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

SECONDARY SUBMISSIONS

HOLMBY WESTWOOD PROPERTY OWNERS ASSOCIATION
P.O. BOX 49180
LOS ANGELES, CALIFORNIA 90049
(310) 470-1785

August 6, 2026

CPC-2026-1116-CU3-WDI
ENV-2026-1117-CE

Chippingford School (K thru 6)
900 Hilgard, LA 90024

Monique Lawshe, President, CPC
Caroline Choe, VP
Priscilla Chavez, Commissioner
Martina Diaz, Commissioner
Sarah Johnson, Commissioner
Phyllis Klein, Commissioner
Brian Rosenstein, Commissioner
Jacob Saitman, Commissioner
Elizabeth Zamora, Commissioner

Dear President Lawshe and fellow City Planning Commissioners,

Holmby Westwood Property Owners Association (HWPOA), representing 1100 homes adjacent to the project site, has represented the residents of Westwood/Holmby Hills for 68 years, **The Association <u>strongly opposes</u> the pick-up and drop-off plan as proposed**. It is an inherently unsafe situation for students, parents and school personnel as well as traffic on Hilgard. The decision to approve is not only inconceiveable but it is 100% irresponsible. HWPOA's opposition puts the city on notice of an unsafe plan for elementary school children and others at this site.

The HWPOA Board has not seen any traffic data that would indicate a safe arrival and departure for children as young as 5 yrs. old. It is based on "it might work" or "we think it will work." The fallback option if the plan does not work is not enforceable and an agreement only between the very new church ownership, the city, if incorporated into the CUP and the school. Not nearby residents. The City of LA's enforcement mechanism cannot ever be relied upon because there is no enforcement.

Relying on a Loading Zone for drop-off/pick-up of elementary school children adjacent to a hotel that can also use that Loading Zone as can anyone else at anytime is irresponsible at best. As 2 photos show, cars are parked in the Loading Zone just across the street on Hilgard and no driver in sight. The loading zone at 900 Hilgard is a 103 ft. painted white curb,

designated to load/unload up to 4 cars at a time. Though LA DOT believes that 4 vehicles can stack at a time, that assumes all of the "Loading" curb would be available for use at drop-off and pick-up hours. I have observed limos and delivery drop-offs servicing the adjacent W Hotel and vicinity, parking in the loading zone for a period of time as well as cars parked for extended periods of time.

The first vehicle in the school drop-off line is the only car that can exit the curb and all drop-off cars must wait for the first in line to drive off. Pulling out safely from the line-up is not possible at this intersection as cars going north are stopped for a red light. A "No right turn" at Le Conte will force all cars to drive North on Hilgard. Backup of school cars is likely to result in a back-up on Hilgard, a single lane with a "Left turn only" at Le Conte.

One incidental fact: infant car seats are installed on the curbside/rear passenger side of a car. This could create a problem when siblings need to quickly exit or enter thus taking more time and creating a back-up of school drop-off/pick-up cars. Back packs, lunches and school projects could be in the trunk thus taking additional time to unload. Parents arriving at the same time can also cause a back-up of vehicles. There are many possibilities in which a smooth drop-off/pick-up would not be possible.

There are 3 trees and Boxwood bushes curbside that will prevent opening of car doors for children to exit/enter the car. In order to accommodate the school's current plan, the trees and bushes would have to be removed. (See photos attached).

Anyone who passes a school at pick-up or drop-off time knows that back-up traffic is unavoidable as parents wait for their children. We witness it every day at Holmby Park where 5 school buses load and unload, at Emerson, Warner, Fairburn schools, and Sinai Temple on Wilshire/Beverly Glen/and Ashton. There is a line-up of cars at every location, every school day. The city would be creating an unsafe environment on Hilgard which is a single lane going northbound adjacent to curbside parking in the Loading Zone.

It is not safe! It is not supported by the Westwood Neighborhood Council or HWPOA. The association requests that studies and traffic data be made available rather than a vision of what might be successful. The city is putting lives in jeporady. Traffic studies should take place during Fall, Winter or Spring quarter at UCLA. Not summer quarter when traffic is light and the private school is closed.

This plan will result in an accident waiting to happen. It should be revisited and changed accordingly to assure safety for children, school staff, and the public.

Thank you.

Sandy Brown
Pres., Holmby Westwood Property Owners Association










Le Conte Av




ANDY GUMP
FENCE






NO
STOPPING
ANYTIME

Planning CPC <cpc@lacity.org>

Item 5b CPC-2025-4639-CU3-TOIA-VHCA

Alita Bernal <alitabe9@gmail.com> Tue, Aug 4, 2026 at 6:42 PM
To: "cpc@lacity.org" <cpc@lacity.org>, "kyle.winston@lacity.org" <kyle.winston@lacity.org>

Dear Planning Commission,

I am deeply concerned that the City of Los Angeles is allowing this project to move forward without public discussion. The proposed development at **3190–3240 S. La Cienega Boulevard** warrants careful review, particularly because of the significant traffic impacts and potential emergency vehicle access issues it will create at the intersection of La Cienega Boulevard and Fairfax Avenue, just one block north of Jefferson Boulevard.

