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If you have any questions, please contact the Commission Office at (213) 978-1300.

# **SECONDARY SUBMISSIONS**

From: **Alek** <[alek3773@gmail.com](mailto:alek3773@gmail.com)>  
Date: Mon, Jan 6, 2020 at 9:55 PM  
Subject: Fw: Suggested changes for 731-737 S. Oxford Ave. development, Koreatown  
To: <[vince.bertoni@lacity.org](mailto:vince.bertoni@lacity.org)>  
Cc: <[Nuri.Cho@lacity.org](mailto:Nuri.Cho@lacity.org)>

Dear City Representative:

This is in regards to the proposed development at 731-737 S. Oxford Avenue, in Koreatown. Overall, I support the project, as it will bring a much needed improvement - and housing - to the area.

Overall, I am pleased the design and color combination of the proposed building. The colors suggested present a good contrast and a wholesome combination. However, I would also like to offer two suggestions. \*By the way, I have some background in architecture, urban development, and graphic design -- therefore I am happy to share some of my ideas with you!

### **(1) Architecturally Incorrect Window Mullion:**

Many new buildings across the city seem to have odd-looking windows – with a strange design; unfortunately, the proposed 731-737 S. Oxford Ave. development is one of them (according to the latest images from Urbanize LA. The mullion appears to be: the fixed glass panel is located below the operable window: However, this so-called "Contemporary design" is **aesthetically incorrect**; it looks like a simply "inverted" version of a traditional mullion. Unfortunately, this so-called "contemporary" design looks extremely awkward and primitive, ruining the entire aesthetics of a new building. It is indeed strange that so many developers are so obsessed with this primitive window mullion!

As a sad example of a similar, aesthetically wrong project is "One Santa Fe" (in downtown Los Angeles). -- Same story: the building itself looks decent, but those ugly windows have successfully ruined the entire appearance of the building!

Therefore, instead of those "contemporary" odd-looking windows, the developers should install **this** traditional type of mullion design -- the type that is a standard all across the world, including many of our own U.S. cities. Our L.A. Design Studio should truly change its standard, and consider to implement this traditional type on new developments.

Attached please find a drawing – **current** design (as described above) versus **suggested**.

I'm also attaching a **revised image of the** development (I took the liberty of photoshopping the windows -- and applying the improved look of the windows to your original renderings; for simplicity, I cropped-out a portion of the building). You can see how much better the building now appears -- once you apply these traditional types of windows. -- again, see "**REVISED1.jpg**" attachment.

Therefore, I strongly recommend to **Not** include this “inverted” contemporary design: Instead, if a developer prefers a simpler type of window, then **this traditional** type of mullion should be the standard.

## **(2) Lack of Decorative Sidewalks / Pavers:**

The project renderings also, as it appears, lack decorative sidewalks. Most sidewalks across the city, as I'm sure you agree, are too gloomy and uninviting -- as they're covered with utilitarian & cheap-looking concrete & cement, with no decorative pavement. In addition, most new developments (mixed-use, residential, etc.) also implement just plain concrete sidewalks -- which offer no improved aesthetics. In most U.S. cities, however, sidewalks have much better covering than most of L.A. does. Even in San Diego, Santa Barbara, and San Francisco you see much more attractive sidewalk pavement than in L.A.; hence many more pedestrians in those cities! Thankfully, some parts of L.A. (incl. Downtown, the Sunset Strip, mid-Wilshire area) started using decorative pavers.

In order to promote walkability and improve the look of a new mixed-use development, a major improvement to sidewalks is needed. **Decorative pavers is a "Must"** for the new 731-737 S. Oxford Ave. project! Therefore, I strongly urge the developer to consider adding at least some sort of decorative **pavers** (or at least, aggregate concrete) for your development. This will ensure much needed aesthetics for the sidewalks at the property.

Otherwise, I am in full **SUPPORT** of this great project.

Thank you for looking into my suggestions! Please feel free to contact me, should you have any questions or concerns.

All the best!

