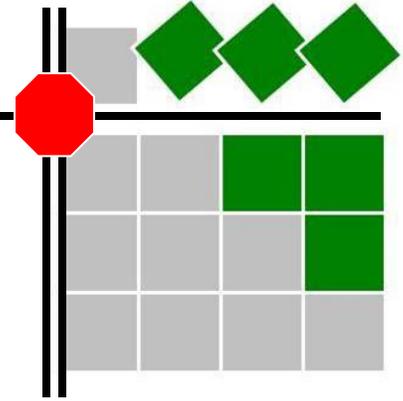
The City of Los Angeles High Injury Network (HIN) spotlights streets with a high concentration of traffic collisions that result in severe injuries and deaths, with an emphasis on those involving people walking and bicycling.



Data Highlights

INFRASTRUCTURE GROUP, INC.

2672 N. Vista Crest Road
 Orange, CA 92867
 (714) 749-6386



September 6, 2021

City of Los Angeles
 Department of City Planning
 Los Angeles, CA 90012

Subject: 2111 - 2039 South Pacific Avenue Residential Project
 Case Number: CPC-2019-4884-CU—DB-SPR

The City is using CEQA Guidelines § 15332 (Class 32 Categorical Exemption) for infill housing. In order to utilize this exemption, “the project is consistent with the applicable general plan designation and all general plan policies, as well as with zoning designation and regulations.”

That is not the case. A waiver for building height is being granted, in addition to the other three incentives as provided in the density bonus law. Therefore, the building is not consistent with zoning regulations, absent a waiver. This makes it ineligible for a Class 32 exemption.

PARKING

The number of parking spaces and configuration of the spaces fails to conform to the municipal code. Namely, the number of accessible stalls, and the width of the compact stalls. The parking structure stalls are “unbundled”, meaning that the stalls for use on a fee basis and are not associated with any specific unit. Tandem stalls are proposed in an operation where there is no valet, and spaces are for rent and unassigned. This proposed configuration is not functional and does not comply with the zoning code. Tandem spaces are only allowed when “At least one parking stall per dwelling unit and all stalls required for guest parking shall be individually and easily accessible”. And “At least one standard stall per dwelling unit shall be provided”. This parking lot is unbundled, and one stall is not assigned or provided per unit. Therefore tandem spaces should not be permitted. The applicable zoning code is below. The applicable pages from the LA Building and Safety informational bulletin are attached.

Informational Bulletin-LA Building and Safety Department

E. TANDEM PARKING STALLS

1. Tandem parking stalls are permitted in public garages and public parking areas providing an attendant. A “Covenant and Agreement to Provide Parking Attendant” will be required.
2. Tandem stalls are permitted in private parking garages and private parking areas provided:
 - a. At least one parking stall per dwelling unit and all stalls required for any guest parking shall be individually and easily accessible.
 - b. At least one standard stall per dwelling unit shall be provided.
3. Tandem parking shall be limited to a maximum of two cars in depth except for additional parking required in accordance with Section 12.21A17(h).
4. When determining access aisle widths for tandem parking having both standard and compact stalls in tandem, the aisle widths for standard stalls shall be used.

The site plan also fails to identify the location of the required 4 EV charging stalls & 26 EV capable stalls. The only identified EV stall is also reserved for the car share program.

The use of unbundled parking and tandem parking leads to an absurd result. 21 of the parking spaces are essentially unusable as they are behind another unbundled space.

The report states the applicant is opting for the **Density Bonus Parking Option 1**, which requires parking to be set by a dwelling unit basis. This equates to a total of 121 parking spaces. However, they further state they will also be using the **Bicycle Parking Ordinance, LAMC Section 12.21.A.4**, which allows affordable residential projects to reduce required vehicle parking by up to 10 percent, bringing the parking spaces down by 13 spaces to a total of 109 spaces. The applicant is proposing 84 spaces.

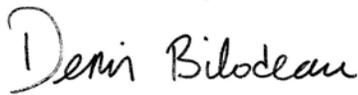
LA City Ordinance 179681, amends Section 12.22, 12.24, 14.00, and 19.01 of the Los Angeles Municipal Code to implement Density Bonus program as required by State law., "Housing Development Project that is for sale or for rent and qualifies for a Density Bonus and complies with this subdivision may be provided by complying with whichever of the following options requires the least amount of parking: **applicable parking provisions of Section 12.21 A.4 of this Code, OR Parking Option 1 OR Parking Option 2, below.**"

The applicant is double dipping on the parking reduction, which is not allowable. Therefore, the 109 required parking spaces cannot be reduced thus making the 84 proposed parking spaces not enough for the housing development.

Loading Space

LAMC Section 12.21 C.6 requires that a loading space be provided and maintained for a building with a commercial use that is located on a C or M Zone abutting an alley. As a mixed-use building with a commercial component at the ground floor on a C2-1XL-CPIO zoned lot adjacent to an alley, the project is required to provide a loading space with a minimum height of 14 feet, be accessible through a usable door not less than 3 feet in width and not less than 6 feet 6 inches in height, with a minimum area of 400 square feet, and a minimum width of 20 feet as measured along the alley. The applicant has requested to eliminate the loading space requirements of LAMC Section 12.21 C.6, and contends that the locational requirements along the alley will affect the residential units on the ground floor. The applicant instead proposes a loading space in the subterranean parking garage which further reduces the number available to the residents. The applicant has stated, without substantiation, that up to 2 dwelling units may be lost to comply with the code. This is an absurd argument. Compliance with any code requirements will result in less dwelling units.

Infrastructure Group Inc.
A California Corporation



Denis Bilodeau, PE



Monday through Friday

Effective Dec 15 2019

exhibit 4

Silver Line 910/950

Northbound to El Monte (Approximate Times)

Southbound to San Pedro (Approximate Times)

Route	Northbound to El Monte (Approximate Times)						Southbound to San Pedro (Approximate Times)							
	SAN PEDRO	HARBOR GATEWAY	LOS ANGELES	DOWNTOWN LOS ANGELES	EL MONTE	EL MONTE	DOWNTOWN LOS ANGELES	LOS ANGELES	HARBOR GATEWAY	SAN PEDRO				
	8	7	6	5	4	2	1	1	2	3	5	6	7	8
	Pacific & 21st	Harbor Beacon Park/Ride Lot	Harbor Gateway Transit Center	Harbor Freeway Green Line Station (See Note A)	Figueroa & 7th	Union Station (El Monte Busway & Alameda) (See Note B)	El Monte Bus Station	El Monte Bus Station	Union Station (El Monte Busway & Alameda) (See Note B)	Flower & 7th	Harbor Freeway Green Line Station (See Note A)	Harbor Gateway Transit Center	Harbor Beacon Park/Ride Lot	Pacific & 21st
910	—	—	4:40A	4:47A	5:06A	5:18A	5:33A	950	3:30A	3:44A	3:55A	4:12A	4:19A	4:35A 4:45A
950	4:27A	4:38A	4:56	5:03	5:22	5:34	5:49	910	4:00	4:14	4:25	4:42	4:49	—
910	—	—	5:12	5:19	5:38	5:51	6:06	950	4:17	4:31	4:42	4:59	5:06	5:22 5:32
950	4:54	5:06	5:25	5:32	5:52	6:06	6:21	910	4:33	4:47	4:58	5:16	5:23	—
950	5:06	5:18	5:37	5:44	6:04	6:19	6:34	950	4:49	5:03	5:14	5:32	5:39	5:56 6:06
910	—	—	5:47	5:54	6:15	6:30	6:45	910	4:58	5:12	5:23	5:41	5:48	—
950	5:23	5:35	5:55	6:02	6:24	6:39	6:54	910	5:05	5:19	5:30	5:48	5:55	—
910	—	—	6:02	6:09	6:31	6:46	7:01	950	5:12	5:26	5:37	5:55	6:02	6:19 6:29
910	—	—	6:08	6:15	6:38	6:53	7:09	910	5:19	5:33	5:44	6:02	6:09	—
950	5:41	5:53	6:13	6:20	6:44	6:59	7:15	910	5:26	5:41	5:52	6:11	6:18	—
910	—	—	6:18	6:25	6:50	7:05	7:21	910	5:33	5:48	5:59	6:19	6:26	—
910	—	—	6:23	6:30	6:56	7:12	7:28	950	5:39	5:54	6:05	6:25	6:32	6:50 7:00
950	5:55	6:07	6:27	6:34	7:00	7:16	7:32	910	5:44	5:59	6:10	6:30	6:37	—
910	—	—	6:32	6:39	7:05	7:21	7:39	910	5:49	6:04	6:15	6:35	6:42	—
950	6:04	6:16	6:36	6:43	7:10	7:26	7:44	910	5:54	6:10	6:21	6:41	6:48	—
910	—	—	6:40	6:47	7:14	7:30	7:48	910	5:59	6:15	6:26	6:46	6:53	—
910	—	—	6:44	6:51	7:18	7:34	7:52	950	6:04	6:20	6:31	6:51	6:58	7:16 7:26
950	6:15	6:27	6:48	6:55	7:23	7:39	7:57	910	6:08	6:24	6:35	6:55	7:02	—
910	—	—	6:52	6:59	7:27	7:43	8:01	910	6:13	6:29	6:41	7:01	7:08	—
910	—	—	6:56	7:03	7:31	7:47	8:05	910	6:17	6:33	6:45	7:05	7:12	—
910	—	—	7:00	7:07	7:35	7:51	8:10	950	6:22	6:38	6:50	7:11	7:18	7:37 7:47
950	6:27	6:41	7:03	7:10	7:39	7:55	8:14	910	6:26	6:43	6:55	7:16	7:23	—
910	—	—	7:07	7:14	7:43	7:59	8:18	910	6:31	6:48	7:00	7:21	7:28	—
910	—	—	7:10	7:17	7:46	8:02	8:21	910	6:35	6:52	7:05	7:26	7:33	—
950	6:37	6:51	7:13	7:20	7:49	8:05	8:24	950	6:39	6:56	7:09	7:30	7:37	7:57 8:07
910	—	—	7:17	7:24	7:53	8:09	8:28	910	6:44	7:00	7:14	7:35	7:42	—
950	6:44	6:58	7:19	7:26	7:55	8:11	8:30	910	6:48	7:04	7:18	7:40	7:47	—
910	—	—	7:23	7:30	7:59	8:15	8:34	910	6:53	7:08	7:22	7:44	7:51	—
950	6:52	7:06	7:27	7:34	8:03	8:19	8:38	910	6:57	7:12	7:26	7:49	7:56	—
910	—	—	7:29	7:36	8:05	8:21	8:40	910	7:02	7:16	7:30	7:53	8:00	—
950	7:00	7:14	7:35	7:42	8:11	8:27	8:46	910	7:06	7:20	7:35	7:58	8:05	8:25 8:35
910	—	—	7:31	7:38	8:07	8:23	8:42	910	7:11	7:24	7:39	8:02	8:09	—
950	7:07	7:21	7:42	7:49	8:18	8:34	8:53	910	7:15	7:28	7:44	8:07	8:14	—
910	—	—	7:37	7:44	8:13	8:29	8:48	910	7:19	7:33	7:49	8:12	8:19	—
910	—	—	7:41	7:48	8:17	8:33	8:52	910	7:23	7:38	7:54	8:17	8:24	—
950	7:19	7:33	7:54	8:01	8:30	8:46	9:05	950	7:26	7:44	8:00	8:23	8:30	8:49 8:59
910	—	—	7:58	8:05	8:34	8:50	9:09	910	7:31	7:49	8:05	8:28	8:35	—
910	—	—	8:02	8:09	8:38	8:54	9:13	910	7:36	7:54	8:10	8:33	8:40	—
910	—	—	8:06	8:13	8:42	8:58	9:17	910	7:41	7:59	8:15	8:38	8:45	—
910	—	—	8:10	8:17	8:46	9:02	9:21	910	7:46	8:05	8:21	8:43	8:50	9:09 9:19
910	—	—	8:14	8:21	8:50	9:06	9:25	950	7:51	8:10	8:26	8:48	8:55	—
950	7:42	7:56	8:17	8:24	8:53	9:09	9:28	910	7:56	8:15	8:31	8:53	9:00	—
910	—	—	8:18	8:25	8:54	9:10	9:29	910	8:01	8:20	8:36	8:58	9:05	—
910	—	—	8:22	8:29	8:58	9:14	9:33	910	8:06	8:25	8:42	9:04	9:11	—
950	8:07	8:21	8:42	8:49	9:18	9:34	9:53	950	8:11	8:31	8:48	9:10	9:17	9:36 9:46
910	—	—	8:26	8:33	9:02	9:18	9:37	910	8:16	8:37	8:54	9:15	9:22	—
910	—	—	8:30	8:37	9:06	9:22	9:41	910	8:21	8:43	9:00	9:21	9:28	—
910	—	—	8:34	8:41	9:10	9:26	9:45	910	8:26	8:49	9:07	9:28	9:35	—
950	8:26	8:40	8:61	8:68	9:37	9:53	10:12	910	8:31	8:50	9:07	9:28	9:35	—
910	—	—	8:38	8:45	9:14	9:30	9:49	910	8:36	8:58	9:15	9:36	9:43	—
910	—	—	8:42	8:49	9:18	9:34	9:53	910	8:41	9:04	9:21	9:42	9:49	—
910	—	—	8:46	8:53	9:22	9:38	9:57	910	8:46	9:09	9:26	9:47	9:54	—
910	—	—	8:50	8:57	9:26	9:42	10:01	910	8:51	9:14	9:31	9:52	10:00	—
950	8:51	9:05	9:26	9:33	10:02	10:18	10:37	910	8:56	9:19	9:36	9:57	10:04	—
910	—	—	8:54	9:01	9:30	9:46	10:05	910	9:01	9:24	9:41	10:02	10:09	—
910	—	—	8:58	9:05	9:34	9:50	10:09	910	9:06	9:29	9:46	10:07	10:14	—
910	—	—	9:02	9:09	9:38	9:54	10:13	910	9:11	9:34	9:51	10:12	10:19	—
950	9:18	9:32	9:53	10:00	10:29	10:45	11:04	910	9:16	9:39	9:56	10:17	10:24	—
910	—	—	9:06	9:13	9:42	9:58	10:17	910	9:21	9:44	10:01	10:22	10:29	—
910	—	—	9:10	9:17	9:46	10:02	10:21	910	9:26	9:49	10:06	10:27	10:34	—
950	9:18	9:32	9:53	10:00	10:29	10:45	11:04	950	9:31	9:54	10:11	10:32	10:39	—
910	—	—	9:14	9:21	9:50	10:06	10:25	910	9:36	9:59	10:16	10:37	10:44	—
910	—	—	9:18	9:25	9:54	10:10	10:29	910	9:41	10:04	10:21	10:42	10:49	—
950	9:36	9:50	10:11	10:18	10:47	11:03	11:22	910	9:46	10:09	10:26	10:47	10:54	—
910	—	—	9:22	9:29	9:58	10:14	10:33	910	9:51	10:14	10:31	10:52	10:59	—
910	—	—	9:26	9:33	10:02	10:18	10:37	910	9:56	10:19	10:36	10:57	11:04	—
950	9:54	10:08	10:29	10:36	11:05	11:21	11:40	910	10:01	10:24	10:41	11:02	11:09	—
910	—	—	9:30	9:37	10:06	10:22	10:41	910	10:06	10:29	10:46	11:07	11:14	—
910	—	—	9:34	9:41	10:10	10:26	10:45	910	10:11	10:34	10:51	11:12	11:19	—
950	9:54	10:08	10:29	10:36	11:05	11:21	11:40	950	10:16	10:39	10:56	11:17	11:24	—
910	—	—	9:38	9:45	10:14	10:30	10:49	910	10:21	10:44	11:01	11:22	11:29	—
910	—	—	9:42	9:49	10:18	10:34	10:53	910	10:26	10:49	11:06	11:27	11:34	—
950	9:54	10:08	10:29	10:36	11:05	11:21	11:40	950	10:31	10:54	11:11	11:32	11:39	—
910	—	—	9:46	9:53	10:22	10:38	10:57	910	10:36	10:59	11:16	11:37	11:44	—
910	—	—	9:50	9:57	10:26	10:42	11:01	910	10:41	11:04	11:21	11:42	11:49	—
950	9:54	10:08	10:29	10:36	11:05	11:21	11:40	950	10:46	11:09	11:26	11:47	11:54	—
910	—	—	9:54	10:01	10:30	10:46	11:05	910	10:51	11:14	11:31	11:52	11:59	—
910	—	—	9:58	10:05	10:34	10:50	11:09	910	10:56	11:19	11:36	11:57	12:04	—
950	9:54	10:08	10:29	10:36	11:05	11:21	11:40	950	11:01	11:24	11:41	12:02	12:09	—
910	—	—	10:02	10:09	10:38	10:54	11:13	910	11:06	11:29	11:46	12:07	12:14	—
910	—	—	10:06	10:13	10:42	10:58	11:17	910	11:11	11:34	11:51	12:12	12:19	—
950	9:54	10:08	10:29	10:36	11:05	11:21	11:40	950	11:16	11:39	11:56	12:17	12:24	—
910	—	—	10:10	10:17	10:46	11:02	11:21	910	11:21	11:44	12:01	12:22	12:29	—
910	—	—	10:14	10:21	10:50	11:06	11:25	910	11:26	11:49	12:06	12:27	12:34	—
950	9:54	10:08	10:29	10:36	11:05	11:21	11:40	950	11:31	11:54	12:11	12:32	12:39	—
910	—	—	10:18	10:25	10:54	11:10	11:29							

Executive Summary

INTRODUCTION

The General Plan Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the community plan and citywide elements. The Element responds to State and Federal mandates to plan for the future. In planning for the future, the City of Los Angeles is using population forecasts provided by the Southern California Association of Governments (SCAG). The Framework Element does not mandate or encourage growth. Because population forecasts are estimates about the future and not an exact science, it is possible that population growth as estimated may not occur: it may be less or it may be more. The City could be at the beginning of a long decline in population or at the beginning of a sharp increase.

The Element is based on the population forecasts provided by SCAG. Should the City continue to grow, the Element provides a means for accommodating new population and employment in a manner which enhances rather than degrades the environment. The City does not have the option of stopping growth and sending it elsewhere. It must prepare for it, should growth occur. In preparing the General Plan Framework Element, the City has answered the question "What would the City do if it had to accommodate this many more people?" In answer to that question there are two possibilities: 1) prepare a Plan to accommodate density equally among all City neighborhoods, or 2) prepare a plan to preserve the single-family neighborhoods and focus density -- should it occur -- in limited areas linked to infrastructure.

A plan to spread growth among all neighborhoods negatively affects all single-family neighborhoods equally, and continues strip commercial development patterns without respect to available infrastructure and transportation facilities. A plan to focus growth preserves single-family and low density neighborhoods and affords a closer relationship with available infrastructure.

The Framework Element refines adopted City policy and is intended to update Concept Los Angeles. The central theme of Concept Los Angeles was to preserve single-family neighborhoods by focusing any growth away from them and into centers. While planning for the future is demanding and challenging for the City, it is clear that given the choices about how best to respond to the mandates to plan for growth, the Framework Element is clearly the better alternative.

GENERAL PLAN FRAMEWORK ELEMENT AND ITS RELATIONSHIP TO THE CITY OF LOS ANGELES GENERAL PLAN

The Framework Element supersedes Concept Los Angeles and the Plan citywide elements of the City of Los Angeles General Plan, and sets forth a citywide comprehensive long-range growth strategy. It defines citywide policies that will be implemented through subsequent amendments of the City's community plans, zoning ordinances, and other pertinent programs. In many respects, the Framework Element is an evolution of the Centers Concept, adopted in 1974, that provides fundamental guidance regarding the City's future. The City of Los Angeles is a city of cultural and natural diversity: its communities reflect a variety of people, while its environment reflects a variety of natural features ranging from mountains and hills to rivers, wetlands and coastal areas. This Element contains policies that are intended to maintain this diversity.

While the Framework Element incorporates a diagram that depicts the generalized distribution of centers, districts, and mixed-use boulevards throughout the City, it does not convey or affect entitlements for any property. Specific land use designations are determined by the community plans. The Framework Element provides guidelines for future updates of the City's community plans. It does not supersede the more detailed community and specific plans.

State Requirements

California State law (Government Code Section 65300) requires that each city prepare and adopt a comprehensive, long-term general plan for its future development. This Element must contain seven elements, including land use, circulation, housing, conservation, open space, noise and safety. In addition to these, State law permits cities to include optional elements in their general plans, thereby providing local governments with the flexibility to address the specific needs and unique character of their jurisdictions.

In fulfillment of the State's requirements, the City's general plan contains citywide elements for all topics except Land Use for which community plans establish policy and standards for each of the 35 geographic areas. As optional elements, the City has adopted Air Quality and Service Systems Elements.

California State law requires that the day-to-day decisions of a city follow logically from and be consistent with the general plan. More specifically, Government Code Sections 65860, 66473.5 and 656474 require that zoning ordinances and subdivision and parcel map approvals be consistent with the general plan.

Scope of the General Plan Framework Element

The General Plan Framework Element defines citywide policies that influence most of the City's General Plan Elements. It includes policies for:

1. [Land Use](#)
2. [Housing](#)
3. [Urban Form and Neighborhood Design](#)
4. [Open Space and Conservation](#)
5. [Economic Development](#)
6. [Transportation](#)
7. [Infrastructure and Public Services](#)

Channel Law Group, LLP

8383 Wilshire Blvd., Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050

Writer's Direct Line: 310-982-1760
jamie.hall@channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN

*ALSO Admitted in Texas

August 30, 2021

VIA ELECTRONIC MAIL

Members of the City Planning Commission
Ms. Connie Chauv, City Planner, and
Cecilia Lamas, Commission Executive Assistant
Department of City Planning
200 North Spring Street
Los Angeles, CA 90012

RE: 2111 - 2139 South Pacific Avenue, CPC-2019-4884-CU-DB-SPR-RDP, ENV-2019-4885-CE

Dear Members of the City Planning Commission,

This firm represents Citizens Protecting San Pedro. The City is improperly processing the proposed project using an Exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32 Infill Development). This letter demonstrates that the proposed project is not eligible for a Categorical Exemption under CEQA. As detailed herein, an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) must be prepared for the project, in conformance with the requirements of the CEQA. This letter is in addition to, and augments, public comments already in the record, submitted during the administrative process by Citizens Protecting San Pedro and others. That information is incorporated herein by reference. The full project files are incorporated herein by reference.

1. CEQA STANDARD FOR USE OF A CATEGORICAL EXEMPTION

As indicated in the Hearing Notice for the project, rather than prepare an EIR or MND for the project, the City is improperly processing the project using an exemption from CEQA pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32 – In-fill Development Projects). This letter provides substantial evidence demonstrating that the project is not eligible for a Class 32 – Infill Development Exemption. Additional substantial evidence has been previously submitted and is contained in the project files. As detailed in CEQA Guidelines Section 15332, to use a Class 32 Exemption a project must meet the following conditions:

15332. IN-FILL DEVELOPMENT PROJECTS

Class 32 consists of projects characterized as 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 applicable zoning designation and regulations. (Emphasis added)
- (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. (Emphasis added)
- (e) The site can be adequately served by all required utilities and public services
Note: Authority cited: Section 21083, Public Resources Code.
Reference: Section 21084, Public Resources Code.

As detailed herein, the proposed project is not consistent with the applicable general plan designation and all applicable general plan policies, and it is also not consistent with the applicable zoning designation and regulations; therefore, the project does not comply with CEQA Guidelines Section 15332(a).

Also, as detailed in CEQA Guidelines Section 15300.2, there are exceptions to when a Categorical Exemption may be used:

15300.2. EXCEPTIONS

- (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.
- (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.
- (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.
- (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.
- (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.
- (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 proposed project may not be eligible for a Categorical Exemption pursuant to CEQA

Guidelines Sections 15300(b) and 15300(c) due to the potential for cumulative impacts and due to the impacts associated with unusual circumstances. The City cannot act on the project until the appropriate environmental documentation has been prepared and analyzed with respect to Sections 15300(b) and (c).

2. FAILURE TO MEET REQUIREMENTS OF 15332(a) – DUE TO LACK OF CONSISTENCY WITH GENERAL PLAN POLICIES AS WELL AS WITH APPLICABLE ZONING DESIGNATION AND REGULATIONS

The parcels are zoned C2-1XL-CPIO. C2 zoning allows for C1.5 Uses; Retail w/ Limited Manufacturing, Service Stations and Garages, Retail Contr. Business, Churches, Schools, Auto Sales, R4 Uses. The 1XL designation indicates the project parcels are in a height district that allows for a maximum of: Height - 30 ft and FAR - 1.5:1. The CPIO designation indicates the project parcels are in the San Pedro Community Plan Implementation Overlay area (CPIO). Ordinance 185539 enacting the Overlay District is available at: <https://planning.lacity.org/odocument/213bd163-9baf-45f3-aa8a-01b4a2adbb2d> The current San Pedro Community Plan (Community Plan) was adopted on October 4, 2017. The Community Plan is available at: <https://planning.lacity.org/plans-policies/community-plan-area/san-pedro> The parcels are also in the City’s Pacific Corridor Redevelopment Plan Area, available at: <https://planning.lacity.org/plans-policies/overlays/pacific-corridors>

The proposed project is not eligible for a Class 32 exemption because it is not consistent with regulations, the applicable zoning designation, and with General Plan and Community Plan policies.

Consistency With C2-1XL-CPIO Zoning Designation and LAMC Section 12.22 A.25

Table 1 provides a comparison of the proposed project with what is allowed under the C2-1XL-CPIO zoning designation and LAMC Section 12.22 A.25. Section 12.22 A.25(f) of the LAMC contains the list of eight on-menu incentives for affordable housing provision. FAR is an on-menu development standard, which is not allowed to be approved as an off-menu incentive as per LAMC Section 12.22 A.25(g)(3)(i). In addition, the applicant requests an off-menu incentive for a reduction in parking from the 121 parking spaces required by Density Bonus Parking Option 1 and LAMC Section 12.22 A.25(d)(1) to only 80 spaces. There is also a requested off-menu incentive for elimination of loading space requirements under LAMC Section 12.21 C.6. Height is also an on-menu incentive that cannot be approved as an off-menu incentive. In addition, using a Waiver of Development Standard to allow for the increased height appears to be a way for the project to get four, rather than three incentives.

As shown in the table, the project applicant’s requested deviations from code are excessive and unpermitted. The project is only eligible for three of the affordable housing incentives and is requesting four. In addition, the project does not comply with the requirements for some of the requested incentives.

