



# LOS ANGELES CITY 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: APRIL 4, 2023**

**Case No. DIR-2021-643-TOC-HCA-1A**

Council District: 1 – Hernandez

CEQA: ENV-2021-644-CE

Plan Area: Westlake

**Project Site:** 1537, 1539, 1541, 1543 West Cambria Street

**Applicant:** Shahram Saba, Shahco Inc.  
Representative: Shahla Salah, New Real Estate Market

**Appellants:** Alma Myllyla

Pilar Pugh

At its meeting of **February 9, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of an existing six-unit, multi-family residence for the construction, use, and maintenance of a 43-unit residential apartment building that is six stories, 73 feet 10 inches in height, and contains 39,695 square feet of floor area and a 5.6:1 Floor Area Ratio (FAR). The Project will set aside 10 percent, or five units, of the 43 total units for Extremely Low Income Households. The building will contain 22 vehicle parking spaces, 36 long-term bicycle parking spaces, and four short-term bicycle parking spaces. The unit mix will be comprised of 15 studio apartments, 17 one-bedroom apartments, eight two-bedroom apartments and three three-bedroom apartments for a total of 43 units. There will be 3,519 square feet of open space, comprised of 1,700 square feet of private open space and 1,819 square feet of common open space provided through a ground floor recreation room and two roof decks. The Project proposes the export of up to 4,250 cubic yards of earth. The Project site includes 10, non-protected on-site trees, all of which are proposed for removal. In addition, the Project will provide 12 new trees on-site.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 29, 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 appeal and **sustained** the Planning Director's Determination dated September 20, 2022;
3. **Approved**, pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code (LAMC), a Transit Oriented Communities (TOC) Affordable Housing Incentive Program for a qualifying Tier 3 Project totaling 43 dwelling units, reserving five units for Extremely Low Income household occupancy, occupancy for a period of 55 years, with the following three additional incentives:
  - a. Side Yard Setbacks. Allow two side yard setbacks of six feet 3.5 inches in lieu of nine feet as otherwise required by LAMC Section 12.11 C.2;
  - b. Rear Yard Setback. Allow a rear yard setback of 12 feet 7.2 inches in lieu of 18 feet as otherwise required by LAMC Section 11 C.3; and

- c. Open Space. A 25 percent reduction in Open Space to allow 3,487.5 square feet in lieu of the 4,550 square feet otherwise required by LAMC Section 12.21 G.2;
4. **Adopted** the attached Modified Conditions of Approval; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Perlman  
Second: Choe  
Ayes: Hornstock, Leung, Millman  
Nay: Mack  
Absent: Cabildo, Zamora

**Vote: 5 – 1**



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Cecilia Lamas, Commission Executive Assistant II  
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 is final and effective upon the mailing of this determination letter and not further appealable.

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

cc: Jane Choi, Principal City Planner  
Vanessa Soto, Senior City Planner  
Yi Lu, City Planner  
Marie Pichay, City Planning Associate

## CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on February 9, 2022)

### TOC AFFORDABLE HOUSING INCENTIVES PROGRAM 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," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central 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. **On-Site Restricted Affordable Units.** A minimum of five (5) dwelling units, that is 10% of the total 43 dwelling units, shall be designated for Extremely Low Income Households, as determined by the Los Angeles Housing Department (LAHD), and California Government Code Section 65915(c)(2).
3. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.31 and TOC Guidelines.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make five (5) units available as to Extremely Low Income Households, for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. In the event, the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with LAMC Section 12.22 A.31 and TOC Guidelines to the satisfaction of LAHD, and in consideration of the project's SB 330 Determination. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the TOC Guidelines and any monitoring requirements established by the LAHD. Refer to the Transit Oriented Communities (TOC) Affordable Housing Incentive Program and Housing Replacement (SB 330 Replacement Unit Determination) sections of this determination.
5. **Rent Stabilization Ordinance.** One (1) existing unit shall be replaced in compliance with the City's Rent Stabilization Ordinance (RSO) in addition to replacing five (5) existing units with affordable housing pursuant to LAHD's SB330 Determination Letter dated January 14, 2021.
6. **Base Incentives.**
  - a. **Residential Density.** The project shall be limited to a maximum density of 43 residential dwelling units (equal to a density increase of 60 percent), including On-site Restricted Affordable Units.
  - b. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 6:1 for a Tier 3 project in a residential zone.
  - c. **Parking.**

- i. **Residential Automobile Parking.** Automobile parking shall be provided consistent with LAMC Section 12.22 A.31 and Government Code Section 65915(p)(2), which require a minimum of 0.5 spaces per unit for all residential units in an Eligible Housing Development Project located in a Tier 3 TOC Affordable Housing Incentive Area. A greater number may be provided at the applicant's discretion.
- ii. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.