Sincerely,

--

Alek Friedman

**Urban Development / Smart Growth  
Beautification Team Committee Member,  
Central Hollywood Neighborhood Council**

323 . 465 . 8511 Home/Office

213 . 999 . 1273 Cellular

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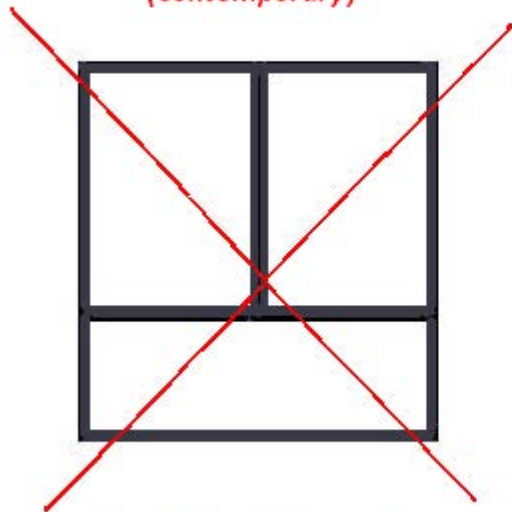
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### **ATTACHMENTS:**

- Revised renderings of the 731-737 S. Oxford Ave. development;
- Conceptual illustration of window pattern comparison.

**CURRENT DESIGN:**  
*(Contemporary)*



**Aesthetically incorrect**

**SUGGESTED DESIGN:**  
*(Traditional)*



**Aesthetically correct**

EXAMPLES OF SUGGESTED DESIGN - WITH CORRECT MULLION PATTERN:





## ***FIX THE CITY***

January 3, 2020

Via Email: [CPC@lacity.org](mailto:CPC@lacity.org)

The Hon. Samantha Millman, Chair  
Los Angeles City Planning Commission  
200 North Spring Street, LA, CA 90012

**RE: OPPOSITION TO 5877-5891 West Olympic Boulevard, 940-954 South Spaulding Avenue  
& 955-961 South Alandale Avenue, DIR-2018-5870-TOC-1A, ENV-2018-5871-CE**

Dear CPC Commissioners:

Fix the City hereby submits this **Secondary Submission** per CPC Rules. Fix The City wishes to place into the record several facts that LAMC 12.22 A.25(g) “procedures” requires CPC take into consideration when you make you decision on the above project. CPC’s decision must be based on the facts in the record before you. Also, Section 7 of Measure JJJ (Ordinance Number 184745) allows us to seek relief against any violation of the Ordinance (Measure JJJ). We incorporate by reference all other testimony submitted regarding this case.

Our opposition to this project’s approval is based on the following facts:

- 1) **LOTS TIED.** All 3 lots for this project (lots 32, 33 and 13) were tied together as one parcel in January 1983. Developing lots 33 and 13 and then lot 32 separately is **PIECEMEALING** which is not allowed under CEQA.
- 2) This project requires several **DISCRETIONARY ACTIONS (additional TOC incentives beyond the ministerial incentives authorized by Section 6 of Measure JJJ/LAMC 12.22 A.31)** and as such, it is not eligible for a Class 32 CEQA Exemption.
- 3) *A previous project for this site was not eligible for a Categorical Exemption. This project is larger and more impactful and requires an EIR.*
- 4) **METHANE ZONE.** These parcels are in a **METHANE ZONE** as well as sitting on top of the **South Salt Lake Oil Field**. A **SOILS AND GEOLOGY REPORT** are required as well as a **MONITORING SYSTEM**. A Class 32 CEQA Exemption therefore cannot be issued for this project.
- 5) *Given the depth (excavation) of the garage and the elevated property at 947-953 Alandale A **GRADING REPORT** as well as a **SHORING SYSTEM** should be discussed and studied. The **SHORING SYSTEM** should be devised to guarantee no **slippage of soils** at 947-953 Alandale. A class 32 CEQA Exemption cannot be issued for this property.*

- 6) A **DEWATERING SYSTEM** is necessary given the presence of **METHANE** in the area and the **HISTORIC HIGH WATER (10 FEET) TABLE**. A Class 32 CEQA Exemption cannot be issued for this project because dewatering is a required mitigation measure.
- 7) **FRAMEWORK ELEMENT**. This project does not comply with the General Plan Framework Element. There is no evidence in the record showing of **ADAQUATE PUBLIC SERVICES** as required by the General Plan Framework Element in order to receive Class 32 CEQA Exemption. **The General Plan Framework mandates balancing development with available infrastructure and public services in order to maintain adequate infrastructure and public services.** Policy **3.3.2** and GPF FEIR Sections 2.10.5 and 2.11.5 are mandatory, enforceable mitigation measures adopted by the City Council on August 9, 2001 as mandatory CEQA mitigation measures.
- 8) **WILSHIRE COMMUNITY PLAN**. **The project does not comply with the Wilshire Community plan** which states “The quality of life and stability of neighborhoods throughout the Wilshire Community Plan Area critically depend on the adequate provision of infrastructure resources (e.g., transportation, police, fire, water, sewerage, parks, etc.) commensurate with the needs of the population.” Therefore, it does not comply with the requirements for a Class 32 CEQA Exemption.
- 9) **MULTIPLE PROJECTS** in the area have been approved and some are under construction. There has been no showing that these projects will not impact this project being adequately served by all required utilities and public services. A categorical exemption cannot be lawfully granted if there are related projects whose impacts contribute to significant cumulative impacts. The Planning Department is well aware of related TOC projects in the vicinity of this project.

