



## 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: \_\_\_\_\_

Project Address: \_\_\_\_\_

Final Date to Appeal: \_\_\_\_\_

#### 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: \_\_\_\_\_

Company/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

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

- ☐ Self    ☐ Other: \_\_\_\_\_

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

#### 4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

#### 5. 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: Amalia Bonny Fuentes Date: 5/9/23

#### 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.

<b>SPECIFIC CASE TYPES - APPEAL FILING INFORMATION</b>
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**C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITIES (TOC)****1. Density Bonus/TOC**

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

**NOTE:**

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.
- ☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

**D. WAIVER OF DEDICATION AND OR IMPROVEMENT**

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

**NOTE:**

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

**E. TENTATIVE TRACT/VESTING****1. Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- ☐ Provide a copy of the written determination letter from Commission.

**F. BUILDING AND SAFETY DETERMINATION**

- ☐ **1.** Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

**a. Appeal Fee**

- ☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

**b. Notice Requirement**

- ☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- ☐ **2.** Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

**a. Appeal Fee**

- ☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

**b. Notice Requirement**

- ☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- ☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

## G. NUISANCE ABATEMENT

### 1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

#### a. Appeal Fee

- ☐ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

### 2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

#### a. Appeal Fee

- ☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.
- ☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

## NOTES

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

**Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

## **Justification/Reason for Appeal**

**2201 – 2231 South Western Avenue; 2003 – 2029 24th Street**

**(CPC-2021-8442-CU-DB-SPR-HCA; ENV-2008-1781-EIR; ENV-2021-8443-EAF)**

### **I. REASON FOR THE APPEAL**

The 2201 – 2231 South Western Avenue; 2003 – 2029 24th Street (**CPC-2021-8442-CU-DB-SPR-HCA; ENV-2008-1781-EIR; ENV-2021-8443-EAF**) Project (“Project”) fails to comply with the California Environmental Quality Act (“CEQA”). Furthermore, the approval of the Site Plan Review entitlements for the Project was in error because (1) the City of Los Angeles (“City”) must fully comply with CEQA prior to any approvals in furtherance of the Project and (2) the findings are not supported by substantial evidence. Therefore, the City must set aside the Site Plan Review entitlements and prepare an Initial Study to determine the appropriate level of environmental review to undertake pursuant to CEQA prior to considering approvals for the Project.

### **II. SPECIFICALLY THE POINTS AT ISSUE**

The specific points at issue are set forth in the attached comment letter dated February 6, 2023. An Initial Study must be prepared to determine the appropriate level of environmental review to undertake pursuant to CEQA. Furthermore, proper CEQA review must be complete *before* the City approves the Project’s entitlements. (*Orinda Ass’n. v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 [“No agency may approve a project subject to CEQA until the entire CEQA process is completed and the overall project is lawfully approved.”].) As such, the approval of the Project’s Site Plan Review entitlements was in error. Additionally, by failing to properly conduct environmental review under CEQA, the City lacks substantial evidence to support its findings for the Site Plan Review entitlements.

### **III. HOW YOU ARE AGGRIEVED BY THE DECISION**

Members of appellant Supporters Alliance for Environmental Responsibility (“SAFER”) live and/or work in the vicinity of the proposed Project. They breathe the air, suffer traffic congestion, and will suffer other environmental impacts of the Project unless it is properly mitigated.

### **IV. WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION**

The City is claiming that the Project was adequately reviewed in the South Los Angeles/Southeast Los Angeles Community Plan Program EIR, which was certified in August 2017 (“2017 EIR”), and that no subsequent EIR or MND is required for the Project. When relying on a prior EIR for a project, CEQA provides certain procedures, including required findings, prior to a determination that no new environmental documentation is required. Although no new documentation is required in certain circumstances, CEQA also mandates the circumstances in which reliance on a previous EIR still requires the preparation of an additional EIR or MND. At this point, the City has not conducted the analysis required by CEQA, as detailed in the attached comment letter.



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## BY E-MAIL

February 6, 2023

City Planning Commission  
City of Los Angeles  
Samantha Millman, President  
Caroline Choe, Vice President  
Jenna Hornstock, Commissioner  
Helen Leung, Commissioner  
Karen Mack, Commissioner  
Dana Perlman, Commissioner  
c/o Cecilia Lamas, Commission Executive  
Assistant II  
200 North Spring Street  
Los Angeles, CA 90012  
[cpc@lacity.org](mailto:cpc@lacity.org)

Helen Jadali, City Planning Associate  
200 N. Spring Street  
Los Angeles, CA 90012  
[Helen.jadali@lacity.org](mailto:Helen.jadali@lacity.org)

**RE: 2211 S. Western Ave. Project (CPC-2021-8442-CU-DB-SPR-HCA; ENV-2021-8443-EAF)  
Planning Commission Agenda Item 10 (Feb. 9, 2023)**

Dear President Millman and Honorable Members of the Planning Commission:

I am writing on behalf of the Supporters Alliance For Environmental Responsibility ("SAFER") and its members living and/or working in and around the City of Los Angeles ("City") concerning the 2211 S. Western Ave. Project (CPC-2021-8442-CU-DB-SPR-HCA; ENV-2021-8443-EAF) ("Project") to be heard as Agenda Item 10 at the February 9, 2023 Planning Commission Meeting.

The City has not conducted adequate environmental review for this specific Project pursuant to the California Environmental Quality Act ("CEQA"). The City is claiming that the Project was adequately reviewed in the South Los Angeles/Southeast Los Angeles Community Plan Program EIR, which was certified in August 2017 ("2017 EIR"), and that no subsequent EIR or MND is required for the Project. When relying on a prior EIR for a project, CEQA provides certain procedures, including required findings, prior to a determination that no new environmental documentation is required. Although no new documentation is required in certain circumstances, CEQA also mandates the circumstances in which reliance on a previous EIR still requires the preparation of an additional EIR or MND.

At this point, the City has not conducted the analysis required by CEQA. Furthermore, SAFER's review of the Project with the assistance of air quality experts Matt Hagemann, P.G., C.Hg., and Paul E. Rosenfeld, Ph.D., of the Soil/Water/Air Protection Enterprise ("SWAPE") determined that CEQA requires an EIR or MND for this Project. The expert comments of SWAPE are attached hereto as Exhibit A. As such, SAFER is requesting that the Commission refrain from approving the Project until an EIR or MND is prepared.

## **PROJECT DESCRIPTION AND BACKGROUND**

The 2211 South Western Avenue Project proposes the construction of a new eight-story, approximately 89-foot mixed-use building with 364 dwelling units and 70,220 square feet of two-story commercial space. The Project will provide 309 residential and 205 commercial parking spaces in one subterranean and four above grade parking levels.

For CEQA review of the Project, the City intends to rely on a 2017 EIR prepared for the South Los Angeles/Southeast Los Angeles Community Plan. That project, as analyzed in the 2017 EIR, was described as a "Community Plan Update" to amend the text and land use map of the South Los Angeles and Southeast Los Angeles Community Plans, and to adopt zoning ordinances and update other general plan elements to implement the updates to the two community plans. The Community Plan Update included two Community Plan Areas ("CPAs"). The South Los Angeles CPA covers approximately 9,881 acres, 7,272 of which are developable, and the Southeast Los Angeles CPA covers approximately 9,887 acres, 7,300 of which are developable. The proposed Project would be located in the South Los Angeles CPA.

The 2017 EIR concluded that the Community Plan Update would result in significant and unavoidable impacts to aesthetics, air quality, cultural resources, noise, public services, and transportation and traffic.