TABLE 1	
ANALYSIS OF PROJECT’S COMPLIANCE WITH ZONING REQUIREMENTS	
ZONING CODE REQUIREMENTS /1/	PROPOSED PROJECT
Allowed Density is 24,336 (lot size)/400 = 61 units	

<p>Very Low Income Units – Density Bonus Allowed per Section 12.22 A.25(c)</p>	<p>Very Low Income Units = 11 Total Units =100</p> <p>If project is entitled to a 35% density bonus, this would allow for 82 units. The project includes 100 units and thus is requesting a conditional use permit for an additional 18 units, or a 64% density bonus.</p>
<p>Very Low Income Units – Incentive Allowed per Section 12.22 A.25(e) from menu in Section 12.22 A.25(f)</p>	<p>Allowed Units Without Density Bonus = 61</p> <p>Very Low Income as Percent of Total Units (11/100) = 11%</p> <p>Very Low Income as Percent of Total Units excluding Density Bonus units (11/61) = 18%.</p> <p>LAMC Section 12.22 A.25(e) provides for three incentives with provision of 15% very low income units (excluding density bonus units).</p> <p>More than three incentives are being requested.</p>

**TABLE 1
ANALYSIS OF PROJECT'S COMPLIANCE WITH ZONING REQUIREMENTS**

ZONING CODE REQUIREMENTS /1/	PROPOSED PROJECT
Height: 30 ft	<p>Inconsistent With Requirements of Incentive Menu Item 4; Applicant is Requesting a Waiver of This Development Standard Which Would Appear to be an Attempt to Circumvent the Number of Allowable Incentives</p> <p>The project height is 45 feet, 5 inches in lieu of the 30 feet otherwise permitted by the C2- 1XL-CPIO Zone and CPIO Section IV- 2.A.2.</p> <p>Section 12.22 A.25(f) Menu Incentive item 5 allows for a percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Housing Development Project is eligible. This percentage increase in height shall be applicable over the entire parcel regardless of the number of underlying height limits.</p> <p>The proposed project would thus be eligible for a 35% increase in height from 30 feet to 40 feet 6 inches.</p> <p>This menu item further provides:</p> <ul style="list-style-type: none"> (i) In any zone in which the height or number of stories is limited, this height increase shall permit a maximum of eleven additional feet or one additional story, whichever is lower, to provide the Restricted Affordable Units. (a) No additional height shall be permitted for that portion of a of a building in a Housing Development Project that is located within fifteen feet of a lot classified in the R2 Zone. (b) For each foot of additional height the building shall be set back one horizontal foot.

**TABLE 1
ANALYSIS OF PROJECT'S COMPLIANCE WITH ZONING REQUIREMENTS**

ZONING CODE REQUIREMENTS /1/	PROPOSED PROJECT
	<p>(ii) No additional height shall be permitted for that portion of a building in a Housing Development Project that is located within 50 feet of a lot classified in an R1 or more restrictive residential zone.</p> <p>(iii) No additional height shall be permitted for any portion of a building in a Housing Development Project located on a lot sharing a common lot line with or across an alley from a lot classified in an R1 or more restrictive zone. This prohibition shall not apply if the lot on which the Housing Development Project is located is within 1,500 feet of a Transit Stop but no additional height shall be permitted for that portion of a building in the Housing Development Project that is located within 50 feet of a lot classified in an R1 or more restrictive residential zone.</p> <p>Item (i) would allow for a maximum height of 41 feet. The proposed project exceeds this height. Furthermore, as shown in the ZIMAS records for the project parcels, the project site shares a western property line with parcels zoned R1.5.</p> <p>The proposed project is thus inconsistent with what is allowable under this menu item. Also, the project is not eligible for a waiver as on-menu development standards are not eligible for off-menu incentives.</p>

**TABLE 1
ANALYSIS OF PROJECT'S COMPLIANCE WITH ZONING REQUIREMENTS**

ZONING CODE REQUIREMENTS /1/	PROPOSED PROJECT
FAR: 1.5:1	<p>Inconsistent With Requirements of Requested Incentive Menu Item 4</p> <p>The project's FAR is 3.26:1 This represents a 117 percent increase over the allowable FAR.</p> <p>Per Menu Incentive item 4 the project is entitled to:</p> <p>(i) A percentage increase in the allowable Floor Area Ratio equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35%;</p> <p>(ii) In lieu of the otherwise applicable Floor Area Ratio, a Floor Area Ratio not to exceed 3:1, provided the parcel is in a commercial zone in Height District 1 (including 1VL, 1L and 1XL), and fronts on a Major Highway as identified in the City's General Plan, and</p> <p>a. the Housing Development Project includes the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus, and</p> <p>b. 50% or more of the commercially zoned parcel is located in or within 1,500 feet of a Transit Stop/Major Employment Center.</p> <p>A Housing Development Project in which at least 80% of the units in a rental project are Restricted Affordable Units or in which 45% of the units in a for- sale project are Restricted Affordable Units shall be exempt from the requirement to front on a Major Highway.</p> <p>The proposed project does not front on a Major Highway, as identified in the City's General Plan. Pacific Avenue is identified as Avenue II Modified on the San Pedro Community Plan Circulation Map, which is an arterial, not a Major Highway per page 18 of the</p>

TABLE 1 ANALYSIS OF PROJECT'S COMPLIANCE WITH ZONING REQUIREMENTS	
ZONING CODE REQUIREMENTS /1/	PROPOSED PROJECT
	<p>2035 Mobility Plan. Also, the project is not within 1,500 feet of a Metro Rapid Bus stop. It is therefore not eligible for a FAR of 3.26:1.</p> <p>Per Section 12.22 A.25(f)(4) the project only qualifies for a 35% increase in FAR, which would be a FAR of 2.025:1.</p>
<p>/1/ Zoning Code Summary available at: https://planning.lacity.org/odocument/eadcb225-a16b-4ce6-bc94-c915408c2b04/Zoning_Code_Summary.pdf</p>	

Consistency with CPIO

The project site is within Coastal Commercial Subarea A of the San Pedro Community Plan Implementation Overlay District (CPIO).

Chapter IV of the CPIO addresses the development standards for developments within this subarea. As noted on page 28 of the CPIO:

The intent of the supplemental development regulations in this Chapter IV is to create a small-scale pedestrian-friendly corridor that serves the daily needs of residents and employees. These supplemental development regulations create compatible infill development through transitions, scale, massing, and landscaping. Projects within the Coastal Commercial Subareas A and B (see Figure IV) **shall** comply with the applicable supplemental development regulations in this Chapter IV. (Emphasis added).

The proposed project is inconsistent with both the letter and intent of the CPIO for this area. As shown in **Table 2**, the proposed project exceeds the building height and building density and intensity standards for the area included in the CPIO.

TABLE 2 ANALYSIS OF PROJECT'S COMPLIANCE WITH CPIO REQUIREMENTS FOR SUBAREA /1/	
CPIO REQUIREMENTS FOR SUBAREA	PROPOSED PROJECT
<p>A. Building Height. In addition to any regulations set forth by the underlying zone and the LAMC, Projects shall comply with the following building height regulations:</p> <p>2. Maximum Height:</p> <p>(a) The maximum height for Height District 1XL shall be 30 feet.</p>	<p>Inconsistent</p> <p>The proposed project is 45 feet, 5 inches in height.</p>

<p>B. Building Density & Intensity. In addition to any regulations set forth by the underlying zone and the LAMC, Projects shall comply with the following building density and intensity regulations:</p> <p>1. The maximum FAR shall be 1.5:1.</p>	<p>Inconsistent</p> <p>The project's FAR is 3.26:1. This represents a 117 percent increase over the allowable FAR. This is also in excess of the FAR on-menu density bonus provided in LAMC Section 12.22 A.25(f) for projects providing Very Low Income Housing Units.</p>
<p>/1/ Pages 30-34 CPIO Ordinance available at: https://planning.lacity.org/odocument/213bd163-9baf-45f3-01b4a2adbb2d</p>	

Inconsistency With General Plan Policies

The proposed project is inconsistent with the following General Plan policies:

General Plan Framework

The General Plan Framework, adopted in December 1996, provides long term guidance on land use issues for the entire City.

Policy 3.1.8 Consider the formulation of plans that facilitate the local community's identification of precise uses, densities, and design characteristic for development and the public streetscape for neighborhood areas smaller than the community plans, provided that the Framework Element's differentiation and relationship among land use districts are generally maintained, there is no significant change in the population and employment capacity of the neighborhood, and there is no significant reduction in overall housing capacity.

The standards in the Community Plan and CPIO address issues raised by stakeholders in the community while balancing the need to retain housing capacity. Site plan and building design regulations mitigate impacts of massing on the shade, scale, shadow, aesthetics, and public streetscape. The proposed project is inconsistent with the standards included in the CPIO.

Objective 5.1 Translate the Framework Element's intent with respect to citywide urban form and neighborhood design to the community and neighborhood levels through locally prepared plans that build on each neighborhood's attributes, emphasizes quality of development and provide or advocate "proactive" implementation programs.

The Community Plan and CPIO standards are tailored to the community and respond to the local context. The proposed project is inconsistent with those standards.

General Plan Housing Element

Policy 2.8.1. Establish individual community visions that retain and enhance community character through the Community Plan Update Program and the Framework Element.

The standards within the Community Plan and CPIO were developed to specifically

address the needs of the area. The proposed project is inconsistent with the standards established in the Community Plan and CPIO.

San Pedro Community Plan

As detailed on page 3-24 of the Community Plan, the project site is within the area designed as Neighborhood Commercial:

Neighborhood Commercial Districts

Several Neighborhood Commercial Districts are located throughout the community providing daily convenience services to people living in nearby residential areas. Typical establishments found in these areas include markets, barber and beauty shops, laundromats and dry cleaners, restaurants, convenience stores, coffee shops and small professional offices. These districts contain mostly small-scaled, 1 to 2 story buildings with local businesses that provide goods and services to the adjacent neighborhoods and community at large. Neighborhood Commercial Districts include the following:

- Gaffey Street between 5th and 19th Streets
- 9th Street between Meyler Street and Pacific Avenue
- Pacific Avenue and “Welcome Gateway”
- Western Avenue and 25th Street
- Weymouth Corners
- Park Plaza and Harbor Cove

Page 3-25 of the Community Plan describes the Neighborhood Commercial area containing the project as follows:

Pacific Avenue and “Welcome Gateway”

Pacific Avenue between 9th and 25th Streets is a mixed-use area with street-fronting retail, restaurants, bars, banks and auto-related uses. A prevailing two-to three-story street wall at 9th Street gradually loses consistency as it heads away from the Downtown core, with several corner shopping malls, parking lots and auto repair businesses located between 14th Street and 19th Street. The district also includes a public elementary school and some multi-family residential uses. Between Oliver and 3rd Streets, the mix of uses is similar to those found along the southern portion of Pacific Avenue. This area is also one of the primary entry points into the community from north of San Pedro as well as Long Beach. Thus, this area provides an opportunity to better identify a key entryway into San Pedro beginning at about Oliver Street and extending into Downtown.

The San Pedro Community Plan is incorporated by reference. The proposed project, due to its mass, height and scale in excess of the 30 foot height and FAR of 1.5:1 for the Community Plan subarea, and its adjacency to residential uses, is inconsistent with the following land use policies in the San Pedro Community Plan for commercial areas, including Neighborhood Commercial areas, such as the project area:

LU 5.4 Appropriate transitions. New development should respect and complement the architectural and building patterns of surrounding existing residential areas. New buildings that abut residential zones or are adjacent

to residential neighborhoods that have lower development intensities and building heights should ease the scale of transition through use of downsizing scale, massing, heights, or setbacks.

LU. 5.5 Complementary residential uses. Residential uses in commercial areas should complement and enhance commercial districts with compatible design, entrances, scale, massing and continuation of the streetwall.

LU 5.7 Strategically locate new large projects. Allow large projects in appropriate locations, and provided that projects do not interrupt community fabric, the street grid, designated public views, or the viability of commercial areas, and that those facilities are designed to be compatible in scale and character with surrounding uses.

LU 6 Attractive, pedestrian-friendly Neighborhood Districts that serve surrounding neighborhoods and businesses as local gathering places where people shop and socialize.

LU6.1 Neighborhood services. Encourage the retention of existing and the development of new commercial uses that are primarily oriented to the residents of adjacent neighborhoods and promote the inclusion of community services (e.g., childcare and community meeting rooms).

Because the project is not consistent with the Community Plan standards specifically adopted in order to ensure compliance with these policies and objectives, it is not consistent with the General Plan and San Pedro Community Plan policies and objectives and would result in a land use impact. It therefore does not qualify for a Class 32 Exemption, which requires that a project be consistent with the applicable general plan designation **and all** applicable general plan policies as well as with applicable zoning designation and regulations. (Emphasis added). In addition, a SPR (Site Plan Review) cannot be approved as the findings regarding consistency with the Plans cannot be made. Furthermore, the case number for the project originally included an entitlement for RDP, indicating an entitlement request to determine compliance with the Pacific Corridor Redevelopment Plan. The entitlement was later withdrawn in error.

As detailed herein, the proposed project is not consistent with the applicable general plan designation and **all** applicable general plan policies as well as with the applicable zoning designation and regulations, and therefore it does not comply with CEQA Guidelines Section 15332(a). The use of a categorical exemption is not appropriate for the proposed project; additional CEQA review is required.

I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,

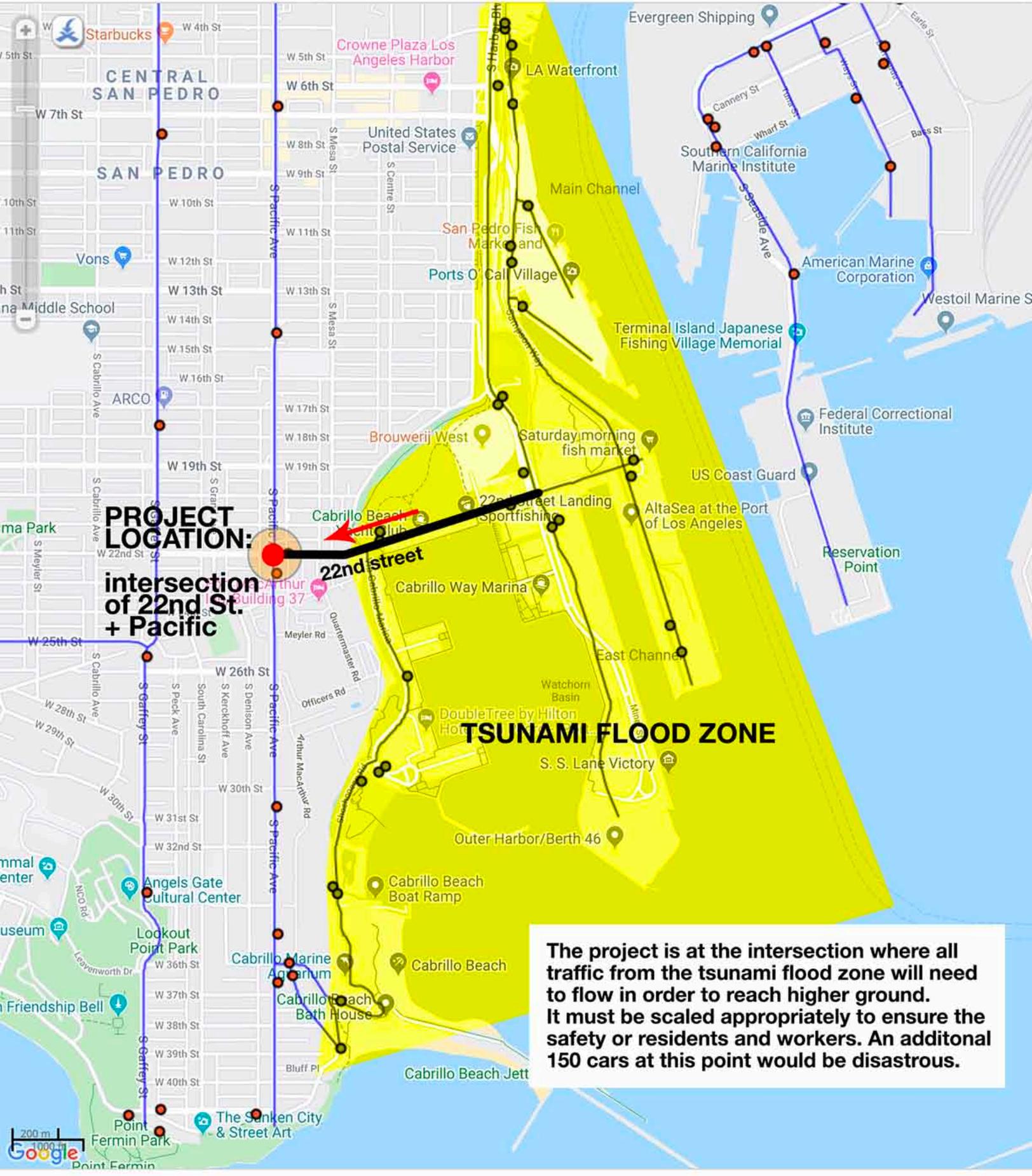


Jamie T. Hall

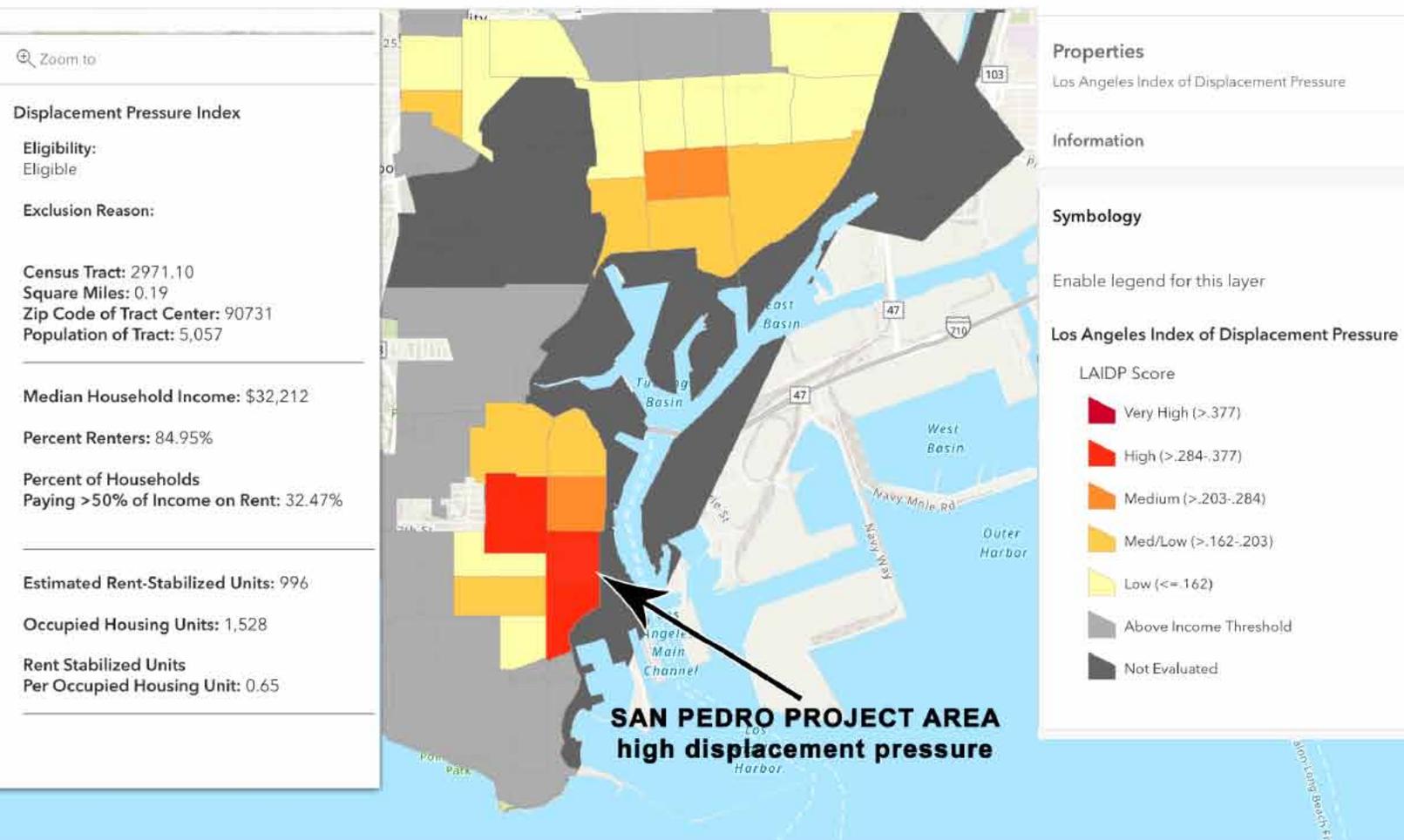
Port of Los Angeles Tsunami Evacuation Routes & Signs

Based on [Port of Los Angeles Tsunami Evacuation Routes & Signs](#)

LAPD & LAPP Tsunami evacuation map. Location of Tsunami evacuation signs posted throughout the Port, San Pedro and Wilmington area. Data will be refresh if there's a change to the evacuation routes and signs.



**The Los Angeles Index of Displacement Pressure
from the Mayor’s Los Angeles Innovation Team database**



The Mayor’s displacement pressure maps “capture areas with a high concentration of existing residents who may have difficulty absorbing massive rent increases that often accompany ‘revitalization’ [gentrification].” The City itself has documented the significant negative impacts of projects like 1309-1331 and 2111-2139 Pacific Avenue on the Pacific Corridor community.

Lower- and middle-income people of color and immigrants are suffering the worst in the most extremely gentrified areas.



These garden bungalows are examples of the seven adjacent residential properties in the block between 21st and 22nd street. Six are one story and one is two stories. The proposed project, located just 20' behind these homes, will be nearly 4 times their height.



exhibit 10



Housing Element Update

- ABOUT
- CONCEPTS
- DRAFT PLAN
- MAPS
- EVENTS
- RESOURCES
- NEWS
- CONTACT

Español



Concepts

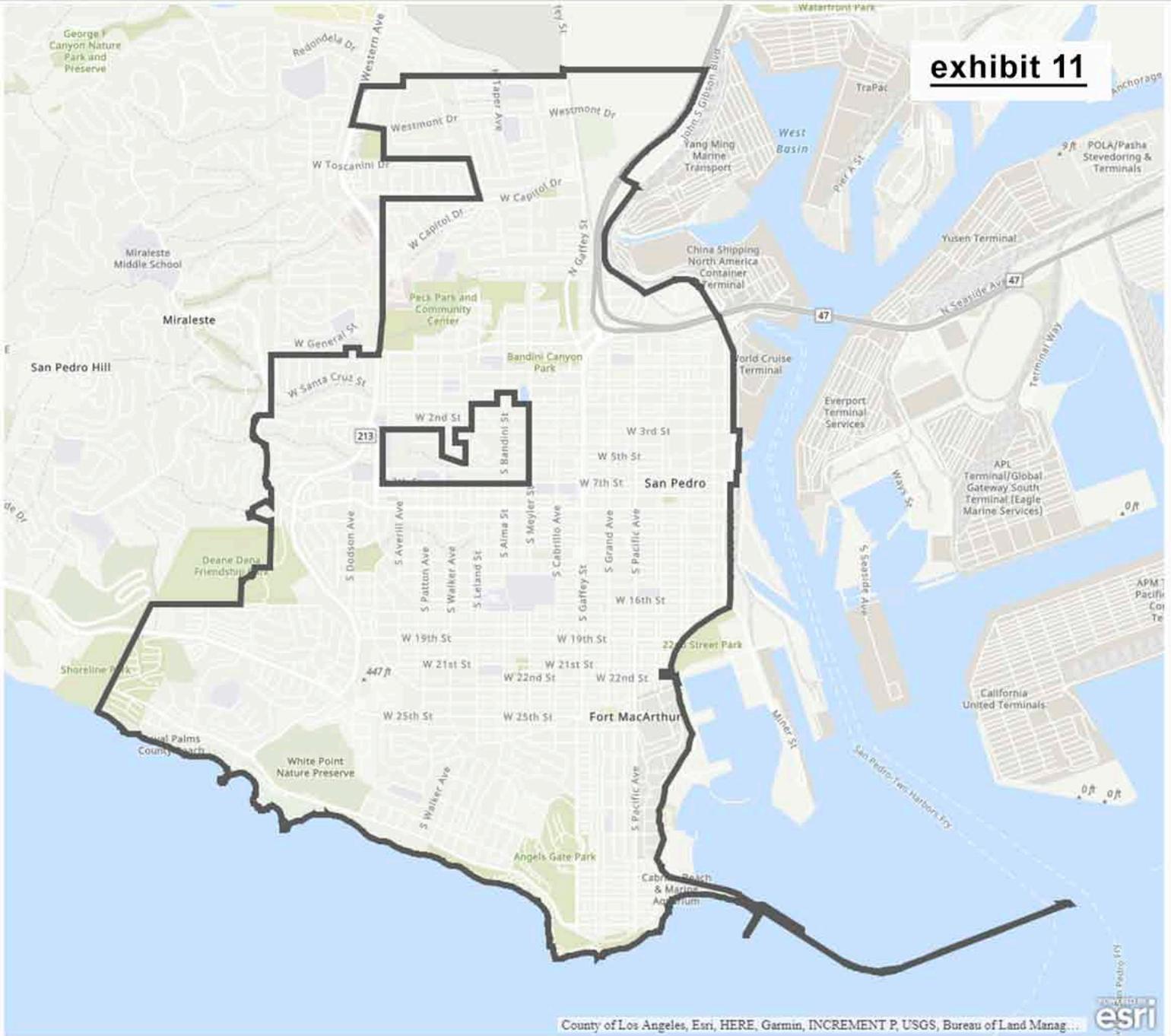
The six concepts guiding the Housing Element Update are based on state law and the feedback City Planning collected during the "Vision" phase of its outreach. They focus on how the Housing Element will address housing-related issues in the City.

All six concepts respond to urgent needs: addressing the housing shortage, advancing racial equity and access to opportunity, and promoting sustainability and resilience.



Housing Stability and Anti-Displacement

Protect Angelenos—especially persons of color—from indirect and direct displacement, and ensure stability of existing vulnerable communities



The San Pedro Community Plan was recently updated in 2017. The vision for San Pedro is a stable community that provides a high quality of life for its residents: one that builds upon its distinct natural beauty, rich cultural heritage, and proximity to the Port and waterfront, while retaining the community's small town feel for multiple generations of San Pedrans.