*Fix The City is deeply alarmed by the TOC process. This covert process lacks transparency to the public; applications disappear into the bowels of the planning department never to be seen again until the Director makes a determination is undemocratic. That is bad enough but then the letter of determination (LOD) revealing the verdict that can affect entire neighborhoods is treated like a State secret. It can take months for a LOD to be posted on the planning website, which is long after the appeal process is over. All project documents should be timely posted publicly on the Planning Department’s website.*

*This secret process deprives the public of **due process** and it is the antithesis of Measure JJJ which was about openness and transparency. When even the Council office cannot get a copy of the letter of determination (as in this case), we must ask what the director or planning is afraid of?*

*Fix The City also encourages a close reading of JJJ **SECTION 6** before you vote on January 9, 2020. The language is very clear. There is no authority to provide additional discretionary incentives, incentives combined with other incentive programs such as LAMC 12.22 A.25(f), nor is there authority to create the TOC **Tier system** as used on this and other projects. Section 6 is limited to the incentives “**herein**” of Section 6: (1) additional residential FAR, (2) additional density and (3) reduced parking.*

TOC projects under JJJ Section 6 are ministerial and are not eligible for discretionary incentives absent voter approval.

The City Planning Commission must stay within the four corners of voter-approved JJJ **as written** which includes, but is not limited to require prevailing wages (Affordable Housing and Good Jobs) and limit incentives to those specified in Section 6, with incentives based on the underlying zone and not the Tiers as they were not in JJJ and have not been authorized by the voters.

Contrary to the express language of JJJ, The Director of Planning’s Determination for this project approved additional incentives that were not authorized by the Voters in JJJ Section 6. In approving the project, the Director acted in an arbitrary and capricious manner and committed a prejudicial abuse of authority impacting the scale, massing and character of the residential community, in violation of the policies and purposes of the Wilshire Community Plan.

The “Additional” discretionary incentives unlawfully awarded to **THE PROJECT** can only be granted to projects under **JJJ Section 5(e)**, not Section 6 projects.

**There is no exemption from Prevailing Wage.** This project has not agreed to the Labor Standard and therefore does not qualify for JJJ incentives. It is clear from the new Labor Standard Ordinance and staff reports that all JJJ projects are subject to the Labor Standard. The City has failed to require the Labor Standard for this and virtually all other TOC projects. JJJ mandated prevailing wage for BOTH GPA’s and TOC projects. The “**Findings**” for **JJJ Section 2** clearly state the purpose of the initiative. These findings are for both Section 5 (GPA’s) and Section 6 (TOC) projects:

“Now **THEREFORE**, based upon these findings the people declare that the City adopt the legislation contained herein in order to address our homeless and affordable housing crisis, **while also** creating good jobs with family-supporting wages.” (Emphasis added.)

Finally, the implementation procedures for JJJ required and still require Council (legislative) approval under state law (California Govt. Code Section 65915(d)(3)). CPC is advisory and cannot lawfully adopt the implementation procedures for affordable housing programs.

**JJJ TOC Section 6 does NOT authorize the following incentives:**

- a. Side Yard. A 30% reduction of the northerly and southerly side yards in the R3-1-O Zone;
- b. Averaging. Averaging of Floor Area Ratio (FAR), density, parking or open space, and permitting vehicular access; and
- c. Height. An increase of two (2) additional stories up to 22 additional feet.

Awarding these incentives also violates a fundamental legal prohibition of Measure JJJ as well as California Government Code 65915 not to *combine incentives from other affordable housing programs*. The additional/discretionary incentives are incentives permitted by LAMC 12.22 A.25(f), or variations of those incentives. Measure JJJ did not provide additional height, yard reductions, FAR averaging, or vehicular access.

We incorporate by reference our lawsuit and testimony challenging 10400 Santa Monica Boulevard based on granting of incentives not authorized by JJJ Section 6 for that and other TOC projects and failure to adhere to the labor standard of JJJ. We also incorporate by reference our testimony submitted on 10306 Santa Monica Boulevard. We also include by reference our testimony submitted on 2301 Westwood Blvd.