It is the City Planning Commission's responsibility to ensure that new development does not compromise public safety. This includes maintaining clear and unobstructed access for fire trucks, police officers, and ambulances to reach residents on our neighborhood's three small cul-de-sacs and U-shaped residential street, all of which have limited points of entry and exit. Approving this project without a public discussion of emergency vehicle access and traffic congestion fails to adequately consider the potential safety impacts on the surrounding community.

Our neighborhood is located directly behind the proposed development at **3190–3240 S. La Cienega Boulevard**, making us among those most directly affected by increased traffic, congestion, and restricted emergency access. I respectfully request that **Item 5B be removed from the Consent Calendar for the August 13, 2026, City Planning Commission meeting** so these important public safety, traffic, and neighborhood access concerns can be fully considered during a public hearing.

More than thirty residents attended the July 18, 2026, community meeting organized by Council District 10 to express concerns and learn more about this proposal. The strong community turnout demonstrates that this project raises significant neighborhood concerns. Given its potential impacts on public safety and quality of life, this project deserves a full public discussion rather than approval as a consent item.

Planning CPC <cpc@lacity.org>

Item 5b — CPC-2025-4639

Beth Goode <goodeb22@gmail.com> Wed, Aug 5, 2026 at 8:21 PM
To: cpc@lacity.org

I live near 3190-3240 S. La Cienega Blvd. I am disturbed by the fact that this project is being approved without discussion. That you got around the laws that protect people from projects that impact them, does not mean that it is a good thing to do. I request that Item 5b be removed from the Consent Calendar on August 13.
Over thirty neighbors attended a community meeting about this project in July where we made known our concerns and asked for certain things to be addressed.
Instead of that, we received a slap in the face and basically told to shove off. I am very concerned about the toxic substances underneath that area next door to a gas station and on property that a tow truck company has been operating on for years. You are not going to test that soil before you rip it up and cause large seismic ramifications in building this complex. That seems irresponsible, at the least.
Respectfully,
Beth Goode
5633 Spokane St.
Los Angeles, CA 90016

Planning CPC <cpc@lacity.org>

Item 5b-cpc-2025-4639

Brian Nelson <brianlion9@gmail.com>
To: cpc@lacity.org

Fri, Aug 7, 2026 at 5:41 PM

Hello

I live near 3190-3240 S. La Cienega Blvd. I oppose this project being approved without discussion and ask that Item 5b be removed from the Consent Calendar on August 13. Over thirty neighbors attended a community meeting about this project in July.

Brian Nelson
2707 S Genesee Ave. Los Angeles, CA 90016
(818) 620-6996

Planning CPC <cpc@lacity.org>

Item 5b - CPC 2025 4639

Erica Wendel <ericalwendel@gmail.com> Fri, Aug 7, 2026 at 3:15 PM
To: cpc@lacity.org

To the office of the planning commission,

We live near 3190-3240 S. La Cienega Blvd. I oppose this project being approved without discussion and ask that Item 5b be removed from the Consent Calendar on August 13. Over thirty neighbors attended a community meeting about this project in July to discuss concerns about the impact of this project to our neighborhood.

While we are strongly in favor of high-density housing development near public transit, we are also committed to advocating for the needs of our community and to ensuring this new development strengthens, not just enlarges, our neighborhood.

Thank you for your consideration of this request.

Sincerely,

Erica Wendel & Chinna Balachandran
3007 S Genesee Avenue

Planning CPC <cpc@lacity.org>

Item 5b CPC-2025-4639-CU3-TOIA-VHCA

Paolo Martin <paolomartin741@gmail.com> Mon, Aug 10, 2026 at 5:27 PM
To: "cpc@lacity.org" <cpc@lacity.org>, "kyle.winston@lacity.org" <kyle.winston@lacity.org>

Dear Planning Commission,

I am writing to express deep concern regarding the proposed development at 3190–3240 S. La Cienega Boulevard moving forward without public comment.

My uncle is an elderly kidney transplant recipient who is entirely dependent on emergency services, including ambulances and paramedics, due to his medical condition. He is very worried about the significant traffic impacts and potential emergency vehicle access issues this project will create at the already highly congested intersection of La Cienega Boulevard and Fairfax Avenue, just one block north of Jefferson Boulevard.

I respectfully request that the Planning Commission review this project specifically through the scope of its impact on elderly residents and ensure a full public discussion takes place before any approval.

