



**CENTRAL LOS ANGELES AREA PLANNING COMMISSION**  
200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

**LETTER OF DETERMINATION**

**MAILING DATE:** **JUN 02 2022**

**Case No. DIR-2021-9072-TOC-SPR-HCA-1A**  
**CEQA: ENV-2021-9073-CE**  
**Plan Area: Wilshire**

**Council District: 10 – Wesson**

**Project Site:** 603, 603 ½ and 605 South Mariposa Avenue

**Applicant:** Kayte Edson, 603 South Mariposa QOZB, LLC  
Representative: Jonathan Yang, Irvine & Associates, Inc.

**Appellant:** Enrique Velasquez, Coalition for an Equitable Westlake MacArthur Park

At its meeting of **May 10, 2022**, the Central Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following Project:

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the partial appeal and **sustained** the Planning Director's determination dated March 10, 2022;
3. **Approved with conditions**, pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code (LAMC), an 80 percent increase in density consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program along with the following two incentives for a Tier 4 project totaling 92 dwelling units, reserving a minimum of 11 units for Extremely Low Income (ELI) Household occupancy for a period of 55 years;
  - a. Yard/Setbacks. Utilization of the yard setback requirements of the RAS3 Zone for a project in a commercial zone; and
  - b. Open Space. A maximum reduction of 25 percent in open space, in lieu of 9,200 square feet otherwise required.
4. **Approved with conditions**, pursuant to LAMC Section 16.05, a Site Plan Review for the construction, use, and maintenance of a new residential development that results in an increase of 50 or more residential dwelling units;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

This vote proceeded as follows:

Moved: Kang  
Seconded: Gold  
Ayes: Lawrence, Lindgren  
Absent: DelGado

**Vote: 4 – 0**



---

Etta Armstrong, Commission Executive Assistant I  
Central Los Angeles Area Planning Commission

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

**Effective Date/Appeals:** The decision of the Central Los Angeles Area Planning Commission is final upon the mailing date of this letter, and it is not further appealable.

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

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

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

c: Heather Bleemers, Senior City Planner  
Esther Ahn, City Planner  
Sarahi Ortega, City Planning Associate



## DEPARTMENT OF CITY PLANNING

### APPEAL RECOMMENDATION REPORT

#### Central Area Planning Commission

**Date:** May 10, 2022  
**Time:** After 4:30 P.M.  
**Place:** In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the APC meeting will be conducted entirely telephonically by Zoom [<https://zoom.us/>].

The meeting's telephone number and access code access number will be provided no later than 72 hours before the meeting on the meeting agenda published at <https://planning.lacity.org/about/commissions-boards-hearings> and/or by contacting [apccentral@lacity.org](mailto:apccentral@lacity.org).

**Public Hearing:** Required  
**Appeal Status:** Not further appealable  
**Expiration Date:** June 8, 2022  
**Multiple Approval:** Yes

**PROJECT LOCATION:** 603, 603 ½, & 605 South Mariposa Avenue

**PROPOSED PROJECT:** The proposed project involves the construction, use, and maintenance of a new eight-story multi-family development, containing a total of 92 dwelling units, with 11 proposed dwelling units reserved for Extremely Low Income Households. The proposed development will contain approximately 43,818 square feet of floor area. The project provides a total of 6,900 square feet of open space. Although parking is not required for TOC Tier 4 developments, the project is providing 7 automobile spaces the ground level with 7 short-term and 70 long-term bicycle stalls.

**Case No.:** DIR-2021-9072-TOC-SPR-HCA-1A  
**CEQA No.:** ENV-2021-9073-CE  
**Related Case:** N/A  
**Council No.:** 10 – Wesson  
**Plan Area:** Wilshire  
**Plan Overlays:** Wilshire Center/Koreatown  
Redevelopment Project Area  
Wilshire Center-Koreatown  
**Certified NC:**  
**Land Use Designation:** Regional Center Commercial  
**Zone:** C2-2  
**Applicant:** Kayte Edson, 603 South Mariposa  
QOZB LLC  
**Representative:** Jonathan Yang, Irvine & Associates, Inc.  
**Appellant:** Enrique Velasquez,  
Coalition for an Equitable  
Westlake/MacArthur Park