**NO COMPREHENSIVE ANALYSIS OF HOUSING AVAILABILITY AND MONITORING PROGRAM**

Measure JJJ requires that before TOC Guidelines can be adopted, a comprehensive analysis of housing availability must be conducted in for EACH unique area (JJJ Section 4.A). JJJ requires a

“program to create and monitor an inventory of units within the Community Plan Area that are: subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of Lower or Very Low Income; subject to City Rent Stabilization Ordinance; and/or occupied by Lower-Income or Very Low-Income households.”

No such comprehensive study or monitoring program exists either for the Wilshire Community Plan Area or the TOC areas, despite JJJ and specific instructions to the Planning Department from the City Council (CF 2016-0684-S1). Therefore, the approval of TOC incentives for 5877-5891 West Olympic Boulevard, 940-954 South Spaulding Avenue & 955-961 South Alandale Avenue is *ultra vires*.

Instead, of following the Council’s January 24, 2017 directive regarding preparation of the TOC Guidelines, CPC and the Director of Planning defied the clear mandate of the City Council. They never conducted a comprehensive study, failed to report back to the City Council regarding the

formulation of the Guidelines, and they did not obtain legislative approval for the implementation of JJJ as required by Cal Govt. Code Section 65915(d)(3).<sup>1</sup>

This rejection of the need for Council approval is in contrast with the pattern and practice of the Planning Department in its implementation of SB 1818 and other affordable housing programs such as RAS3 and RAS4. In those cases, the implementation plan, including incentives, was adopted as an ordinance approved by the City Council. Public notice was provided and public hearings were conducted.

Note that the City Council instructed the Planning Department to prepare and present such a report to the City Council immediately after JJJ passed. A motion by Mitch O’Farrell (CF 16-0684-S1) on November 22, 2016, two weeks after JJJ was approved by the voters, also ordered “preparation of a new affordable housing incentive program for developments near major transit stops.” It continued, “It is imperative that the implementation process of this ballot initiative be fully vetted and discussed by policy makers and all interested stakeholders.” Note that CPC is not a policy-maker. Only the City Council has the authority to make policy.

The November 22, 2016 motion (CF 2016-0684-S1) stated:

**“I THEREFORE MOVE** that the Council request the City Attorney, with the assistance of the Planning Department, and in consultation with the Bureau of Contract Administration, to prepare a report on the implementation, enforcement, resources needed, timeline to implement, and any other impacts of the *Affordable Housing and Labor Standards Related* to City Planning Initiative Ordinance JJJ (Council File No. 16-0684).”

CPC and the Director of Planning had ample time to follow the directive of the City Council motion, which was passed on January 24, 2017. *No material change in land use can occur until the completion of a comprehensive assessment of such proposed changes by the Planning Department*, as required by JJJ Section 4.A. The City Council merely repeated the mandate of JJJ. But CPC and the Planning Director chose to ignore both the Initiative and the City Council.

The incentives approved for 5877-5891 West Olympic Boulevard, 940-954 South Spaulding Avenue & 955-961 South Alandale Avenue, and for that matter, across the city, violate the clear

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<sup>1</sup> This state affordable housing statute clearly states: “The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section.” Thus, the TOC Guidelines required City Council approval. In the absence of City Council approval, approval of incentives unauthorized by the City Council is in violation of state law. This would be true even if they did not include “Additional” Incentives or Concessions in violation of the clear language and intent of JJJ Section 6 to limit TOC projects to increased FAR, density and reduced parking. The only projects eligible for additional incentives are projects described in JJJ Section 5(e).

language of JJJ and could not be approved until the comprehensive analysis and monitoring programs are established.

**CONFLICT WITH THE GENERAL PLAN, COMMUNITY PLAN AND FRAMEWORK ELEMENT**

Many of the improperly granted incentives such as height and transitional height conflict with the General Plan and the Wilshire Community Plan. Failure to provide for adequate first-responder response-time conflicts with the Wilshire Community Plan and the Framework Element, including a binding commitment made by the City with regard to the provision of adequate public safety capacity. Public safety is job #1 per Section 35(a) of the California Constitution:

- “(1) Public safety services are critically important to the security and well-being of the State’s citizens and to the growth and revitalization of the State’s economic base.
- (2) The protection of the public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services.”