The Community Plan area includes the neighborhoods of Point Fermin, the Palisades, Vinegar Hill, and Rancho San Pedro.

March 2020

San Pedro Today

Margaret

IF YOU THINK TRAFFIC IS BAD NOW, JUST WAIT

by Steve Marconi



It's an analogy appropriate for the town that was once the nation's fishing capital, but apparently housing developers want San Pedrans packed in like sardines.

To get a clear picture of the horror descending on our once sleepy little town, check out urbanize.la online and click on San Pedro (warning: graphic visuals). For those who don't do computers, here's a rundown on under-construction or planned housing for the near future:

- 111 N. Harbor Blvd., 120 units, seven stories
- 407 N. Harbor Blvd., 63 units, six stories
- 511 N. Harbor Blvd., 137 units,

- eight stories (The Grinder location)
- 222 W. 6th St., 228 units (replacing commercial in the Topaz building)
- 1300 block of Pacific Ave., 102 units, four stories *1309 Pacific*
- 337 W. 7th St., 32 units, five stories
- 444 W. 5th St., 99 units, eight stories
- 420 W. 9th St., 56 units
- 500 block of S. Palos Verdes St., 375 units, seven stories
- 2100 block of Pacific Ave., 101 units, four stories *2111 Pacific*
- 200 block of 8th St., 24 townhomes, three stories
- 1801 Mesa, 22 townhomes, three stories

That's 12 — count 'em, 12 — new housing developments. And it's noteworthy that none of them are in what some real estate agents would call a desirable area. Even those

*We Have 7 HDTVs to see all the games!
Now with 6 beers on tap!*

Choose from
Pizza • Appetizers
Salads • Sandwiches
Calzones • Pasta Dishes
Dinner Entrees & Desserts

GF
Gluten Free Pizza
Crust is here!

Big Nick's
Pizza

FAST DELIVERY
310.732.5800

What A Deal!

Pick Up Special
Large 1 Topping

\$11.99

Not valid with any other offer
excludes gourmet toppings &
extra cheese 310.732-5800
Limited time only.

Me Familia

Large Pizza
with up to 2 Toppings
1 Dozen Wings & 2 Liter Soda

\$29.99

Not valid with any other offer
excludes gourmet toppings &
extra cheese 310.732-5800
Limited time only.

Double Trouble

2 Large Pizzas
with up to 2 Toppings each

\$27.99

Not valid with any other offer
excludes gourmet toppings &
extra cheese 310.732-5800
Limited time only.

with harbor views are bordered by arguably some of San Pedro's more questionable neighborhoods. And I doubt that "homeless encampment views" is included in the sales brochure for the townhomes on 8th Street, which reportedly are starting at nearly \$800,000. Good luck with that.

Here's the bottom line: 1,313 apartments and 46 townhomes.

Figuring a minimum of three people for each townhome and two per apartment (some units are studios), that's an increase in population of 2,764.

Figuring two cars for each townhome and just one for each tenant, which you know is low, that's an additional 1,405 cars, and if you're paying attention, all those new units are between Pacific and Harbor Boulevard. You can picture for yourself the parking nightmare, even with the planned garages.

Can you say urban disaster? I used to think San Pedro had a density limit, but apparently not, and as for zoning, I guess some of those developments are getting around it by having retail on the bottom floor. Adding retail to lower San Pedro, where it seems every other storefront is vacant now, sounds like a bad joke.

I'm sure local business is excited by the prospects of all these new customers, but what about the rest of us, the vast majority of San Pedrans who live here and already face gridlock on a daily basis? We all know there is a housing shortage in Southern California and rents, especially in San Pedro, are through the roof, but there is no doubt all these new developments will negatively impact our quality of life. Some will say this is just a NIMBY attitude. It is, because San Pedro's backyards are full and have been for some time.

The road diet on south Pacific already makes life miserable for Point Fermin residents. Gaffey at rush hour is almost impossible now with cars going on and coming off the 110. What will Gaffey be like when all those new residents on the Pacific corridor want to get on the freeway? Or Harbor Boulevard, already a traffic jam for special events on the waterfront and without the Public Market.

Our infrastructure can't handle

the current population. Just look at northwest San Pedro.

I thought maybe I was done ranting about Western Avenue after last month's column, but like Western Avenue itself, I'm far from done.

I almost choked on my morning coffee when I read "the worst is over" in our "local" paper after Western Avenue was down to one lane for most of January for work on medians.

Only someone who doesn't live in the area, like most of our developers, would say something that dumb. The worst is far from over, folks. What's it going to be like when those 800 units open at Ponte Vista? We're talking a minimum of 1,600 cars (two per household) added to Western Avenue traffic, which can't handle the current load. And adding a new light at Peninsula Verde Drive? How's that going to improve traffic flow from Ponte Vista to Palos Verdes Drive North? I'm sure that light is being put in just for the handful of people who live on Peninsula Verde, because without it, how would they ever get out once Ponte Vista is done?

The best we can hope for is that residents of Ponte Vista will resist the urge to drive their children the few blocks to Dodson and Taper Avenue schools and let them walk or ride bicycles (do kids do that anymore?).

And the "genius" traffic engineers who have created this mess have decided that the solution to the congestion at Taper Avenue and Westmont when Mary Star lets out is to close the Taper gate and funnel all of the Mary Star cars onto Western. Of course, that doesn't solve the problem, it just moves it from one street to another.

Is it any wonder more and more San Pedrans are moving away or thinking of leaving? This beautiful town that we love so much is disappearing. Those hilarious tsunami warnings along the waterfront no longer seem so funny: A tidal wave of people and vehicles will soon make this town unlivable. spt

Steve Marconi can be reached at spmarconi@yahoo.com.



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: CPC-2019-4884-CU-DB-SPR-RDP; ENV-2019-4885-CE

Project Address: 2111 - 2139 South Pacific Avenue, San Pedro

Final Date to Appeal: October 20, 2021

2. APPELLANT

Appellant Identity:
(check all that apply)

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

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

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

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: Anthony Lopez

Company/Organization: Citizens Protecting San Pedro

Mailing Address: 528 W 22nd Street

City: San Pedro State: California Zip: 90731

Telephone: 310 997-7860 E-mail: Anthony_Lopez_90744@yahoo.com

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

- Self Other: _____

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

4. REPRESENTATIVE/AGENT INFORMATION

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

5. JUSTIFICATION/REASON FOR APPEAL

- a. Is the entire decision, or only parts of it being appealed? Entire Part
b. Are specific conditions of approval being appealed? Yes No

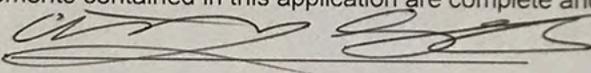
If Yes, list the condition number(s) here: _____

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

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature:  Date: 10/18/21

GENERAL APPEAL FILING REQUIREMENTS

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

1. Appeal Documents

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

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

b. Electronic Copy

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

c. Appeal Fee

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

d. Notice Requirement

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

ORIGIN ID: HAEA (480) 824-1968
DDM
DIRTY DINGO MOTORSPORTS
506 E JUANITA AVE STE 3
MESA, AZ 85204
UNITED STATES US

SHIP DATE: 15OCT21
ACTWGT: 7.00 LB
CAD: 114565715VMSX3500
DIMS: 10x6x4 IN
BILL SENDER

TO **ANTHONY LOPEZ**

528 W 22ND ST

SAN PEDRO CA 90731

(310) 997-7860
INV:
PO:

REF:

DEPT:



FedEx
Express



TUE - 19 OCT 8:00P
** 2DAY **

TRK# 2849 6870 6393
0201

RES
90731

4Z QCRSQ

CA-US LAX



PHOE
8028 5028 01
0515



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: CPC-2019-4884-CU-DB-SPR-RDP; ENV-2019-4885-CE

Project Address: 2111 - 2139 South Pacific Avenue, San Pedro

Final Date to Appeal: October 20, 2021

2. APPELLANT

- Appellant Identity:** (check all that apply)
- Representative Property Owner
 - Applicant Operator of the Use/Site

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

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

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: ANTHONY MARSH

Company/Organization: Citizens Protecting San Pedro

Mailing Address: 550 W. 21ST ST

City: SAN PEDRO State: CA Zip: 90731

Telephone: 562-895-7705 E-mail: TONY.MARSH@CSULB.EDU

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. JUSTIFICATION/REASON FOR APPEAL

- a. Is the entire decision, or only parts of it being appealed? Entire Part
- b. Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

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

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____ Date: 10 17 21

GENERAL APPEAL FILING REQUIREMENTS

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

1. Appeal Documents

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

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

b. Electronic Copy

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

c. Appeal Fee

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

d. Notice Requirement

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



Home Insurance Important Information Regarding Your Homeowners Policy

GKGGK002740

ANTHONY MARSH
550 W 21ST ST
SAN PEDRO CA 90731-5522

9/21/2021

Dear Anthony Marsh,

I wanted to take this opportunity to extend a free copy of your reconstruction estimate. I understand that insurance issues can be confusing, and I present my services to assist you with any questions or issues.

As your needs change, I will be happy to help you evaluate your home and offer you the services and options that will help you choose appropriate coverage.

New Options & Benefits

As a Farmers® policyholder you can access your policy online. Ask me about our new 'Go Paperless' option or visit www.farmers.com to enroll.

I also invite you to visit our www.clickablehouse.com. It is a fun, interactive experience designed to help you better understand the coverages available through Farmers.

Again, welcome to Farmers and thank you for your business. If you have any questions please feel free to contact me at **(562) 804-4613**.

Please review the enclosed materials and retain for your records.

Sincerely,

Farmers Insurance Group®

Your Farmers Policy

Policy Number: _____

Named Insured(s)

Anthony Marsh

Property Insured

550 W 21st St
San Pedro, CA 90731-5522

Underwritten By

Farmers Insurance Exchange
6301 Owensmouth Ave.
Woodland Hills, CA 91367

Your Farmers Agent

Analuz Zuniga
5230 Clark Ave Ste 4
Lakewood, CA 90712
(562) 804-4613
azuniga@farmersagent.com

0000003.01.GKGGK002740

farmers.com





APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: CPC-2019-4884-CU-DB-SPR-RDP; ENV-2019-4885-CE

Project Address: 2111 - 2139 South Pacific Avenue, San Pedro

Final Date to Appeal: October 20, 2021

2. APPELLANT

Appellant Identity:
(check all that apply)

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

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

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

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: DANIAL NORD

Company/Organization: Citizens Protecting San Pedro

Mailing Address: 2130 S. PACIFIC AVE

City: SAN PEDRO State: CA Zip: 90731

Telephone: 310.387.3342 E-mail: danielnord@hotmail.com

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

- Self Other: _____

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

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

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

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

If Yes, list the condition number(s) here: _____

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

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: David Dal

Date: 10/17/21

GENERAL APPEAL FILING REQUIREMENTS

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

1. Appeal Documents

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

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

b. **Electronic Copy**

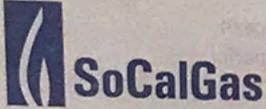
Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason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

c. **Appeal Fee**

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

d. **Notice Requirement**

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



A Sempra Energy utility®

ACCOUNT NUMBER
SERVICE FOR
DANIAL A NORD
2130 S PACIFIC AVE
SAN PEDRO CA 90731-5922

DATE MAILED Sep 7, 2021
24 Hour Service
1-800-427-2200 English
1-800-342-4545 Español
1-800-252-0259 TTY
socialgas.com

H

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

Account Summary

Amount of Last Bill
Payment Received 08/13/21 **THANK YOU** *F+D* ~~\$23.69~~
Current Charges ~~- 23.69~~
Total Amount Due **+ 23.93**
\$23.93

PAID #2565 9/11/21

Current Charges

Rate: GR - Residential Climate Zone: 1 Baseline Allowance: 12 Therms
Meter Number: 11508677 (Next scheduled read date Oct 5 2021) Cycle: 4

Billing Period	Days	Meter Number	Current Reading	Previous Reading	Difference	Billing x Factor	BTU x Factor	Total Therms
08/04/21 - 09/02/21	29	11508677	3572	3559	13	0.980	1.035	13

GAS CHARGES

Customer Charge 29 Days x \$.16438 **Amount(\$)** 4.77

Gas Service (Details below) 13 Therms

	Baseline	Over Baseline	
Therms used	12	1	
Rate/Therm	\$1.25167	\$1.66000	
Charge	\$15.02	+\$1.66	= 16.68

Total Gas Charges \$21.45

TAXES & FEES ON GAS CHARGES

	Amount(\$)
State Regulatory Fee 13 Therms x \$.00577	.08
Public Purpose Surcharge 13 Therms x \$.07037	.91
Los Angeles City Users Tax \$16.68 x 8.92%	1.49

Total Taxes and Fees on Gas Charges \$2.48

Total Current Charges \$23.93

DATE DUE Sep 27, 2021

AMOUNT DUE \$23.93

Gas Usage History (Total Therms used)



	Sep 20	Aug 21	Sep 21
Total Therms used	11	13	13
Daily average Therms	4	5	5
Days in billing cycle	29	29	29

CARE to save? Income-qualified customers may receive a 20% discount through the CARE program. Visit socialgas.com/care for details.

¿Quiere ahorrar? El programa CARE ofrece un 20% de descuento en la factura mensual a clientes elegibles. Visite socialgas.com/careparami

September is National Preparedness Month. Preparing for an emergency ahead of time will give you piece of mind as well as help keep your family safe! Don't wait - make your plan today. Learn more at socialgas.com/BePrepared.

SoCalGas' gas commodity cost per therm for your billing period:
Sep. \$.44425 Aug. \$.44599



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: CPC-2019-4884-CU-DB-SPR-RDP; ENV-2019-4885-CE

Project Address: 2111 - 2139 South Pacific Avenue, San Pedro

Final Date to Appeal: October 20, 2021

2. APPELLANT

Appellant Identity:
(check all that apply)

- Representative Property Owner
- Applicant Operator of the Use/Site
- Person, other than the Applicant, Owner or Operator claiming to be aggrieved

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

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: DOUG PEARSAU

Company/Organization: Citizens Protecting San Pedro

Mailing Address: 2102 S. PACIFIC

City: SAN PEDRO State: CA Zip: 90731

Telephone: 424-203-7944 E-mail: SUBAYBRO@gmail

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



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: CPC-2019-4884-CU-DB-SPR-RDP; ENV-2019-4885-CE

Project Address: 2111 - 2139 South Pacific Avenue, San Pedro

Final Date to Appeal: October 20, 2021

2. APPELLANT

Appellant Identity:
(check all that apply)

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

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

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

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: Fran Siegel

Company/Organization: Citizens Protecting San Pedro

Mailing Address: 2130 South Pacific Ave.

City: San Pedro State: CA Zip: 90731

Telephone: 310-387-3347 E-mail: fs10002@yahoo.com

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

Self Other: _____

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

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

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

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

If Yes, list the condition number(s) here: _____

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

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: *Fran Dwyer* Date: 10/18/21

GENERAL APPEAL FILING REQUIREMENTS

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

1. Appeal Documents

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

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

b. Electronic Copy

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

c. Appeal Fee

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

d. Notice Requirement

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



FRAN SIEGEL
2130 S PACIFIC AVE
SAN PEDRO CA 90731 - 5922

Page 1 of 2
Account Number 310 514-8496 156 8
Billing Date Sep 13, 2021
Web Site att.com

Monthly Statement

GET MORE FROM AT&T.

Simplify with an AT&T bundle by adding AT&T TV, Internet, Wireless or other premium services. Let us help you find the best deals: 866.207.0511.

Bill-At-A-Glance

Previous Bill	42.84
Payment Received 9-01 Thank you!	42.84CR
Adjustments	.00
Balance	.00
Current Charges	22.89CR

Balance \$22.89CR

Payment is Not Required

FINAL BILL

Billing Summary

Plans and Services

Additions and Changes to Service

This section of your bill reflects charges and credits resulting from account activity.

Charges for 310 514-8496

Order No. D97497803

Item	No.	Description	Quantity	Monthly Rate	Amount Billed
Services Disconnected					
(Monthly Charges were Billed in Advance and are Prorated from Sep 3, 2021 to Sep 20, 2021)					
	1.	Residence Flat Rate Service	1	29.50	15.73CR
	2.	Federal Subscriber Line Charge	1	5.19	2.77CR
	3.	Federal Universal Service Fee	1	1.85	.88CR
Total 310 514-8496					19.38CR
Total Additions and Changes to Service					19.38CR

Surcharges and Other Fees

4.	Rate Surcharge	.20
----	----------------	-----

5. State Regulatory Fee

6. State Regulatory Fee

7. State Regulatory Fee

8. State Regulatory Fee

9. State Regulatory Fee

10. State Regulatory Fee

11. State Regulatory Fee

12. State Regulatory Fee

13. State Regulatory Fee

14. State Regulatory Fee

15. State Regulatory Fee

16. State Regulatory Fee

17. State Regulatory Fee

18. State Regulatory Fee

19. State Regulatory Fee

20. State Regulatory Fee

21. State Regulatory Fee

22. State Regulatory Fee

23. State Regulatory Fee

24. State Regulatory Fee

25. State Regulatory Fee

26. State Regulatory Fee

27. State Regulatory Fee

28. State Regulatory Fee

29. State Regulatory Fee

30. State Regulatory Fee

31. State Regulatory Fee

32. State Regulatory Fee

33. State Regulatory Fee

34. State Regulatory Fee

35. State Regulatory Fee

36. State Regulatory Fee

37. State Regulatory Fee

38. State Regulatory Fee

39. State Regulatory Fee

40. State Regulatory Fee

41. State Regulatory Fee

42. State Regulatory Fee

43. State Regulatory Fee

44. State Regulatory Fee

45. State Regulatory Fee

46. State Regulatory Fee

47. State Regulatory Fee

48. State Regulatory Fee

49. State Regulatory Fee

50. State Regulatory Fee

51. State Regulatory Fee

52. State Regulatory Fee

53. State Regulatory Fee

54. State Regulatory Fee

55. State Regulatory Fee

56. State Regulatory Fee

57. State Regulatory Fee

58. State Regulatory Fee

59. State Regulatory Fee

60. State Regulatory Fee

61. State Regulatory Fee

62. State Regulatory Fee

63. State Regulatory Fee

64. State Regulatory Fee

65. State Regulatory Fee

66. State Regulatory Fee

67. State Regulatory Fee

68. State Regulatory Fee

69. State Regulatory Fee

70. State Regulatory Fee

71. State Regulatory Fee

72. State Regulatory Fee

73. State Regulatory Fee

74. State Regulatory Fee

75. State Regulatory Fee

76. State Regulatory Fee

77. State Regulatory Fee

78. State Regulatory Fee

79. State Regulatory Fee

80. State Regulatory Fee

81. State Regulatory Fee

82. State Regulatory Fee

83. State Regulatory Fee

84. State Regulatory Fee

85. State Regulatory Fee

86. State Regulatory Fee

87. State Regulatory Fee

88. State Regulatory Fee

89. State Regulatory Fee

90. State Regulatory Fee

91. State Regulatory Fee

92. State Regulatory Fee

93. State Regulatory Fee

94. State Regulatory Fee

95. State Regulatory Fee

96. State Regulatory Fee

97. State Regulatory Fee

98. State Regulatory Fee

99. State Regulatory Fee

100. State Regulatory Fee

101. State Regulatory Fee

102. State Regulatory Fee

103. State Regulatory Fee

104. State Regulatory Fee

105. State Regulatory Fee

106. State Regulatory Fee

107. State Regulatory Fee

108. State Regulatory Fee

109. State Regulatory Fee

110. State Regulatory Fee

111. State Regulatory Fee

112. State Regulatory Fee

113. State Regulatory Fee

114. State Regulatory Fee

115. State Regulatory Fee

116. State Regulatory Fee

117. State Regulatory Fee

118. State Regulatory Fee

119. State Regulatory Fee

120. State Regulatory Fee

121. State Regulatory Fee

122. State Regulatory Fee

123. State Regulatory Fee

124. State Regulatory Fee

125. State Regulatory Fee

126. State Regulatory Fee

127. State Regulatory Fee

128. State Regulatory Fee

129. State Regulatory Fee

130. State Regulatory Fee

131. State Regulatory Fee

132. State Regulatory Fee

133. State Regulatory Fee

134. State Regulatory Fee

135. State Regulatory Fee

136. State Regulatory Fee

137. State Regulatory Fee

138. State Regulatory Fee

139. State Regulatory Fee

140. State Regulatory Fee

141. State Regulatory Fee

142. State Regulatory Fee

143. State Regulatory Fee

144. State Regulatory Fee

145. State Regulatory Fee

146. State Regulatory Fee

147. State Regulatory Fee

148. State Regulatory Fee

149. State Regulatory Fee

150. State Regulatory Fee

151. State Regulatory Fee

152. State Regulatory Fee

153. State Regulatory Fee

154. State Regulatory Fee

155. State Regulatory Fee

156. State Regulatory Fee

157. State Regulatory Fee

158. State Regulatory Fee

159. State Regulatory Fee

160. State Regulatory Fee

161. State Regulatory Fee

162. State Regulatory Fee

163. State Regulatory Fee

164. State Regulatory Fee

165. State Regulatory Fee

166. State Regulatory Fee

167. State Regulatory Fee

168. State Regulatory Fee

169. State Regulatory Fee

170. State Regulatory Fee

171. State Regulatory Fee

172. State Regulatory Fee

173. State Regulatory Fee

174. State Regulatory Fee

175. State Regulatory Fee

176. State Regulatory Fee

177. State Regulatory Fee

178. State Regulatory Fee

179. State Regulatory Fee

180. State Regulatory Fee

181. State Regulatory Fee

182. State Regulatory Fee

183. State Regulatory Fee

184. State Regulatory Fee

185. State Regulatory Fee

186. State Regulatory Fee

187. State Regulatory Fee

188. State Regulatory Fee

189. State Regulatory Fee

190. State Regulatory Fee

191. State Regulatory Fee

192. State Regulatory Fee

193. State Regulatory Fee

194. State Regulatory Fee

195. State Regulatory Fee

196. State Regulatory Fee

197. State Regulatory Fee

198. State Regulatory Fee

199. State Regulatory Fee

200. State Regulatory Fee

201. State Regulatory Fee

202. State Regulatory Fee

203. State Regulatory Fee

204. State Regulatory Fee

205. State Regulatory Fee

206. State Regulatory Fee

207. State Regulatory Fee

208. State Regulatory Fee

209. State Regulatory Fee

210. State Regulatory Fee

211. State Regulatory Fee

212. State Regulatory Fee

213. State Regulatory Fee

214. State Regulatory Fee

215. State Regulatory Fee

216. State Regulatory Fee

217. State Regulatory Fee

218. State Regulatory Fee

219. State Regulatory Fee

220. State Regulatory Fee

221. State Regulatory Fee

222. State Regulatory Fee

223. State Regulatory Fee

224. State Regulatory Fee

225. State Regulatory Fee

226. State Regulatory Fee

227. State Regulatory Fee

228. State Regulatory Fee

229. State Regulatory Fee

230. State Regulatory Fee

231. State Regulatory Fee

232. State Regulatory Fee

233. State Regulatory Fee

234. State Regulatory Fee

235. State Regulatory Fee

236. State Regulatory Fee

237. State Regulatory Fee

238. State Regulatory Fee

239. State Regulatory Fee

240. State Regulatory Fee

241. State Regulatory Fee



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: CPC-2019-4884-CU-DB-SPR-RDP; ENV-2019-4885-CE

Project Address: 2111 - 2139 South Pacific Avenue, San Pedro

Final Date to Appeal: October 20, 2021

2. APPELLANT

- Appellant Identity:** (check all that apply)
- Representative Property Owner
 - Applicant Operator of the Use/Site

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

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

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: Kathryn Rinde

Company/Organization: Citizens Protecting San Pedro

Mailing Address: 540 W 21st St

City: San Pedro State: CA Zip: 90731

Telephone: 314-363-5636 E-mail: Kathryn.rinde@gmail.com

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

- Self Other: _____

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

4. REPRESENTATIVE/AGENT INFORMATION

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

5. JUSTIFICATION/REASON FOR APPEAL

- a. Is the entire decision, or only parts of it being appealed? Entire Part
b. Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

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

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: HR Indle Date: 10/17/21

GENERAL APPEAL FILING REQUIREMENTS

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

1. Appeal Documents

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

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

b. Electronic Copy

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

c. Appeal Fee

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

d. Notice Requirement

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

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT, MAKING SURE THE RETURN ADDRESS SHOWS IN THE ENVELOPE WINDOW.

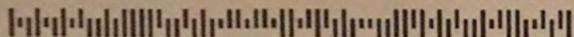


For paperless billing, go to
www.ladwp.com/myaccount

P.O. Box 30808 • Los Angeles, CA 90030-0808

THIS IS YOUR BILL

ELECTRONIC SERVICE REQUESTED



19589 2 AV 0.426

19589 / 7955

KATHRYN RINDE
540 W 21ST ST
SAN PEDRO CA 90731-5522



ACCOUNT NUMBER

DATE DUE Oct 25, 2021

AMOUNT DUE \$ 472.71

Please enter amount enclosed

\$

Write account number on check or money order
and make payable to LADWP.