Planning CPC <cpc@lacity.org>

Item 5b CPC-2025-4639

Theresa Duperon <theresaduperon@gmail.com> Thu, Aug 6, 2026 at 9:28 AM
To: "cpc@lacity.org" <cpc@lacity.org>, emily.reyes@westadamssnc.org, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>

I live 1/2 block away from 3190-3240 S. LaCienega Bl. I oppose this project being approved without discussion and ask that Item 5b be removed from the Consent Calendar on 8/13/26. Over 30 neighbors attended the first community meeting about this project in July.
I am also 1/2 block away from 1600 units in the Cummulus apartments the city allowed to be built 5 to 7 years ago on LaCienega Bl. In the Cummulus project, the rents are so high, it is half empty. The rents projected for Item 5b are equally as high. The government is forcing us to live among huge apartment complexes that didn't exist when we bought here. These apartment buildings' total units should be commensurate with what the neighborhood will support. After Cummulus was built, many small and moderate size apartment buildings were built along Adams Bl. Item 5b should be 40 units, at the most. Parking proposed for Item 5b is totally inadequate.
Traffic on LaCienega, since Cummulus, is grid locked every day at Blackwelder St. and LaCienega, 1/2 block north. LaCienega is packed with traffic all day. Half of every day my residential neighborhood has traffic coming through all our neighborhood streets, because of Cummulus, (which is directly across LaCienega from where Item 5b is proposed). Children cannot play safely on our sidewalks. We are going to need some of our neighborhood streets closed to through traffic.
Our local park is being used by Cummulus renters as their dog park. (It's gross). These renters walk dogs as big as small adult humans, up and down our streets for their huge dogs to use our sidewalks as toilets. New apartments should allow only small dogs.
Cummulus is a nightmare to us homeowners. All proposed apartment buildings in zip code 90016 need to be 40 units at the most.
Again, Cummulus is half empty. Why did all that construction have to come into our neighborhood just to be half full?
I am, Sincerely,
Theresa Duperon, 3011 S. Genesee Ave., L.A., CA 90016

Planning CPC <cpc@lacity.org>

Support for 10535 West Missouri Avenue / 1847 South Fairburn Avenue (CPC-2025-3079-DB-VHCA)

Gary Benjamin <gary@alchemyplanning.com>
Reply-To: gary@alchemyplanning.com
To: cpc@lacity.org

Fri, Aug 7, 2026 at 3:40 PM

Planning Commision ,

I am writing to strongly support the proposed residential project at 10535 West Missouri .
This project will provide 39 units where currently there are 3. Of those, 3 will be reserved or Moderate Income Households, and another 3 for Very Low Income Households. It also includes a three-bedroom unit, something that is becoming harder and harder to find in our city.

While the building does include ample parking in the plan, it is also situated close to a frequent bus stop, is within a mile of a future D line station, and includes 37 bicycle parking spots as well, making it another option for Angelenos seeking to reduce car dependence.
Projects like this are a great way to increase housing along major corridors. There are already other multi-story, multi-family buildings in the neighborhood, and this one is consistent with them.

For these reasons, I respectfully urge you to approve this project in the interest of all Angelenos.

Gary
California

BEFORE THE LOS ANGELES CITY PLANNING COMMISSION

CONSOLIDATED OBJECTION AND EXHAUSTION OF ADMINISTRATIVE REMEDIES

RE: Case No. CPC-2025-3079-DB-VHCA / ENV-2025-3081 · 10535 W. Missouri Ave / 1841–1847 S. Fairburn Ave, Los Angeles 90025 · **Hearing: August 13, 2026 Submitted by:** Keren Rosenthal and Tal Lev, 1840 S. Fairburn Ave, Apt. #302, Los Angeles, CA 90025 **cc:** Julissa Lopez-Hodoyan, City Planning Associate · Vince Bertoni, Director of Planning · Office of the City Attorney

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I. INTRODUCTION, STANDING AND INCORPORATION BY REFERENCE

The Objectors reside directly across Fairburn Avenue from the site, with primary residential windows facing it. This letter is submitted to exhaust administrative remedies under Pub. Res. Code § 21177 and Code Civ. Proc. § 1094.5.

Incorporation by reference. The Objectors' Formal Objection and Supplemental Objection, previously submitted in this case with Exhibits A through E, **remain in the administrative record and are incorporated in full.** Every ground stated in them - including grounds not restated here for reasons of the Commission's page limit - is preserved. Nothing in this letter withdraws any prior objection except where expressly stated in Section II.

The Objectors support housing at this location, including at the density the applicant appears to intend. They do not ask the Commission to deny this Project, to reduce its height, or to authorize fewer homes than the applicant is capable of building here. If this is to be a 48-unit building, the Objectors do not ask that it be smaller. They ask that it be approved **as** a 48-unit building, through a pathway that carries the affordable housing obligation a 48-unit building owes.

That distinction is the whole of this objection. The applicant has taken the density of a 48-unit building while providing the affordability of a 19-unit base. Had he sought 48 units through the pathways that lawfully reach that number - a conditional use under LAMC 12.24 U.26, or the City's Citywide Housing Incentive Program, under which the set-aside is calculated as a percentage of **total** units rather than base density - the affordable housing obligation would be substantially greater than the six restricted units now proposed. **The Objectors' objection is not that this building contains too many homes. It is that it contains too few affordable ones for the number of homes it actually contains.**

The Objectors accordingly ask the Commission to (1) require the record to demonstrate compliance with the statutory CEQA exemption the applicant now invokes; (2) count nine "Recreation Rooms" that the plans depict as dwelling units; (3) find those rooms are **"livable space"** under Gov. Code § 66313(e) and therefore ineligible for ADU conversion under § 66323(a)(3); (4) impose design conditions and a covenant consistent with that finding; and (5) state that the entitlement authorizes **39 dwelling units**, so that a larger building returns for the review - and the affordability obligation - that a larger building requires.