## **LEGAL STANDARD**

CEQA provides a procedure for agencies to utilize previous EIRs when analyzing a new project. For program EIRs<sup>1</sup>, "later activities in the program must be examined in light of the

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<sup>1</sup> A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- (1) Geographically,
- (2) As logical parts in the chain of contemplated actions,
- (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

(14 CCR § 15168(a).)

program EIR to determine whether an additional environmental document must be prepared.” (14 CCR § 15168(c).) No new environmental document is required “[i]f the agency finds that pursuant to Section 15162, no subsequent EIR would be required.” (14 CCR § 15168(c)(2).) The analysis under Section 15162 determines whether the proposed project is “within the scope” of the previous program EIR. (14 CCR § 15168(c)(2).) If a later project is outside the scope of the program, then it is treated as a separate project. (See *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320-21.) If a proposed project is not within the scope of the previous program EIR, the next consideration is whether the “later activity would have effects that were not examined in the program.” (14 CCR § 15168(c)(1).) A program environmental review may only serve “to the extent that it contemplates and adequately analyzes the potential environmental impacts of the project.” (*Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171 [quoting *Citizens for Responsible Equitable Envtl. Dev. v. City of San Diego Redevelopment Agency* (2005) 134 Cal.App.4th 598, 615].) If the program environmental review does not evaluate the environmental impacts of the project, a tiered CEQA document must be completed before the project is approved. (*Id.* at 1184.)

When an EIR is prepared for a later activity under a program EIR, CEQA allows the project-specific EIR to “tier” off the program EIR. (PRC § 21094; 14 CCR § 15168(c)(1).) “[I]f there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environment which was not examined in the prior program EIR, doubts must be resolved in favor of environmental review and the agency must prepare a new tiered EIR.” (*Sierra Club v. Cty. of Sonoma* (1992) 6 Cal.App.4th 1307, 1319.) The tiered EIR may “incorporate by reference the discussion in any prior [EIR] and [] concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior [EIR]” (PRC § 21068.5.) A tiered EIR is required if any substantial evidence in the record indicates that a project may have a significant environmental impact that was not previously analyzed—even if contrary evidence exists to support the agency’s decision. (14 CCR § 15064(f)(1); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 931.) “It is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency’s determination.” (*Pocket Protectors, supra*, 124 Cal.App.4th at 928.) Furthermore, when a “first tier” EIR admits a significant, unavoidable environmental impact, then the agency must prepare a second tier EIRs for later projects to ensure that those unmitigated impacts are “mitigated or avoided.” (*Communities for a Better Envt. v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 122-25.)

Similar to program EIRs, when an agency relies on a previous project-specific EIR, the requirement to prepare subsequent EIR or MND is governed by Section 15162 of the CEQA Guidelines (14 CCR § 15162.) Additionally, where changes or additions to a previous project EIR are necessary but none of the conditions of Section 15162 are met, CEQA requires the preparation of an addendum. (14 CCR § 15164.)

In light of the above, the proper initial inquiry when relying on a previous EIR is whether the newly proposed project meets any of the conditions of CEQA Guidelines Section 15162. Pursuant to Section 15162(a), a subsequent EIR or MND is required when:



- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

An agency's determination that none of the conditions of Section 15162 have been met and, therefore, that no subsequent EIR or MND is required for the new project must be supported by substantial evidence. (14 CCR § 15162(a); see 14 CCR § 15168(c)(2).)

## **DISCUSSION**

### **I. An EIR is Required Because the City's Analysis of Hazards and Hazardous Materials is Inadequate.**

The City concluded that "no substantial changes in the environment on or in the vicinity of the Property related to hazards or hazardous materials have occurred since certification of the Community Plan EIR that would require revision to the Community Plan EIR." However, the City failed to provide substantial evidence in support of this conclusion. A decision to not prepare an environmental document for the Project is only permissible if the City finds, based on substantial evidence, that none of the conditions of CEQA Guidelines section 15162 have occurred. (14 CCR 15168(c)(2).)

Environmental consulting firm, SWAPE, found that the City inadequately disclosed and analyzed impacts from hazards and hazardous materials. (Ex. A, pp. 1-2.) Specifically, SWAPE noted that the Phase 1 Environmental Site Assessment (“ESA”) did not include “a map or any figures to show what portion of the Project site was covered by the Phase 1 ESA.” (*Id.* at 1.) SWAPE therefore stated that an EIR should be prepared which includes a Phase 1 ESA which encompasses the entire Project site. (*Id.*)

SWAPE also noted that the Phase 1 ESA prepared for the Project concluded that further studies were necessary. (Ex. A, p. 2; 2211 Western Ave Technical Memorandum (“Technical Memo”), Attachment C, p. 35.) According to the mitigation incorporated for the proposed Project from the 2017 EIR, further studies found necessary by a registered environmental assessor “shall be performed prior to project approval or made a condition on the project . . .” (Ex. A, p. 2; Technical Memo, p. 7.0-50.) However, SWAPE found that the City’s assessment did not include further studies or conditions as required. (Ex. A, p. 2.) SWAPE therefore concluded that an EIR is necessary to show conformance with the 2017 EIR hazardous materials mitigation.

## **II. An EIR is Required Because the Project Will Have Significant Air Quality, Health Risk, and Greenhouse Gas Emission Impacts.**

Pursuant to CEQA Guidelines section 15162, a subsequent EIR is required where new information since the certification of the 2017 EIR demonstrates that mitigation measures “which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure.” (14 CCR § 15168(a)(3)(D).)

The 2017 EIR found that implementation of the Community Plan Update would have significant and unavoidable air quality impacts (2017 EIR, pp. 9-13.) Specifically, the 2017 EIR concluded that construction emissions would result in significant and unavoidable impacts from emissions of NO<sub>x</sub>, VOCs, PM<sub>2.5</sub>, PM<sub>10</sub>, and other criteria air pollutants. (*Id.*)

SWAPE found that the Project would still result in significant impacts to air quality and greenhouse gases (“GHGs”). SWAPE reviewed the Project’s CalEEMod output files and found that several model inputs were inconsistent with information disclosed elsewhere in the Technical Memo for the Project. (Ex. A, p. 4.) Specifically, SWAPE found that the following inputs were incorrect or unsubstantiated:

- Unsubstantiated Reductions to Architectural and Area Coating Emission Factors
- Unsubstantiated Changes to Architectural Coating Construction Phase Length
- Unsubstantiated Reduction to Acres of Grading Value
- Incorrect Number of Construction Worker Trips
- Underestimated Weekday, Saturday, and Sunday Operational Vehicle Trip Rates

(Ex. A, pp. 4-10.) As a result of these incorrect or unsubstantiated inputs, SWAPE found that the Project's construction and operational emissions were underestimated. They therefore concluded that an EIR should be prepared which includes an updated air quality analysis that adequately evaluates the Project's potential impacts on local and regional air quality. (*Id.* at 4.)

In order to more accurately estimate the Project's potential emissions, SWAPE prepared an updated CalEEMod model using Project-specific information from the Technical Memo. SWAPE found that the Project's construction-related volatile organic compound (VOC) emissions would exceed the CEQA significance threshold established by the South Coast Air Quality Management District ("SCAQMD"). (Ex. A, p. 10.) Specifically, SWAPE found that VOC emissions from Project construction would be 232.57 lbs/day, a 761% increase over the Technical Memo's estimated 27 lbs/day, and a significant exceedance of the SCAQMD threshold of 75 lbs/day. (*Id.*)

SWAPE also prepared a screening-level health risk assessment ("HRA") to evaluate potential impacts of diesel particulate matter ("DPM") emissions during the construction and operation of the Project. (Ex. A, pp. 13-17.) SWAPE used AERSCREEN, a screening-level air quality dispersion model. (*Id.* at 13.) SWAPE used a sensitive receptor distance of 75 meters and analyzed impacts to individuals at different stages of life based on guidance from the California Office of Environmental Health Hazard Assessment ("OEHHA") and SDAPCD guidance. (*Id.* at 17.)

SWAPE found that the excess cancer risk at the closest sensitive receptor located approximately 75 meters away, over the course of Project construction and operation, is approximately 106 in one million for infants, 118 in one million for children, and 13.1 in one million for adults. (Ex. A, p. 17.) Moreover, SWAPE found that the excess cancer risk over the course of a residential lifetime is approximately 242 in one million. (*Id.*) Thus, the infant, child, adult, and lifetime cancer risks all exceed the SCAQMD significance threshold of 10 in one million.

SWAPE also found that the GHG impacts of the Project were not adequately analyzed. (Ex. A, pp. 18-19.) Specifically, SWAPE found that the City's analysis of GHG impacts and the City's subsequent less-than-significant conclusion as to GHG impacts, is incorrect for four reasons:

- (1) The Technical Memo's quantitative GHG analysis relies on a flawed air model;
- (2) The Technical Memo fails to identify a potentially significant impact;
- (3) The Technical Memo fails to consider the performance-based standards under CARB's *Scoping Plan*; and
- (4) The Technical Memo fails to consider the performance-based standards under SCAG's *RTP/SCS*.