79665198540000000000472719



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: CPC-2019-4884-CU-DB-SPR-RDP; ENV-2019-4885-CE

Project Address: 2111 - 2139 South Pacific Avenue, San Pedro

Final Date to Appeal: October 20, 2021

2. APPELLANT

Appellant Identity:
(check all that apply)

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

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

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

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: Lorena Luzumaga

Company/Organization: Citizens Protecting San Pedro

Mailing Address: 523 W 21th St

City: San Pedro State: CA Zip: 90731

Telephone: 3102946094 E-mail: luzumaga.loreana@yahoo.com

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

- Self Other: _____

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

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

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

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

If Yes, list the condition number(s) here: _____

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

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: [Signature]

Date: 10-17-21

GENERAL APPEAL FILING REQUIREMENTS

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

1. Appeal Documents

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

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

b. Electronic Copy

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

c. Appeal Fee

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

d. Notice Requirement

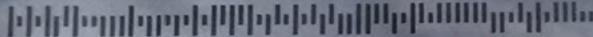
- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt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



PO BOX 653 • MONTEREY PARK, CA 91754-0653

A  Sempra Energy utility®

4458.283.7098.6083145 1 AV 0.426 oz 0.542



LORENA LUZURIAGA
523 W 21ST ST
SAN PEDRO CA 90731-5521



Find out which of our Customer Assistance Programs can help you save money and energy.
Visit socialgas.com/assistance



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: CPC-2019-4884-CU-DB-SPR-RDP; ENV-2019-4885-CE

Project Address: 2111 - 2139 South Pacific Avenue, San Pedro

Final Date to Appeal: October 20, 2021

2. APPELLANT

Appellant Identity:
(check all that apply)

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

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

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

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: Luis Escobar

Company/Organization: Citizens Protecting San Pedro

Mailing Address: 525 W 21st Street

City: San Pedro State: California Zip: 90731

Telephone: (310) 547-0252 E-mail: jacquiescobar26@gmail.com

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

- Self Other: _____

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

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

- a. Is the entire decision, or only parts of it being appealed? Entire Part
- b. Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

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

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: *[Signature]* Date: 10/18/2021

GENERAL APPEAL FILING REQUIREMENTS

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

1. Appeal Documents

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

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

b. **Electronic Copy**

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

c. **Appeal Fee**

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

d. **Notice Requirement**

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



A Sempra Energy utility®

ACCOUNT NUMBER [REDACTED]
 SERVICE FOR
 LUIS A ESCOBAR
 525 W 21ST ST
 SAN PEDRO CA 90731-5521

DATE MAILED Aug 5, 2021
 24 Hour Service
 1-800-427-2200 English
 1-800-342-4545 Español
 1-800-252-0259 TTY
 socialgas.com

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

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

Account Summary

Amount of Last Bill	\$27.02
Payment Received	- .00
Current Charges	+ 22.44
Total Amount Due	\$49.46

Current Charges

Rate: GR - Residential Climate Zone: 1 Baseline Allowance: 14 Therms

Meter Number: 13138447 (Next scheduled read date Sep 1 2021) Cycle: 3

Billing Period	Days	Meter Number	Current Reading	Previous Reading	= Difference	Billing x Factor	BTU x Factor	= Total Therms
07/02/21 - 08/03/21	32	13138447	3144	3129	15	1.000	1.034	16

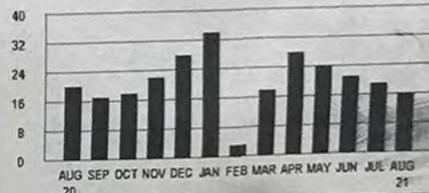
GAS CHARGES

Customer Charge	32 Days x \$.16438	Amount(\$)	5.26
-----------------	--------------------	------------	------

Gas Service (Details below) 16 Therms

	Due By	Amount
Past Due	Now	\$27.02
Current Charges	8/25/21	\$22.44
Total Amount Due		\$49.46

Gas Usage History (Total Therms used)



	Aug 20	Jul 21	Aug 21
Total Therms used	20	19	16
Daily average Therms	.7	.7	.5
Days in billing cycle	30	29	32

SoCalGas® is committed to protecting your privacy. Visit socialgas.com/privacypolicy to learn about our privacy policy and socialgas.com/privacynotice to learn how we safeguard your energy usage information.

Are you starting a project that involves



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: CPC-2019-4884-CU-DB-SPR-RDP; ENV-2019-4885-CE

Project Address: 2111 - 2139 South Pacific Avenue, San Pedro

Final Date to Appeal: October 20, 2021

2. APPELLANT

Appellant Identity:
(check all that apply)

- Representative Property Owner
- Applicant Operator of the Use/Site
- Person, other than the Applicant, Owner or Operator claiming to be aggrieved

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

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: Myung Jin Kim

Company/Organization: Citizens Protecting San Pedro

Mailing Address: 550 W 21st St.

City: San Pedro State: CA Zip: 90731

Telephone: 626-354-3773 E-mail: Kim.mjceramics@gmail.com

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

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

4. REPRESENTATIVE/AGENT INFORMATION

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

5. JUSTIFICATION/REASON FOR APPEAL

- a. Is the entire decision, or only parts of it being appealed? Entire Part
- b. Are specific conditions of approval being appealed? Yes No

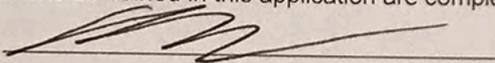
If Yes, list the condition number(s) here: _____

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

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature:  Date: 10/17/2021

GENERAL APPEAL FILING REQUIREMENTS

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

1. Appeal Documents

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

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

b. **Electronic Copy**

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

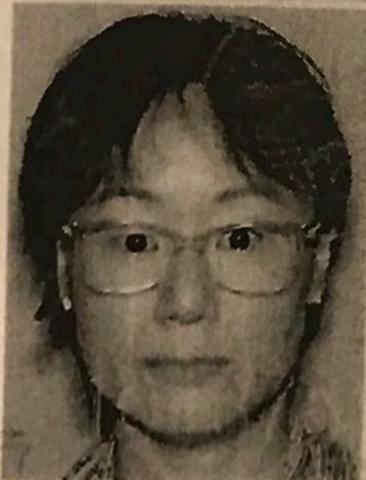
c. **Appeal Fee**

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

d. **Notice Requirement**

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

California USA DRIVER LICENSE



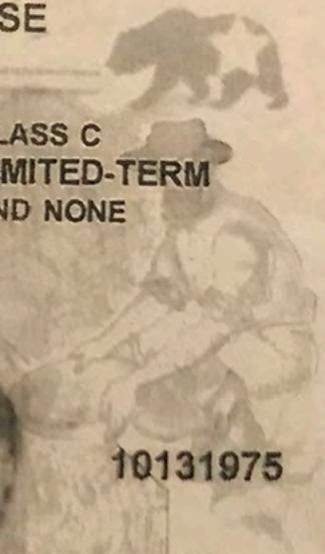
DL **D4874385**
EXP **10/13/2026**

LN **KIM**
FN **MYUNG JIN**
550 W 21ST ST
SAN PEDRO, CA 90731
DOB **10/13/1975**
RSTR CORR LENS

CLASS C
LIMITED-TERM
END NONE

10131975

SEX F HAIR BRN EYES BRN
HGT 5'-01" WGT 107 lb *** ISS
DD 11/05/2019619RB/AAFD/26 10/05/2021





APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: CPC-2019-4884-CU-DB-SPR-RDP; ENV-2019-4885-CE

Project Address: 2111 - 2139 South Pacific Avenue, San Pedro

Final Date to Appeal: October 20, 2021

2. APPELLANT

- Appellant Identity:** (check all that apply)
- Representative Property Owner
 - Applicant Operator of the Use/Site

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

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

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: ROCK BILODEAU

Company/Organization: Citizens Protecting San Pedro

Mailing Address: 466 W. 22nd. ST.

City: SAN PEDRO State: CA Zip: 90731

Telephone: (310) 753-2544 E-mail: rock.vock@sbcglobal.net

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. JUSTIFICATION/REASON FOR APPEAL

- a. Is the entire decision, or only parts of it being appealed? Entire Part
- b. Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

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

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: Rock Bilodeau Date: 10-18-2021

GENERAL APPEAL FILING REQUIREMENTS

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

1. Appeal Documents

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

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

b. Electronic Copy

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

c. Appeal Fee

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

d. Notice Requirement

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



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: CPC-2019-4884-CU-DB-SPR-RDP; ENV-2019-4885-CE

Project Address: 2111 - 2139 South Pacific Avenue, San Pedro

Final Date to Appeal: October 20, 2021

2. APPELLANT

Appellant Identity:
(check all that apply)

- Representative Property Owner
- Applicant Operator of the Use/Site
- Person, other than the Applicant, Owner or Operator claiming to be aggrieved

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

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: Sebastian Rinde

Company/Organization: Citizens Protecting San Pedro

Mailing Address: 540 W 21st St.

City: San Pedro State: CA Zip: 90731

Telephone: (424) 346-4004 E-mail: srindeeymail.com

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

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

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

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

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

If Yes, list the condition number(s) here: _____

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

The reason for the appeal

How you are aggrieved by the decision

Specifically the points at issue

Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: *[Signature]*

Date: 10-17-2021

GENERAL APPEAL FILING REQUIREMENTS

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

1. Appeal Documents

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

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

b. **Electronic Copy**

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

c. **Appeal Fee**

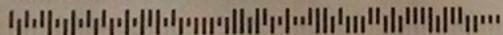
- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. **Notice Requirement**

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

RESPONSE TO THIS NOTICE IS REQUESTED

To Sebastian J Rinde
The 540 W 21st St
Order San Pedro, CA 90731-5522
Of



Notice Date: August 30, 2021

ADDRESS: 540 W 21st St
Respond By: September 29, 2021
Property Code: H003533029
Contact Phone: 1-877-358-0150
Se Habla Español 1-877-379-4099

Call to verify the above information
Read below for more information



LOS ANGELES CITY PLANNING COMMISSION

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

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: OCT 05 2021

Case No. **CPC-2019-4884-CU-DB-SPR**
CEQA: ENV-2019-4885-CE
Plan Area: San Pedro

Council District: 15 – Buscaino

Project Site: 2111 – 2139 South Pacific Avenue

Applicant: RKD 2111 Pacific, LLC
Representative: Jonathan Lonner, Kristen Lonner, Josh Guyer
Dave Zohn, Burns & Bouchard, Inc.

At its meeting of **September 9, 2021**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Development of a new four-story, 45-foot and five-inch-tall mixed-use residential building comprised of 100 dwelling units (including 11 units restricted to Very Low-Income Households) with 1,800 square feet of ground floor retail space. The Project will provide 84 vehicular parking spaces in two subterranean parking levels, and 75 long-term and eight short-term bicycle parking spaces. The Project will be 77,945 square feet in floor area and have a Floor Area Ratio (FAR) of 3.26:1. The site is currently improved with a 1,490 square foot single-tenant bar, surface parking lot, and vacant lot, with 12 non-protected palm trees on the subject site and ten non-protected palm trees along the public right-of-way, all of which will be removed to clear the lot. The Project proposes grading and export of 20,000 cubic yards of soil.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15332, Class 32, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Found**, based on the independent judgement of the decision-maker, after consideration of the whole of the administrative record, that the Project is within the scope of the San Pedro New Community Plan ENV-2009-1558-EIR (Program EIR), pursuant to CEQA Guidelines Sections 15168 and 15162; the environmental effects of the Project were covered in the Program EIR and no new environmental effects not identified in the Program EIR will occur and no new mitigation is required; and the City has incorporated all feasible mitigation measures from the Program EIR on the Project;
3. **Approved**, pursuant to Section 12.22 A.25(g) of the Los Angeles Municipal Code (LAMC), a Density Bonus/Affordable Housing Incentive Program Compliance Review to permit the construction of a Housing Development Project totaling 100 units, reserving 11 units for Very Low Income Household occupancy for a period of 55 years, with the following requested Off-Menu Incentives:
 - a. A Floor Area Ratio (FAR) of 3.26:1 in lieu of 1.5:1 as otherwise permitted in the C2-1XL-CPIO Zone and San Pedro Community Plan Implementation Overlay (CPIO) Section IV-2.B;
 - b. A reduction in parking to allow 80 residential parking spaces in lieu of the 121 spaces required by Density Bonus Parking Option 1 and LAMC Section 12.22 A.25(d)(1); and
 - c. An elimination of loading space requirements of LAMC Section 12.21 C.6;

4. **Approved**, pursuant to LAMC Section 12.22 A.25(g)(3) the following one Waiver of Development Standard:
 - a. A 15.5-foot and two-story increase in the maximum building height to allow 45 feet five inches and four stories in lieu of 30 feet and two stories as otherwise permitted in the C2-1XL-CPIO zone and CPIO Section IV-2.A.2;
5. **Approved**, pursuant to LAMC 12.24 U.26, a Conditional Use Permit for a 46 percent increase in density over the Project site, in lieu of the otherwise permitted 35 percent increase in density allowable under LAMC Section 12.22 A.25;
6. **Approved**, pursuant LAMC 16.05, a Site Plan Review for a development project resulting in an increase in 50 or more dwelling units;
7. **Adopted** the attached Modified Conditions of Approval; and
8. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Perlman
 Second: Choe
 Ayes: Leung, López-Ledesma, Millman, Dake Wilson
 Nay: Mack
 Absent: Hornstock

Vote: 6 – 1

 Cecilia Lamas, Commission Executive Assistant
 Los Angeles City Planning Commission

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

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission related to the Off-Menu Density Bonus and Waiver of Development Incentives are not appealable. All remaining actions are appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: OCT 20 2021

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

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

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedure

c: Michelle Singh, Senior City Planner
 Connie Chauv, City Planner

CONDITIONS OF APPROVAL

(As modified by City Planning Commission at its meeting on September 9, 2021)

Density Bonus Conditions

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" (date-stamped August 2, 2021) and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, West/South/Coastal Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 100 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of 11 units, that is 16 percent of the base 68 dwelling units, shall be reserved as affordable units for Very Low Income household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2).
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 11 units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. 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 any monitoring requirements established by the HCIDLA.
5. **Floor Area Ratio (FAR) (Incentive).** The project shall be limited to a maximum floor area ratio of 3.26:1 per Exhibit "A".
6. **Height (Waiver).** The project shall be limited to four (4) stories and 45 feet and 5 inches in building height per Exhibit "A".
7. **Automobile Parking for Residential Uses (Incentive).** The project shall provide a minimum of 80 residential parking spaces, as shown in Exhibit "A".
8. **Automobile Parking for Commercial Uses.** As required by LAMC Section 12.21 A.4(c), the project shall provide a minimum of four (4) parking spaces for the 1,800 square feet of commercial uses, at a ratio of one space for every 500 square feet of commercial square footage.
9. **Loading Space (Incentive).** The loading space requirements of LAMC Section 12.21 C.6 shall not apply. The project shall provide a loading space in the subterranean parking garage that is accessed from 21st Street, as shown in Exhibit "A".
10. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16. The project shall provide a minimum of 127 bicycle parking spaces total, as shown in Exhibit "A".

Site Plan Review Conditions

11. Prior to the issuance of a building permit, the applicant shall demonstrate compliance with the San Pedro Community Plan Implementation Overlay (“CPIO”) pursuant to Ordinance No. 185,539, except as modified herein.
12. **Mural.** The project shall provide an art mural as provided in Exhibit “A”. The art mural shall not be used for advertising or signage. The art mural shall be submitted to the Department of City Planning for approval and registered with the Department of Cultural Affairs
13. **Street Improvements.** The project shall provide street and alley improvements to the satisfaction of the Bureau of Engineering.
14. **Active Transportation.** The project shall provide the following, as provided in Exhibit “A”:
 - a. Reserved parking spaces for car sharing program.
 - b. Reserved area for e-scooter corral.
 - c. Reserved area for bicycles for use by residents.Alternative compliance or modifications to the above active transportation items due to changes in technology shall be submitted to the West/South/Coastal Project Planning Division for approval.
15. **Construction.** A construction work site traffic control plan be submitted to DOT’s Citywide Temporary Traffic Control Office 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. DOT also recommends that construction related traffic be restricted to off-peak hours.
16. **Mechanical Equipment.** All exterior mechanical equipment, including heating, ventilation and air conditioning (HVAC) equipment, satellite dishes, and cellular antennas, shall be screened from public view through the use of architectural elements such as parapets.
17. **Lighting.** All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
18. **Lighting Design.** Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.
19. **Heat Island Effect.** To reduce the heat island effect, a minimum of 50% of the area of pathways, patios, driveways or other paved areas shall use materials with a minimum initial Solar Reflectance value of 0.35 in accordance with ASTM (American Society of Testing Materials) standards.
20. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

21. **Unbundled Parking.** Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for Restricted Affordable Units.
22. **Parking Structure Design.** Parking structures or that portion of a building or structure that is used for parking at grade or above grade shall be designed to minimize vehicle headlight and parking structure interior lighting impacts (“spillover”) on adjacent streets and properties.
23. **Landscape Plan.** Revised landscape plans shall be submitted to show the size and location of all plants. The landscape plan shall indicate landscape points for the Project as required by LAMC 12.40 and Landscape Ordinance Guidelines “O”. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be landscaped, including an automatic irrigation system, and maintained in accordance with a final landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The final landscape plan shall be in substantial conformance with the submitted Landscape Plan, Exhibit “A,” and shall incorporate any modifications required as a result of this grant.
24. **Soil Depths.** Shrubs, perennials, and groundcover shall require a minimum soil depth as follows:
 - a. A minimum depth with a height ranging from 15 to 40 feet shall be 42 inches.
 - b. A minimum depth with a height ranging from 1 to 15 feet shall be 24 to 36 inches.
 - c. A minimum depth with a height of less than 1 foot shall be 18 inches.
 - d. A minimum depth of an extensive green roof shall be 3 inches.Trees shall require a 42 inch minimum soil depth.

Further, the minimum amount of soil volume for tree wells on the rooftop or any above grade open spaces shall be based on the size of the tree at maturity:

 - e. 220 cubic feet for trees with a canopy diameter ranging from 15 to 19 feet.
 - f. 400 cubic feet for trees with a canopy diameter ranging from 20 to 24 feet.
 - g. 620 cubic feet for trees with a canopy diameter ranging from 25 to 29 feet.
 - a. 900 cubic feet for trees with a canopy diameter ranging from 30 to 34 feet.
25. **Street Trees.** New trees planted within the public right-of-way shall be planted at a ratio of at least one tree for every 25 feet of lot length, to the satisfaction of the Bureau of Street Services, in accordance with CPIO Section IV-2.1.1. The project proposes to plant 36-inch box street trees, as provided in Exhibit “A”.
26. **Greywater.** The project shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by the Department of Water and Power in consultation with the Department of City Planning.
27. **Stormwater/irrigation.** The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.
28. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
29. **Solar-ready Buildings.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

30. **Solar Panels.** A minimum 3,104 square feet (15 percent) of solar panels shall be installed on the building rooftop as shown on the roof plan provided as a part of an operational photovoltaic system to be maintained for the life of the project. The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
31. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.

Administrative Conditions

32. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
33. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
34. **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.
35. **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.
36. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
37. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
38. **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.
39. **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, 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

DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

1. **Government Code Section 65915 and LAMC Section 12.22 A.25 state that the Commission shall approve a density bonus and requested incentive(s) unless the Commission 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 City Planning Commission to make a finding that the requested off-menu incentives do not result in actual and identifiable cost reductions 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.

Based on the set-aside of 16 percent of base units for Very Low Income households, the applicant is entitled to three (3) Incentives under both the Government Code and LAMC. Therefore, the three (3) Off-Menu requests qualify as the proposed development's Incentives. The remaining request must be processed as a Waiver of Development Standard.

FAR: The subject site is zoned C2-1XL-CPIO, with a Height District No. 1XL and CPIO designation that permits a maximum Floor Area Ratio ("FAR") of 1.5:1. The applicant has requested an FAR of 3.26:1 in lieu of the maximum 1.5:1 through an Off-Menu Density Bonus Incentive, for a maximum floor area of 77,945 square feet. The additional floor area is requested in order to accommodate larger sized units, including two-bedroom units. The project includes 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. The requested increase in FAR will allow approximately 41,440 square feet of additional floor area and will enable the construction of affordable units. As set forth on Sheet A0.0a of the project plans, the project's upper residential levels (Levels 2 through 4) would each have a floor plate of approximately 16,045 square feet. These larger floor plates would not be achievable under the 1.5:1 base FAR and enable the project to construct the unit mix above. Without the incentive to permit additional floor area, the average unit size and bedroom count would have to be significantly smaller to construct the number of units that the requested density bonus allows. The ability to develop larger units will increase the revenues from the market-rate units, which will lower the marginal cost of developing the affordable units. The requested incentive will allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential uses is increased.

FAR by-right	Buildable Lot Area (sf)	Total Floor Area (sf)
1.5:1	24,337	24,337 x 1.5 = 36,505

FAR Requested	Buildable Lot Area (sf)	Total Floor Area (sf)	Additional Floor Area (sf)
3.26:1	24,337	77,945	77,945 - 36,505= 41,440

Parking Reduction: The applicant requested an Off-Menu Incentive to allow 80 residential parking spaces in lieu of the 121 spaces required by Parking Option 1 and LAMC Sec. 12.22 A.25(d)(1). Density Bonus Parking Option 1 requires parking spaces at the following ratios: 1 space per unit containing 0 to 1 bedrooms, 2 spaces per unit containing 2 to 3 bedrooms, and 2.5 space per unit containing 4 or more bedrooms. The project provides 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units, and is therefore required to provide a total of 121 residential parking spaces. The Applicant has requested a parking reduction to allow 80 residential parking spaces in lieu of the 121 residential parking spaces otherwise required by Density Bonus Parking Option 1. The project will provide 80 residential parking spaces and four (4) parking spaces for the retail uses. The Off-Menu Incentive will allow the developer to expand the Project's building envelope so that the residential units being constructed are of sufficient size, configuration, and quality. Compliance with the requirements of Parking Option 1 would require the removal of a significant amount of floor area that could otherwise be dedicated to the number, configuration, and livability of affordable housing units. If the project were to expand its parking area by building an additional parking level below grade, the resulting grading and engineering would trigger a cost-prohibitive construction type. At an average cost of approximately \$50,000 per parking space, the 41-space reduction would result in cost savings of approximately \$2,100,000. As a result, the provision of affordable units that the project currently proposes would no longer be financially feasible. Similarly, if the project was to construct parking above grade to accommodate the required parking pursuant to Parking Option 1, it would increase the height of the building and also result in financial infeasibility.

Loading Space: LAMC Section 12.21 C.6 requires that a loading space be provided and maintained for a building with a commercial use that is located on a C or M Zone abutting an alley. As a mixed-use building with a commercial component at the ground floor on a C2-1XL-CPIO zoned lot adjacent to an alley, the project would be required to provide a loading space with a minimum height of 14 feet, be accessible through a usable door not less than 3 feet in width and not less than 6 feet 6 inches in height, with a minimum area of 400 square feet, and a minimum width of 20 feet as measured along the alley. The applicant has requested to eliminate the loading space requirements of LAMC Section 12.21 C.6, and contends that the locational requirements along the alley will affect the residential units on the ground floor. The applicant proposes a loading space in the subterranean parking garage that meets all dimensional requirements of the code. Strict compliance with the alley access requirement for the loading space will require the reconfiguration of residential units at the ground floor, and may result in a loss of up to 2 dwelling units. The elimination of the alley access requirement for the loading space will allow the developer to dedicate more area towards residential units at the ground floor, so that the additional units can be constructed and the overall space dedicated to residential uses is increased. This allows construction of floor area whose rental incomes will provide for the operational costs of the affordable units, and assist with service debt associated with construction financing.

- b. The Incentive will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65915(d)(1)(B) and 65589.5(d)).**

There is no evidence in the record that the proposed density bonus incentive(s) will have a specific adverse impact. A “specific adverse impact” is defined as, “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” (LAMC Section 12.22.A.25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project’s proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

- c. The incentive(s) are contrary to state or federal laws.**

There is no evidence in the record that the proposed incentives are contrary to state or federal law.

Following is a delineation of the findings related to the request for one (1) Waiver of Development Standard, pursuant to Government Code Section 65915.

- 2. Government Code Section 65915 and LAMC Section 12.22 A.25 state that the Commission shall approve a density bonus and requested Waiver of Development Standard(s) unless the Commission finds that:**

- a. *The waiver(s) or reduction(s) are contrary to state or federal laws.***

There is no evidence in the record that the proposed incentives are contrary to state or federal law.

A project that provides 16 percent of total units for Very Low Income Households qualifies for three (3) Incentives, and may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).

Therefore, the request for the following is recommended as a Waiver of Development Standards. Without the below Waiver, the existing development standards would preclude development of the proposed density bonus units and project amenities:

Height: The subject site is zoned C2-1XL-CPIO, with a Height District No. 1XL and CPIO designation that permit a maximum height of 30 feet and two stories for projects containing residential and commercial uses. The applicant has requested an increase in height of 15 feet and 5 inches and two stories to allow for 45 feet and 5 inches and four stories through a Waiver of Development Standards per LAMC Section 12.22 A.25. The request for an additional 15 feet and 5 inches and two stories is needed due to the minimum 14-foot Ground Floor height required by the CPIO. The limitation on the height and the number of stories would remove two (2) stories from the proposed building, resulting in a loss of 54 dwelling units from the upper floors. This height and story limitation would have the effect of physically precluding construction of a development providing 100 dwelling units, of which 11 units will be set aside for Very Low Income households. As proposed, the additional height will allow for the construction of the affordable residential units, while satisfying the CPIO requirement for a Ground Floor with a minimum height of 14 feet. Additionally, the project is compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. The requested incentive will allow the developer to expand the building envelope so that additional units can be constructed and the overall space dedicated to residential uses is increased.

- b. The Incentive will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.***

There is no evidence in the record that the proposed density bonus incentive(s) will have a specific adverse impact. A “specific adverse impact” is defined as, “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” (LAMC Section 12.22.A.25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project’s proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

CONDITIONAL USE FINDINGS

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

The project site is zoned C2-1XL-CPIO, which allows a base density of 68 units on the subject property. The Density Bonus Ordinance allows a density bonus of up to 35 percent in exchange for setting aside 11 percent of the 68 base density units for Very Low Income

Households. With the Density Bonus Ordinance, the project would be permitted a density bonus of 92 units on site in exchange for setting aside eight (8) units for Very Low Income Households.

The State Density Bonus Law (Government Code Section 65915(n)) also allows a city to grant a density bonus greater than 35 percent for a development, if permitted by a local ordinance. The City adopted the Value Capture Ordinance (Ordinance No. 185,373), codified in LAMC Section 12.24 U.26, to permit a density increase greater than 35 percent with the approval of a Conditional Use. In exchange for the increased density, the Value Capture Ordinance requires projects to set aside one (1) additional percent of base density units above the 11 percent for Very Low Income Households for every additional 2.5 percent density increase above the 35 percent. Below is a table showing the requisite percentage of affordable housing units for Very Low Income Households based on the percentage of density increase.

Percentage of Base Density to be Restricted to Very Low Income Households	Percentage of Density Increase Granted
11	35
12	37.5
13	40
14	42.5
15	45
16	47.5

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 46 percent increase in density for a total of 100 dwelling units in lieu of 68 base density dwelling units as otherwise permitted by-right in the C2-1XL-CPIO Zone. In accordance with LAMC Section 12.22 A.25(c)(7), in calculating Density Bonus and Restricted Affordable units any number resulting in a fraction shall be rounded up to the next whole number. As provided in the table above, the applicant is required to set aside 16 percent, or 11 units, of the 68 base density units for Very Low Income Households in order to be granted a 47.5 percent density bonus. The applicant proposes to set aside 11 units for Very Low Income Households for a period of 55 years, which is 16 percent of the 68 base density units. As such, the project satisfies the minimum percentage of base density to be restricted to Very Low Income Households to be eligible for a 47.5 percent density increase.