Every one of those requests costs the applicant nothing if the rooms are what he says they are.

II. THE PROJECT, AND THREE CORRECTIONS THE OBJECTORS MAKE VOLUNTARILY

Two lots, 15,127.11 sf, R3-1-O; three existing dwelling units demolished. Base density 19 (15,127.11 ÷ 800 = 18.9, rounded up). **100% density bonus** - 50% under Gov. Code § 65915(f) with 3 Very Low Income units, plus 50% under § 65915(v) (AB 1287) with 3 Moderate Income units - for **39 units** (19 + 10 + 10). Four off-menu incentives (two side yards to 7'-0"; open space 3,525 sf in lieu of 4,700 sf; height 73'-6" in lieu of 45'-0") plus **one waiver** (FAR 4.35:1 in lieu of 3:1). Six stories: five levels Type III-A over one level Type I-A parking/lobby, over one subterranean level. 66 parking spaces in a 13,081 sf ground floor. Zoning floor area 50,034 sf. **Nine rooms labeled "REC. RM. #1" through "#9"** on floors two through six.

The Objectors withdraw the following, and narrow their position accordingly. Their earlier letters asked the Commission to compel "vertical compression" to a five-story envelope and to require an Environmental Impact Report. **Those requests are withdrawn.** The Objectors no longer ask that this building be made shorter or smaller, and they do not seek delay for its own sake. Their objection has narrowed, as the record has developed, to the matters set out below.

They also withdraw three factual contentions:

1. **The "phantom" 15,768 sf of floor area.** That figure was calculated against lot area. LAMC computes R3 floor area against *buildable* area, and the applicant's figures are internally consistent: 11,508 sf × 3.0 = 34,524 sf by right; × 4.35 = 50,060 sf requested against 50,034 sf proposed. The correct point is narrower and appears in Section V.
2. **The slope contradiction.** On review of the survey elevations, the applicant's representations are not internally inconsistent.
3. **The roof deck geometry and planter contentions.** The three deck rectangles satisfy the 400 sf minimum, the 15-foot minimum dimension, and the ten-foot parapet exclusion of LAMC 12.21 G.2(a)(4)(ii). Planter area is properly counted, because G.2(a)(3) *requires* 25% of common open space to be planted and, on a roof surface, requires permanent planters at least 30 inches deep.

The Objectors make these corrections without being asked, and respectfully ask the Commission to hold the applicant's submissions to the same standard.

III. THRESHOLD: THE RECORD DOES NOT YET SUPPORT THE AB 130 EXEMPTION

The applicant has abandoned the Class 32 categorical exemption and now relies on the statutory exemption at **Pub. Res. Code § 21080.66** (AB 130, Stats. 2025, ch. 22; amended by SB 158, Stats. 2025, ch. 650). The Objectors accept that a statutory exemption is not subject to CEQA Guidelines § 15300.2 and do not argue otherwise. It applies only if the Project satisfies **all** conditions in subdivision (a) and the City discharges the mandatory obligations of subdivision (b). Whether the statutory criteria are met is a question of statutory interpretation reviewed independently; it is not shielded by deference.

A. Tribal consultation - the Commission may lack authority to act on August 13

Section 21080.66(b) imposes a mandatory sequence: **within 14 days** of the applicant notifying the City it claims the exemption, the City "shall provide formal notification **via certified mail and email to each** California Native American tribe that is traditionally and culturally affiliated with the project site," with notice contents specified by statute (site maps, project scope, known cultural resource studies, City contact, **project proponent contact**, and notice of the 60-day window); each tribe then has **60 days** to request consultation; the City must **initiate within 14 days**, must **document the results**, and consultation "**shall conclude within 45 days of initiation**," subject to one 15-day extension. Specified measures - tribal monitoring on request, CHRIS records search, NAHC Sacred Lands Inventory request, and others - **must be imposed as binding conditions of approval**. Independently, **Gov. Code § 65950(a)(7)** requires the City to act within 30 days of the **later** of the conclusion of that process or expiration of the Gov. Code § 65589.5(j)(2) period.

The March 26, 2026 hearing was continued; the applicant's election of AB 130 postdates that continuance. **These windows aggregate to roughly 135 to 150 days. If the eligibility notification was given in spring or summer 2026, the statutory period cannot have closed before August 13, 2026, and the Commission is without authority to approve the Project on that date.**

The Objectors demand the record contain, and that the Commission not act without: (i) the date of the applicant's eligibility notification; (ii) the tribal notification letters with proof of transmission by **both** certified mail and email; (iii) the tribes identified as traditionally and culturally affiliated, and the basis; (iv) all tribal responses; (v) the City's written documentation of results under § 21080.66(b)(3); and (vi) the conditions imposed under § 21080.66(b)(4).