**APPEAL:** An appeal of the March 10, 2022, Planning Director's Determination which:

1. Determined based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating

that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;

2. Approved with Conditions, pursuant to Los Angeles Municipal Code (LAMC) Section 12.22-A,31, an 80 percent increase in density, consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program along with the following two (2) incentives for a qualifying Tier 4 project totaling 92 dwelling units, reserving 11 units for Extremely Low Income (ELI) Household occupancy for a period of 55 years:
  - a. Yard/Setback. Utilization of the yard setback requirements of the RAS3 Zone for a project in a commercial zone; and
  - b. Open Space. A maximum reduction of 25 percent in the required amount of open space.
3. Approved with Conditions, pursuant to LAMC Section 16.05, a Site Plan Review for a project that results in 50 or more dwelling units; and
4. Adopted the Conditions of Approval and Findings.

#### RECOMMENDED ACTIONS:

1. **Deny** the appeal;
2. **Determine** based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
3. **Sustain** the Planning Director's Determination to conditionally approve a Site Plan Review for the construction, use, and maintenance of an eight-story multi-family development that will include a total of 92 dwelling units (including 11 affordable units) in the C2-2 zones; and
4. **Adopt** the Planning Director's Conditions of Approval and Findings.

VINCENT P. BERTONI, AICP  
Director of Planning



Heather Bleemers  
Senior City Planner



Esther Ahn  
City Planner



Sarahi Ortega  
City Planning Associate

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 532, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1299.

## TABLE OF CONTENTS

<b>Project Analysis .....</b>	<b>4</b>
Project Background	
Project Summary	
 <b>Appeal Analysis .....</b>	 <b>6</b>
Appeal Summary	
Appeal Points and Staff Response	
Conclusion and Staff Recommendation	
 <b>Exhibits:</b>	
Exhibit A – Maps and Photos	
Vicinity Map	
Radius Map	
ZIMAS Map	
Exhibit B – Appeal Documents	
Enrique Velasquez, Coalition for an Equitable Westlake/MacArthur Park	
Exhibit C – Director’s Determination, DIR-2021-9072-TOC-SPR-HCA	
Exhibit D – Approved Project Plans	
Exhibit E – Environmental Documents	
Notice of Exemption & Categorical Exemption Justification for Environmental	
Case No. ENV-2021-9073-CE	
LADOT Approval Letter, June 23, 2021	
Noise Technical Modeling, May 2021	
Air Quality Technical Modeling, June 2021	
Phase I Environmental Site Assessment, October 20, 2020	



## PROJECT ANALYSIS

### PROJECT BACKGROUND

As shown in *Figure 1* below, the project site is a level, rectangular-shaped parcel of land comprised of two (2) contiguous lots, encompassing approximately 10,138 square feet of lot area (approximately 0.23 acres). The project site has 72 feet of street frontage on Mariposa Avenue. The project site is located within the Wilshire Community Plan Area which designates the subject property for Regional Center Commercial land uses corresponding to the CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, and R5 zones. The subject property is zoned C2-2, consistent with the range of zoning contemplated by the site's land use designation. The project site is located within a Transit Priority Area in the City of Los Angeles (ZI-2452), a Redevelopment Project Area: Wilshire Center/Koreatown (ZI 2488), and a State Enterprise Zone (ZI 2374). The property is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance.

The project site is currently improved with a 2-story commercial building. The Los Angeles Housing Department (LAHD) has determined, per the Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination Letter, dated July 13, 2021, and attached to the subject case file, that subject property consists of a two (2)-story commercial building. As such, the proposed housing development does not require the demolition of any prohibited types of housing. Further, the provisions of SB 330 do not apply to commercial properties, therefore no SB 330 replacement affordable units are required.