According to the 2013 Housing Element of the City of Los Angeles General Plan, pages 1-14, 29 percent of total households in the City are in the Very Low Income Category and 16.1 percent are in the Low Income Category; therefore, almost half of the City's residents are in the Very Low or Low Income Categories. The City has determined that the shortage of affordable housing is an ongoing crisis in Los Angeles. The increased intensity and density of the proposed development will be offset by the project's ability to provide the number of affordable units required by the City's Density Bonus policy. Therefore, the proposed project would provide a service that is essential and beneficial to the community, city and region.

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

The proposed project is the construction of a 4-story, 45-foot and 5-inch tall mixed-use residential building comprised of 100 dwelling units (including 11 Very Low Income units) with two retail spaces totaling 1,800 square feet of ground floor retail space. The project will be approximately 77,945 square feet in floor area with a Floor Area Ratio ("FAR") of 3.26:1. The project will provide 84 parking spaces in two subterranean parking levels, in addition to 75 long-term and 8 short-term bicycle parking spaces. The residential units are located on all floors, and will comprise of 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. The primary building entrances are located along Pacific Avenue, and ground-floor units will have individual entrances from the sidewalk on Pacific Avenue, 21st Street, and 22nd Street. Residential amenities are provided in the form of open-air landscaped courtyards at the second level and rooftop decks. Vehicular access is proposed from one driveway along 21st Street. Two retail spaces of 900 square feet each are located on the ground floor along Pacific Avenue at the corners of the building on 21st Street and 22nd Street. The subject site is currently improved with an existing single-tenant bar, surface parking lot, and vacant lot, which will be demolished as part of the project.

The subject site is located in an urbanized area surrounded by a combination of multi-family residential and commercial uses, and some single-family residential uses. Properties along Pacific Avenue are zoned C2-1XL-CPIO and serve as a commercial corridor. Uses across 21st Street to the north of the site include one- to three-story multi-family residential buildings in the C2-1XL-CPIO and RD1.5-1XL zone; across 22nd Street to the south is a liquor store, restaurant, smoke shop, single-family dwelling and multi-family dwellings in the C2-1XL-CPIO zone; and across Pacific Avenue to the east is a two-story apartment, auto-repair shop, offices, restaurant, and dry cleaner in the C2-1XL-CPIO Zone. The properties across the alley to the west of the site are zoned RD1.5-1XL and improved with multi-family residential buildings ranging from one to two stories in height. There are two (2) bus stops serving the Metro Silver Line and 246 bus lines directly in front of the subject site along Pacific Avenue, with three (3) bus benches along the sidewalk.

The mixed-use development is permitted at this location on the subject site as an allowable use by the underlying C2-1XL-CPIO zone. As provided under Finding No. 1, the project's density, height, FAR, and parking are allowed by the underlying zone in combination with Density Bonus law.

The project has been designed with ground floor commercial space with street entrances and storefront glazing that is architecturally differentiated from the residential upper floors. The project will enhance the pedestrian experience and streetscape by providing removing the existing curb cuts and providing additional landscaping and street trees along Pacific Avenue, 21st Street, and 22nd Street.

Given the project's location in the San Pedro CPIO, proximity to public transit, and the surrounding uses, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The subject site is zoned C2-1XL-CPIO, with a Height District No. 1XL and CPIO designation that permits a maximum Floor Area Ratio ("FAR") of 1.5:1. The applicant has requested an FAR of 3.26:1 in lieu of the maximum 1.5:1 otherwise permitted in the C2-1XL-CPIO zone through an Off-Menu Density Bonus Incentive, for a maximum floor area of 77,945 square feet. While the size of the project is larger than the existing commercial and multi-family buildings on Pacific Avenue, the increase in FAR granted through the Density Bonus Ordinance will be compatible with and will not degrade the surrounding built environment.

The C2-1XL-CPIO zone, Height District No. 1XL and CPIO designation also limit height to 30 feet and two stories for projects containing residential and commercial uses. The applicant has requested an increase in height of 15 feet and 5 inches and two stories to allow for 45 feet and 5 inches and four stories through a Waiver of Development Standards per LAMC Section 12.22 A.25. The request for an additional 15 feet and 5 inches and two stories is needed due to the minimum 14-foot Ground Floor height required by the CPIO. Additionally, the project is compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. Therefore, the proposed project will provide a transition to be compatible with existing neighboring buildings. Therefore, the size and height of the proposed project will not adversely affect or degrade other properties, or the public health, welfare, and safety in the neighborhood.

The project will provide a total of 84 parking spaces, including 80 parking spaces for residential uses and 4 parking spaces for commercial uses, in the form of two subterranean parking levels. No parking spaces are proposed at or above grade level in accordance with CPIO Section IV-2.E.2. The project will reduce the number of curb cuts and driveways currently on-site from two (2) existing curb cuts to one (1) proposed curb cut. The two (2) existing curb cuts along Pacific Avenue will be closed and a new curb cut is proposed along 21st Street that will provide access to one driveway serving the subterranean parking. Therefore, the project will improve walkability of the site by removing existing curb cuts and existing surface parking lot. Furthermore, according to the traffic assessment prepared by Linscott Law & Greenspan, dated September 26, 2019 and the Department of Transportation (LADOT) memo dated October 21, 2019, the project will not have any significant impacts relating to traffic. The project is conditioned to provide electric vehicle charging spaces. As conditioned, a minimum of five percent of spaces will be configured for electric vehicle chargers. Five (5) percent of the 84 provided parking spaces, that is four (4) parking spaces, will be equipped with electric vehicle charging stations. The project will also provide 75 long-term and 8 short-term bicycle parking spaces in compliance with LAMC Section 12.21 A.16. An additional 44 bicycle parking spaces are proposed, for a total of 127 bicycle parking spaces provided per Exhibit "A".

A total of 10,944 square feet of usable open space will be provided, including 1,398 square feet of open-air courtyards, 5,400 square feet of rooftop deck, and 1,346 square feet of rooftop landscaping. The project provides 56 balconies to serve as private open space for individual units, totaling 2,800 square feet of private open space. There will be 3,104 square feet of solar space on the rooftop. The project incorporates landscaping within the setbacks along Pacific Avenue and 22nd Street, as well as within the courtyard on the second floor and the rooftop deck. The project will remove 10 non-protected palm trees along the public right-of-way and twelve (12) non-protected palm trees on the property, and will plant 27 36-inch box trees throughout the project site and public right-of-way to the satisfaction of the Urban Forestry Division of the Department of Public Works, as provided in Exhibit "A".

Therefore, as described above, the project will provide amenities and features that will enhance the surrounding neighborhood rather than further degrade or adversely affect other properties.

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

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing and

Conservation. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The General Plan is a long-range document determining how a community will grow, reflecting community priorities and values while shaping the future. Policies and programs set forth in the General Plan are subjective in nature, as the General Plan serves as a constitution for development and foundation for land use decisions. The project substantially conforms with the following purposes and objectives of the General Plan Elements: Framework Element, Land Use Element (San Pedro Community Plan), Housing Element, and Mobility Element.

The project site is located in the San Pedro Community Plan, and is designated for Neighborhood Commercial land uses, with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The site is zoned C2-1XL-CPIO, and is therefore consistent with the land use designation. The site is also located within the San Pedro Community Plan Implementation Overlay ("CPIO") District Coastal Commercial A Subarea. The CPIO contains regulations for ground floor and building height, density, floor area, building design, building disposition, parking, landscaping, signage, appurtenances, and public improvements. The project is also located within the Pacific Corridor Redevelopment Plan.

Consistent with the Community Plan, the proposed 100-unit mixed-use development, which includes 11 Very Low Income units, adds new multi-family housing and much needed affordable housing to Los Angeles's housing supply, in a neighborhood that is conveniently located to a variety of regional destinations, community services and amenities, and multi-modal transportation options. It also adds approximately 1,800 square feet of ground floor retail space to serve the community.

Framework Element

The General Plan designates the subject site with Neighborhood Commercial land use designation with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The Framework Element describes Neighborhood Commercial areas as pedestrian-oriented districts that provide local identity, commercial activity, and support Los Angeles' neighborhoods. The property is zoned C2-1XL-CPIO, which is consistent with the Neighborhood Commercial land use. The C2-1XL-CPIO zone allows for R4 (High Medium Residential) land uses and estimates 56 to 109 dwelling units per acre.

Per the Framework Element's Long Range Land Use Diagram for the West/Coastal Los Angeles area, the site is also along a Mixed Use Boulevard. A Mixed Use Boulevard is described as "connect[ing] the city's neighborhood districts and community, regional and Downtown centers. Mixed Use development is encouraged along these boulevards, with the scale, density and height of development compatible with the surrounding areas. Generally, different types of Mixed Use Boulevards will fall within a range of floor area ratios from 1.5:1 up to 4.0:1 and be generally characterized by one to two-story commercial structures, up to 3- to 6-story mixed-use buildings between centers and higher buildings within centers. Mixed Use Boulevards are served by a variety of transportation facilities."

Therefore, as a 4-story mixed-use development with a maximum 3.26:1 FAR as allowed by Density Bonus, the proposed project is consistent with the General Plan Framework.

Land Use Element – San Pedro Community Plan

The proposed project aligns with the intent of the 2017 San Pedro Community Plan including the following:

Goal LU3: Multi-family residential neighborhoods with a mix of ownership and rental units that are well-designed, safe, provide amenities for residents, and exhibit the architectural characteristics and qualities that distinguish San Pedro

Policy LU3.1: Neighborhood stability. Stabilize and improve existing multi-family residential neighborhoods, allowing for growth in areas where there are sufficient public infrastructure and services and where quality of life can be maintained or improved

Policy LU3.2: Key locations. Incorporate multi-family housing in areas targeted for mixed use and in the Regional Center

Policy LU3.3: Equitable housing distribution. Provide an equitable distribution of housing types for all income groups throughout San Pedro's multi-family neighborhoods and promote mixed-income developments rather than creating concentrations of below-market-rate housing

Policy LU3.4: Affordable housing and displacement. Encourage the replacement of demolished quality affordable housing stock with new affordable housing opportunities while minimizing the displacement of residents, through programs that support development while meeting the relocation needs of existing residents

Policy LU3.6: Amenities. Include amenities for residents such as on site recreational facilities, community meeting spaces, and useable private and/or public open space in new multi-family development

Goal LU5: Strong and competitive commercial districts that are aesthetically appealing, pedestrian-oriented, easily accessible and serve the needs of the community while preserving the unique commercial and cultural character of the community.

Policy LU5.1: Investment. Conserve, strengthen and encourage investment in San Pedro's existing commercial districts

Policy LU5.7: Strategically locate new large projects. Allow large projects in appropriate locations, and provided that projects do not interrupt community fabric, the street grid, designated public views, or the viability of commercial areas, and that those facilities are designed to be compatible in scale and character with surrounding uses

Policy LU5.11: Buildings that engage the street. Require buildings to be oriented to and actively engage the public realm through such features as building orientation, build-to and setback lines, façade articulation, ground-floor transparency, and location of parking

Policy LU5.13: Improve design. Promote quality site, architectural and landscape design that incorporates walkable blocks, distinctive parks and open spaces, tree-lined streets, and varied architectural styles.

Policy LU5.14: Safety. Create and promote environments that enhance safety and are more conducive to walking through the use of design guidelines and standards. Encourage outdoor areas to be lighted for night use, safety and comfort

Policy LU5.15: Well-designed parking. Provide adequate employee and public parking for all commercial facilities that is complementary to adjacent uses, separating it from residential uses. Where possible, replace surface parking with structured parking, replace parking area drive aisles with pedestrian-friendly walkways, and infill parking areas with multi-story mixed-use buildings

Policy LU5.16: Minimize parking impacts. Reduce the visual prominence of parking within the public realm by requiring off-street parking to be located behind or within structures or otherwise fully or partially screened from public view

Goal LU6: Attractive, pedestrian-friendly Neighborhood Districts that serve surrounding neighborhoods and businesses as local gathering places where people shop and socialize.

Policy LU6.2: Mix of uses. Encourage the vertical and horizontal integration of a complementary mix of commercial, service and other non-residential uses that address the needs of households living in urban neighborhoods. Such uses may include retail and services, entertainment, childcare facilities, daycare and school facilities, public meeting rooms, recreation, cultural facilities, and public open spaces, which enhance neighborhood activity.

The project is for the construction of a new mixed-use, mixed-income residential development on an underutilized site that includes a single-tenant bar, surface parking, and a vacant lot. The project will result in the net increase of 100 dwelling units, which will include 11 Very Low Income units. It will also provide approximately 1,800 square feet of retail uses in two tenant spaces that will enhance the commercial and pedestrian experience on Pacific Avenue. The site is located within walking distance of public transit and local and regional amenities. As shown in Exhibit "A" and Finding Nos. 4 and 12, the Project will provide design features and landscaping improvements to enhance the visual quality of the area.

Housing Element 2013-2021

The proposed project also conforms with the applicable policies of the Housing Element, including:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

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 Mixed-Use Boulevards.

Policy 1.3.5: Provide sufficient land use and density to accommodate an adequate supply of housing units within the City to meet the projections of housing needs.

Goal 2: A City in which housing helps to create safe, livable and sustainable neighborhoods.

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.

Objective 2.5: Promote a more equitable distribution of affordable housing opportunities throughout the City.

Program 98: In accordance with State law, provide a density bonus up to 35% over the otherwise allowable density as well as reduced parking requirements for all residential developments that include units affordable to very low-, low- and/or moderate-income households. Provide additional incentives and concessions to required development standards in order to provide the buildable area needed for the affordable units and increased density.

The proposed project will result in a net increase of 100 new residential units to the City's housing stock and conforms with the applicable provisions of the Housing Element. The applicant has requested deviations from code requirements under the Density Bonus program for increased FAR, reduced parking, elimination of loading requirements, and increased height, thereby allowing the creation of affordable units. Pursuant to Density Bonus requirements, 16 percent (11 units) of the base units, will be set aside for Very Low Income units. Additionally, this mixed-use mixed-income development is in close proximity to public transit options, and a variety of retail, commercial, entertainment, recreational, and employment opportunities. Locating new housing and retail space in this portion of Pacific Avenue will allow residents to have better access to employment centers and places of interest in area.

Mobility Plan 2035

The proposed project also conforms with the following additional policies of the Mobility Plan, including:

Policy 3.1: Access for All: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement – as integral components of the City's transportation system.

Policy 3.3: Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

The project utilizes Density Bonus incentives for the construction of a mixed-use mixed-income development that provides housing opportunities in close proximity to public transit along the Pacific Avenue corridor, and to permit reduced parking through an Off-Menu Density Bonus Incentive, encouraging multi-modal transportation and decreasing vehicle miles traveled in the neighborhood. The site is located along a portion of Pacific Avenue that is designated by the Mobility Plan as a Tier 2 Bicycle Lane in the Bicycle Lane Network, and is also within the designated Pedestrian Enhanced District. The project will also provide 75 long-term and 8 short-term bicycle parking spaces in compliance with LAMC Section 12.21 A.16. An additional 44 bicycle parking spaces are proposed, for a total of 127 bicycle parking spaces provided per Exhibit "A". The applicant proposes active transportation items including reserved spaces for a carshare program through BlueLA for 100 percent electric vehicles, a bikeshare program with both standard bikes and bikes with cargo containers, designated areas for e-scooters so they are not in the public right-of-way, and Metro TAP passes that will be distributed to studio residents for at least the first year of development and ongoing based on usage.

San Pedro CPIO

The San Pedro Community Plan Implementation Overlay (“CPIO”) District was adopted by the Los Angeles City Council and became effective on June 26, 2018 under Ordinance No. 185,539. The subject site is located within the Coastal Commercial A Subarea of the San Pedro CPIO, which contains additional regulations for height, density, floor area, building disposition, building design, and parking. The project is subject to administrative review for compliance with the San Pedro Community Plan Implementation Overlay (“CPIO”). Therefore, as conditioned herein and required by LAMC Section 13.14 G.2 and CPIO, the project will be subject to an administrative review and clearance process for CPIO compliance prior to the issuance of building permits.

Pacific Corridor Redevelopment Plan

The project site is located within the Pacific Corridor Redevelopment Project Area; accordingly, the project has been reviewed for consistency and compliance with the Pacific Corridor Redevelopment Plan. The project is consistent with the goals of the Redevelopment Plan which seeks to preserve existing housing stock and provide choice for a variety of new and rehabilitated housing opportunities.

Therefore, the proposed project is consistent with the purposes, intent and provisions of the General Plan, San Pedro Community Plan, Housing Element, Mobility Plan, CPIO, and Redevelopment Plan by meeting several of its goals, objectives, and policies. Specifically, the project would provide housing and retail uses on underutilized land to 1) accommodate necessary residential growth and provide a mix of apartment sizes and affordability levels, including rent restricted units for Very Low Income households; and (3) reinforce an existing mixed-use corridor by providing an array of housing options, new retail, improved streetscape, and landscaping, that would be inviting to nearby residents and pedestrians along Pacific Avenue.

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

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

As provided under Finding No. 5, the proposed Project would be in conformance with the following goals of the Housing Element as described below:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

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

Policy 1.1.2: Expand affordable rental housing for all income groups that need assistance.

Policy 1.1.3 Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households

In granting a Conditional Use for a 46 percent density increase, affordable housing is required beyond the minimum percentage required per the State Density Bonus Law and the City's Density Bonus Ordinance. This ensures that the project provides a proportional amount of affordable housing units compared to the density increase it is seeking. In this case, the project is required to set aside 16 percent, that is 11 units, of the 68 base density units for Very Low Income Households in exchange for the 46 percent density increase requested. The project proposes to set aside 11 units for Very Low Income Households, thereby complying with the requisite percentage of affordable housing units for the 47.5 percent density increase.

The project does not include the demolition or loss of any residential units because there are no residential uses on the subject property. The project involves the demolition of a single-tenant bar, surface parking lot, and vacant lot. By redeveloping the subject site for the proposed mixed-use project, 100 new dwelling units will be made available in the community. The project will set aside 11 units for Very Low Income Households. The project will offer a range of apartment types and sizes as it provides 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. Additionally, the project proposes a total of 10,944 square feet of usable open space within a courtyard, roof deck, and balconies. The project will provide affordable housing in close proximity to transit. Several bus stops served by the Los Angeles County Metropolitan Transit Authority ("Metro") Silver Line and 246 bus line, as well as the Los Angeles Department of Transportation ("LADOT") DASH San Pedro line are within one-half mile of the project site. There are two (2) bus stops serving the Metro Silver Line and 246 bus lines directly in front of the subject site along Pacific Avenue, with three (3) bus benches along the sidewalk. Therefore, the project is in conformance with the affordable housing provisions of the Housing Element.

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

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

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

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

The project site is zoned C2-1XL-CPIO, which allows a base density of 68 dwelling units. Per the Density Bonus Ordinance, the project is permitted a 35 percent density increase in exchange for setting aside 11 percent, or eight (8), of the 68 base density units for Very Low

Income Households. The project is permitted additional density increase beyond 35 percent by setting aside one (1) additional percent of base density units above the 11 percent for Very Low Income Households for every additional 2.5 percent density increase above the 35 percent. Below is a table showing the requisite percentage of affordable housing units for Very Low Income Households based on the percentage of density increase.

Percentage of Base Density to be Restricted to Very Low Income Households	Percentage of Density Increase Granted
11	35
12	37.5
13	40
14	42.5
15	45
16	47.5

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 46 percent increase in density for a total of 100 dwelling units in lieu of 68 base density dwelling units as otherwise permitted by-right in the C2-1XL-CPIO Zone. In accordance with LAMC Section 12.22 A.25(c)(7), in calculating Density Bonus and Restricted Affordable units any number resulting in a fraction shall be rounded up to the next whole number. As provided in the table above, the applicant is required to set aside 16 percent, or 11 units, of the 68 base density units for Very Low Income Households in order to be granted a 47.5 percent density bonus. The applicant proposes to set aside 11 units for Very Low Income Households for a period of 55 years, which is 16 percent of the 68 base density units. As such, the project satisfies the minimum percentage of base density to be restricted to Very Low Income Households to be eligible for a 47.5 percent density increase.

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

On September 27, 2014, Governor Jerry Brown signed Assembly Bill (AB) 2222 as amended by AB 2556 on August 19, 2016, to amend sections of California's Density Bonus Law (Government Code Section 65915). Major changes to the law are applicable to new density bonus developments resulting in a loss in existing affordable units or rent-stabilized units. The law aims to replace units and ensure rental affordability periods for 55 years. Pursuant to the Determination Letter dated March 5, 2020, HCIDLA has determined that there were no residential units built and demolished on the property, therefore, no AB 2556 replacement affordable units are required (Exhibit C). As such, the dwelling unit replacement requirements of Government Code Section 65915(c)(3) do not apply.

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

The applicant proposes to set aside a total of 11 units for Restricted Affordable Units. Per the Conditions of Approval, the applicant is required to execute a covenant to the satisfaction of HCIDLA to make 11 Restricted Affordable Units available to Very Low Income Households for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. The applicant is required to present a copy of the recorded covenant to the Department of

City Planning and the proposed project shall comply with any monitoring requirements established by HCIDLA. Therefore, as conditioned, the project satisfies this finding in regards to subjected restricted affordable units to recorded affordability per HCIDLA, and is subject to fees as set forth in Section 19.14 of the LAMC.

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

The City Planning Commission approved the Affordable Housing Incentives Guidelines (CPC-2005-1101-CA) on June 9, 2005. The Guidelines were subsequently approved by City Council (CF 05-1345) on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. HCIDLA utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. On April 9, 2010, the City Council adopted updates to the City's Density Bonus Ordinance (CF 05-1345-S1, Ordinance No. 181,142). However, at that time, the Affordable Housing Incentives Guidelines were not updated to reflect changes to the City's Density Bonus Ordinance or more recent changes in State Density Bonus Law located in the Government Code. Therefore, where there is a conflict between the Guidelines and current laws, the current law prevails. Additionally, many of the policies and standards contained in the Guidelines, including design and location of affordable units to be comparable to the market-rate units, equal distribution of amenities, monitoring requirements, and affordability levels, are covered by the State Density Bonus Laws.

The project requests a 46 percent density increase above the 68 base density units to permit a total of 100 dwelling units. The project will set aside 11 units for Very Low Income Households. As such, the project is consistent with the State Density Bonus Law and the local Density Bonus Ordinance, which the Affordable Housing Incentives Guidelines implement. Therefore, the project complies with the City Planning Commission's Affordable Housing Incentives Guidelines.

SITE PLAN REVIEW FINDINGS

11. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.

As provided under Finding No. 5, the proposed project is in substantial conformance with the purpose, intent, and provisions of the General Plan's Framework Element, San Pedro Community Plan, Housing Element, Mobility Plan, CPIO, and Redevelopment Plan.

The project site is located in the San Pedro Community Plan, and is designated for Neighborhood Commercial land uses, with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The site is zoned C2-1XL-CPIO, and is consistent with the land use designation. Height District No. 1XL limits Floor Area Ratio ("FAR") to 1.5:1 and building height to 30 feet and two (2) stories. The CPIO designation also limits the site to 30 feet and 1.5:1 FAR.

The mixed-use development is permitted at this location on the subject site as an allowable use by the underlying C2-1XL-CPIO zone. As provided under Finding No. 1 and 4, the project's increased FAR, reduced parking, elimination of loading requirements, and increased height are allowed by the underlying zone in combination with Density Bonus law. The project has been designed with ground floor commercial space with street entrances and storefront glazing that is architecturally differentiated from the residential upper floors. The project will

enhance the pedestrian experience and streetscape by providing removing the existing curb cuts and providing additional landscaping and street trees along Pacific Avenue, 21st Street, and 22nd Street.

As provided under Finding No. 5, the project would meet the goals, objectives, and policies of the General Plan, San Pedro Community Plan, Housing Element, and Mobility Plan, particularly those concerning adding housing and affordable housing near transit, neighborhood-serving uses, and jobs. The project would provide additional housing within proximity to neighborhood-serving uses and directly adjacent to public transit. The project is subject to administrative review for compliance with the San Pedro CPIO. The project is consistent with the goals of the Redevelopment Plan which seeks to preserve existing housing stock and provide choice for a variety of new and rehabilitated housing opportunities.

12. 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 adjacent properties and neighboring properties.

As provided under Finding No. 4, the Project has been designed to be compatible with adjacent properties and surrounding neighborhood. The subject site is located in the San Pedro Community Plan along the Pacific Avenue commercial corridor, at the western side of Pacific Avenue between 21st Street and 22nd Street. The surrounding area is developed with a combination of single-story commercial uses and multi-family residential uses up to three stories in height, with some one-and two-story single-family residential uses in the surrounding area.

The proposed project is the construction of a 4-story, 45-foot and 5-inch tall mixed-use residential building comprised of 100 dwelling units (including 11 Very Low Income units) with two retail spaces totaling 1,800 square feet of ground floor retail space. The project will be approximately 77,945 square feet in floor area with a Floor Area Ratio ("FAR") of 3.26:1. The project will provide 84 parking spaces in two subterranean parking levels, in addition to 75 long-term and 8 short-term bicycle parking spaces. The residential units are located on all floors, and will comprise of 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. The primary building entrances are located along Pacific Avenue, and ground-floor units will have individual entrances from the sidewalk on Pacific Avenue, 21st Street, and 22nd Street. Residential amenities are provided in the form of open-air landscaped courtyards at the second level and rooftop decks. Vehicular access is proposed from one driveway along 21st Street. Two retail spaces of 900 square feet each are located on the ground floor along Pacific Avenue at the corners of the building on 21st Street and 22nd Street. The subject site is currently improved with an existing single-tenant bar, surface parking lot, and vacant lot, which will be demolished as part of the project.