(Ex. A, pp. 18-22.) Based on these inadequacies, SWAPE found that an EIR is necessary to adequately assess the Project's potential GHG impacts.

In order to mitigate the significant impacts identified in the 2017 EIR for the Community Plan Update as well as in SWAPE's analysis for the proposed Project, SWAPE recommends numerous feasible mitigation measures to reduce the Project emissions. (Ex. A, pp. 23-27.) SWAPE's suggested mitigation measures include measures that were not available in 2017 when the previous EIR was certified. (*Id.*) An EIR or MND is therefore necessary because (1) such mitigation measures were not available or known in 2017, (2) the mitigation measures constitute new information and (3) the City has not adopted these new mitigation measures. (14 CCR § 15162(a)(3)(D).) Furthermore, this new information means that the Project is not within the scope of the 2017 EIR and an initial study followed by an EIR or MND is required to examine impacts that were not examined in the 2017 EIR. (14 CCR § 15168(c).)

#### **IV. The Project Requires a Tiered EIR Because the Significant and Unavoidable Impacts Identified in the 2017 EIR Will Remain Significant with the Implementation of the proposed Project.**

As demonstrated above, when reviewed under CEQA Guidelines sections 15162 and 15168, it is improper for the City to refrain from preparing a CEQA document for the Project. Rather, the Guidelines require that the City prepare an EIR or MND for the Project, which can tier from the 2017 EIR as necessary. (14 CCR 15168(c)(1).)

In *Communities for a Better Env't. v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 122-25, the court of appeal held that when a "first tier" EIR admits a significant, unavoidable environmental impact, then the agency must prepare second tier EIRs for later projects to ensure that those unmitigated impacts are "mitigated or avoided." (*Id.*) The court reasoned that the unmitigated impacts were not "adequately addressed" in the first tier EIR since it was not "mitigated or avoided." (*Id.*) Thus, significant effects disclosed in first tier EIRs will trigger second tier EIRs unless such effects have been "adequately addressed," in a way that ensures the effects will be "mitigated or avoided." (*Id.*) A second tier EIR is required especially where the impact still cannot be fully mitigated and a statement of overriding considerations will be required. The court explained, "The requirement of a statement of overriding considerations is central to CEQA's role as a public accountability statute; it requires public officials, in approving environmentally detrimental projects, to justify their decisions based on counterbalancing social, economic or other benefits, and to point to substantial evidence in support." (*Id.* at 124.)

As such, because the Project will continue to result in significant impacts to air quality and GHGs that were identified as significant and unavoidable in the 2017 EIR, CEQA requires that the City go through the EIR process for the Project to ensure that the impacts are disclosed and a statement of overriding considerations is adopted for unavoidable impacts.

## CONCLUSION

For the above reasons, SAFER respectfully requests that the Planning Commission refrain from approving the Project at this time. Rather, the City should analyze the Project pursuant to CEQA Guidelines section 15162 and prepare a new EIR for the Project that tiers from the 2017 EIR prior to approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Amalia Bowley Fuentes". The signature is fluid and cursive, with a long horizontal stroke at the end.

Amalia Bowley Fuentes  
Lozeau Drury LLP



# 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 25, 2023**

**Case No. CPC-2021-8442-CU-DB-SPR-HCA**  
CEQA: ENV-2008-1781-EIR; ENV-2021-8443-EAF  
Plan Area: South Los Angeles

Council District: 10 – Hutt

**Project Site:** 2201 – 2231 South Western Avenue; 2003 – 2029 24th Street

**Applicant:** 2231 Western (LA), LLC  
Representative: Michael Gonzales, Gonzales Law Group APC

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 vacant land and an existing surface parking lot with 61 parking spaces for the adjacent residential building, and the development of a nine-story, 89-foot and 11-inches tall mixed-use residential building composed of 364 dwelling units (including 38 Very Low Income units) and a 65,719 square foot two-story commercial space fronting Western Avenue. The Project will be approximately 325,302 square feet in floor area with a Floor Area Ratio of 3.41:1 on a site totaling 2.29 acres. The Project will provide 308 residential parking spaces (including 61 replacement parking spaces for 2231 South Western Avenue) and 205 commercial parking spaces in one subterranean level and four above-grade parking levels. The Project will provide 202 long-term bicycle parking spaces and 52 short-term bicycle parking spaces. The Project also includes a total of 33,768 square feet of open space, including 8,502 square feet of landscaped area. The Project will also involve the grading of approximately 35,055 cubic yards of soil.

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, that the Project is within the scope of the South Los Angeles Community Plan Program EIR No. ENV-2008-1781-EIR, SCH No. 200810109, 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;
2. **Approved**, pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC), a Density Bonus Compliance Review for a Housing Development Project totaling 364 dwelling units and setting aside 15 percent of the base density (38 units) as Very Low Income Restricted Affordable Units for a period of 55 years, with the following On and Off-Menu Incentives and Waivers of Development Standards:
  - a. An On-Menu Incentive to allow a 12 percent reduction in the required open space, to allow 33,528 square feet in lieu of the required 38,100 square feet;
  - b. An Off-Menu Incentive to allow a Floor Area Ratio (FAR) of up to 3.41:1 in lieu of 1.5:1;
  - c. An Off-Menu Incentive to allow a transitional height of 88 feet and four inches in lieu of 33 feet height on 24th Street;
  - d. A Waiver of Development Standard for yard reduction, allowing a five-foot rear yard setback; and

- e. A Waiver of Development Standard for the temporary removal of 61 surface parking spaces covenanted for the existing residential units on-site and allow replacement of 61 parking spaces in the mixed-use residential building;
3. **Approved**, pursuant to LAMC Section 12.24 U.26, a Conditional Use Permit for a 45 percent increase in density over the Project site;
4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project resulting in an increase in 50 dwelling units and for the addition of over 50,000 square feet of non-residential floor area;
5. **Dismiss without Prejudice** a Waiver to allow a five-foot front yard setback in lieu of the otherwise required 15 feet by the C2-1-O-CPIO Zone;
6. **Adopted** the attached Modified Conditions of Approval; and
7. **Adopted** the attached Findings.

The vote proceeded as follows:

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

**Vote: 5 – 0**

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 related to the Off-Menu Density Bonus Incentives and Waivers of Development Standards are not appealable. The On-Menu Incentive is 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: MAY 10, 2023**

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: Theodore Irving, Principal City Planner  
 Michelle Singh, Senior City Planner  
 Sergio Ibarra, City Planner  
 Helen Jadali, City Planning Associate

## CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on February 9, 2023)

### **Development 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, dated July 22, 2022" 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 364 residential units including affordable units.
3. **Affordable Units.** A minimum of 38 units, that is 15 percent of the base dwelling units (250 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 Department (LAHD). The covenant shall bind the owner to reserve 38 units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. 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 Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background and Housing Replacement (SB 330 Determination) Background sections of this determination.
5. **Height (Incentive).** The project shall be limited to 89-feet and 11-inches in building height per Exhibit "A".
6. **Floor Area Ratio (FAR) (Incentive).** The project shall be limited to a maximum floor area ratio of 3.41:1 per Exhibit "A".
7. **Open Space (Incentive).** The project shall provide a minimum of 33,768 square feet of open space per Exhibit "A".
8. **Transitional Height (Incentive).** The project shall be limited to 88'-4" transitional height along 24<sup>th</sup> Street.
9. **Setbacks (Waiver).** The project shall provide 5-foot westerly side yard, and rear yard setbacks.
10. **Temporary Removal of Parking (Waiver).** The applicant is allowed the temporary removal of 61 on-site, surface-level parking spaces at 2232 Western during construction of the project.