### **Surrounding Properties**

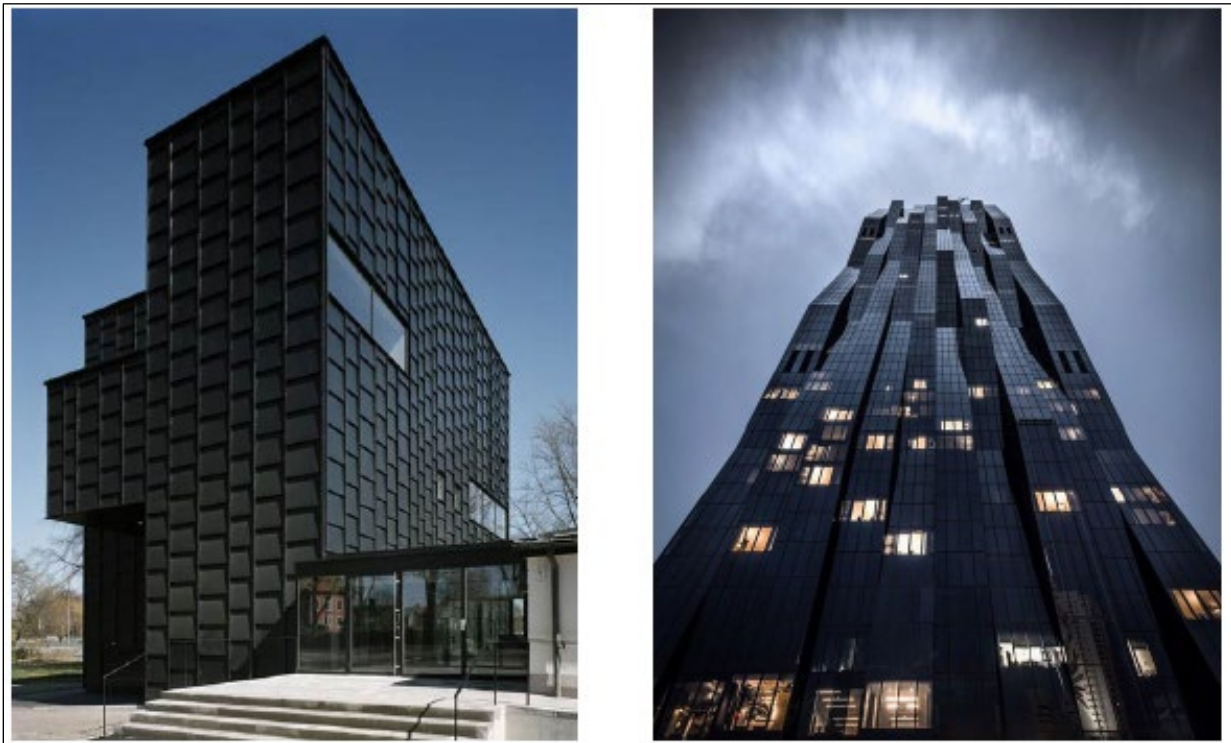
Properties immediately bordering the project site are either also zoned C2-2 with a general land use designation of Regional Center Commercial, or zoned R5P-2 or P2 with a general land use designation of Regional Center Commercial. The properties surrounding the project site include a mix of residential and commercial land uses. These residential and commercial land uses range in height from 2-stories to 15-stories above grade.



**Figure 1.** Aerial View of Project Site (outlined in red) and Surrounding Properties

## **PROJECT SUMMARY**

The proposed project involves the construction, use, and maintenance of a new eight-story multi-family development, containing a total of 92 dwelling units, including 11 dwelling units reserved for Extremely Low Income Households, as shown in *Figure 2* below. The proposed development will contain approximately 43,818 square feet of floor area. The project provides a total of 6,900 square feet of open space. Although parking is not required for TOC Tier 4 developments, the project is providing 7 automobile stalls at grade ground level and will provide 7 short term and 70 long term bicycle parking spaces. Ingress and egress for commercial parking will be provided via one common access driveway located at the west corner of the project site along 8th Street. Vehicle access, ingress and egress, to the building will be provided from one entrance along Mariposa, easterly of the east property line.



**Figure 2.** Project Rendering at 603, 603 ½, & 605 South Mariposa Avenue

## **APPEAL ANALYSIS**

### **APPEAL SUMMARY**

On March 10, 2022, the Director of Planning issued a Determination to conditionally approve Base and Additional Incentives for increased density and reduced parking, open space, and setbacks through the TOC Affordable Housing Incentive Program and Site Plan Review for the proposed project.