Height

The proposed project will be four (4) stories and approximately 45 feet and 5 inches in building height, which will be comparable to the existing three-story apartment buildings directly across the street and corner from the subject site on 21st Street. The subject property is zoned C2-1XL-CPIO and is located within Height District No. 1XL, which restricts mixed-use projects to two (2) in height. Both Height District No. 1XL and San Pedro CPIO Section IV-2.A.2(a) and IV-2.B.1 restrict the site to a maximum building height of 30 feet and Floor Area Ratio ("FAR") of 1.5:1. The project would be allowed an 11-foot height increase for a maximum 41-foot building height through an On-Menu Incentive under the Density Bonus program. The proposed 45-foot and 5-inch building height is requested through a Waiver of Development Standard, and is only a 4 foot 5 inch increase from the maximum height allowed through an

On-Menu Incentive. The proposed height will be compatible with the adjacent three-story apartment buildings on 21st Street and Pacific Avenue. By granting the additional height, the project will be able to provide additional housing units. The height increase also allows the project to meet the 14-foot Ground Floor height requirements of the San Pedro CPIO Section IV-2.A.1. Additionally, the project is compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. Therefore, the proposed height is comparable with the maximum building height allowable under the On-Menu Density Bonus program, and will provide a transition to be compatible with existing neighboring buildings.

Bulk/Massing

The proposed mixed-use development abuts three streets, with the street-fronting facades measuring approximately 260 feet along the west side of Pacific Avenue, 95 feet along the south side of 21st Street, and 95 feet along the north side of 22nd Street. While the proposed project massing exceeds the existing prevailing development pattern, the overall height of 45 feet 5 inches is comparable to the maximum building height of 41 feet allowable under the On-Menu Density Bonus program. In addition, the project is compliant with San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. Therefore, the project massing will be appropriately set back from the neighboring residential uses. Additionally, the project provides architectural detailing that enhances the street-facing facades by applying recesses, balconies, and varied rooflines along the building facade, along with varying building materials and colors to incorporate variation in design.

Building Materials

The building design incorporates a variety of recesses, balconies, and different materials to add architectural interest to the building and creates distinct breaks in the building plane. These breaks are further differentiated through the use of a variety of building materials that include painted stucco, cherry melamine slatwall panels, aluminum woven wire mesh, timbertech decking, and glass. Together, these elements are applied to create sufficient breaks in plane and articulation. In accordance with CPIO Section IV-2.C.2 and IV-2.C.4, respectively, at least 60 percent of the Primary Frontage of the Ground Floor shall consist of doors and windows, and heavily textured stucco is prohibited.

Entrances

There are two (2) primary residential building entrances proposed along Pacific Avenue, and are differentiated from the remainder of the street frontage through a recess that is enhanced with Pedestrian Amenities along the sidewalk. In addition, all ground-floor units along Pacific Avenue, 21st Street, and 22nd Street will have individual unit entrances that will be directly accessible from the street and set back a minimum of 3 feet from the sidewalk in accordance with CPIO Section IV-2.D.3 and IV-2.D.4. Two retail spaces are proposed on the corners of the building and will have commercial entrances directly from the sidewalk.

Setbacks

The project has been designed to create a strong street wall along Pacific Avenue, 21st Street, and 22nd Street. CPIO Section IV-2.C.1 requires that the exterior wall of any building shall be located not more than 5 feet from the Primary Lot Line, except that exterior walls may be more than 5 feet from the Primary Lot Line when the setback is improved with Pedestrian Amenities and/or landscaping. The project is compliant with this CPIO requirement and provides minimal setbacks along the street frontages and provides landscaping in areas where there are setbacks, as provided in Exhibit "A".

Parking/Loading

The project will provide a total of 84 parking spaces, including 80 parking spaces for residential uses and 4 parking spaces for commercial uses, in the form of two subterranean parking levels. The applicant seeks an Off-Menu Density Bonus Incentive reduce the number of required residential parking spaces from 121 parking spaces to 80 parking spaces. No parking spaces are proposed at or above grade level in accordance with CPIO Section IV-2.E.2. The project will reduce the number of curb cuts and driveways currently on-site from two (2) existing curb cuts to one (1) proposed curb cut. The two (2) existing curb cuts along Pacific Avenue will be closed and a new curb cut is proposed along 21st Street that will provide access to one driveway serving the subterranean parking. Therefore, the project will improve walkability of the site by removing existing curb cuts and existing surface parking lot. As conditioned, a minimum of five percent of spaces will be configured for electric vehicle chargers. Five (5) percent of the 84 provided parking spaces, that is four (4) parking spaces, will be equipped with electric vehicle charging stations. The project will also provide 75 long-term and 8 short-term bicycle parking spaces in compliance with LAMC Section 12.21 A.16. An additional 44 bicycle parking spaces are proposed, for a total of 127 bicycle parking spaces provided per Exhibit "A". The applicant proposes active transportation items including reserved spaces for a carshare program through BlueLA for 100 percent electric vehicles, a bikeshare program with both standard bikes and bikes with cargo containers, designated areas for e-scooters so they are not in the public right-of-way, and Metro TAP passes that will be distributed to studio residents for at least the first year of development and ongoing based on usage.

Loading

The project proposes a loading space in the subterranean parking garage that is accessed from the driveway from 21st Street. Although the applicant has requested an Off-Menu Density Bonus Incentive to eliminate the loading space requirements of LAMC Section 12.21 C.6, the project will provide a loading space in the subterranean parking garage that meets all dimensional requirements of the code. Therefore, the loading space will be functional and usable for residents and deliveries. The subterranean loading space will be located in the subterranean parking garage, rather than along the alley at grade level, and therefore will not affect street circulation.

Lighting

The proposed project will reduce the amount of lighting that currently exists on-site by removing the surface parking lot and screening all parking from public view. In addition, the project will comply with CPIO Section IV-2.H.1 to provide ancillary lighting along pedestrian and vehicular access ways, and is conditioned so that all pedestrian walkways and vehicle access points will be well-lit with lighting fixtures that are harmonious with the building design. As conditioned, all outdoor lighting provided on-site will be shielded to prevent excessive illumination and spillage onto adjacent public rights-of-way, adjacent properties, and the night sky.

Landscaping/Open Space

On-site landscaping and open space is provided in the form of 1,398 square feet of open-air landscaped courtyards on the second floor, 5,400 square feet of open-air rooftop deck, and 1,346 square feet of rooftop landscaping, and 2,800 square feet of balconies. The project will provide a total of 10,944 square feet of open space, which exceeds the 10,525 square feet required by code. The applicant has not requested any deviations or reductions in open space or landscaping requirements. The common open space areas required by code shall meet the minimum dimension, landscaping, and amenity requirements per LAMC Section 12.21 G.2(a). Additional landscaping is provided along the perimeter of the building, including an over-dedicated area along 22nd Street. The project is conditioned to submit landscape plans

prepared by a licensed landscape architect or licensed architect to show the size and location of all plants, and ensure sufficient depth and soil volume for trees and green roofs.

Trash Collection

Trash and recycling areas are conditioned to be located within the subterranean parking level to ensure that they are not visible from public view from the street per CPIO Section IV-2.H.3. Service providers will access the trash area from the driveway along 21st Street and enter the parking garage for trash collection. Therefore, trash collection will not affect circulation for surrounding properties.

13. The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

The proposed project provides recreational and service amenities that will improve habitability for the residents and minimize any impacts on neighboring properties. Common open space is provided in the form of 1,398 square feet of open-air landscaped courtyards on the second floor, and 5,400 square feet of open-air rooftop deck, and 1,346 square feet of rooftop landscaping. The project also provides 2,800 square feet of private balconies for use as private open space for individual units. The project will provide a total of 10,944 square feet of open space, which exceeds the 10,525 square feet required by code. The applicant has not requested any deviations or reductions in open space or landscaping requirements. Therefore, the proposed project provides sufficient recreational and service amenities for its residents, minimizing any impacts on neighboring properties.

CEQA FINDINGS

The Department of City Planning determined, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. The Notice of Exemption and Justification for Project Exemption for Environmental Case No. ENV-2019-4885-CE is provided in the case file and attached as Exhibit D.

The Department of City Planning found, based on their independent judgment, and after consideration of the whole of the administrative record, that the project is within the scope of the San Pedro New Community Plan ENV-2009-1558-EIR ("Program EIR"), pursuant to CEQA Guidelines Sections 15168 and 15162; the environmental effects of the Project were covered in the Program EIR and no new environmental effects not identified in the Program EIR will occur and no new mitigation is required; there has been no changes in circumstances, and the City has incorporated all feasible mitigation measures from the Program EIR on the Project.

The project is the development of a new 4-story, 45-foot and 5-inch tall mixed-use residential building comprised of 100 dwelling units (including 11 units restricted to Very Low Income Households) with 1,800 square feet of ground floor retail space. The project will provide 84 vehicular parking spaces in 2 subterranean parking levels, and 75 long-term and 8 short-term bicycle parking spaces. The project will be 77,945 square feet in floor area and have a Floor Area Ratio ("FAR") of 3.26:1. The site is currently improved with a 1,490 square foot single-tenant bar, surface parking lot, and vacant lot, with 12 non-protected palm trees on the subject site and ten (10) non-protected palm trees along the public right-of-way, all of which will be removed to clear the lot. Tree removal may be required in order to allow construction and perform required street improvements. Street trees in the public right of way are regulated under Los Angeles Municipal Code, Chapter VI, Section 62.161 through 62.176. All tree removal permits are issued by the Bureau of Street Services, Urban Forestry Division, and may require approval by the Board of

Public Works. All permitted tree removals shall be replaced with a minimum of two, 24-inch box size trees for each tree removed or as conditioned by the Board of Public Works. The project proposes to plant 36-inch box street trees, as provided in Exhibit "A". The project proposes grading and export of 20,000 cubic yards of soil.

As a mixed-use residential building, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

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

The project site is located in the San Pedro Community Plan, and is designated for Neighborhood Commercial land uses, with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The site is zoned C2-1XL-CPIO, and is consistent with the land use designation. Height District No. 1XL limits Floor Area Ratio ("FAR") to 1.5:1 and building height to 30 feet and two (2) stories. However, the proposed project will have a FAR of 3.26:1 and a height of 45 feet and 5 inches as permitted by State Density Bonus Law in exchange for providing 11 units of rent restricted units for Very Low Income Households for 55 years. As demonstrated in the case file and under Finding No. 5 above, the project is consistent with the General Plan, the applicable San Pedro Community Plan designation and policies, and all applicable zoning designations and regulations as permitted by Density Bonus law.

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

The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.56 acres (24,336 square feet) and is surrounded by urban uses. Lots adjacent to the subject site are developed with the following urban uses: multi-family residential buildings, commercial structures, and single family dwellings. The subject site is within one-half mile of several bus stops served by the Los Angeles County Metropolitan Transit Authority ("Metro") Silver Line and 246 bus line, as well as the Los Angeles Department of Transportation ("LADOT") DASH San Pedro line. There are two (2) bus stops serving the Metro Silver Line and 246 bus lines directly in front of the subject site along Pacific Avenue, with three (3) bus benches along the sidewalk.

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

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. The site is currently developed with a 1,490 square foot single-tenant bar, surface parking, and vacant lot. There are approximately 12 non-protected palm trees on the subject site and ten (10) non-protected palm trees along the public right-of-way that will be removed as part of the project. There are no Protected Trees on the site per the Tree Letter prepared by Courtland Studio, LLC dated May 19, 2020. Tree removal may be required in order to allow construction and perform required street improvements. Street trees in the public right of way are regulated under Los Angeles Municipal Code, Chapter VI, Section

62.161 through 62.176. All tree removal permits are issued by the Bureau of Street Services, Urban Forestry Division, and may require approval by the Board of Public Works. All permitted tree removals shall be replaced with a minimum of two, 24-inch box size trees for each tree removed or as conditioned by the Board of Public Works. The project proposes to plant 36-inch box street trees, as provided in Exhibit "A".

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

Regulatory Compliance Measures – The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. More specifically, RCMs include but are not limited to the following, to ensure the project will not have significant impacts:

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-AQ-2:** In accordance with Sections 2485 in Title 13 of the California Code of Regulations, the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.
- **Regulatory Compliance Measure RC-AQ-3:** In accordance with Section 93115 in Title 17 of the California Code of Regulations, operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.
- **Regulatory Compliance Measure RC-AQ-4:** The Project shall comply with South Coast Air Quality Management District Rule 1113 limiting the volatile organic compound content of architectural coatings.
- **Regulatory Compliance Measure RC-AQ-5:** The Project shall install odor-reducing equipment in accordance with South Coast Air Quality Management District Rule 1138.
- **Regulatory Compliance Measure RC-AQ-6:** New on-site facility nitrogen oxide emissions shall be minimized through the use of emission control measures (e.g., use of best available control technology for new combustion sources such as boilers

and water heaters) as required by South Coast Air Quality Management District Regulation XIII, New Source Review.

- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

CPIO Environmental Standards – The San Pedro CPIO contains Environmental Standards to implement the Mitigation and Monitoring Program as part of the San Pedro Community Plan Update that were reviewed in the Program EIR. All projects in CPIO Subareas are required to comply with any applicable Environmental Standards. The proposed project is required to comply with the following:

- **Environmental Standard AE1:** Projects shall be designed to ensure the following:
 - a. All lighting be directed and/or shielded to minimize lighting spillover effects onto adjacent and nearby properties.
- **Environmental Standard AQ1:** Projects shall require the following or comparable best management practices be included in contract specifications and/or printed on plans:
 - a. Use properly tuned and maintained equipment.
 - b. Construction contractors shall enforce the idling limit of five minutes as set forth in the California Code of Regulations.
 - c. Use diesel-fueled construction equipment to be retrofitted with after treatment products (e.g. engine catalysts) to the extent they are readily available and feasible.
 - d. Use heavy duty diesel-fueled equipment that uses low NOx diesel fuel to the extent it is readily available and feasible.
 - e. Use construction equipment that uses low polluting fuels (i.e. compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent available and feasible.
 - f. Maintain construction equipment in good operating condition to minimize air pollutants.
 - g. Construction contractors shall utilize materials that do not require painting, as feasible.
 - h. Construction contractors shall use pre-painted construction materials, as feasible.
 - i. Construction contractors shall provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
 - j. Construction contractors shall provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site, as feasible.
 - k. Construction contractors shall reroute construction trucks away from congested streets or sensitive receptor areas, as feasible.
 - l. Construction contractors shall appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.
- **Environmental Standard AQ3/GHG1:** Projects shall incorporate the following greenhouse gas reduction measures into the project design:
 - a. For Multi-Family and Commercial Projects: parking facilities shall have five percent of the total parking spaces, but not less than one space, capable of

supporting future Electric Vehicle Supply Equipment (EVSE) charging locations.

- **Environmental Standard N1:** Projects shall include the following or comparable construction best management practices in contract specifications and/or printed on plans:
 - a. Construction haul truck and materials delivery traffic shall avoid residential areas whenever feasible. If no alternatives are available, truck traffic shall be routed on streets with the fewest residences.
 - b. The construction contractor shall locate construction staging areas away from sensitive uses.
 - c. When construction activities are located in close proximity to noise-sensitive land uses, noise barriers (such as, temporary walls or piles of excavated material) shall be constructed between activities and noise sensitive uses.
 - d. Impact pile drivers shall be avoided where possible in noise-sensitive areas. Drilled piles or the use of a sonic vibratory pile driver are quieter alternatives that shall be utilized where geological conditions permit their use. Noise shrouds shall be used when necessary to reduce noise of pile drilling/driving.
 - e. Construction equipment shall be equipped with mufflers that comply with manufacturers' requirements.
 - f. The construction contractor shall consider potential vibration impacts to older (historic) buildings.
- **Environmental Standard US1:** Projects shall incorporate water conservation measures into the project design, which may include but are not limited to measures identified in the City's Water Conservation Ordinance.
- **Environmental Standard US2:** Projects shall incorporate the Solid Waste Integrated Resources Plan measures to maximize source reduction and materials recovery and minimize the amount of solid waste requiring disposal with the goal of leading the City to achieve zero waste by 2025.
- **Environmental Standard US3:** Projects shall incorporate energy conservation and efficiency measures into the design of new development, including but not limited to:
 - a. Energy saving windows, doors, insulation and passive solar design.
 - b. Energy efficient fixtures and appliances.
 - c. Efficient lighting, heating, air and ventilation systems.
 - d. Reused or recycled building materials.

Traffic - A traffic study was prepared by Linscott Law & Greenspan, dated September 26, 2019 to analyze the proposed project and determined that the project is forecast to generate a net increase of 432 daily trip ends during a typical weekday, 40 vehicle trips during the weekday a.m. peak hour, and 33 vehicle trips during the weekday p.m. peak hour. The traffic analysis accounts for ambient growth factors based on a 1.0 percent annual growth and in addition to trips resulting from other development projects that are located within the study area. The Department of Transportation (LADOT) reviewed the traffic study and confirmed its findings in a memo dated October 21, 2019, confirming that none of the study intersections would be significantly impacted by project-related traffic. Therefore, the project will not have any significant impacts relating to traffic.

Noise – The Project must comply with the adopted City of Los Angeles Noise Ordinances No. 144,331 and 161,574 and LAMC Section 41.40 as indicated above in RC-NO-1, LAMC Section 112.05, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. These Ordinances cover both operational noise levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the proposed Project will not result in any significant noise impacts. Furthermore, the Noise Impact Analysis prepared by DKA

Planning dated November 2019 confirmed that the Project would not result in construction-related or operational noise impacts on the environment. The analysis took into account noise from construction activities, operational noise sources from mechanical equipment, parking and auto-related activities, human conservation and activities, recreation facilities, landscape maintenance, trash collection, commercial loading, vibration, impacts to sensitive receptors. The analysis concluded that the project would not result in any significant effects relating to noise.

Air Quality – The Project’s potential air quality effects were evaluated by estimating the potential construction and operations emissions of criteria pollutants, and comparing those levels to significance thresholds provided by the Southern California Air Quality Management District (SCAQMD). The Project’s emissions were estimated using the CalEEMod 2016.3.2 model (output October 29, 2019) for the purposes of evaluating air quality impacts of proposed projects and summarized in the Air Quality Technical Report prepared by DKA Planning dated November 2019. The analysis took into account construction activity emissions during demolition, grading building construction, and architectural coating, as well as effects to sensitive receptors. The analysis confirms that the Project would not exceed SCAQMD significance thresholds for air quality impacts. In addition, there are several Regulatory Compliance Measures which regulate air quality-related impacts for projects citywide as noted above.

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

The project site will be adequately served by all public utilities and services given that the construction of a mixed-use building will be on a site which has been previously developed and is consistent with the General Plan.

Therefore, the project meets all of the Criteria for the Class 32 Categorical Exemption.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32:

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

There is not a succession of known projects of the same type and in the same place as the subject project.

There is a proposed project approximately one-half mile from the subject site, located at 1309-1311 South Pacific Avenue (Case No. CPC-2019-4908-DB-SPR), which is proposed for the construction of a 4-story, mixed-use building containing 102 dwelling units. However, the project at 1309-1311 South Pacific Avenue is not adjacent to nor within 500 feet of the subject site, and does not constitute a project in the same type and same place as the subject project.

Both projects would be subject to the citywide Regulatory Compliance Measures as noted above, which regulate impacts related to air quality, noise, and geology to a less than significant level. The traffic study prepared by Linscott Law & Greenspan, dated September 26, 2019, accounts for ambient growth factors based on a 1.0 percent annual growth and in addition to trips resulting from other development projects that are located within the study area (including the project located at 1309-1311 South Pacific Avenue

and seven (7) other projects either proposed or under construction), and concluded no traffic impacts. The Department of Transportation (LADOT) reviewed the traffic study and confirmed its findings in a memo dated October 21, 2019, which included standard conditions for a construction work site traffic control plan and limiting construction-related traffic to off-peak hours. There is no evidence to conclude that significant impacts will occur based on past project approvals or that the proposed Project's impacts are cumulatively considerable when evaluating any cumulative impacts associated with construction noise and transportation/traffic in the surrounding area.

Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected, and this exception does not apply.

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

The project proposes a mixed-use residential building in an area zoned and designated for such development. All adjacent lots are developed with multi-family and single-family residential and commercial uses, and the subject site is of a similar size and slope to nearby properties. The project proposes a Floor Area Ratio (FAR) of 3.26:1 on a site that is permitted to have an FAR of 1.5:1 by the site's zoning. The project is eligible for the FAR 3.26:1 through an Off-Menu Density Bonus Incentive. The project size and height is not unusual for the vicinity of the subject site, and is similar in scope to other existing multi-family dwellings and proposed future projects in the area. Furthermore, there is no substantial evidence in the administrative record that this project will cause a significant impact. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

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

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. State Route 27 is located approximately 27 miles northwest of the subject site. Therefore, the subject site will not create any impacts within a designated state scenic highway, and this exception does not apply.

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

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site.

A Phase I Environmental Site Assessment ("ESA") Report prepared by Priority 1 Environmental dated June 22, 2018 for 2111-2121 South Pacific Avenue included reviewing available environmental related information concerning the property and other data; conducting a site visit to observe current site uses, observing adjacent land uses, and gathering data on possible spills or misuse of chemicals that could be considered a

Recognized Environmental Concern (“REC”); and reviewing regulatory files regarding the property. The ESA revealed no evidence of RECs in connection with the property.

A Phase I ESA prepared by Priority 1 Environmental dated February 15, 2019 for 2139 South Pacific Avenue included reviewing available environmental related information concerning the property and other data; conducting a site visit to observe current site uses, observing adjacent land uses, and gathering data on possible spills or misuse of chemicals that could be considered an REC; and reviewing regulatory files regarding the property. The ESA revealed no evidence of RECs in connection with the property.

Therefore, the project is not identified as a hazardous waste site, or in the vicinity of a hazardous waste site, and this exception does not apply.

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

The project site is not listed in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register, and was not found to be a potential historic resource based on the City’s HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. As such, the Project would have no impact on historical resources. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

FINDINGS

DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

1. **Government Code Section 65915 and LAMC Section 12.22 A.25 state that the Commission shall approve a density bonus and requested incentive(s) unless the Commission 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 City Planning Commission to make a finding that the requested off-menu incentives do not result in actual and identifiable cost reductions 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.

Based on the set-aside of 16 percent of base units for Very Low Income households, the applicant is entitled to three (3) Incentives under both the Government Code and LAMC. Therefore, the three (3) Off-Menu requests qualify as the proposed development's Incentives. The remaining request must be processed as a Waiver of Development Standard.

FAR: The subject site is zoned C2-1XL-CPIO, with a Height District No. 1XL and CPIO designation that permits a maximum Floor Area Ratio ("FAR") of 1.5:1. The applicant has requested an FAR of 3.26:1 in lieu of the maximum 1.5:1 through an Off-Menu Density Bonus Incentive, for a maximum floor area of 77,945 square feet. The additional floor area is requested in order to accommodate larger sized units, including two-bedroom units. The project includes 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. The requested increase in FAR will allow approximately 41,440 square feet of additional floor area and will enable the construction of affordable units. As set forth on Sheet A0.0a of the project plans, the project's upper residential levels (Levels 2 through 4) would each have a floor plate of approximately 16,045 square feet. These larger floor plates would not be achievable under the 1.5:1 base FAR and enable the project to construct the unit mix above. Without the incentive to permit additional floor area, the average unit size and bedroom count would have to be significantly smaller to construct the number of units that the requested density bonus allows. The ability to develop larger units will increase the revenues from the market-rate units, which will lower the marginal cost of developing the affordable units. The requested incentive will allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential uses is increased.

FAR by-right	Buildable Lot Area (sf)	Total Floor Area (sf)
1.5:1	24,337	24,337 x 1.5 = 36,505

FAR Requested	Buildable Lot Area (sf)	Total Floor Area (sf)	Additional Floor Area (sf)
3.26:1	24,337	77,945	77,945 - 36,505= 41,440

Parking Reduction: The applicant requested an Off-Menu Incentive to allow 80 residential parking spaces in lieu of the 121 spaces required by Parking Option 1 and LAMC Sec. 12.22 A.25(d)(1). Density Bonus Parking Option 1 requires parking spaces at the following ratios: 1 space per unit containing 0 to 1 bedrooms, 2 spaces per unit containing 2 to 3 bedrooms, and 2.5 space per unit containing 4 or more bedrooms. The project provides 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units, and is therefore required to provide a total of 121 residential parking spaces. The Applicant has requested a parking reduction to allow 80 residential parking spaces in lieu of the 121 residential parking spaces otherwise required by Density Bonus Parking Option 1. The project will provide 80 residential parking spaces and four (4) parking spaces for the retail uses. The Off-Menu Incentive will allow the developer to expand the Project's building envelope so that the residential units being constructed are of sufficient size, configuration, and quality. Compliance with the requirements of Parking Option 1 would require the removal of a significant amount of floor area that could otherwise be dedicated to the number, configuration, and livability of affordable housing units. If the project were to expand its parking area by building an additional parking level below grade, the resulting grading and engineering would trigger a cost-prohibitive construction type. At an average cost of approximately \$50,000 per parking space, the 41-space reduction would result in cost savings of approximately \$2,100,000. As a result, the provision of affordable units that the project currently proposes would no longer be financially feasible. Similarly, if the project was to construct parking above grade to accommodate the required parking pursuant to Parking Option 1, it would increase the height of the building and also result in financial infeasibility.

Loading Space: LAMC Section 12.21 C.6 requires that a loading space be provided and maintained for a building with a commercial use that is located on a C or M Zone abutting an alley. As a mixed-use building with a commercial component at the ground floor on a C2-1XL-CPIO zoned lot adjacent to an alley, the project would be required to provide a loading space with a minimum height of 14 feet, be accessible through a usable door not less than 3 feet in width and not less than 6 feet 6 inches in height, with a minimum area of 400 square feet, and a minimum width of 20 feet as measured along the alley. The applicant has requested to eliminate the loading space requirements of LAMC Section 12.21 C.6, and contends that the locational requirements along the alley will affect the residential units on the ground floor. The applicant proposes a loading space in the subterranean parking garage that meets all dimensional requirements of the code. Strict compliance with the alley access requirement for the loading space will require the reconfiguration of residential units at the ground floor, and may result in a loss of up to 2 dwelling units. The elimination of the alley access requirement for the loading space will allow the developer to dedicate more area towards residential units at the ground floor, so that the additional units can be constructed and the overall space dedicated to residential uses is increased. This allows construction of floor area whose rental incomes will provide for the operational costs of the affordable units, and assist with service debt associated with construction financing.

- b. The Incentive will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65915(d)(1)(B) and 65589.5(d)).**

There is no evidence in the record that the proposed density bonus incentive(s) will have a specific adverse impact. A “specific adverse impact” is defined as, “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” (LAMC Section 12.22.A.25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project’s proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

- c. The incentive(s) are contrary to state or federal laws.**

There is no evidence in the record that the proposed incentives are contrary to state or federal law.