11. **Replacement Parking.** The Project shall provide 61 parking spaces covenanted for the adjacent building's residential units and commercial space.
12. **Automobile Parking for Residential Uses.** Pursuant to California Government Code Section 65915(p)(2)(A), a development including at least 11 percent Very Low Income units and is located within one-half mile of a Major Transit Stop is allowed one-half parking space per bedroom. Based upon the number of bedrooms proposed, a minimum of 216 residential parking spaces shall be provided for the project. The project proposes 308 residential parking spaces as provided in Exhibit "A".
13. **Automobile Parking for Commercial Uses.** The project shall provide 132 commercial parking spaces based on the requirement of two parking spaces per 1000 square feet of commercial space. Project provides 205 commercial parking spaces.
14. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16. The project shall provide 202 long-term and 52 short-term bicycle parking spaces, as provided in Exhibit "A".
15. **Street Improvements.**
  - a. **Western Avenue** –Repairs and/or replace any broken, damaged, cracked, off-grade concrete curb, gutter, sidewalk and roadway pavement along the property frontage. Reconstruct the curb ramps at the intersection with 24<sup>th</sup> Street to BOE's standards. Close all unused proposed driveways with full height curb, gutter and concrete sidewalk. All new proposed driveways will require LADOT's approval.
  - b. **24<sup>th</sup> Street** – Construct suitable surfacing to join the existing improvements to provide a 20-foot wide half roadway, integral concrete curb, gutter and a 13-foot full-width concrete sidewalk. All new proposed driveways will require LADOT's approval. These improvements should suitably transition to join the existing improvements satisfactory to the City Engineer.

Note: Street trees exist along 24<sup>th</sup> Street and denial of their removal could impact the ability to widen the street. Should the Board of Public Works deny the removal of street trees, then improve 24th Street along the property frontage with the removal and replacement of existing concrete curb, gutter at existing location and full-width concrete sidewalk with tree wells up to the property line including any necessary removal and reconstruction of the existing improvements satisfactory to the City Engineer. Close all unused driveways with full-width concrete sidewalk, full-height curb and gutter.

### **Site Plan Review Conditions**

16. **South Los Angeles CPIO.** Prior to the issuance of a building permit, the applicant shall demonstrate compliance with the South Los Angeles Community Plan Implementation Overlay ("CPIO") pursuant to Ordinance No. 185,927, except as modified herein.
17. **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.

- a) **Coordination with LAUSD.** Prior to final signoff, the applicant shall communicate with 24<sup>th</sup> Street Elementary 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.

18. **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.

- a) Project shall maintain Merv 13 Filtration System according to Industry Standards.

19. **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).

20. **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.

21. **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.

22. **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.

23. **Unbundled Parking.** Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for Restricted Affordable Units.

24. **Parking Design.** Residential parking is provided in one at-grade level and 3 above-grade levels (2-4 floor) facing 24<sup>th</sup> Street and the adjacent School yard. The residential vehicular access is provided through a two-way driveway with the width of 22' at the 24<sup>th</sup> Street. The project also provided a residential parking egress only through the Fire Lane. The commercial parking is provided in one subterranean level parking throughout the L-shaped building. The Commercial vehicular access is provided from a circular driveway (Fire Lane) at Western Avenue. The project proposes a loading space in the enclosed parking garage that is accessed from a circular driveway (Fire Lane) at Western Avenue.

25. **Fire Lane.** The project shall be limited to a minimum of 28' Fire Lane width per Exhibit "A".
26. **Crosswalk in Fire Lane Area.** The Project shall provide crosswalks in the Fire Lane Area per Exhibit "A".
27. **Pavement on the Fire Lane Area.** The Project shall provide enhanced pavement (Texture, pattern, and raised level on both pedestrian area) on the Fire Lane Area.
28. **Pole Lighting on the Fire Lane Area,** The Project shall provide consistent pole lighting on the sidewalks on both sides of the Fire Lane to be compatible with the human scale per Exhibit "A".
29. **Green Screen.** The Project shall provide "Green Screen" on the above-grade parking levels of the façade on the building facing west and 24<sup>th</sup> Street.
30. **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 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 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.
31. **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.
32. **Trees.**
  - a. New street trees shall be planted within the public right-of-way, where feasible, at a ratio of at least one (1) tree for every 25 feet of lot length, to the satisfaction of the Bureau of Street Services, Urban Forestry Division, Department of Public Works.
  - b. Required Trees per 12.21 G.2. As conditioned herein, a final submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A." There shall be a minimum of 91, 24-inch box, or larger, trees on site pursuant to LAMC Section 12.21 G.2. Any required trees pursuant to LAMC Section 12.21 G.2 shown

in the public right-of-way in Exhibit "A" shall be preliminarily reviewed and approved by the Urban Forestry Division prior to building permit issuance. In-lieu fees pursuant to LAMC Section 62.177 shall be paid if placement of required trees in the public right-of-way is proven to be infeasible due to City determined physical constraints.

33. **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.
34. **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.
35. **Roof-top Solar Area.** Project shall provide 8,687 square feet of rooftop solar area equal to 15 percent of the whole roof top area.
36. **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.
37. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.
38. **South Los Angeles CPIO Environmental Standards** – The South Los Angeles CPIO contains Environmental Standards to implement the Mitigation and Monitoring Program as part of the South Los Angeles Community Plan Update that were reviewed in the Program EIR. All projects in CPIO Subareas are required to comply with any applicable Environmental Standards.
  - **38.1 - Environmental Standard AQ1:** Projects shall ensure all contractors include the best management practices provided in the bulleted list below in contract specifications:
    - Restrict idling of construction equipment and on-road heavy duty trucks to a maximum of 5 minutes when not in use.
    - 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.
    - Use heavy duty diesel-fueled equipment that uses low NOx diesel fuel to the extent it is readily available and feasible.
    - 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.
    - All on-road heavy-duty diesel trucks or equipment with a gross-vehicle weight rating (GVWR) of 19,500 pounds or greater shall comply with EPA 2007 on-road emission standards for PM and NOx:
      - PM – 0.01 g/bhp-hr
      - NOx – at least 1.2 g/bhp-hr

- Use zero-emission trucks and equipment where available, or cleanest available technology.
  - Every effort should be made by the Contractor to utilize grid-based electric power at any construction site, where feasible.
  - Where access to the power grid is not available, on-site generators are required to meet 0.01 g/bhp-hr standard for PM, or be equipped with Best Available Control Technology (BACT) for PM emissions reductions.
  - Use building materials, paints, sealants, mechanical equipment, and other materials that yield low air pollutants and are nontoxic.
  - Construction contractors shall use pre-painted construction materials, as feasible.
  - Construction contractors shall provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
  - Prepare haul routes, when required by the LAMC, that conform to local requirements to minimize traversing through congested streets or near sensitive receptor areas.
  - Maintain a buffer zone that is a minimum of 1,000 feet between truck traffic and sensitive receptors, where feasible.
  - When required by LADOT, upgrade signal synchronization to improve traffic flow.
  - Configure construction parking to minimize traffic interference.
  - When required by LADOT, provide dedicated turn lanes for movement of construction trucks and equipment on-and off-site.
  - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent practicable.
  - Traffic speeds on all unpaved roads shall be 15 mph or less.
  - Construction contractors shall reroute construction trucks away from congested streets or sensitive receptors areas, as feasible.
  - Construction contractors shall reroute construction trucks away from congested streets or sensitive receptor areas, as feasible.
  - 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. The name and contact information of the construction relations officer shall be posted at a location on the project site that is accessible and visible from the public right-of-way.
  - Identify Sensitive Uses within 500 feet of a project that involves ground-disturbing activities and notify sensitive uses before construction projects occur, including disclosure of the name and contact information for the construction relations officer act as the community liaison.
  - Implement the fugitive dust control measures as required in the South Coast Air Quality Management District's Rule 403 Fugitive Dust.
- **38.2 - Environmental Standard CR1:** If during construction activities any cultural materials are encountered, construction activities within a 50-meter radius shall be halted immediately and the project applicant shall notify the City. A qualified archeologist (as approved by the City) shall be retained by the project applicant and shall be allowed to conduct a more detailed inspection and examination of the exposed cultural materials. During this time, excavation and construction would not be allowed in the immediate vicinity of the find. However, those activities could continue in other areas of the project site. If the

find were determined to be significant by the archeologist, the City and the archeologist would meet to determine the appropriate course of action. All cultural materials recovered from the site would be subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards.