This objection is independent of every other objection in this letter and requires no factual dispute about the building.

B. Remaining eligibility conditions - undocumented

The record contains no analysis of **§ 21080.66(a)(6)**, which incorporates the site exclusions of Gov. Code § 65913.4(a)(6) wholesale (earthquake fault zones, flood hazard areas and floodways, Cortese list, very high fire hazard severity zones, wetlands, prime farmland, conservation lands, protected species habitat). The site's designated **Methane Zone and Special Grading Area** status warrants particular documentation: **§ 21080.66(c)** does not merely require a Phase I ESA, but a preliminary endangerment assessment where a recognized environmental condition is found, and removal or mitigation **to current federal and state standards before certificate of occupancy.** The record must show a binding obligation, not a submitted report.

Section 21080.66(a)(7) bars the exemption where the Project demolishes a structure "placed on a national, state, or local historic register." Two structures dating to approximately 1939 and 1949 are to be demolished. The Objectors demand written confirmation from the Office of Historic Resources that neither appears on any register and that SurveyLA findings for both parcels have been reviewed.

Section 21080.66(f), as amended by SB 158, makes the filing of a Notice of Exemption **mandatory**. The Objectors request notice and a copy, and reserve all rights arising from a defective, untimely or unfiled notice.

IV. THE NINE "RECREATION ROOMS"

A. Twelve facts, every one from the applicant's own plan set

1. **Sanitation.** Each room contains its own enclosed **restroom with water closet and lavatory**, accessible fold-down grab bar and 60-inch turning circle. *(A-2.2; prior Ex. B)*
2. **A kitchen-type counter.** Inside the room and outside the restroom: a **5'-0" counter with sink and an adjacent dashed appliance space** - *cooking* and *eating*. *(A-2.2)*
3. **A complete plumbing core on the dwelling stack.** A fully plumbed bathroom - supply, waste and vent - on a wet wall in the **same vertical position as the bathroom stack serving Unit #603 above**. *(A-2.2 / A-2.6; prior Ex. C)*
4. **Dedicated residential mechanical service - one condenser per room.** The Roof Plan (Sheet A-2.7) shows equipment platforms carrying **individually labeled condensing units for all nine recreation rooms ("R.RM.1" through "R.RM.9")**. These are drawn in precisely the same manner, on the exact same platform types, as the individual condensers serving the dwelling units. **A shared amenity room is served by a building system. A dwelling unit is served by its own condenser.** Each of these rooms has been given its own.
5. **Residential stack organization.** On that platform, **R.RM.9 occupies the top-of-stack position that Units 605 and 606 occupy** on the parallel stacks. *(A-2.7)*
6. **A dedicated utility closet** adjoins each room ("Utility #1," "#2"), in the position of the in-unit utility closets next door. *(A-2.2)*
7. **Private outdoor access.** The second-floor rooms open directly onto private patios. *(A-2.2; prior Ex. B)*
8. **Nine missing unit numbers.** The schedule numbers 201, 204–210; 301, 304–310; 401, 404–410; 501, 504–510; 601, 603–608. **202, 203, 302, 303, 402, 403, 502, 503 and 602 do not exist.** Nine gaps; nine rooms; the rooms sit in those nine positions. *(T-1.0 / T-1.5)*
9. **One stack is already built out as a dwelling. Unit #603**, 738 sf, sits atop the "x03" stack whose lower positions are Rec Rooms #2, #4, #6 and #8 - the completed version of the rooms below it. **Rec Room #9 sits at position 602** atop the parallel stack. *(A-2.6; prior Ex. C)*
10. **The count matches the statutory cap exactly.** § 66323(a)(3) caps interior-conversion ADUs at 25% of existing units. 25% of 39 = 9.75. There are **exactly nine** rooms.
11. **Eight of nine serve no code function.** Only Rec Room #2 appears anywhere for a code purpose (651 sf credited to open space). The other eight - roughly 6,000 sf of exterior-facing floor area - are assigned no function in any tabulation, justification or narrative. *(T-1.2 / T-1.5)*
12. **Surplus parking and a fitted envelope. 66 spaces for 39 units** (1.69/unit) where ZIMAS confirms a Major Transit Stop within ½ mile and the required minimum is **zero**; and the requested FAR yields 50,060 sf against 50,034 sf proposed - **a fit to within 26 square feet, inclusive of the nine rooms.** *(A-2.0/A-2.1, prior Ex. D; Exhibit 1; T-1.5)*

No design rationale appears anywhere in the record for why a 39-unit building requires nine recreation rooms - one per 4.3 units - each with private sanitation, a kitchen-type counter and its own rooftop condenser.