Sincerely:



James O'Sullivan  
Vice President, Fix The City



## Department of City Planning

City Hall, 200 N. Spring Street, Room 525, Los Angeles, CA 90012

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January 8, 2020

TO: City Planning Commission

FROM: Connie Chauv, City Planner

### **TECHNICAL CORRECTION TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. CPC-2019-6664-DB-CU-SIP; 6576-6604 SOUTH WEST BOULEVARD**

The following technical corrections are to be incorporated into the staff recommendation report to be considered at the City Planning Commission meeting of January 9, 2020 related to Item No. 8 on the meeting agenda.

The Department of City Planning recommends that Conditions Nos. 6 and 7, as currently written, be corrected with the following **underlined** and ~~strike through~~ language to correct a typo pertaining to the allowable Floor Area Ratio to be consistent with the project description and project plans included as Exhibit “A” to the staff recommendation report, and correct a typo pertaining to the applicable provision of the West Adams – Baldwin Hills – Leimert Community Plan Implementation Overlay (“CPIO”).

Condition Nos. 6 and 7 of the Conditions of Approval are corrected as follows:

6. **Floor Area Ratio (Incentive).** The project shall be limited to a maximum floor area ratio (“FAR”) of **2.7:1** ~~2.38:1~~.
7. **Transitional Height (Incentive).** Transitional height requirements of the West Adams – Baldwin Hills – Leimert **Community Plan** Implementation Overlay (“CPIO” Ordinance No. 184,794) Section **II-2.A.2** ~~III-2.A.2~~ shall not apply.

In conjunction with the above recommended corrected conditions, staff recommends correcting the findings, as appropriate.

In addition, the applicant has clarified that although 63 units will be affordable, only 56 are permanent supportive housing units. No changes in the conditions for affordability level are proposed. Staff recommends correcting the findings, as appropriate.

# **DAY OF HEARING SUBMISSIONS**

SUZANNE ISABELLE SIMMONS  
3316 West 78<sup>th</sup> Place  
Los Angeles, California 90043-5233

Agenda Item No. 8  
CPC-2019-6664-DB-CU-SIP

FILE COPY

January 8, 2020

Samantha Millman, President  
Los Angeles City Planning Commission  
201 N. Figueroa St.  
4th Floor  
Los Angeles, CA 90012

RECEIVED  
CITY OF LOS ANGELES

JAN 09 2020

CITY PLANNING DEPT.  
AREA PLANNING COMMISSION

Dear Ms. Millman and Fellow Commissioners:

I am an active Los Angeles City resident who is pleased with the work of **A Community of Friends (ACOF)** and their desire to build suitable housing (apartment buildings) for the homeless and veterans in the **Park Mesa Heights Community**. **ACOF** is very considerate of residents of the community as they always meet with the **Neighborhood Councils** to present their projects and determine if it is appreciated and desired from the residents. This is much more than those who have been recently building in the **Park Mesa Heights Community** have done. Most developers and builders come into the community to speak to the residents after they have crossed all their T's and dotted their I's and think because they have money they can do whatever they desire. They think non-communication is OK. Well, it is not.

This area is predominately Black and Hispanic, so developers and builders continue to practice **The Color of Law (Richard Rothstein – author)** syndrome that began in San Francisco and spread across the USA with disregard for human beings. They unfairly violated **The Fifth, The Thirteenth, and The Fourteenth Amendments** and this action has been condoned by each level of government from the Federal down to the counties and cities.

**ACOF** has a higher level of consciousness that the residents of **Park Mesa Heights** see as commendable because they provide services within their buildings that assist the residents to become better resources. Many of those who focus on **Good Resources Eroded Environment Destroyed** do not equate humanity (persons) as resources as that is what they are, just like the mineral or natural resources. Greed does not hold the same level of consciousness.

I, as **Beautification Chair of the Park Mesa Heights Community Council** welcome the new **ACOF** development and ask that you consider your consciousness level.

Always in gratitude,

*Suzanne Isabelle Simmons*

Suzanne Isabelle Simmons



## Department of City Planning

Item No. 5b

**FILE COPY**

City Hall, 200 N. Spring Street, Room 272, Los Angeles, CA 90012

January 9, 2020

**RECEIVED  
CITY OF LOS ANGELES**

TO: City Planning Commission

**JAN 09 2020**

FROM: Nuri Cho, City Planner

**CITY PLANNING DEPT.  
AREA PLANNING COMMISSION**

### **TECHNICAL MODIFICATION TO THE CEQA FINDINGS IN THE RECOMMENDATION REPORT FOR CASE NO. CPC-2018-3599-CU-DB; 731 AND 737 SOUTH OXFORD AVENUE**

The Department of City Planning staff respectfully requests the City Planning Commission consider the following technical modification to the CEQA Findings on page F-15 of the Recommendation Report related to Item No. 5b on the meeting agenda at the City Planning Commission meeting of January 9, 2020. This technical modification serves to remove the word "no" to correct the double negative sentence and clarify that the record contains no evidence that the project would have a significant effect on the environment due to unusual circumstances. All other Recommended Actions are to remain as presented in the Recommendation Report.