- **38.3 - Environmental Standard CR2:** Projects that involve construction-related soil disturbance shall require that during excavation and grading, if paleontological resources are uncovered, all work in that area shall be halted immediately and the project applicant shall notify the City. The project applicant shall retain a paleontologist to assess the nature, extent, and significance of any cultural materials that are encountered and to recommend appropriate methods to preserve any such resources. Said paleontologist will have the authority to put a hold on grading operations and mark, collect and evaluate any paleontological resources found on the site where it is discovered during construction. Said paleontologist shall be provided a reasonable amount of time to prepare and implement protection measures coordinating with the City of Los Angeles Building and Safety Department. Any paleontological remains and/or reports and surveys shall be submitted to the Los Angeles County Natural History Museum.
- **38.4 - Environmental Standard CR3:** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
  - Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning, Office of Historic Resources.
  - If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
  - The Applicant shall implement the tribe's recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
  - The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to

- recommence ground disturbance activities until this plan is approved by the City.
- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
  - The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
  - Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the SouthCentral Coastal Information Center (SCCIC) at California State University, Fullerton.
- **38.5 - Environmental Standard HM1:** A Soil Management Plan shall be prepared prior to the Department of Building and Safety's issuance of a grading permit to review and address any impacted soil that may be encountered during excavation and grading. The SMP shall provide for the sampling, testing, and timely disposal of such soil and properly treated and disposed of in accordance with applicable SCZQMD, DTSC, and LARWQCB requirements. An Environmental Professional shall be on-site during excavation and grading of the project site to monitor environmental conditions pertaining to soil. Written confirmation by the Environmental Professional stating that required site remediation was completed consistent with the relevant federal, state, or local requirements shall be provided to the City prior to issuance of certificates of occupancy.
  - **38.6 - Environmental Standard N1:** Projects (except for Residential Subareas M, N, and O) shall ensure that all contractors include the following best management practices in contract specifications, where applicable:
    - 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.
    - The construction contractor shall locate construction staging areas away from sensitive uses.
    - When construction activities are located in close proximity to noise-sensitive land uses, noise barriers (e.g., temporary walls or piles of excavated material) shall be constructed between activities and noise sensitive uses.
    - 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.
  - Construction equipment shall be equipped with mufflers that comply with manufacturers' requirements.
  - The construction contractor shall use on-site electrical sources to power equipment rather than diesel generators where feasible.
  - Use electric or solar generators, when available.
- **38.7 - Environmental Standard N2:** Projects (except for Residential Subareas M, N, and O) shall comply with the following conditions:
  - Mechanical equipment (e.g., heating, ventilation and air conditioning (HVAC) Systems) shall be enclosed with sound buffering materials.
  - Truck loading/unloading activity shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. when located within 200 feet of a residential land use.
  - Parking structures located within 200 feet of any residential use shall be constructed with a solid wall abutting the residences and utilize textured surfaces on garage floors and ramps to minimize tire squeal.
- **38.8 - Environmental Standard N4:** Projects (except for Residential Subareas M, N, and O) shall ensure that all contractors include the following best management practices in contract specifications, where applicable:
  - Impact pile drivers shall be avoided where possible in vibration-sensitive areas. Drilled piles or the use of a sonic vibratory pile driver are alternatives that shall be utilized where geological conditions permit their use.
  - The construction activities shall involve rubber-tired equipment rather than metal-tracked equipment.
  - The construction contractor shall manage construction phasing (scheduling demolition, earthmoving, and ground-impacting operations so as not to occur in the same time period), use low-impact construction technologies, and shall avoid the use of vibrating equipment where possible to avoid construction vibration impacts.

### **Administrative Conditions**

39. **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.
40. **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.
41. **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.

42. **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.
43. **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.
44. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
45. **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.
46. **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 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 On- and Off-menu Incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for Very Low, Low, and Moderate Income Households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households.

Based on the set-aside of 15 percent of base units for Very Low Income (VLI) households, the applicant is entitled to three (3) Incentives under both the Government Code and LAMC. Therefore, the one On-Menu and two Off-Menu requests qualify as the proposed development's incentives.

*Transitional Height:* LAMC Section 12.21.1. A.10 limits the building height to 33 feet when a portion of a building on a C or M lot is within 50-90 feet of RW1 zone or a more restrictive zone. The proposed project located in the C2 zone and is within 86 feet of the R1-1 zone along 24<sup>th</sup> Street. The project building height on 24<sup>th</sup> Street is 88'-4". If the transitional height as required by LAMC Section 12.21.1. A.10 were to be applied the Project would lose 4-units on floor level 5, 4-units on floor level 6, 13 units on level 7, and 13 units on level 8. This total lost floor area would result in a loss of 34 units, almost equal the 38 VLI Units and nearly half of the units gained through the density bonus to supplement the costs associate with the VLI units or approximately 10 percent of the entire residential portion of the Project. If the Property were to lose 34 of the 75 bonus market-rate units intended to off-set the cost associate with the VLI units, the Project's associated costs could not be recouped and the Project would not be feasible, and there would be fewer affordable or market-rate units available for the community.

*Open Space:* LAMC Section 12.21 G requires 100 square feet of usable open space per dwelling unit with less than 3 habitable rooms, and 125 square feet of usable open space per dwelling unit with 3 habitable rooms. For the proposed project with 119 studios, 177 one-bedrooms units, and 68 two-bedroom units, a total of 38,100 square feet of open space will be required. Strict compliance with the open space requirements would have the effect of physically precluding construction of the development proposing 364 dwelling units, 38 of which will be set aside for Very Low Income Households. The applicant has requested a 12 percent reduction to allow 33,528 square feet of open space through an Incentive. Without the incentive to reduce the minimum usable open space required to 33,528 square feet, the project would need to provide an additional 4,572 square feet of common or private open space on-site. As shown on Sheet A0.0a of the project plans, the unit sizes range from 390 to 1,030 square feet. Without the open

space waiver, the total unit count would be reduced by at least 5 units from 364 units to 359 units. Compliance with the minimum usable open space provision would require the removal of floor area that could otherwise be dedicated to the number, configuration, and livability of affordable housing units. Specifically, the project would not only need to comply with the total amount of usable open space requirements, but also the design, dimension, and area requirements set forth in LAMC Section 12.21 G. Common open space would need to be at least 15 feet in width on all sides, have a minimum area of 400 square feet, and be open to sky. The project would lose floor area of the development in order to meet all of these additional requirements for common open space. Therefore, provision of all the required open space would physically preclude construction of the project at the permitted density and with the requested incentives, resulting in a loss of five (5) residential dwelling units.

*FAR:* The subject site is zoned C2-1-O-CPIO, with a Height District No. 1 that allows a maximum Floor Area Ratio ("FAR") of 1.5:1. The applicant has requested an Off-Menu Incentive to allow a 3.41:1 FAR in lieu of the otherwise permitted 1.5:1 FAR. The proposed 3.41:1 FAR allows an additional 175,196 square feet. As proposed, the additional FAR will allow for the construction of the affordable residential 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. 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 additional floor area will allow certain fixed costs involved in the construction of new residential units to be spread over more floor area thereby reducing the per square foot build cost of the development. Therefore, the FAR incentive will result in identifiable and actual cost reductions to provide for affordable housing costs.

FAR by-right	Lot Area (sf)	Total Floor Area (sf)
1.5:1	100,112	$100,112 \times 1.5 =$ <b>150,168</b>

FAR Requested	Buildable Lot Area (sf)	Total Floor Area (sf)	Additional Floor Area (sf)
3.41:1	95,479	325,364	$325,364 - 150,168 =$ <b>175,196</b>

- b. The Incentive will have 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 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 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 four Waivers 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 15 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 waivers, the existing development standards would preclude development of the proposed density bonus units and project amenities:

*Temporary removal of 61 surface parking:* 61 parking spaces covenanted for the existing residential units and commercial space on-site and replacement of 61 parking spaces in the new mixed-use residential building. By imposition of a parking burden for the existing surface parking required for the existing adjacent residential building, the Project will be physically precluded from construction, and will result in fewer affordable or market-rate units available for the community.