What the design makes possible - stated as an inference, not as something the drawings label. Every element of vertical infrastructure that a dwelling requires, and that is expensive or impossible to add after construction, is already in place: the wet wall, waste and vent in the Unit #603 stack; the condenser on the roof, dedicated to the room; the counter, sink and appliance space; the utility closet framed. Converting one of these rooms into a dwelling would require

no vertical plumbing, no new mechanical service and no structural work - only connecting a bathtub, a laundry standpipe or a range to infrastructure already there, behind walls that will by then be finished and occupied. That is the difference between a conversion costing a few thousand dollars per room and one that is economically impossible. **The Objectors do not ask the Commission to find that a bathtub or a washer-dryer is planned. They ask the Commission to observe that nothing else remains to be planned.**

B. Decisive: as designed, these rooms are ineligible for the ADU pathway they were built to use

Gov. Code § 66323(a)(3)(A) requires ministerial approval of ADUs only "within the portions of **existing** multifamily dwelling structures that are **not used as livable space**, including, but not limited to, **storage rooms, boiler rooms, passageways, attics, basements, or garages**." Two independent limits: the structure must be **existing**, and the space must **not be livable space**. Neither is satisfied - and "livable space" is defined by statute. **Gov. Code § 66313(e)** (added by SB 1211, Stats. 2024, ch. 296; carried forward by SB 543, Stats. 2025, ch. 520):

> **"'Livable space' means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation."**

1. The statutory list describes what these rooms are not. Storage rooms, boiler rooms, passageways, attics, basements, garages - none contains sanitation; none serves any function of human habitation. That is the category the provision reaches: genuinely surplus, non-habitable volume in buildings that already exist.

2. The test is intent, and the drawings establish it. Section 66313(e) turns on what a space is "**intended for**." Facts 1 through 12 answer that question. Facts 1, 2 and 4 alone place three of the five enumerated habitation functions - *sanitation*, *cooking*, *eating* - inside every one of these rooms, together with mechanical service configured for a single dwelling.

3. HCD applies the original condition of the space, not its label. In its Letter of Technical Assistance to this City dated **March 24, 2026**, HCD stated that "**HCD uses the original condition of the space to determine how ADU allowances are calculated**," and that space "created out of existing habitable space … is therefore **not eligible under section 66323, subdivision (a)(3), which permits the conversion of nonhabitable space**." HCD treats habitability as an **eligibility screen** assessed by original condition. The original condition of these rooms - as designed, permitted and built - is space with sanitation, a kitchen-type counter, dedicated residential mechanical service and a dwelling-unit footprint.

4. The Legislature drew the "existing" line itself, in this same subdivision. Section 66323(a)(4)(A)(iii) expressly addresses a "**proposed** multifamily dwelling" and limits it to **two** detached ADUs. Subdivision (a)(3) reaches only "**existing**" structures. The Legislature knew how to extend an ADU pathway to buildings not yet built, did so in the adjacent paragraph, and declined to do so for interior conversions. The applicant's position requires reading into (a)(3) a reach the Legislature withheld - and accepting that a developer may manufacture, at the design stage, the very "existing non-livable space" the statute presupposes was already there.

5. The Objectors anticipate the applicant's answer. He will say a restroom does not transform an amenity room into a dwelling, and that a gymnasium with a toilet is not livable space. **As a general proposition that is correct, and the Objectors do not contend otherwise.** They do not rest on the restroom. They rest on the convergence of all twelve facts. One would prove nothing. Twelve, aligned, establish design intent as a matter of substantial evidence.

6. The consequence, stated plainly. The applicant faces a choice the Commission should require him to make on the record, now. **If the rooms are as drawn**, they are livable space under § 66313(e), they are ineligible for conversion under § 66323(a)(3), and they must be counted today toward density, floor area and open space - which the Project cannot survive. **If they are genuinely non-habitable recreation space**, the applicant can have no objection whatsoever to a finding, design conditions and a covenant saying exactly that. **There is no third position.**

7. Why now. The § 66323(a)(3) pathway does not open until the structure is "existing." This question will otherwise be presented to a plan-check engineer at LADBS, years from now, on a ministerial application, without this record. **The Commission is the only body that will ever see the nine vacant unit numbers, the nine dedicated condensers, the completed twin at Unit #603 and the 25% arithmetic side by side.**

C. The Project exceeds the maximum density the law authorizes - a zoning violation independent of CEQA

This objection does not depend on CEQA, on AB 130, or on any environmental theory.

The applicant has taken the maximum bonus § 65915 allows: 100%. **Thirty-nine units is the ceiling** - not a target he chose, the statutory maximum. Counting the nine rooms as the drawings depict yields **48 units**, roughly 153% above base density. No provision of § 65915 authorizes that increment; no on-menu or off-menu incentive reaches it. The only municipal route above the state maximum is a conditional use under LAMC 12.24 U.26, which the applicant has not sought.

Section 21080.66(a)(4)(C) provides that approval of a density bonus "**pursuant to Section 65915**" is not grounds for an inconsistency finding. That protects what § 65915 authorizes; a count exceeding the statutory maximum is not authorized by § 65915. In any event (a)(4)(C) governs the availability of a **CEQA exemption**. It does not enlarge the density the Density Bonus Law permits.