The Director of Planning's decision determined, based on the whole of the administrative record, that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that any exception contained in Section 15300.2 of the State CEQA Guidelines



regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, hazardous waste sites, or historical resources applies.

On March 24, 2022, within the required 15-day appeal period, an appeal was filed by Enrique Velasquez, on behalf of Coalition for an Equitable Westlake/MacArthur Park. The appeal justification includes grievances against the land use decision as well as the Class 32 infill development Categorical Exemption issued for the proposed project, under Environmental Case No. ENV-2021-9073-CE.

Pursuant to LAMC Section 12.22-A.25(g)(2)(i)(f) and the appeal processes for TOC entitlements, only an applicant, abutting property owners, and abutting tenants can appeal the TOC determination. The Appellant here does not meet this criterion, and as such, the appeal that is currently before the Commission relates only to the Site Plan Review land use entitlement for this project.

In the Appeal Justification letter, the Appellant has addressed Los Angeles City Council as the appellate body for the appeal. Los Angeles City Council is the appellate body for appeals to the project's CEQA determination, the Appellant however, may not appeal the CEQA determination until the project's Site Plan Review entitlement has first been appealed and administrative remedies have been exhausted. Therefore, the scope of the pending appeal does not include the CEQA-related appeal points, which will be subject to a further appeal after the Site Plan Review appeal has been decided. However, to address the appellant's concerns and for purposes of providing a complete record, this Staff Report addresses these points below.

### **APPEAL POINTS AND STAFF RESPONSE**

The following statements have been compiled and summarized from the submitted appeal and have been responded to below. The appeal in its entirety is attached herein for reference, as Exhibit B.

#### **APPEAL POINT 1:**

"The Coalition challenges the Site Plan Review Findings on the basis that the environmental findings upon which the Site Plan Review approval is based on is faulty since the Project does not qualify for an exemption. The findings state that there is not a succession of known projects of the same type and in the same place as the subject property. However, this conclusive statement is not supported by substantial evidence."

#### **STAFF RESPONSE 1:**

The appellant challenges the Director of Planning's determination that conditionally approved the Site Plan Review entitlement in conjunction with the proposed project but fails to cite any specific issues that relate to the Site Plan Review component of the land use determination. The appeal, rather, focuses on the Director of Planning's determination that the project is exempt from CEQA pursuant to CEQA Guideline, Section 15332 (Class 32, Infill Development) and that none of the exceptions to a categorical exemption apply to the project. As evidenced in the March 10, 2022, determination letter, the necessary findings were made to confirm that the project meets the requirements for Site Plan Review. The Site Plan Review Findings that were made include the following: the project is in substantial conformance with the purposes, intent and provisions of the Wilshire Community Plan and does not conflict with any applicable regulations or standards; the arrangement of the proposed development is consistent and compatible with existing and future development in neighboring properties; and the project contains adequate recreational amenities and is within proximity to transit services which will contribute to the habitability of the residents and minimize the impacts on neighboring properties.

Regarding the appellant's issues with the project's CEQA clearance, as stated above, the applicant has not exhausted its administrative remedies and as such, a CEQA appeal is not before the City Planning Commission at this time. However, in order to provide for a thorough record, staff has provided the following CEQA-related responses. The CEQA Guidelines provide that a Class 32 CE may not be used if any of five (5) exceptions apply: (a) cumulative impacts; (b) significant effect; (c) scenic highways; (d) hazardous waste sites; and (e) historical resources. Specifically, the Appellant contends that the cumulative impact exception does not apply to the proposed project due to the number of "past projects, current projects and future projects spanning back to January 1, 2017 that contribute towards the cumulative impacts of the Project that must be considered." The appellant lists 23 projects alleged to be within a .06-mile radius of the Project site. CEQA Guidelines Section 15300.2(b) states that a categorical exemption is inapplicable "when the cumulative impact of successive projects of the same type in the same place, over time is significant." An agency's determination that a project falls within a categorical exemption includes an implied finding that none of the exceptions identified in the CEQA Guidelines apply. Instead, the burden of proof shifts to the challenging party to produce evidence showing that one of the exceptions applies to take the project out of the exempt category. (*San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1022-23.)