*Side Yard Setbacks:* LAMC Section 12.14 C.2 requires side yards to conform to the requirements of the R4 Zone for portions of buildings erected and used for residential purposes. The R4 Zone requires side yards of a minimum of 5 feet and requires one additional foot in the width of the rear yard for each additional story above the 2nd story. The R4 Zone requires a front yard setback of a minimum of 15-foot. The R4 Zone requires a rear yard setback of a minimum of 15 feet and requires one additional foot in the width of the rear yard for each additional story above the 3rd story. The Project would therefore be required to provide a 20-foot rear yard setback and 15-foot front yard setback at the residential level. The Applicant has requested two (2) waivers for a 5-foot interior side yard and a 5-foot interior rear yard. The Project is an 8-story, L-shaped mixed-use residential building in the C2 zone that require a 20-foot rear yard and 11-foot side yards. The Project will provide a 5-foot front yard along 24<sup>th</sup> Street, though no front yard is required in the C2 zone. The project provides 5-foot side yard setbacks at its Western Avenue lot line and along most of its eastern façade; the portion of the Project in front of the ground floor Retail area is setback 9-foot from Western Avenue to stimulate pedestrian activity. The rear yard abutting I-10 Freeway is approximately 6-foot wide to accommodate a utility easement. These waivers are necessary for the project to utilize the density bonus and FAR incentive on which the Project relies to develop the 38 Very Low Income units in addition to 326 market-rate units. Additionally, conforming with the side and rear yard requirements would preclude the placement of any structure on the land underlying these areas that conforms with the surrounding community and would physically preclude the construction of the Project with the allowed density bonus and allowed incentives needed to develop a structure that can build the bonus units designed to off-set the VLI Units' reduced return. Moreover, given the Project's L-shaped building form due to the existing structures on the property, which narrows the Project along the southern portion of the property, the Project must utilize as much available lot area as possible to provide a large enough project that can feasibly contain the VLI Units and bonus units to off-set affordable housing costs. Without the requested yard waivers, the project would be physically precluded by a lack of physical space to develop the necessary building envelop.

- b. The Incentive will have 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 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 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 C2-1-O-CPIO, which allows a base density of 250 dwelling units on the subject property.

The State Density Bonus Law (Government Code Section 65915(n)) 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.

<b>Percentage of Base Density to be Restricted to Very Low Income Households</b>	<b>Percentage of Density Increase Granted</b>
11	35
12	37.5
13	40
14	42.5
<b>15</b>	<b>45</b>

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 45 percent increase in density for a total of 364 dwelling units in lieu of 250 dwelling units as otherwise permitted by-right in the C2-1-O-CPIO Zone. As provided in the table above, the applicant is required to set aside at least 15 percent, or 38 units, of 250 by-right density units for the 45-percent density increase. The applicant proposes a project totaling 364 dwelling units, 38 of which will be restricted to Very Low Income Households for a period of 55 years, which is 15 percent of the 250 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 45 percent density increase.

According to the 2021 Housing Element of the City of Los Angeles General Plan, 22 percent of total households in the City earn less than \$25,000 a year and 42 percent of all households make less than \$50,000 a year, 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 project is the construction of an eight-story, L-shaped, 89-foot 11-inches tall mixed-use residential building comprised of 364 dwelling units (including 38 Very Low Income units) and 65,719 square feet of ground-floor commercial space. The project will be approximately 325,354 square feet in floor area with a Floor Area Ratio ("FAR") of 3.41:1. The project will provide 309 residential and 205 commercial parking spaces in one subterranean level and a four-story above ground parking structure. The site is currently improved with vacant land and surface parking which will be demolished for the project. There are no existing trees on site. The project will also involve the grading of approximately 35,055 cubic yards of soil.

The subject site is located in an urbanized area surrounded by a combination of primarily single- and multi-family residential and commercial uses. Properties to the east across Western Avenue are zoned C2-1-CPIO and improved with a one-story church and two-story and three-story multi-family residential buildings. Properties to the South across 24<sup>th</sup> Street are zoned C2-1-O-HPOZ-CPIO and R1-1-O-HPOZ and improved with a one-story hospital building and two-story single-family residential buildings. The abutting property to the west is zoned PF-1-O and improved with an Elementary School. The property to the north is abutting the I-10 Freeway. The subject site is located within one-half mile (2,640 feet) of a Major Transit Stop located at the intersection of South Western Avenue and West Adams Boulevard, served by Los Angeles County Metropolitan Transportation Authority ("Metro") 37, 207, and 757 Rapid Bus.

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

The project has been designed with ground floor retail 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 removing two (2) existing curb cuts, and providing all vehicular access from the alley.

Given the project's compliance with the South Los Angeles CPIO and 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 C2-1-O-CPIO, with a Height District No. 1 that allows unlimited building height and stories and a FAR of 1.5:1 on the subject site. The project proposes a building height of 89-foot 11-inches and 9 stories which is allowed by the site's zoning by-right. The applicant has requested an Off-Menu Incentive to allow a 3.41:1 FAR in lieu of the otherwise permitted 1.5:1 FAR through the Density Bonus Ordinance. The project has multiple nearby buildings of a similar size and scale, including the 6-story South Los Angeles Regional Center and the 5-story St John of God Retirement and Care Center. There is a 6-story, 66 feet tall building adjacent to the project site at the northwest corner of Western Avenue and 24<sup>th</sup> Street. There is a 5-story building to the west of the building. The project's height is



consistent with the zone. Therefore the project will be compatible with and will not degrade the surrounding built environment.

The residential vehicular access is provided at 24<sup>th</sup> Street and the commercial vehicular access is provided from a circular driveway (Fire Lane) at Western Avenue. The project proposes a loading space in the enclosed parking garage that is accessed from a circular driveway (Fire Lane) at Western Avenue. Therefore, the loading dock is designed to be largely self-contained, and the Fire Lane will be used for turning maneuvers. Therefore, the parking and loading dock will not affect street circulation or pedestrians, and will be compatible with surrounding properties.

In addition, according to the Transportation Assessment prepared by Gibson Consulting, Inc. dated February 20, 2022 and the Department of Transportation ("LADOT") Transportation Assessment Letter dated February 23, 2022, the project will not result in a significant VMT per capita impact.

Lastly, the Project's open space includes a 1,793 square feet amenity room on Level 1, a 1,237 square feet amenity room on the fourth floor, 3,045 square feet amenity room on the fifth floor; open air decks on the first, fourth, fifth, and eight floors; as well as private balconies across all residential levels for a total of, 33,822 square feet of open space. 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 (South Los Angeles Community Plan), Housing Element, and Mobility Element.

The project site is located in the South Los Angeles Community Plan, and is designated for Neighborhood Commercial land uses, with corresponding zones of CR, C1, C1.5, C2, C4, RAS3, and R3. The site is zoned C2-1-O-CPIO, and is consistent with the land use designation. The C2 Zone allows for R4 density at a ratio of one dwelling unit per 400 square feet of lot area. Height District No. 1 in the C2-1-O-CPIO Zone allows unlimited building height and stories and a FAR of 1.5:1 on the subject site. The site is also located within the South Los Angeles Community Plan Implementation Overlay ("CPIO") District General Corridor Subarea. The CPIO contains additional regulations for ground floor and building height, density, building disposition, building design, and parking. The site is also located within South Los Angeles Alcohol Sales Specific Plan (ZI File No. 1231), and Transit Priority Area (ZI File No. 2452).

Consistent with the Community Plan, the proposed 364-unit mixed-use development, which includes 38 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 65,719 square feet of two-story commercial space fronting Western Avenue to serve the community.

#### Framework Element

The General Plan designates the subject site with Community Commercial land use designation with corresponding zones CR, C1, C1.5, C2, C4, RAS3, and R3. The property is zoned C2-1-O-CPIO, which is consistent with the Neighborhood Commercial land use. The C2-1-CPIO zone allows for R4 (High Medium Residential) land uses and estimates 56 to 109 dwelling units per acre.

Therefore, as an 8-story mixed-use development with a maximum 3.41:1 FAR as allowed by Density Bonus, the proposed project is consistent with the General Plan Framework.