Sections 66319 and 66314(c) exclude **ADUs** from density. **On August 13, 2026 there are no ADUs, no ADU application and no conversion** - only nine rooms the drawings depict as dwelling units and the labels describe as amenities.

D. In the alternative: the Project is phased and the description is incomplete

If the rooms are not presently dwelling units, the Project is phased and its later phase is undisclosed. The applicant's City Planning Application, page 4, answers **"NO"** to *"For purposes of environmental (CEQA) analysis, is there intent to develop a larger project?"* CEQA requires review of "the whole of an action" and bars segmenting a project to avoid a reasonably foreseeable later phase. Guidelines § 15378(a); *Bozung v. LAFCO* (1975) 13 Cal.3d 263; *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192–193. Pleaded in the alternative and preserved.

V. OPEN SPACE: THE REDUCTION RESTS ON A CREDIT THE APPLICANT INTENDS TO ELIMINATE

Required open space, computed from the applicant's own habitable-room schedule, is 4,675 sf (10 units × 100 sf; 28 × 125 sf; 1 × 175 sf); the applicant states 4,700 sf. After the requested 25% reduction: **3,525 sf required against 3,530 sf claimed - a margin of five square feet.**

Sheet T-1.2 credits **651 sf of "Rec Room #2"** toward that total. **A dwelling unit is not common open space.** LAMC 12.21 G.2(a)(1)(ii) requires common open space to be "readily accessible to all the residents of the site." A private accessory dwelling unit is accessible to one household and closed to the other thirty-eight. The characterizations are mutually exclusive.

Remove the 651 sf and provided open space falls to 2,879 sf - a deficit of 646 square feet, and the reduction becomes unsupportable on its own terms. If the nine rooms are counted as dwelling units, required open space also rises by nine units, and the deficit reaches roughly **900 to 1,100 square feet.** Nothing closes that gap: the indoor recreation credit is capped at 25% of the requirement by G.2(a)(4)(i), and the applicant holds only about 230 sf of unused headroom within it.

The Commission is therefore asked to grant a discretionary reduction of a municipal development standard on a compliance showing that includes 651 sf of space the applicant has designed, positioned, mechanically served and intends to convert to a private residence. **The factual premise of the incentive is a condition the applicant does not intend to maintain.** Findings must rest on substantial evidence and bridge the gap between evidence and conclusion. *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506. A showing accurate only until the certificate of occupancy issues is not substantial evidence that this building will provide the open space the Code requires for its residents.

A Commission cannot simultaneously find that these nine rooms are not dwelling units **and** grant an open space *reduction* to a building warehousing roughly 6,000 square feet of unassigned floor area.

The anticipated answer does not meet the objection. The applicant will invoke Gov. Code § 66323(b), barring the City from imposing additional open space requirements on a converted ADU. The Objectors accept that and seek no requirement on any future ADU. It answers a different question: § 66323(b) governs **what the City may require of the accessory unit**. It does not excuse the **base 39-unit project** from LAMC 12.21 G, and it does not convert an illusory showing into substantial evidence for a present discretionary finding. The applicant may be entitled to add ADUs without providing open space for them. **He is not entitled to a *reduction* in the open space required for the other thirty-nine units, granted on the strength of a room he intends to remove from the calculation.**

This objection requires no resolution of Section IV.B: if the rooms are ineligible for conversion the condition costs nothing, and if they are eligible the showing is illusory.

VI. ELIGIBILITY: THE RECORD IS SILENT ON REPLACEMENT UNITS

Gov. Code § 65915(c)(3)(A) provides that an applicant "**shall be ineligible for a density bonus or any other incentives or concessions under this section**" where the site includes a parcel on which dwelling units are, or within the preceding five years were, "subject to any other form of rent or price control through a public entity's valid exercise of its police power," unless the development replaces those units. This is a condition of **eligibility** - not a severable obligation - and it reaches the bonus, the four incentives and the waiver alike.

ZIMAS reports for this site: "**Rent Stabilization Ordinance (RSO): Yes [APN: 4317004024]**" and "**Housing Use within Prior 5 Years: Yes.**" The applicant's own Development Information confirms the site is "improved with an existing duplex (Lot 14) and single-family dwelling (Lot 15)" - three dwelling units, all to be demolished.

The applicant's submittal does not address this anywhere. The Objectors have searched the Findings, the Development Information attachment, the City Planning Application and the Environmental Assessment. **None contains any reference to replacement units, the Rent Stabilization Ordinance, protected units, or Government Code § 65915(c)(3).**

Occupancy is not a defence. In a Letter of Technical Assistance to the Los Angeles Housing Department dated **December 2, 2025**, HCD addressed precisely this question and answered: "**Yes.** If, under the RSO, the unit remained 'subject to rent control' despite being **vacant, owner-occupied, or used for unpermitted non-residential purposes**, then the unit is currently subject to rent control and therefore the unit is considered a protected unit."