Deleted text is shown in ***~~bold italicized strikethrough~~***.

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

As found in the Entitlement Findings above, the proposed project would be consistent with the General Plan and zoning regulations in conjunction with the approval of the Conditional Use and Density Bonus Affordable Housing Incentive Program. The project proposes a multi-family residential building on a property designated and zoned for such development. All adjacent lots are developed with multi-family residential, commercial and retail, office and hotel buildings. The record contains no evidence that there are ~~no~~ unusual circumstances that exist in connection with the proposed project or surrounding environmental conditions that have the potential to result in a significant impact upon the environment.



Department of City Planning

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City Hall, 200 N. Spring Street, Room 525, Los Angeles, CA 90012

January 8, 2020

RECEIVED  
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JAN 09 2020

TO: City Planning Commission

FROM: Joann Lim, City Planner

CITY PLANNING DEPT.  
AREA PLANNING COMMISSION

**CLARIFICATION OF THE PROJECT DESCRIPTION IN THE NOTICE OF EXEMPTION AND JUSTIFICATION FOR PROJECT EXEMPTION CASE NO. ENV-2018-5871-CE**

This technical memo is to clarify and amend the project description as provided in the Notice of Exemption and Justification for Project Exemption Case No. ENV-2018-5871-CE.

The subject property is located at 5877-5891 East Olympic Boulevard, 940-954 South Spaulding Avenue, and 955-961 South Alandeale Avenue and comprised of three (3) lots. Each of the lots has a different zone classification with the lot at 5877-5879 East Olympic Boulevard and 955-961 South Alandeale Avenue zoned R3-1-O; the lot at 5889-5891 East Olympic Boulevard and 944-954 South Spaulding Avenue zoned C2-1-O; and the lot at 940 South Spaulding Avenue zoned R1-1-O. While the lot at 940 South Spaulding Avenue is part of the subject property, because it is zoned R1-1-O, it is not part of the project site for the proposed Transit Oriented Communities (TOC) project.

The TOC project, as approved by the Director of Planning, is for the construction, use, and maintenance of a new, 46-unit, 67-foot tall building over two (2) levels of subterranean parking. The project will set aside five (5) units for Extremely Low Income Households. In total, the proposed development will encompass a total of 51,837 square feet of floor area resulting in a Floor Area Ratio of 4.09 to 1. The project proposes a total of 49 parking spaces, 46 long-term bicycle spaces, and five (5) short-term bicycle spaces.

As the proposed project did not include any development on the R1-zoned portion of the subject property, nor is it a reasonable foreseeable consequence of the construction of this project, the project descriptions in the Notice of Exemption (NOE) and the Justification for Project Exemption Case No. ENV-2018-5871-CE did not reference any potential development on the R1-zoned portion of the subject property, which would be limited to a maximum of two (2) dwelling units.

The project description in the NOE for Case No. ENV-2018-5871-CE reads as follows:

*The proposed project includes the removal of existing site improvements and landscaping of a parking lot and the construction, use, and maintenance of a new, 46-unit, 67-foot tall building.*

The project description in the Justification for Project Exemption Case No. ENV-2018-5871-CE reads as follows:

*The proposed project includes the removal of existing site improvements and landscaping of a parking lot and the construction, use, and maintenance of a new, 46-unit, 67-foot tall building. The project will set aside five (5) of the 46 units for Extremely Low Income Households. The unit mix will be comprised of 21 one-bedroom units and 25 two-bedroom units. The project proposes to provide 49 automobile parking spaces and a total of 51 bicycle parking spaces, including 46 long-term spaces and five (5) short-term bicycle spaces. A total of 5,232 square feet of open space will be provided throughout the proposed project. The project also includes the export of approximately 18,000 cubic yards of earth. There are five (5) non-protected trees and no protected trees located on the subject property. Per the Los Angeles Municipal Code (LAMC) the trees may need to be replaced. Accordingly, the trees will be subject to replacement requirements to the satisfaction of the Department of Public Works, Urban Forestry Division.*

Nevertheless, while the project descriptions in both the NOE and the Justification for Project Exemption Case No. ENV-2018-5871-CE did not reference the potential development of two (2) additional dwelling units on the R1-zoned portion of the subject property, the noise and air quality analysis, and historic assessment that were relied upon in determining the proposed project's conformity to the criteria necessary to qualify for the Class 32 Categorical Exemption, all included the potential development of the two (2) additional dwelling units. Therefore, while the two (2) additional units were not referenced in the project description in the NOE and the Class 32 Justification, adequate analysis of the addition of the two (2) dwelling units were made in the CEQA analysis as evidenced by their inclusion in the project descriptions of the technical studies.