Following is a delineation of the findings related to the request for one (1) Waiver of Development Standard, pursuant to Government Code Section 65915.

- 2. Government Code Section 65915 and LAMC Section 12.22 A.25 state that the Commission shall approve a density bonus and requested Waiver of Development Standard(s) unless the Commission finds that:**

- a. *The waiver(s) or reduction(s) are contrary to state or federal laws.***

There is no evidence in the record that the proposed incentives are contrary to state or federal law.

A project that provides 16 percent of total units for Very Low Income Households qualifies for three (3) Incentives, and may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).

Therefore, the request for the following is recommended as a Waiver of Development Standards. Without the below Waiver, the existing development standards would preclude development of the proposed density bonus units and project amenities:

Height: The subject site is zoned C2-1XL-CPIO, with a Height District No. 1XL and CPIO designation that permit a maximum height of 30 feet and two stories for projects containing residential and commercial uses. The applicant has requested an increase in height of 15 feet and 5 inches and two stories to allow for 45 feet and 5 inches and four stories through a Waiver of Development Standards per LAMC Section 12.22 A.25. The request for an additional 15 feet and 5 inches and two stories is needed due to the minimum 14-foot Ground Floor height required by the CPIO. The limitation on the height and the number of stories would remove two (2) stories from the proposed building, resulting in a loss of 54 dwelling units from the upper floors. This height and story limitation would have the effect of physically precluding construction of a development providing 100 dwelling units, of which 11 units will be set aside for Very Low Income households. As proposed, the additional height will allow for the construction of the affordable residential units, while satisfying the CPIO requirement for a Ground Floor with a minimum height of 14 feet. Additionally, the project is compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. The requested incentive will allow the developer to expand the building envelope so that additional units can be constructed and the overall space dedicated to residential uses is increased.

- b. The Incentive will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.***

There is no evidence in the record that the proposed density bonus incentive(s) will have a specific adverse impact. A “specific adverse impact” is defined as, “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” (LAMC Section 12.22.A.25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project’s proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

CONDITIONAL USE FINDINGS

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

The project site is zoned C2-1XL-CPIO, which allows a base density of 68 units on the subject property. The Density Bonus Ordinance allows a density bonus of up to 35 percent in exchange for setting aside 11 percent of the 68 base density units for Very Low Income

Households. With the Density Bonus Ordinance, the project would be permitted a density bonus of 92 units on site in exchange for setting aside eight (8) units for Very Low Income Households.

The State Density Bonus Law (Government Code Section 65915(n)) also allows a city to grant a density bonus greater than 35 percent for a development, if permitted by a local ordinance. The City adopted the Value Capture Ordinance (Ordinance No. 185,373), codified in LAMC Section 12.24 U.26, to permit a density increase greater than 35 percent with the approval of a Conditional Use. In exchange for the increased density, the Value Capture Ordinance requires projects to set aside one (1) additional percent of base density units above the 11 percent for Very Low Income Households for every additional 2.5 percent density increase above the 35 percent. Below is a table showing the requisite percentage of affordable housing units for Very Low Income Households based on the percentage of density increase.

Percentage of Base Density to be Restricted to Very Low Income Households	Percentage of Density Increase Granted
11	35
12	37.5
13	40
14	42.5
15	45
16	47.5

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 46 percent increase in density for a total of 100 dwelling units in lieu of 68 base density dwelling units as otherwise permitted by-right in the C2-1XL-CPIO Zone. In accordance with LAMC Section 12.22 A.25(c)(7), in calculating Density Bonus and Restricted Affordable units any number resulting in a fraction shall be rounded up to the next whole number. As provided in the table above, the applicant is required to set aside 16 percent, or 11 units, of the 68 base density units for Very Low Income Households in order to be granted a 47.5 percent density bonus. The applicant proposes to set aside 11 units for Very Low Income Households for a period of 55 years, which is 16 percent of the 68 base density units. As such, the project satisfies the minimum percentage of base density to be restricted to Very Low Income Households to be eligible for a 47.5 percent density increase.

According to the 2013 Housing Element of the City of Los Angeles General Plan, pages 1-14, 29 percent of total households in the City are in the Very Low Income Category and 16.1 percent are in the Low Income Category; therefore, almost half of the City's residents are in the Very Low or Low Income Categories. The City has determined that the shortage of affordable housing is an ongoing crisis in Los Angeles. The increased intensity and density of the proposed development will be offset by the project's ability to provide the number of affordable units required by the City's Density Bonus policy. Therefore, the proposed project would provide a service that is essential and beneficial to the community, city and region.

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

The proposed project is the construction of a 4-story, 45-foot and 5-inch tall mixed-use residential building comprised of 100 dwelling units (including 11 Very Low Income units) with two retail spaces totaling 1,800 square feet of ground floor retail space. The project will be approximately 77,945 square feet in floor area with a Floor Area Ratio ("FAR") of 3.26:1. The project will provide 84 parking spaces in two subterranean parking levels, in addition to 75 long-term and 8 short-term bicycle parking spaces. The residential units are located on all floors, and will comprise of 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. The primary building entrances are located along Pacific Avenue, and ground-floor units will have individual entrances from the sidewalk on Pacific Avenue, 21st Street, and 22nd Street. Residential amenities are provided in the form of open-air landscaped courtyards at the second level and rooftop decks. Vehicular access is proposed from one driveway along 21st Street. Two retail spaces of 900 square feet each are located on the ground floor along Pacific Avenue at the corners of the building on 21st Street and 22nd Street. The subject site is currently improved with an existing single-tenant bar, surface parking lot, and vacant lot, which will be demolished as part of the project.

The subject site is located in an urbanized area surrounded by a combination of multi-family residential and commercial uses, and some single-family residential uses. Properties along Pacific Avenue are zoned C2-1XL-CPIO and serve as a commercial corridor. Uses across 21st Street to the north of the site include one- to three-story multi-family residential buildings in the C2-1XL-CPIO and RD1.5-1XL zone; across 22nd Street to the south is a liquor store, restaurant, smoke shop, single-family dwelling and multi-family dwellings in the C2-1XL-CPIO zone; and across Pacific Avenue to the east is a two-story apartment, auto-repair shop, offices, restaurant, and dry cleaner in the C2-1XL-CPIO Zone. The properties across the alley to the west of the site are zoned RD1.5-1XL and improved with multi-family residential buildings ranging from one to two stories in height. There are two (2) bus stops serving the Metro Silver Line and 246 bus lines directly in front of the subject site along Pacific Avenue, with three (3) bus benches along the sidewalk.

The mixed-use development is permitted at this location on the subject site as an allowable use by the underlying C2-1XL-CPIO zone. As provided under Finding No. 1, the project's density, height, FAR, and parking are allowed by the underlying zone in combination with Density Bonus law.

The project has been designed with ground floor commercial space with street entrances and storefront glazing that is architecturally differentiated from the residential upper floors. The project will enhance the pedestrian experience and streetscape by providing removing the existing curb cuts and providing additional landscaping and street trees along Pacific Avenue, 21st Street, and 22nd Street.

Given the project's location in the San Pedro CPIO, proximity to public transit, and the surrounding uses, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The subject site is zoned C2-1XL-CPIO, with a Height District No. 1XL and CPIO designation that permits a maximum Floor Area Ratio ("FAR") of 1.5:1. The applicant has requested an FAR of 3.26:1 in lieu of the maximum 1.5:1 otherwise permitted in the C2-1XL-CPIO zone through an Off-Menu Density Bonus Incentive, for a maximum floor area of 77,945 square feet. While the size of the project is larger than the existing commercial and multi-family buildings on Pacific Avenue, the increase in FAR granted through the Density Bonus Ordinance will be compatible with and will not degrade the surrounding built environment.

The C2-1XL-CPIO zone, Height District No. 1XL and CPIO designation also limit height to 30 feet and two stories for projects containing residential and commercial uses. The applicant has requested an increase in height of 15 feet and 5 inches and two stories to allow for 45 feet and 5 inches and four stories through a Waiver of Development Standards per LAMC Section 12.22 A.25. The request for an additional 15 feet and 5 inches and two stories is needed due to the minimum 14-foot Ground Floor height required by the CPIO. Additionally, the project is compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. Therefore, the proposed project will provide a transition to be compatible with existing neighboring buildings. Therefore, the size and height of the proposed project will not adversely affect or degrade other properties, or the public health, welfare, and safety in the neighborhood.

The project will provide a total of 84 parking spaces, including 80 parking spaces for residential uses and 4 parking spaces for commercial uses, in the form of two subterranean parking levels. No parking spaces are proposed at or above grade level in accordance with CPIO Section IV-2.E.2. The project will reduce the number of curb cuts and driveways currently on-site from two (2) existing curb cuts to one (1) proposed curb cut. The two (2) existing curb cuts along Pacific Avenue will be closed and a new curb cut is proposed along 21st Street that will provide access to one driveway serving the subterranean parking. Therefore, the project will improve walkability of the site by removing existing curb cuts and existing surface parking lot. Furthermore, according to the traffic assessment prepared by Linscott Law & Greenspan, dated September 26, 2019 and the Department of Transportation (LADOT) memo dated October 21, 2019, the project will not have any significant impacts relating to traffic. The project is conditioned to provide electric vehicle charging spaces. As conditioned, a minimum of five percent of spaces will be configured for electric vehicle chargers. Five (5) percent of the 84 provided parking spaces, that is four (4) parking spaces, will be equipped with electric vehicle charging stations. The project will also provide 75 long-term and 8 short-term bicycle parking spaces in compliance with LAMC Section 12.21 A.16. An additional 44 bicycle parking spaces are proposed, for a total of 127 bicycle parking spaces provided per Exhibit "A".

A total of 10,944 square feet of usable open space will be provided, including 1,398 square feet of open-air courtyards, 5,400 square feet of rooftop deck, and 1,346 square feet of rooftop landscaping. The project provides 56 balconies to serve as private open space for individual units, totaling 2,800 square feet of private open space. There will be 3,104 square feet of solar space on the rooftop. The project incorporates landscaping within the setbacks along Pacific Avenue and 22nd Street, as well as within the courtyard on the second floor and the rooftop deck. The project will remove 10 non-protected palm trees along the public right-of-way and twelve (12) non-protected palm trees on the property, and will plant 27 36-inch box trees throughout the project site and public right-of-way to the satisfaction of the Urban Forestry Division of the Department of Public Works, as provided in Exhibit "A".

Therefore, as described above, the project will provide amenities and features that will enhance the surrounding neighborhood rather than further degrade or adversely affect other properties.

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

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing and

Conservation. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The General Plan is a long-range document determining how a community will grow, reflecting community priorities and values while shaping the future. Policies and programs set forth in the General Plan are subjective in nature, as the General Plan serves as a constitution for development and foundation for land use decisions. The project substantially conforms with the following purposes and objectives of the General Plan Elements: Framework Element, Land Use Element (San Pedro Community Plan), Housing Element, and Mobility Element.

The project site is located in the San Pedro Community Plan, and is designated for Neighborhood Commercial land uses, with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The site is zoned C2-1XL-CPIO, and is therefore consistent with the land use designation. The site is also located within the San Pedro Community Plan Implementation Overlay ("CPIO") District Coastal Commercial A Subarea. The CPIO contains regulations for ground floor and building height, density, floor area, building design, building disposition, parking, landscaping, signage, appurtenances, and public improvements. The project is also located within the Pacific Corridor Redevelopment Plan.

Consistent with the Community Plan, the proposed 100-unit mixed-use development, which includes 11 Very Low Income units, adds new multi-family housing and much needed affordable housing to Los Angeles's housing supply, in a neighborhood that is conveniently located to a variety of regional destinations, community services and amenities, and multi-modal transportation options. It also adds approximately 1,800 square feet of ground floor retail space to serve the community.

Framework Element

The General Plan designates the subject site with Neighborhood Commercial land use designation with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The Framework Element describes Neighborhood Commercial areas as pedestrian-oriented districts that provide local identity, commercial activity, and support Los Angeles' neighborhoods. The property is zoned C2-1XL-CPIO, which is consistent with the Neighborhood Commercial land use. The C2-1XL-CPIO zone allows for R4 (High Medium Residential) land uses and estimates 56 to 109 dwelling units per acre.

Per the Framework Element's Long Range Land Use Diagram for the West/Coastal Los Angeles area, the site is also along a Mixed Use Boulevard. A Mixed Use Boulevard is described as "connect[ing] the city's neighborhood districts and community, regional and Downtown centers. Mixed Use development is encouraged along these boulevards, with the scale, density and height of development compatible with the surrounding areas. Generally, different types of Mixed Use Boulevards will fall within a range of floor area ratios from 1.5:1 up to 4.0:1 and be generally characterized by one to two-story commercial structures, up to 3- to 6-story mixed-use buildings between centers and higher buildings within centers. Mixed Use Boulevards are served by a variety of transportation facilities."

Therefore, as a 4-story mixed-use development with a maximum 3.26:1 FAR as allowed by Density Bonus, the proposed project is consistent with the General Plan Framework.

Land Use Element – San Pedro Community Plan

The proposed project aligns with the intent of the 2017 San Pedro Community Plan including the following:

Goal LU3: Multi-family residential neighborhoods with a mix of ownership and rental units that are well-designed, safe, provide amenities for residents, and exhibit the architectural characteristics and qualities that distinguish San Pedro

Policy LU3.1: Neighborhood stability. Stabilize and improve existing multi-family residential neighborhoods, allowing for growth in areas where there are sufficient public infrastructure and services and where quality of life can be maintained or improved

Policy LU3.2: Key locations. Incorporate multi-family housing in areas targeted for mixed use and in the Regional Center

Policy LU3.3: Equitable housing distribution. Provide an equitable distribution of housing types for all income groups throughout San Pedro's multi-family neighborhoods and promote mixed-income developments rather than creating concentrations of below-market-rate housing

Policy LU3.4: Affordable housing and displacement. Encourage the replacement of demolished quality affordable housing stock with new affordable housing opportunities while minimizing the displacement of residents, through programs that support development while meeting the relocation needs of existing residents

Policy LU3.6: Amenities. Include amenities for residents such as on site recreational facilities, community meeting spaces, and useable private and/or public open space in new multi-family development

Goal LU5: Strong and competitive commercial districts that are aesthetically appealing, pedestrian-oriented, easily accessible and serve the needs of the community while preserving the unique commercial and cultural character of the community.

Policy LU5.1: Investment. Conserve, strengthen and encourage investment in San Pedro's existing commercial districts

Policy LU5.7: Strategically locate new large projects. Allow large projects in appropriate locations, and provided that projects do not interrupt community fabric, the street grid, designated public views, or the viability of commercial areas, and that those facilities are designed to be compatible in scale and character with surrounding uses

Policy LU5.11: Buildings that engage the street. Require buildings to be oriented to and actively engage the public realm through such features as building orientation, build-to and setback lines, façade articulation, ground-floor transparency, and location of parking

Policy LU5.13: Improve design. Promote quality site, architectural and landscape design that incorporates walkable blocks, distinctive parks and open spaces, tree-lined streets, and varied architectural styles.

Policy LU5.14: Safety. Create and promote environments that enhance safety and are more conducive to walking through the use of design guidelines and standards. Encourage outdoor areas to be lighted for night use, safety and comfort

Policy LU5.15: Well-designed parking. Provide adequate employee and public parking for all commercial facilities that is complementary to adjacent uses, separating it from residential uses. Where possible, replace surface parking with structured parking, replace parking area drive aisles with pedestrian-friendly walkways, and infill parking areas with multi-story mixed-use buildings

Policy LU5.16: Minimize parking impacts. Reduce the visual prominence of parking within the public realm by requiring off-street parking to be located behind or within structures or otherwise fully or partially screened from public view

Goal LU6: Attractive, pedestrian-friendly Neighborhood Districts that serve surrounding neighborhoods and businesses as local gathering places where people shop and socialize.

Policy LU6.2: Mix of uses. Encourage the vertical and horizontal integration of a complementary mix of commercial, service and other non-residential uses that address the needs of households living in urban neighborhoods. Such uses may include retail and services, entertainment, childcare facilities, daycare and school facilities, public meeting rooms, recreation, cultural facilities, and public open spaces, which enhance neighborhood activity.

The project is for the construction of a new mixed-use, mixed-income residential development on an underutilized site that includes a single-tenant bar, surface parking, and a vacant lot. The project will result in the net increase of 100 dwelling units, which will include 11 Very Low Income units. It will also provide approximately 1,800 square feet of retail uses in two tenant spaces that will enhance the commercial and pedestrian experience on Pacific Avenue. The site is located within walking distance of public transit and local and regional amenities. As shown in Exhibit "A" and Finding Nos. 4 and 12, the Project will provide design features and landscaping improvements to enhance the visual quality of the area.

Housing Element 2013-2021

The proposed project also conforms with the applicable policies of the Housing Element, including:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

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 Mixed-Use Boulevards.

Policy 1.3.5: Provide sufficient land use and density to accommodate an adequate supply of housing units within the City to meet the projections of housing needs.

Goal 2: A City in which housing helps to create safe, livable and sustainable neighborhoods.

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.

Objective 2.5: Promote a more equitable distribution of affordable housing opportunities throughout the City.

Program 98: In accordance with State law, provide a density bonus up to 35% over the otherwise allowable density as well as reduced parking requirements for all residential developments that include units affordable to very low-, low- and/or moderate-income households. Provide additional incentives and concessions to required development standards in order to provide the buildable area needed for the affordable units and increased density.

The proposed project will result in a net increase of 100 new residential units to the City's housing stock and conforms with the applicable provisions of the Housing Element. The applicant has requested deviations from code requirements under the Density Bonus program for increased FAR, reduced parking, elimination of loading requirements, and increased height, thereby allowing the creation of affordable units. Pursuant to Density Bonus requirements, 16 percent (11 units) of the base units, will be set aside for Very Low Income units. Additionally, this mixed-use mixed-income development is in close proximity to public transit options, and a variety of retail, commercial, entertainment, recreational, and employment opportunities. Locating new housing and retail space in this portion of Pacific Avenue will allow residents to have better access to employment centers and places of interest in area.

Mobility Plan 2035

The proposed project also conforms with the following additional policies of the Mobility Plan, including:

Policy 3.1: Access for All: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement – as integral components of the City's transportation system.

Policy 3.3: Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

The project utilizes Density Bonus incentives for the construction of a mixed-use mixed-income development that provides housing opportunities in close proximity to public transit along the Pacific Avenue corridor, and to permit reduced parking through an Off-Menu Density Bonus Incentive, encouraging multi-modal transportation and decreasing vehicle miles traveled in the neighborhood. The site is located along a portion of Pacific Avenue that is designated by the Mobility Plan as a Tier 2 Bicycle Lane in the Bicycle Lane Network, and is also within the designated Pedestrian Enhanced District. The project will also provide 75 long-term and 8 short-term bicycle parking spaces in compliance with LAMC Section 12.21 A.16. An additional 44 bicycle parking spaces are proposed, for a total of 127 bicycle parking spaces provided per Exhibit "A". The applicant proposes active transportation items including reserved spaces for a carshare program through BlueLA for 100 percent electric vehicles, a bikeshare program with both standard bikes and bikes with cargo containers, designated areas for e-scooters so they are not in the public right-of-way, and Metro TAP passes that will be distributed to studio residents for at least the first year of development and ongoing based on usage.

San Pedro CPIO

The San Pedro Community Plan Implementation Overlay (“CPIO”) District was adopted by the Los Angeles City Council and became effective on June 26, 2018 under Ordinance No. 185,539. The subject site is located within the Coastal Commercial A Subarea of the San Pedro CPIO, which contains additional regulations for height, density, floor area, building disposition, building design, and parking. The project is subject to administrative review for compliance with the San Pedro Community Plan Implementation Overlay (“CPIO”). Therefore, as conditioned herein and required by LAMC Section 13.14 G.2 and CPIO, the project will be subject to an administrative review and clearance process for CPIO compliance prior to the issuance of building permits.

Pacific Corridor Redevelopment Plan

The project site is located within the Pacific Corridor Redevelopment Project Area; accordingly, the project has been reviewed for consistency and compliance with the Pacific Corridor Redevelopment Plan. The project is consistent with the goals of the Redevelopment Plan which seeks to preserve existing housing stock and provide choice for a variety of new and rehabilitated housing opportunities.

Therefore, the proposed project is consistent with the purposes, intent and provisions of the General Plan, San Pedro Community Plan, Housing Element, Mobility Plan, CPIO, and Redevelopment Plan by meeting several of its goals, objectives, and policies. Specifically, the project would provide housing and retail uses on underutilized land to 1) accommodate necessary residential growth and provide a mix of apartment sizes and affordability levels, including rent restricted units for Very Low Income households; and (3) reinforce an existing mixed-use corridor by providing an array of housing options, new retail, improved streetscape, and landscaping, that would be inviting to nearby residents and pedestrians along Pacific Avenue.

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

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

As provided under Finding No. 5, the proposed Project would be in conformance with the following goals of the Housing Element as described below:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

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

Policy 1.1.2: Expand affordable rental housing for all income groups that need assistance.

Policy 1.1.3 Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households

In granting a Conditional Use for a 46 percent density increase, affordable housing is required beyond the minimum percentage required per the State Density Bonus Law and the City's Density Bonus Ordinance. This ensures that the project provides a proportional amount of affordable housing units compared to the density increase it is seeking. In this case, the project is required to set aside 16 percent, that is 11 units, of the 68 base density units for Very Low Income Households in exchange for the 46 percent density increase requested. The project proposes to set aside 11 units for Very Low Income Households, thereby complying with the requisite percentage of affordable housing units for the 47.5 percent density increase.

The project does not include the demolition or loss of any residential units because there are no residential uses on the subject property. The project involves the demolition of a single-tenant bar, surface parking lot, and vacant lot. By redeveloping the subject site for the proposed mixed-use project, 100 new dwelling units will be made available in the community. The project will set aside 11 units for Very Low Income Households. The project will offer a range of apartment types and sizes as it provides 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. Additionally, the project proposes a total of 10,944 square feet of usable open space within a courtyard, roof deck, and balconies. The project will provide affordable housing in close proximity to transit. Several bus stops served by the Los Angeles County Metropolitan Transit Authority ("Metro") Silver Line and 246 bus line, as well as the Los Angeles Department of Transportation ("LADOT") DASH San Pedro line are within one-half mile of the project site. There are two (2) bus stops serving the Metro Silver Line and 246 bus lines directly in front of the subject site along Pacific Avenue, with three (3) bus benches along the sidewalk. Therefore, the project is in conformance with the affordable housing provisions of the Housing Element.

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

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

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

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

The project site is zoned C2-1XL-CPIO, which allows a base density of 68 dwelling units. Per the Density Bonus Ordinance, the project is permitted a 35 percent density increase in exchange for setting aside 11 percent, or eight (8), of the 68 base density units for Very Low

Income Households. The project is permitted additional density increase beyond 35 percent by setting aside one (1) additional percent of base density units above the 11 percent for Very Low Income Households for every additional 2.5 percent density increase above the 35 percent. Below is a table showing the requisite percentage of affordable housing units for Very Low Income Households based on the percentage of density increase.

Percentage of Base Density to be Restricted to Very Low Income Households	Percentage of Density Increase Granted
11	35
12	37.5
13	40
14	42.5
15	45
16	47.5

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 46 percent increase in density for a total of 100 dwelling units in lieu of 68 base density dwelling units as otherwise permitted by-right in the C2-1XL-CPIO Zone. In accordance with LAMC Section 12.22 A.25(c)(7), in calculating Density Bonus and Restricted Affordable units any number resulting in a fraction shall be rounded up to the next whole number. As provided in the table above, the applicant is required to set aside 16 percent, or 11 units, of the 68 base density units for Very Low Income Households in order to be granted a 47.5 percent density bonus. The applicant proposes to set aside 11 units for Very Low Income Households for a period of 55 years, which is 16 percent of the 68 base density units. As such, the project satisfies the minimum percentage of base density to be restricted to Very Low Income Households to be eligible for a 47.5 percent density increase.

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

On September 27, 2014, Governor Jerry Brown signed Assembly Bill (AB) 2222 as amended by AB 2556 on August 19, 2016, to amend sections of California's Density Bonus Law (Government Code Section 65915). Major changes to the law are applicable to new density bonus developments resulting in a loss in existing affordable units or rent-stabilized units. The law aims to replace units and ensure rental affordability periods for 55 years. Pursuant to the Determination Letter dated March 5, 2020, HCIDLA has determined that there were no residential units built and demolished on the property, therefore, no AB 2556 replacement affordable units are required (Exhibit C). As such, the dwelling unit replacement requirements of Government Code Section 65915(c)(3) do not apply.

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

The applicant proposes to set aside a total of 11 units for Restricted Affordable Units. Per the Conditions of Approval, the applicant is required to execute a covenant to the satisfaction of HCIDLA to make 11 Restricted Affordable Units available to Very Low Income Households for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. The applicant is required to present a copy of the recorded covenant to the Department of

City Planning and the proposed project shall comply with any monitoring requirements established by HCIDLA. Therefore, as conditioned, the project satisfies this finding in regards to subjected restricted affordable units to recorded affordability per HCIDLA, and is subject to fees as set forth in Section 19.14 of the LAMC.

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

The City Planning Commission approved the Affordable Housing Incentives Guidelines (CPC-2005-1101-CA) on June 9, 2005. The Guidelines were subsequently approved by City Council (CF 05-1345) on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. HCIDLA utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. On April 9, 2010, the City Council adopted updates to the City's Density Bonus Ordinance (CF 05-1345-S1, Ordinance No. 181,142). However, at that time, the Affordable Housing Incentives Guidelines were not updated to reflect changes to the City's Density Bonus Ordinance or more recent changes in State Density Bonus Law located in the Government Code. Therefore, where there is a conflict between the Guidelines and current laws, the current law prevails. Additionally, many of the policies and standards contained in the Guidelines, including design and location of affordable units to be comparable to the market-rate units, equal distribution of amenities, monitoring requirements, and affordability levels, are covered by the State Density Bonus Laws.

The project requests a 46 percent density increase above the 68 base density units to permit a total of 100 dwelling units. The project will set aside 11 units for Very Low Income Households. As such, the project is consistent with the State Density Bonus Law and the local Density Bonus Ordinance, which the Affordable Housing Incentives Guidelines implement. Therefore, the project complies with the City Planning Commission's Affordable Housing Incentives Guidelines.