#### Land Use Element – South Los Angeles Community Plan

The proposed project aligns with the intent of the South Los Angeles Community Plan including the following:

*Goal LU4: Distinct multi-family neighborhoods that preserve physical assets and foster neighborhood character and identity.*

*Policy LU4.2 – On-site Amenities. Encourage new multi-family developments to provide amenities for residents such as on-site recreational facilities, community meeting spaces and usable private and/or public open space.*

*Policy LU4.3 – Compliance with Design Guidelines. New multi-family residential development should be designed in accordance with established design guidelines to ensure high-quality design.*

*Goal LU5 – Adequate housing units are promoted and provided for all segments of the community regardless of income, age, physical ability, or ethnic background.*

*Policy LU5.1 – Address Diverse Resident Needs. Provide for the preservation of existing housing stock and for the development of new housing to meet the diverse economic and physical needs of existing residents and the projected population of the Community Plan Area to the year 2035.*

*Policy LU5.2 – Diverse and Affordable Housing. Prioritize housing that is affordable to a broad cross-section of income levels, that provides a range of residential product types, and that supports the ability to live near work.*

*Policy LU5.6 – Locate Density Appropriately. Locate higher residential densities, senior citizen housing, affordable housing and mixed-income housing, when feasible, near commercial centers, transit stops (e.g., near Expo Line and Green Line station areas) and public service facilities.*

*Goal LU6 – A commercial sector that is strong and competitive, that serves the needs of individual neighborhoods and the broader community, and that provides local residents with access to high quality jobs providing a pathway out of poverty.*

*Policy LU6.3 – Diverse and Desirable Uses. Attract a diversity of uses that strengthen the economic base and expand market opportunities for existing and new businesses, and provide a distribution of desirable amenities throughout the community, including full service grocery stores, quality sit-down restaurants, and entertainment venues.*

*Goal LU9 – Areas of high pedestrian activity that thrive and vibrant, cohesive neighborhoods that feel inviting and safe.*

*Policy LU9.1 – Design for Pedestrians. Preserve, enhance and expand existing pedestrian orientation along commercial streets through design standards such as maintaining a uniform street frontage and locating parking at the rear of lots.*

*Policy LU9.2 – Active Streets. Encourage an active street environment along commercial corridors by incorporating commercial or other active public uses along street frontages.*

*Policy LU9.8 – Reduce Conflicts. Design mixed-use projects to mitigate potential conflicts between commercial and residential uses (e.g., noise, lighting, security, truck and automobile access), and provide adequate amenities for residential occupants.*

*Policy LU9.10 – Minimize Curb Cuts. Minimize curb cuts along boulevards and encourage vehicular access from alleys or side streets.*

*Goal LU12 – Strong and competitive community commercial areas that serve the needs of the surrounding community while preserving historic commercial and cultural character.*

*Policy LU12.1 – Density and Mixed-Use. Locate higher densities and a mix of uses in areas designated community commercial, as appropriate, unless identified as commercial-only.*

*Policy LU12.2 – Design for Transitions. The scale and massing of new development along corridors should provide appropriate transitions in building height and bulk that are sensitive to the physical and visual character of adjoining neighborhoods with lower development intensities and building heights.*

*Policy LU12.3 – Design Standards and Guidelines. Recommend that new development projects conform to design standards and guidelines that promote high-quality and attractive buildings, as well as an active pedestrian oriented environment.*

The project is for the construction of a new mixed-income, mixed-use development on an vacant site. The project will result in the net increase of 364 dwelling units, which will include 38 Very Low Income units. It will also provide approximately 65,719 square feet of commercial

that will enhance the pedestrian experience on Western Avenue. The site is located within walking distance of public transit and local amenities. As shown in Exhibit “A” and Finding No. 4, the Project will provide design features to enhance the visual quality of the area.

#### Housing Element 2021 - 2029

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

*Goal 1 – A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.*

*Objective 1.2 – Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.*

*Policy 1.2.1 – Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.*

*Policy 1.3.1 – Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.*

*Goal 3 – A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.*

*Objective 3.2 – Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.*

*Policy 3.2.2 – Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.*

The proposed project will result in a net increase of 364 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 yards, and reduced open space, thereby allowing the creation of affordable units. Pursuant to Density Bonus requirements, 15 percent (38 units) of the base units, will be set aside for Very Low Income units. Additionally, this 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 commercial space in this portion of Western 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-income, mixed-use development that provides housing opportunities in close proximity to public transit along the Western Avenue corridor, and proposes reduced parking consistent with Assembly Bill ("AB") 744 and California Government Code Section 65915, thereby encouraging multi-modal transportation and decreasing vehicle miles traveled in the neighborhood. T

#### South Los Angeles CPIO

The South Los Angeles Community Plan Implementation Overlay ("CPIO") District was adopted by the Los Angeles City Council and became effective on December 29, 2018 under Ordinance No. 185,927. The subject site is located within the General Corridor of the South Los Angeles 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 South Los Angeles 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.

Therefore, the proposed project is consistent with the purposes, intent and provisions of the General Plan, South Los Angeles Community Plan, Housing Element, Mobility Plan, and CPIO, by meeting several of its goals, objectives, and policies. Specifically, the project would provide housing and commercial 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 2) 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 Western 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 2021-2029 was adopted by the City Council on November 24, 2021. 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 45 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 15 percent, that is 38 units, of the 83 base density units for Very Low Income Households in exchange for the 45 percent density increase requested. The project proposes to set aside 38 units for Very Low Income Households, thereby complying with the requisite percentage of affordable housing units for the 45 percent density increase.

By redeveloping the subject site for the proposed mixed-use project, a net increase of 364 new dwelling units will be made available in the community. The project will set aside 38 units for Very Low Income Households. The project will offer a range of apartment types and sizes as it provides 119 studios, 177 one-bedrooms units, and 68 two-bedroom units. Additionally, the project proposes a total of 37,430 square feet of usable open space within a community room, a central open-air courtyard, and gym, as well as individual private balconies. The project will provide affordable housing in close proximity to transit. The subject site is located within one-half mile (2,640 feet) of a Major Transit Stop located at the intersection of South Western Avenue and West Adams Boulevard, served by Los Angeles County Metropolitan Transportation Authority ("Metro") 37, 207, and 757 Rapid Bus lines. 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 C2-1-O-CPIO, which allows a base density of 250 dwelling units on the subject property. Per the Density Bonus Ordinance, the project is permitted a 35 percent density increase in exchange for setting aside 11 percent, or 28 units, of the 250 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.

<b>Percentage of Base Density to be Restricted to Very Low Income Households</b>	<b>Percentage of Density Increase Granted</b>
11	35
12	37.5
13	40
14	42.5
<b>15</b>	<b>45</b>

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 45 percent increase in density for a total of 364 dwelling units in lieu of 250 dwelling units as otherwise permitted by-right in the C2-1-OCPIO Zone. As provided in the table above, the applicant is required to set aside at least 15 percent, or 38 units, of 250 by-right density units for the 45-percent density increase. The applicant proposes a project totaling 364 dwelling units, 38 of which will be restricted to Very Low Income Households for a period of 55 years, which is 15 percent of the 250 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 45 percent density increase.

**8. The project meets any applicable dwelling unit replacement requirements of California Government Code Section 65915(c)(3).**

On October 9, 2019, the Governor signed into law the Housing Crisis Act of 2019 (SB 330). SB 330 creates new state laws regarding the production, preservation and planning for housing, and establishes a statewide housing emergency until January 1, 2025. During the duration of the statewide housing emergency, SB 330, among other things, creates new housing replacement requirements for Housing Development Projects by prohibiting the approval of any proposed housing development project on a site that will require the demolition of existing residential dwelling units or occupied or vacant "Protected Units" unless the proposed housing development project replaces those units. The Los Angeles Housing Department (LAHD) has determined, per the Housing Crisis Act of 2019 (SB 330) Amended Replacement Unit Determination, dated April 29, 2021, has determined that no units are

subject to replacement pursuant to the requirements of the Housing Crisis Act of 2019 (SB 330).

- 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 38 units for Restricted Affordable Units. Per the Conditions of Approval, the applicant is required to execute a covenant to the satisfaction of LAHD to make 38 Restricted Affordable Units available to Very Low Income Households for rental as determined to be affordable to such households by LAHD 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 LAHD. Therefore, as conditioned, the project satisfies this finding in regards to subjected restricted affordable units to recorded affordability per LAHD, 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. LAHD 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 45 percent density increase above the 250 base density units to permit a total of 364 dwelling units. The project will set aside 38 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, South Los Angeles Community Plan, Housing Element, Mobility Plan, CPIO, and Redevelopment Plan.