Here, the Appellant has not met its burden, as there is no evidence in the record to conclude that there will be a cumulative adverse impact caused by the proposed project and other projects in this area. A list of past, current, or future projects, even if found to be accurate, by itself does not represent substantial evidence of any type of cumulative impact. Speculation that significant cumulative impacts will occur simply because other projects may be approved in the same area is insufficient to trigger this exception and is not evidence that the proposed project will have adverse impacts or that the impacts are cumulatively considerable (*Hines v. California Coastal Comm'n* (2010) 186 Cal.App.4th 830, 857). The Appellant also fails to provide any evidence as to why a .06-mile radius constitutes the "same place". The Appellant has not submitted any substantial evidence that validates its assertions that the cumulative impact exception applies. Other than a vague claim that the area is in a "high pedestrian and car traffic area", the Appellant does not state which cumulative effects are actually at issue. For example, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, cannot constitute a significant environmental impact for purposes of CEQA. (Public Resources Code § 21099.)

As demonstrated in the Justification for the Class 32 Categorical Exemption dated February 14, 2022 (Exhibit E) the proposed project and other projects in the vicinity are subject to Regulatory Compliance Measures (RCMs) related to air quality, noise, hazardous materials, geology, and transportation. Numerous RCMs in the City's Municipal Code and State law provide requirements for construction activities and ensure impacts from construction related air quality, noise, traffic, and parking are less than significant. For example, the South Coast Air Quality Management District (SCAQMD) has District Rules related to dust control during construction, type and emission of construction vehicles, architectural coating, and air pollution. All projects are subject to the City's Noise Ordinance No. 144,331, which regulates construction equipment and maximum noise levels during construction and operation.

The Class 32 Categorical Exemption (CE) and associated justification analysis address all environmental impacts related to traffic, noise, air quality or water quality and cumulative impacts. Additionally, the project will be required to comply with all state, regional, and local laws as part of regulatory compliance. No other changes are being made. Therefore, the CE adequately addresses all impacts relative to the proposed project at 603, 603 ½, & 605 South Mariposa Avenue.

**APPEAL POINT 2:**

“...any environmental impacts based on pre-Covid levels of public transit ridership that [sic] do not take into account declining public ridership, which is expected to further decline after Covid.”

**STAFF RESPONSE 2:**

Staff assumes that the applicant is referring to traffic related to the operation of the proposed project, in which case this statement is pure speculation, not grounded in any facts and does not constitute substantial evidence. With that assumption, the appellant has failed to meet its burden of proof in making the assumption that the project's environmental review and clearance is unsatisfactory due to a decline in public ridership as a result of the Covid-19 Pandemic. The project has met all requirements regarding its traffic assessment and on June 23, 2021, LADOT concluded that the project is not expected to result in any significant impact relating to traffic.

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

A Traffic Assessment Report dated June 3, 2021, was prepared by KOA Corporation (KOA), in order to determine whether or not the proposed project would result in any significant effects relating to traffic. The Traffic Study found that the project would generate a net increase of 110 daily vehicle trips and a net increase of 723 daily vehicle miles traveled (VMT), thus requiring the proposed project to conduct a vehicle mile traveled (VMT) analysis. Therefore, the project is not expected to result in any significant impact relating to traffic as determined by LADOT's approval letter dated June 23, 2021, and the Appellant has not provided any substantial evidence to show that a traffic impact will occur as a result of the proposed project.

**CONCLUSION AND STAFF RECOMMENDATION**

The appeal of the Site Plan Review does not demonstrate that the Director of Planning erred or abused their discretion. The findings made to approve the Site Plan Review, and to determine that the project is categorically exempt have been done in full conformance with the applicable provisions of the Los Angeles Municipal Code and California Environmental Quality Act. The development is consistent with the underlying zones and TOC Guidelines, and the building has been designed and conditioned to be sensitive to and compatible with surrounding uses. The project site is located in an area transitioning to higher density development. Concentrating much-needed mixed-income housing along a commercial corridor, while improving an underutilized site, is in line with the City's overarching goals, policies, and objectives for new development.

Therefore, it is recommended that the Central Area Planning Commission affirm that the project is categorically exempt from environmental review, deny the appeal, sustain the Director's Determination approving the Site Plan Review, and adopt the Director's Conditions of Approval and Findings.

# 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](https://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