SITE PLAN REVIEW FINDINGS

11. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.

As provided under Finding No. 5, the proposed project is in substantial conformance with the purpose, intent, and provisions of the General Plan's Framework Element, San Pedro Community Plan, Housing Element, Mobility Plan, CPIO, and Redevelopment Plan.

The project site is located in the San Pedro Community Plan, and is designated for Neighborhood Commercial land uses, with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The site is zoned C2-1XL-CPIO, and is consistent with the land use designation. Height District No. 1XL limits Floor Area Ratio ("FAR") to 1.5:1 and building height to 30 feet and two (2) stories. The CPIO designation also limits the site to 30 feet and 1.5:1 FAR.

The mixed-use development is permitted at this location on the subject site as an allowable use by the underlying C2-1XL-CPIO zone. As provided under Finding No. 1 and 4, the project's increased FAR, reduced parking, elimination of loading requirements, and increased height are allowed by the underlying zone in combination with Density Bonus law. The project has been designed with ground floor commercial space with street entrances and storefront glazing that is architecturally differentiated from the residential upper floors. The project will

enhance the pedestrian experience and streetscape by providing removing the existing curb cuts and providing additional landscaping and street trees along Pacific Avenue, 21st Street, and 22nd Street.

As provided under Finding No. 5, the project would meet the goals, objectives, and policies of the General Plan, San Pedro Community Plan, Housing Element, and Mobility Plan, particularly those concerning adding housing and affordable housing near transit, neighborhood-serving uses, and jobs. The project would provide additional housing within proximity to neighborhood-serving uses and directly adjacent to public transit. The project is subject to administrative review for compliance with the San Pedro CPIO. The project is consistent with the goals of the Redevelopment Plan which seeks to preserve existing housing stock and provide choice for a variety of new and rehabilitated housing opportunities.

12. 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 adjacent properties and neighboring properties.

As provided under Finding No. 4, the Project has been designed to be compatible with adjacent properties and surrounding neighborhood. The subject site is located in the San Pedro Community Plan along the Pacific Avenue commercial corridor, at the western side of Pacific Avenue between 21st Street and 22nd Street. The surrounding area is developed with a combination of single-story commercial uses and multi-family residential uses up to three stories in height, with some one-and two-story single-family residential uses in the surrounding area.

The proposed project is the construction of a 4-story, 45-foot and 5-inch tall mixed-use residential building comprised of 100 dwelling units (including 11 Very Low Income units) with two retail spaces totaling 1,800 square feet of ground floor retail space. The project will be approximately 77,945 square feet in floor area with a Floor Area Ratio ("FAR") of 3.26:1. The project will provide 84 parking spaces in two subterranean parking levels, in addition to 75 long-term and 8 short-term bicycle parking spaces. The residential units are located on all floors, and will comprise of 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. The primary building entrances are located along Pacific Avenue, and ground-floor units will have individual entrances from the sidewalk on Pacific Avenue, 21st Street, and 22nd Street. Residential amenities are provided in the form of open-air landscaped courtyards at the second level and rooftop decks. Vehicular access is proposed from one driveway along 21st Street. Two retail spaces of 900 square feet each are located on the ground floor along Pacific Avenue at the corners of the building on 21st Street and 22nd Street. The subject site is currently improved with an existing single-tenant bar, surface parking lot, and vacant lot, which will be demolished as part of the project.

Height

The proposed project will be four (4) stories and approximately 45 feet and 5 inches in building height, which will be comparable to the existing three-story apartment buildings directly across the street and corner from the subject site on 21st Street. The subject property is zoned C2-1XL-CPIO and is located within Height District No. 1XL, which restricts mixed-use projects to two (2) in height. Both Height District No. 1XL and San Pedro CPIO Section IV-2.A.2(a) and IV-2.B.1 restrict the site to a maximum building height of 30 feet and Floor Area Ratio ("FAR") of 1.5:1. The project would be allowed an 11-foot height increase for a maximum 41-foot building height through an On-Menu Incentive under the Density Bonus program. The proposed 45-foot and 5-inch building height is requested through a Waiver of Development Standard, and is only a 4 foot 5 inch increase from the maximum height allowed through an

On-Menu Incentive. The proposed height will be compatible with the adjacent three-story apartment buildings on 21st Street and Pacific Avenue. By granting the additional height, the project will be able to provide additional housing units. The height increase also allows the project to meet the 14-foot Ground Floor height requirements of the San Pedro CPIO Section IV-2.A.1. Additionally, the project is compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. Therefore, the proposed height is comparable with the maximum building height allowable under the On-Menu Density Bonus program, and will provide a transition to be compatible with existing neighboring buildings.

Bulk/Massing

The proposed mixed-use development abuts three streets, with the street-fronting facades measuring approximately 260 feet along the west side of Pacific Avenue, 95 feet along the south side of 21st Street, and 95 feet along the north side of 22nd Street. While the proposed project massing exceeds the existing prevailing development pattern, the overall height of 45 feet 5 inches is comparable to the maximum building height of 41 feet allowable under the On-Menu Density Bonus program. In addition, the project is compliant with San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. Therefore, the project massing will be appropriately set back from the neighboring residential uses. Additionally, the project provides architectural detailing that enhances the street-facing facades by applying recesses, balconies, and varied rooflines along the building facade, along with varying building materials and colors to incorporate variation in design.

Building Materials

The building design incorporates a variety of recesses, balconies, and different materials to add architectural interest to the building and creates distinct breaks in the building plane. These breaks are further differentiated through the use of a variety of building materials that include painted stucco, cherry melamine slatwall panels, aluminum woven wire mesh, timbertech decking, and glass. Together, these elements are applied to create sufficient breaks in plane and articulation. In accordance with CPIO Section IV-2.C.2 and IV-2.C.4, respectively, at least 60 percent of the Primary Frontage of the Ground Floor shall consist of doors and windows, and heavily textured stucco is prohibited.

Entrances

There are two (2) primary residential building entrances proposed along Pacific Avenue, and are differentiated from the remainder of the street frontage through a recess that is enhanced with Pedestrian Amenities along the sidewalk. In addition, all ground-floor units along Pacific Avenue, 21st Street, and 22nd Street will have individual unit entrances that will be directly accessible from the street and set back a minimum of 3 feet from the sidewalk in accordance with CPIO Section IV-2.D.3 and IV-2.D.4. Two retail spaces are proposed on the corners of the building and will have commercial entrances directly from the sidewalk.

Setbacks

The project has been designed to create a strong street wall along Pacific Avenue, 21st Street, and 22nd Street. CPIO Section IV-2.C.1 requires that the exterior wall of any building shall be located not more than 5 feet from the Primary Lot Line, except that exterior walls may be more than 5 feet from the Primary Lot Line when the setback is improved with Pedestrian Amenities and/or landscaping. The project is compliant with this CPIO requirement and provides minimal setbacks along the street frontages and provides landscaping in areas where there are setbacks, as provided in Exhibit "A".

Parking/Loading

The project will provide a total of 84 parking spaces, including 80 parking spaces for residential uses and 4 parking spaces for commercial uses, in the form of two subterranean parking levels. The applicant seeks an Off-Menu Density Bonus Incentive reduce the number of required residential parking spaces from 121 parking spaces to 80 parking spaces. No parking spaces are proposed at or above grade level in accordance with CPIO Section IV-2.E.2. The project will reduce the number of curb cuts and driveways currently on-site from two (2) existing curb cuts to one (1) proposed curb cut. The two (2) existing curb cuts along Pacific Avenue will be closed and a new curb cut is proposed along 21st Street that will provide access to one driveway serving the subterranean parking. Therefore, the project will improve walkability of the site by removing existing curb cuts and existing surface parking lot. As conditioned, a minimum of five percent of spaces will be configured for electric vehicle chargers. Five (5) percent of the 84 provided parking spaces, that is four (4) parking spaces, will be equipped with electric vehicle charging stations. The project will also provide 75 long-term and 8 short-term bicycle parking spaces in compliance with LAMC Section 12.21 A.16. An additional 44 bicycle parking spaces are proposed, for a total of 127 bicycle parking spaces provided per Exhibit "A". The applicant proposes active transportation items including reserved spaces for a carshare program through BlueLA for 100 percent electric vehicles, a bikeshare program with both standard bikes and bikes with cargo containers, designated areas for e-scooters so they are not in the public right-of-way, and Metro TAP passes that will be distributed to studio residents for at least the first year of development and ongoing based on usage.

Loading

The project proposes a loading space in the subterranean parking garage that is accessed from the driveway from 21st Street. Although the applicant has requested an Off-Menu Density Bonus Incentive to eliminate the loading space requirements of LAMC Section 12.21 C.6, the project will provide a loading space in the subterranean parking garage that meets all dimensional requirements of the code. Therefore, the loading space will be functional and usable for residents and deliveries. The subterranean loading space will be located in the subterranean parking garage, rather than along the alley at grade level, and therefore will not affect street circulation.

Lighting

The proposed project will reduce the amount of lighting that currently exists on-site by removing the surface parking lot and screening all parking from public view. In addition, the project will comply with CPIO Section IV-2.H.1 to provide ancillary lighting along pedestrian and vehicular access ways, and is conditioned so that all pedestrian walkways and vehicle access points will be well-lit with lighting fixtures that are harmonious with the building design. As conditioned, all outdoor lighting provided on-site will be shielded to prevent excessive illumination and spillage onto adjacent public rights-of-way, adjacent properties, and the night sky.

Landscaping/Open Space

On-site landscaping and open space is provided in the form of 1,398 square feet of open-air landscaped courtyards on the second floor, 5,400 square feet of open-air rooftop deck, and 1,346 square feet of rooftop landscaping, and 2,800 square feet of balconies. The project will provide a total of 10,944 square feet of open space, which exceeds the 10,525 square feet required by code. The applicant has not requested any deviations or reductions in open space or landscaping requirements. The common open space areas required by code shall meet the minimum dimension, landscaping, and amenity requirements per LAMC Section 12.21 G.2(a). Additional landscaping is provided along the perimeter of the building, including an over-dedicated area along 22nd Street. The project is conditioned to submit landscape plans

prepared by a licensed landscape architect or licensed architect to show the size and location of all plants, and ensure sufficient depth and soil volume for trees and green roofs.

Trash Collection

Trash and recycling areas are conditioned to be located within the subterranean parking level to ensure that they are not visible from public view from the street per CPIO Section IV-2.H.3. Service providers will access the trash area from the driveway along 21st Street and enter the parking garage for trash collection. Therefore, trash collection will not affect circulation for surrounding properties.

13. The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

The proposed project provides recreational and service amenities that will improve habitability for the residents and minimize any impacts on neighboring properties. Common open space is provided in the form of 1,398 square feet of open-air landscaped courtyards on the second floor, and 5,400 square feet of open-air rooftop deck, and 1,346 square feet of rooftop landscaping. The project also provides 2,800 square feet of private balconies for use as private open space for individual units. The project will provide a total of 10,944 square feet of open space, which exceeds the 10,525 square feet required by code. The applicant has not requested any deviations or reductions in open space or landscaping requirements. Therefore, the proposed project provides sufficient recreational and service amenities for its residents, minimizing any impacts on neighboring properties.

CEQA FINDINGS

The Department of City Planning determined, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. The Notice of Exemption and Justification for Project Exemption for Environmental Case No. ENV-2019-4885-CE is provided in the case file and attached as Exhibit D.

The Department of City Planning found, based on their independent judgment, and after consideration of the whole of the administrative record, that the project is within the scope of the San Pedro New Community Plan ENV-2009-1558-EIR ("Program EIR"), pursuant to CEQA Guidelines Sections 15168 and 15162; the environmental effects of the Project were covered in the Program EIR and no new environmental effects not identified in the Program EIR will occur and no new mitigation is required; there has been no changes in circumstances, and the City has incorporated all feasible mitigation measures from the Program EIR on the Project.

The project is the development of a new 4-story, 45-foot and 5-inch tall mixed-use residential building comprised of 100 dwelling units (including 11 units restricted to Very Low Income Households) with 1,800 square feet of ground floor retail space. The project will provide 84 vehicular parking spaces in 2 subterranean parking levels, and 75 long-term and 8 short-term bicycle parking spaces. The project will be 77,945 square feet in floor area and have a Floor Area Ratio ("FAR") of 3.26:1. The site is currently improved with a 1,490 square foot single-tenant bar, surface parking lot, and vacant lot, with 12 non-protected palm trees on the subject site and ten (10) non-protected palm trees along the public right-of-way, all of which will be removed to clear the lot. Tree removal may be required in order to allow construction and perform required street improvements. Street trees in the public right of way are regulated under Los Angeles Municipal Code, Chapter VI, Section 62.161 through 62.176. All tree removal permits are issued by the Bureau of Street Services, Urban Forestry Division, and may require approval by the Board of

Public Works. All permitted tree removals shall be replaced with a minimum of two, 24-inch box size trees for each tree removed or as conditioned by the Board of Public Works. The project proposes to plant 36-inch box street trees, as provided in Exhibit "A". The project proposes grading and export of 20,000 cubic yards of soil.

As a mixed-use residential building, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

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

The project site is located in the San Pedro Community Plan, and is designated for Neighborhood Commercial land uses, with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The site is zoned C2-1XL-CPIO, and is consistent with the land use designation. Height District No. 1XL limits Floor Area Ratio ("FAR") to 1.5:1 and building height to 30 feet and two (2) stories. However, the proposed project will have a FAR of 3.26:1 and a height of 45 feet and 5 inches as permitted by State Density Bonus Law in exchange for providing 11 units of rent restricted units for Very Low Income Households for 55 years. As demonstrated in the case file and under Finding No. 5 above, the project is consistent with the General Plan, the applicable San Pedro Community Plan designation and policies, and all applicable zoning designations and regulations as permitted by Density Bonus law.

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

The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.56 acres (24,336 square feet) and is surrounded by urban uses. Lots adjacent to the subject site are developed with the following urban uses: multi-family residential buildings, commercial structures, and single family dwellings. The subject site is within one-half mile of several bus stops served by the Los Angeles County Metropolitan Transit Authority ("Metro") Silver Line and 246 bus line, as well as the Los Angeles Department of Transportation ("LADOT") DASH San Pedro line. There are two (2) bus stops serving the Metro Silver Line and 246 bus lines directly in front of the subject site along Pacific Avenue, with three (3) bus benches along the sidewalk.

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

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. The site is currently developed with a 1,490 square foot single-tenant bar, surface parking, and vacant lot. There are approximately 12 non-protected palm trees on the subject site and ten (10) non-protected palm trees along the public right-of-way that will be removed as part of the project. There are no Protected Trees on the site per the Tree Letter prepared by Courtland Studio, LLC dated May 19, 2020. Tree removal may be required in order to allow construction and perform required street improvements. Street trees in the public right of way are regulated under Los Angeles Municipal Code, Chapter VI, Section

62.161 through 62.176. All tree removal permits are issued by the Bureau of Street Services, Urban Forestry Division, and may require approval by the Board of Public Works. All permitted tree removals shall be replaced with a minimum of two, 24-inch box size trees for each tree removed or as conditioned by the Board of Public Works. The project proposes to plant 36-inch box street trees, as provided in Exhibit "A".

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

Regulatory Compliance Measures – The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. More specifically, RCMs include but are not limited to the following, to ensure the project will not have significant impacts:

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-AQ-2:** In accordance with Sections 2485 in Title 13 of the California Code of Regulations, the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.
- **Regulatory Compliance Measure RC-AQ-3:** In accordance with Section 93115 in Title 17 of the California Code of Regulations, operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.
- **Regulatory Compliance Measure RC-AQ-4:** The Project shall comply with South Coast Air Quality Management District Rule 1113 limiting the volatile organic compound content of architectural coatings.
- **Regulatory Compliance Measure RC-AQ-5:** The Project shall install odor-reducing equipment in accordance with South Coast Air Quality Management District Rule 1138.
- **Regulatory Compliance Measure RC-AQ-6:** New on-site facility nitrogen oxide emissions shall be minimized through the use of emission control measures (e.g., use of best available control technology for new combustion sources such as boilers

and water heaters) as required by South Coast Air Quality Management District Regulation XIII, New Source Review.

- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

CPIO Environmental Standards – The San Pedro CPIO contains Environmental Standards to implement the Mitigation and Monitoring Program as part of the San Pedro Community Plan Update that were reviewed in the Program EIR. All projects in CPIO Subareas are required to comply with any applicable Environmental Standards. The proposed project is required to comply with the following:

- **Environmental Standard AE1:** Projects shall be designed to ensure the following:
 - a. All lighting be directed and/or shielded to minimize lighting spillover effects onto adjacent and nearby properties.
- **Environmental Standard AQ1:** Projects shall require the following or comparable best management practices be included in contract specifications and/or printed on plans:
 - a. Use properly tuned and maintained equipment.
 - b. Construction contractors shall enforce the idling limit of five minutes as set forth in the California Code of Regulations.
 - c. Use diesel-fueled construction equipment to be retrofitted with after treatment products (e.g. engine catalysts) to the extent they are readily available and feasible.
 - d. Use heavy duty diesel-fueled equipment that uses low NOx diesel fuel to the extent it is readily available and feasible.
 - e. Use construction equipment that uses low polluting fuels (i.e. compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent available and feasible.
 - f. Maintain construction equipment in good operating condition to minimize air pollutants.
 - g. Construction contractors shall utilize materials that do not require painting, as feasible.
 - h. Construction contractors shall use pre-painted construction materials, as feasible.
 - i. Construction contractors shall provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
 - j. Construction contractors shall provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site, as feasible.
 - k. Construction contractors shall reroute construction trucks away from congested streets or sensitive receptor areas, as feasible.
 - l. Construction contractors shall appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.
- **Environmental Standard AQ3/GHG1:** Projects shall incorporate the following greenhouse gas reduction measures into the project design:
 - a. For Multi-Family and Commercial Projects: parking facilities shall have five percent of the total parking spaces, but not less than one space, capable of

supporting future Electric Vehicle Supply Equipment (EVSE) charging locations.

- **Environmental Standard N1:** Projects shall include the following or comparable construction best management practices in contract specifications and/or printed on plans:
 - a. Construction haul truck and materials delivery traffic shall avoid residential areas whenever feasible. If no alternatives are available, truck traffic shall be routed on streets with the fewest residences.
 - b. The construction contractor shall locate construction staging areas away from sensitive uses.
 - c. When construction activities are located in close proximity to noise-sensitive land uses, noise barriers (such as, temporary walls or piles of excavated material) shall be constructed between activities and noise sensitive uses.
 - d. Impact pile drivers shall be avoided where possible in noise-sensitive areas. Drilled piles or the use of a sonic vibratory pile driver are quieter alternatives that shall be utilized where geological conditions permit their use. Noise shrouds shall be used when necessary to reduce noise of pile drilling/driving.
 - e. Construction equipment shall be equipped with mufflers that comply with manufacturers' requirements.
 - f. The construction contractor shall consider potential vibration impacts to older (historic) buildings.
- **Environmental Standard US1:** Projects shall incorporate water conservation measures into the project design, which may include but are not limited to measures identified in the City's Water Conservation Ordinance.
- **Environmental Standard US2:** Projects shall incorporate the Solid Waste Integrated Resources Plan measures to maximize source reduction and materials recovery and minimize the amount of solid waste requiring disposal with the goal of leading the City to achieve zero waste by 2025.
- **Environmental Standard US3:** Projects shall incorporate energy conservation and efficiency measures into the design of new development, including but not limited to:
 - a. Energy saving windows, doors, insulation and passive solar design.
 - b. Energy efficient fixtures and appliances.
 - c. Efficient lighting, heating, air and ventilation systems.
 - d. Reused or recycled building materials.

Traffic - A traffic study was prepared by Linscott Law & Greenspan, dated September 26, 2019 to analyze the proposed project and determined that the project is forecast to generate a net increase of 432 daily trip ends during a typical weekday, 40 vehicle trips during the weekday a.m. peak hour, and 33 vehicle trips during the weekday p.m. peak hour. The traffic analysis accounts for ambient growth factors based on a 1.0 percent annual growth and in addition to trips resulting from other development projects that are located within the study area. The Department of Transportation (LADOT) reviewed the traffic study and confirmed its findings in a memo dated October 21, 2019, confirming that none of the study intersections would be significantly impacted by project-related traffic. Therefore, the project will not have any significant impacts relating to traffic.

Noise – The Project must comply with the adopted City of Los Angeles Noise Ordinances No. 144,331 and 161,574 and LAMC Section 41.40 as indicated above in RC-NO-1, LAMC Section 112.05, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. These Ordinances cover both operational noise levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the proposed Project will not result in any significant noise impacts. Furthermore, the Noise Impact Analysis prepared by DKA

Planning dated November 2019 confirmed that the Project would not result in construction-related or operational noise impacts on the environment. The analysis took into account noise from construction activities, operational noise sources from mechanical equipment, parking and auto-related activities, human conservation and activities, recreation facilities, landscape maintenance, trash collection, commercial loading, vibration, impacts to sensitive receptors. The analysis concluded that the project would not result in any significant effects relating to noise.

Air Quality – The Project’s potential air quality effects were evaluated by estimating the potential construction and operations emissions of criteria pollutants, and comparing those levels to significance thresholds provided by the Southern California Air Quality Management District (SCAQMD). The Project’s emissions were estimated using the CalEEMod 2016.3.2 model (output October 29, 2019) for the purposes of evaluating air quality impacts of proposed projects and summarized in the Air Quality Technical Report prepared by DKA Planning dated November 2019. The analysis took into account construction activity emissions during demolition, grading building construction, and architectural coating, as well as effects to sensitive receptors. The analysis confirms that the Project would not exceed SCAQMD significance thresholds for air quality impacts. In addition, there are several Regulatory Compliance Measures which regulate air quality-related impacts for projects citywide as noted above.

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

The project site will be adequately served by all public utilities and services given that the construction of a mixed-use building will be on a site which has been previously developed and is consistent with the General Plan.

Therefore, the project meets all of the Criteria for the Class 32 Categorical Exemption.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32:

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

There is not a succession of known projects of the same type and in the same place as the subject project.

There is a proposed project approximately one-half mile from the subject site, located at 1309-1311 South Pacific Avenue (Case No. CPC-2019-4908-DB-SPR), which is proposed for the construction of a 4-story, mixed-use building containing 102 dwelling units. However, the project at 1309-1311 South Pacific Avenue is not adjacent to nor within 500 feet of the subject site, and does not constitute a project in the same type and same place as the subject project.

Both projects would be subject to the citywide Regulatory Compliance Measures as noted above, which regulate impacts related to air quality, noise, and geology to a less than significant level. The traffic study prepared by Linscott Law & Greenspan, dated September 26, 2019, accounts for ambient growth factors based on a 1.0 percent annual growth and in addition to trips resulting from other development projects that are located within the study area (including the project located at 1309-1311 South Pacific Avenue

and seven (7) other projects either proposed or under construction), and concluded no traffic impacts. The Department of Transportation (LADOT) reviewed the traffic study and confirmed its findings in a memo dated October 21, 2019, which included standard conditions for a construction work site traffic control plan and limiting construction-related traffic to off-peak hours. There is no evidence to conclude that significant impacts will occur based on past project approvals or that the proposed Project's impacts are cumulatively considerable when evaluating any cumulative impacts associated with construction noise and transportation/traffic in the surrounding area.

Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected, and this exception does not apply.

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

The project proposes a mixed-use residential building in an area zoned and designated for such development. All adjacent lots are developed with multi-family and single-family residential and commercial uses, and the subject site is of a similar size and slope to nearby properties. The project proposes a Floor Area Ratio (FAR) of 3.26:1 on a site that is permitted to have an FAR of 1.5:1 by the site's zoning. The project is eligible for the FAR 3.26:1 through an Off-Menu Density Bonus Incentive. The project size and height is not unusual for the vicinity of the subject site, and is similar in scope to other existing multi-family dwellings and proposed future projects in the area. Furthermore, there is no substantial evidence in the administrative record that this project will cause a significant impact. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

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

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. State Route 27 is located approximately 27 miles northwest of the subject site. Therefore, the subject site will not create any impacts within a designated state scenic highway, and this exception does not apply.

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

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site.

A Phase I Environmental Site Assessment ("ESA") Report prepared by Priority 1 Environmental dated June 22, 2018 for 2111-2121 South Pacific Avenue included reviewing available environmental related information concerning the property and other data; conducting a site visit to observe current site uses, observing adjacent land uses, and gathering data on possible spills or misuse of chemicals that could be considered a

Recognized Environmental Concern (“REC”); and reviewing regulatory files regarding the property. The ESA revealed no evidence of RECs in connection with the property.

A Phase I ESA prepared by Priority 1 Environmental dated February 15, 2019 for 2139 South Pacific Avenue included reviewing available environmental related information concerning the property and other data; conducting a site visit to observe current site uses, observing adjacent land uses, and gathering data on possible spills or misuse of chemicals that could be considered an REC; and reviewing regulatory files regarding the property. The ESA revealed no evidence of RECs in connection with the property.

Therefore, the project is not identified as a hazardous waste site, or in the vicinity of a hazardous waste site, and this exception does not apply.

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

The project site is not listed in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register, and was not found to be a potential historic resource based on the City’s HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. As such, the Project would have no impact on historical resources. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

COVID-19 UPDATE

Interim Appeal Filing Procedures

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: 75865

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:201021AC0-135D5896-596A-4E9C-9249-44F3E76409A2, Amount:\$109.47, Paid Date:10/20/2021

Applicant: CITIZENS PROTECTING SAN PEDRO - RINDE, KATHRYN (314-3635636)
Representative:
Project Address: 2139 S PACIFIC AVE, 90731

NOTES:

CPC-2019-4884-CU-DB-SPR-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: 15
 Plan Area: San Pedro
 Processed by VIDAL, ANNA on 10/20/2021

Signature: _____

Building & Safety Copy
 Office: Downtown
 Application Invoice No: 75865

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.



6800175865



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:201021AC0-135D5896-596A-4E9C-9249-44F3E76409A2, Amount:\$109.47, Paid Date:10/20/2021

Applicant: CITIZENS PROTECTING SAN PEDRO - RINDE, KATHRYN (314-3635636)
Representative:
Project Address: 2139 S PACIFIC AVE, 90731

NOTES:

CPC-2019-4884-CU-DB-SPR-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: 15
 Plan Area: San Pedro
 Processed by VIDAL, ANNA on 10/20/2021

Signature: _____