7. **Additional Incentives.**

- a. **Side Yard Setbacks.** The project shall be permitted a 30% reduction to two individual yard setbacks to allow side yard setbacks of 6 feet 3.5 inches.
  - b. **Rear Yard Setback.** The project shall be permitted a 30% reduction to an individual yard setback to allow a rear yard setback of 12 feet 7.2 inches.
  - c. **Open Space.** The project shall be permitted a 25% reduction in open space to allow a minimum of 3,487.5 square feet of open space.
8. **Height.** The building shall not exceed six stories or 73 feet 10 inches in height as measured from grade to the highest point of the roof parapet.
9. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.
10. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to **10% more than otherwise 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 attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
11. Street trees shall be provided to the satisfaction of the Urban Forestry Division. Street trees may be used to satisfy on-site tree requirements pursuant to LAMC Article Section 12.21.G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units). Per Exhibit A and 12.21.G.3, 11 Street trees shall be provided.
12. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping.
13. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.

14. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.
15. **Utilities.** To the extent feasible, all new utility lines which directly service a project shall be installed underground. If underground service is not currently available, then provisions shall be made for future underground service, as determined by the Department of Water and Power.

### **Administrative Conditions**

16. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
17. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
18. **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.
19. **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.
20. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the 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 & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
21. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

22. **Coordination with LAUSD.** Prior to final signoff, the applicant shall communicate with Esperanza Elementary School and John Liechty Middle School administrators to share the construction schedule, establish points of contact, and identify measures to be implemented to avoid disruption of school activities including but not limited to school buses, pick-up/drop-off by vehicles and foot, use of the school parking lot, outdoor breaks and recreation, noise beyond codified limits, and any construction activities that have potential to create airborne particulates from grading. A copy of this communication shall be submitted to the case file.
23. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
24. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
25. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

## FINDINGS

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

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

**1. Pursuant to Section 12.22 A.25(g) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the Director finds that:**

- a. *The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

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

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

The following incentives allow the developer to reduce the required rear and side yard setbacks as well as open space so that affordable housing units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. These incentives are expressed in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. These incentives also support the applicant's decision to reserve five (5) units for Extremely Low Income Households of the total 43 units.

**Rear Yard.** Allow a rear yard of 12 feet 7.2 inches in lieu of the 18 feet as otherwise required by LAMC Section 12.11 C.3.

**Side Yards.** Allow side yards of 6 feet 3.5 inches in lieu of 9 feet as otherwise required by LAMC Section 12.11 C.2.

**Open Space.** A 25% reduction in Open Space to allow 3,487.5 square feet in lieu of the 4,550 square feet otherwise required by LAMC Section 12.21 G.2.



The requested incentives are expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs.

- b. *The Incentive will have a specific adverse impact upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there are 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 incentive 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 finding that there is no evidence in the record that the proposed incentives will have a specific adverse impact is further supported by the CEQA findings. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. For example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project that will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings.

The proposed project and potential impacts were analyzed in accordance with the CEQA Guidelines. The project was evaluated against the exceptions to the use of Categorical Exemptions pursuant to Section 15300.2 of the CEQA Guidelines. The Director of Planning determined that none of the exceptions apply to the proposed project and the project is Categorically Exempt from CEQA pursuant to Class 32 of the CEQA Guidelines. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact upon public health and safety or the environment, or on any real property that is listed in the California Register of Historical Resources.

The proposed project and potential impacts were analyzed in accordance with the State CEQA Statute and Guidelines. Analysis of the proposed project determined that the project is Categorically Exempt from environmental review pursuant to Article 19, Section 15332, Class 32 of the State CEQA Statute and Guidelines. Additionally, a Transportation Study Assessment Referral Form was completed showing 148 daily trips were generated for a 44-unit project comprised of 39 residential units and 5 affordable residential units; which does not exceed 250 or more daily trips requiring a Vehicle Miles Traveled analysis. As this project is 43 units, including 38 residential units and 5 affordable residential units, the results can be applied. Furthermore, the project was evaluated against the exceptions to use Categorical Exemptions pursuant to Section 15300.2 of the State CEQA Statute and Guidelines and determined that none of the exceptions apply to the proposed project. Additionally, the project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, 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 Historic Places LA website or SurveyLA, the citywide survey of Los Angeles. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact upon public health and safety or

the environment, or on any real property that is listed in the California Register of Historical Resources.

### **ADDITIONAL MANDATORY FINDINGS**

2. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of a flood zone.
3. It has been determined based on the whole of the administrative record that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2, applies.

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

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

Fall 2020



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

### OPTION 1: Online Appeal Portal

([planning.lacity.org/development-services/appeal-application-online](http://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