The project site is located in the South Los Angeles Community Plan, and is designated for Neighborhood Commercial land uses, with corresponding zones of CR, C1, C1.5, C2, C4, RAS3, and R3. The site is zoned C2-1-O-CPIO, and is consistent with the land use designation. The C2 Zone allows for R4 density at a ratio of one dwelling unit per 400 square feet of lot area. Height District No. 1 in the C2-1-O-CPIO Zone allows unlimited building height feet and 6 stories and a FAR of 1.5:1 on the subject site.

The mixed-use development is permitted at this location on the subject site as an allowable use by the underlying C2-1-O-CPIO zone. As provided under Finding No. 1, the project's increased FAR, reduced yards, and reduced open space 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.

As provided under Finding Nos. 5 and 6, the project would meet the goals, objectives, and policies of the General Plan, South Los Angeles 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 South Los Angeles CPIO. The project is consistent with the goals of the Redevelopment Plan which seeks to facilitate new affordable housing development meanwhile minimizing displacement of existing residents.

**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 an urbanized area surrounded by a combination of primarily single- and multi-family residential and commercial uses. The adjacent property to the east at the corner of Western Avenue and 24<sup>th</sup> Street is a five-story, 48-unit residential building. The adjacent building to the east facing Western Avenue, south of the retail portion of the proposed project is a 4-story, 60-unit residential building. Properties to the east across Western Avenue are zoned C2-1-CPIO and improved with a one-story church building and two to four stories multi-family residential buildings. Properties to the South across 24<sup>th</sup> Street are zoned C2-1-O-HPOZ-CPIO and R1-1-O-HPOZ and improved with one-story hospital building and two-story single-family residential buildings. The abutting property to the west is zoned PF-1-O and improved with an Elementary School. To the north abutting the project site is the I-10 Freeway.

The proposed project is the construction of an eight-story, L-shaped, 89-foot 11-inches tall mixed-use residential building comprised of 364 dwelling units (including 38 Very Low Income units) and 65,719 square feet of ground-floor commercial space. The project will be

approximately 85,793 square feet in floor area with a Floor Area Ratio ("FAR") of 3.41:1. The project will provide 309 residential and 205 commercial parking spaces in a subterranean level and four-story above grade parking structure. The primary residential building entrance is located along 24<sup>th</sup> Street. The project provides a commercial entrance for pedestrians along Western Avenue to activate the street frontage. The residential units are located on upper floors, and will comprise of 119 studios, 177 one-bedrooms units, and 68 two-bedroom units. The Project's open space includes a 1,793 square feet amenity room on Level 1; a 1,237 square feet amenity room on the fourth floor; 3,045 square feet amenity room on the fifth floor; open air decks on the first, fourth, fifth, and eight floors; as well as private balconies across all residential levels for a total of, 33,822 square feet of open space.

#### Height

The subject site is zoned C2-1-O-CPIO, with a Height District No. 1 that allows unlimited building height and stories. The project proposes a building height of 89-foot 11-inches and 9 stories which is allowed by the site's zoning by-right. The project has multiple nearby buildings of a similar size and scale, including the 6-story South Los Angeles Regional Center and the 5-story St John of God Retirement and Care Center. There is a 6-story, 66 feet tall building adjacent to the project site at the northwest corner of Western Avenue and 24<sup>th</sup> Street. There is a 5-story building to the west of the building the project's height is consistent with the zone. The Applicant has requested a Transitional Height Incentive of 88'-4" height in lieu of 33' height on 24th Street (Off-Menu).

#### Bulk/Massing

The proposed eight-story, L-shaped has approximately 213 feet of frontage along the west side of Western Avenue and approximately 137 feet of frontage along the north side of 24<sup>th</sup> Street. The applicant has requested an Off-Menu Incentive to allow a 3.41:1 FAR in lieu of the otherwise permitted 1.5:1 FAR through the Density Bonus Ordinance. While the proposed project massing exceeds the existing prevailing development pattern, the project proposes a building height of 89-foot 11-inches and 9 stories which is allowed by the site's zoning by-right. Although the massing of the project is larger than the existing commercial and residential buildings on Western Avenue, the project's height is consistent with the zone. Additionally, the project provides architectural detailing that enhances the street-facing facade by applying recesses, balconies, and varied rooflines along the building facade, along with varying building materials and colors to incorporate variation in design. Therefore, the project will be compatible with existing and future development on adjacent properties and neighboring properties.

#### 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 white smooth stucco, Light Gray, Medium Gray, black fine sand stucco, Aluminum composite metal, green screen. Together, these elements are applied to create sufficient breaks in plane and articulation. In accordance with CPIO Section II-2.D.1.(a), at least 25 percent of the Primary Frontage of the Ground Floor shall consist of transparent glazing such as doors and windows. In accordance with CPIO Section II-2.D.6, the project shall use two or more high-quality building materials and treatments, is prohibited from using rough textured stucco, and is limited to 80 percent stucco on the Primary Frontage.

#### Entrances

The project provides one (1) primary residential building entrance along 24<sup>th</sup> Street, and it is differentiated from the remainder of the street frontage at the ground floor lobby and One (1) primary commercial entrance is proposed along Western Avenue to activate the street frontage.

#### Setbacks

The project has been designed to create a strong street wall along Western Avenue. The C2-1-O-CPIO Zone and CPIO Section II-2.C.5(a) have no front yard setback requirements for mixed-use projects. The Applicant has requested two (2) waivers for reduced side yard setbacks, and proposes 5-foot side yards, and rear yard setbacks in lieu of the otherwise required by the C2-1-O-CPIO Zone.

#### Parking/Loading

Pursuant to Assembly Bill ("AB") 744 and California Government Code Section 65915(p) a development includes at least 11 percent Very Low Income units and is located within one-half mile of a Major Transit Stop is allowed one-half parking space per bedroom. Based upon the number of bedrooms proposed, 216 residential parking spaces are required to be provided for the project. The project will provide 309 residential and 205 commercial parking spaces within an enclosed garage that encompasses one subterranean level and a four-story above-ground parking structure. The residential vehicular Access is provided at 24<sup>th</sup> Street and the commercial vehicular access is provided from a circular driveway (Fire Lane) at Western Avenue. The project proposes a loading space in the enclosed parking garage that is accessed from a circular driveway (Fire Lane) at Western Avenue. Therefore, the loading dock is designed to be largely self-contained, and the Fire Lane will be used for turning maneuvers. Therefore, the parking and loading dock will not affect street circulation, and will be compatible with surrounding properties. The project shall provide 202 long-term and 52 short-term bicycle parking spaces, as provided in Exhibit "A".

#### Lighting

The project is conditioned to ensure that all outdoor lighting provided on-site will be down-cast shielded to prevent excessive illumination and spillage onto adjacent public rights-of-way, adjacent properties, and the night sky. Furthermore, as conditioned, all pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated.

#### Landscaping/Open Space

On-site landscaping and open space includes a 1,793 square feet amenity room on Level 1; a 1,237 square feet amenity room on the fourth floor; 3,045 square feet amenity room on the fifth floor; open air decks on the first, fourth, fifth, and eight floors; as well as private balconies across all residential levels for a total of, 37,430 square feet of open space. Therefore, the proposed project provides sufficient recreational and service amenities for its residents, minimizing any impacts on neighboring properties. 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). 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 parking level to ensure that they are fully enclosed to be not visible from public view from the street and prevent the release of refuse odors. 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. The Project's open space includes a 1,793 square feet amenity room on Level 1; a 1,237 square feet amenity room on the fourth floor; 3,045 square feet amenity room on the fifth floor; open air decks on the first, fourth, fifth, and eighth floors; as well as private balconies across all residential levels for a total of, 37,430 square feet of open space. Therefore, the proposed project provides sufficient recreational and service amenities for its residents, minimizing any impacts on neighboring properties.

**CEQA FINDINGS**

Based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, that the project is within the scope of the South Los Angeles Community Plan Program EIR No. ENV-2008-1781-EIR, SCH No. 200810109, 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.

# 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