This is not a case of piecemealing because the City has no information that the applicant intends to construct two (2) dwelling units on the remaining parcel and the construction of two (2) dwelling units is not a foreseeable consequence of the construction of this project. In any event the City analyzed hypothetical development of the site with two (2) dwelling units along with the proposed project and as such the environmental analysis has fully analyzed development of that site with two (2) dwelling units.

The attached documents are the revised NOE and Justification for Project Exemption Case No. ENV-2018-5871-CE. The justifications and conclusions originally relied upon remain the same.

Attachments:

Notice of Exemption - ENV-2018-5871-CE  
Justification for Project Exemption Case No. ENV-2018-5871-CE

COUNTY CLERK'S USE

**CITY OF LOS ANGELES**  
OFFICE OF THE CITY CLERK  
200 NORTH SPRING STREET, ROOM 395  
LOS ANGELES, CALIFORNIA 90012  
**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**NOTICE OF EXEMPTION**  
(PRC Section 21152; CEQA Guidelines Section 15062)

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

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS  
**DIR-2018-5870-TOC**

LEAD CITY AGENCY  
**City of Los Angeles (Department of City Planning)**

CASE NUMBER  
**ENV-2018-5871-CE**

PROJECT TITLE

COUNCIL DISTRICT  
**4 - Ryu**

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

☐ Map attached.

**587-5891 East Olympic Boulevard, 940-954 South Spaulding Avenue, and 955-961 South Alandeale Avenue**

PROJECT DESCRIPTION:

☐ Additional page(s) attached.

The proposed project includes the removal of existing site improvements and landscaping of a parking lot and the construction, use, and maintenance of a new, 46-unit, 67-foot tall building. The project will set aside five (5) of the 46 units for Extremely Low Income Households. The unit mix will be comprised of 21 one-bedroom units and 25 two-bedroom units. The project proposes to provide 49 automobile parking spaces and a total of 51 bicycle parking spaces, including 46 long-term spaces and five (5) short-term bicycle spaces. A total of 5,232 square feet of open space will be provided throughout the proposed project. The project also includes the export of approximately 18,000 cubic yards of earth. There are five (5) non-protected trees and no protected trees located on the subject property. Per the Los Angeles Municipal Code (LAMC) the trees may need to be replaced. Accordingly, the trees will be subject to replacement requirements to the satisfaction of the Department of Public Works, Urban Forestry Division.

While not a part of the proposed Transit Oriented Communities (TOC) project, a maximum of two (2) additional dwelling units (which may be constructed on the R1-zoned portion of the subject property) have been considered for the purposes of this analysis.

NAME OF APPLICANT / OWNER:  
**Michelle Sadighpour Shopnet**

CONTACT PERSON (If different from Applicant/Owner above)  
**Matthew Hayden**

(AREA CODE) TELEPHONE NUMBER | EXT.  
**(310) 614-2964**

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

**STATE CEQA STATUTE & GUIDELINES**

☐ STATUTORY EXEMPTION(S)

Public Resources Code Section(s) \_\_\_\_\_

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

CEQA Guideline Section(s) / Class(es) **15332**

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

JUSTIFICATION FOR PROJECT EXEMPTION:

☒ Additional page(s) attached

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

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

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

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

**CITY STAFF USE ONLY:**

CITY STAFF NAME AND SIGNATURE  
**Joann Lim**

STAFF TITLE  
**City Planner**

ENTITLEMENTS APPROVED  
**Transit Oriented Communities**

FEE:  
**\$5,774.00**

RECEIPT NO.  
**0301138205**

REC'D. BY (DCP DSC STAFF NAME)  
**Sarah Goldman**

DISTRIBUTION: County Clerk, Agency Record

Rev. 3-27-2019



## JUSTIFICATION FOR PROJECT EXEMPTION CASE NO. ENV-2018-5871-CE

The City of Los Angeles determined based on the whole of the administrative record that the project is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. The project was found to be exempt based on the following:

### **Project Description:**

The project is located at 5877-5891 East Olympic Boulevard, 940-954 South Spaulding Avenue, and 955-961 South Alandeale Avenue within the Wilshire Community Plan area.

The proposed project includes the removal of existing site improvements and landscaping of a parking lot and the construction, use, and maintenance of a new, 46-unit, 67-foot tall building. The project will set aside five (5) of the 46 units for Extremely Low Income Households. The unit mix will be comprised of 21 one-bedroom units and 25 two-bedroom units. The project proposes to provide 49 automobile parking spaces and a total of 51 bicycle parking spaces, including 46 long-term spaces and five (5) short-term bicycle spaces. A total of 5,232 square feet of open space will be provided throughout the proposed project. The project also includes the export of approximately 18,000 cubic yards of earth. There are five (5) non-protected trees and no protected trees located on the subject property. Per the Los Angeles Municipal Code (LAMC) the trees may need to be replaced. Accordingly, the trees will be subject to replacement requirements to the satisfaction of the Department of Public Works, Urban Forestry Division.

While not a part of the proposed Transit Oriented Communities (TOC) project, a maximum of two (2) additional dwelling units (which may be constructed on the R1-zoned portion of the subject property) have been considered for the purposes of this analysis.

The project requires the following:

1. Pursuant to Los Angeles Municipal Code (LAMC) Section 12.22-A,31, a 70% increase in density consistent with the provisions of the Transit Oriented Communities Affordable Housing Incentive Program along with the following three (3) incentives for a Tier 3 project totaling 46 dwelling units, reserving five (5) units for Very Low Income (ELI) Household occupancy for a period of 55 years:
  - a. **Side Yard.** A 30% reduction of the northerly and southerly side yards in the R3-1-O Zone;

- b. **Height.** An increase of two (2) additional stories up to 22 additional feet; and
- c. **Averaging.** An averaging of Floor Area Ratio (FAR), density, parking or open space, and permitting vehicular access.

**Implementation of the California Environmental Quality Act**

Pursuant to Section 21084 of the Public Resources Code, the Secretary for the Natural Resources Agency found certain classes of projects not to have a significant effect on the environment and declared them to be categorically exempt from the requirement for the preparation of environmental documents.

The project meets the conditions for a Class 32 Exemption found in CEQA Guidelines, Section 15332 (In-Fill Development Projects), and none of the exceptions to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 apply.

**Conditions for a Class 32 Exemption**

Class 32 consists of projects characterized as in-fill development meeting the conditions described below:

- 1) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;
- 2) The proposed developed occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- 3) The project site has no value as habitat for endangered, rare or threatened species;
- 4) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- 5) The site can be adequately served by all required utilities and public services.

The project is located within the Wilshire Community Plan which designates the subject property for Medium Residential land uses and the property is zoned C2-1-O, R3-1-O and R1-1-O. The project is consistent with the applicable general plan land use designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.

The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.45 acres in size. Lots adjacent to the subject properties are developed with the following urban uses: commercial, office, recreational, institutional, single-family and multi-family residential uses. The site is currently developed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. There are no protected trees on the site.

The project would not result in any significant effects related to traffic, noise, air quality, or water quality.

- A Traffic Study Assessment dated March 15, 2019 completed by the Los Angeles Department of Transportation staff determined that a traffic study would not be required as the project would not result in significant impacts.
- A Noise Study dated February 13, 2019 was prepared by Cadence Environmental Consultants concluded that the project will result in less than significant impacts.
- An Air Quality Study dated February 12, 2019 was prepared by Cadence Environmental Consultants concluded that the project will result in less than significant impacts.

- The project will be subject to Regulatory Compliance Measures, which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater conditions; and Best Management Practices for stormwater runoff.

The project site is currently and will continue to be adequately served by all public utilities and services. The proposed project is required to adhere to all applicable regulatory compliance measures during construction, operation and maintenance of the proposed building.

Exceptions to Categorical Exemptions

There are six (6) exceptions to categorical exemptions must be considered in order to find a project exempt from CEQA: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

The project is not located on or near any environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. There is not a succession of known projects of the same type and in same place as the subject project. The project would not reasonably result in a significant effect on the environment due to unusual circumstances. The project is not located near a State Scenic Highway. Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity is identified as a hazardous waste site. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register or Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register, and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. The project site is located adjacent to the Miracle Mile Historic Preservation Overlay Zone (HPOZ). A Historic Resource Impacts Evaluation dated February 23, 2019 was prepared by Kaplan Chen Kaplan concluded that proposed project will not have any adverse direct or indirect impact on any historic resource in the project area.