Size is measured in bedrooms, and that test applies however the income question is resolved. Section 65915(c)(3)(D) provides that, "for purposes of this paragraph," "'equivalent size' means that the replacement units contain **at least the same total number of bedrooms** as the units being replaced." The applicant's own Environmental Assessment describes each of 10535 Missouri's existing units as a two-bedroom unit - **four bedrooms**. The Project's mix is nine one-bedroom, twenty-eight two-bedroom and one three-bedroom unit. **Whichever units are designated as replacements, they must together contain at least four bedrooms.** Three one-bedroom units cannot.

The income category must also be determined, and the record does not disclose it. Under § 65915(c)(3)(B) replacement units go to households in the "same or lower income category" as the prior occupants, with a rebuttable presumption of lower income where prior incomes are unknown; moderate income is not a lower income category. Where a rent-controlled unit was occupied by households *above* lower income, § 65915(c)(3)(C) instead gives the City an election between low-income replacement and replacement in compliance with the RSO. **The Objectors take no position on which branch applies.** They note only that the record identifies no branch, no determination, and no designated units - and that the Commission cannot make an eligibility finding without them.

The Objectors do not assert that the requirement has been violated - the record does not disclose which units carry the covenants. They assert that **the record as it stands cannot support the eligibility finding.** The Commission should require, before acting: (i) the LAHD Replacement Unit Determination for the RSO-subject parcel (APN 4317-004-024) and RSO clearance for the adjoining parcel; (ii) the number of replacement units required and at what income category; (iii) identification, by unit number and bedroom count, of the units satisfying the obligation; and (iv) the bedroom count of the demolished units confirmed against Assessor and LADBS records.

VII. THE FAR WAIVER: NO PHYSICAL PRECLUSION HAS BEEN SHOWN

A **waiver** under Gov. Code § 65915(e)(1) requires a showing that the standard would **physically preclude** construction at the permitted density. That is materially higher than the cost-reduction standard for incentives under § 65915(d)(1), and is not satisfied by design preference.

First, 13,081 sf of the ground floor is parking that is not required. ZIMAS confirms the site is within one-half mile of a Major Transit Stop, so Gov. Code § 65863.2 (AB 2097) prohibits any parking minimum; reduced ratios are separately

available under § 65915(p). The applicant nonetheless provides 66 spaces at 1.69 per unit. **A self-created constraint is not a constraint imposed by the development standard.**

Second, roughly 6,000 sf of the enclosed area for which the waiver is sought is the nine Recreation Rooms - space the applicant does not identify as dwelling units and, but for Rec Room #2, does not identify as serving any code function. He cannot establish that a 3:1 limit physically precludes 39 dwellings while devoting a substantial share of the requested floor area to rooms he says are not dwellings.

Latitude in design is not physical preclusion, and § 65915(e)(1) requires the latter. *Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755. Any grant should be supported by findings identifying the specific evidence of preclusion and addressing both facts above.

VIII. THE RECORD MUST BE MADE COMPLETE

Incentive count. Under § 65915(d)(2) the number of incentives is keyed to affordability: three at 15% very low income, four at 16%. The Project provides 3 VLI against a base of 19 - **15.79%**. The Objectors do not assert the fourth is necessarily unauthorized; AB 1287 and the City's off-menu provisions may bear on it, and the applicant may contend the two side-yard reductions are a single incentive. **The Letter of Determination should state how many incentives are granted, identify each, and cite the provision authorizing that number at this affordability level** - and should identify the authority for satisfying the § 65915(v) additional bonus with **Moderate Income units in a rental development**, given that § 65915(b)(1)(D) conditions the Moderate Income category on all units being offered for purchase.

Documents demanded. (i) **LAHD Replacement Unit Determination** for the RSO-subject parcel and RSO status for all demolished units, with confirmation of compliance with § 65915(c)(3) and Gov. Code § 66300(d); (ii) the **Density Bonus Affordable Housing Referral Form** designating the unit numbers, bedroom counts and income levels of the six restricted units, with confirmation that **the manager's unit is not among them**; (iii) the **density calculation worksheet** - the applicant's CEQA justification states the zoning "allows up to 18 dwelling units" while the plan set states 19, and the record should be internally consistent as to the figure on which a 100% bonus is computed; (iv) any **recorded covenants, affidavits or easements**, which the application discloses exist.

Reliability. The Objectors previously identified inconsistencies in the applicant's environmental intake responses (sensitive uses within 500 feet; structures over 45 years old; retaining walls). They do not characterize these as intentional and withdraw any prior suggestion to that effect. They are raised for one purpose: findings must rest on substantial evidence, and studies scoped from responses that conflict with the applicant's own drawings cannot supply it.

IX. DEMANDS

1. Continue the hearing until the record demonstrates completion of the tribal consultation required by § 21080.66(b) and the § 65950(a)(7) period has properly commenced.

2. Require documentation of AB 130 eligibility on each condition of § 21080.66(a), including the § 65913.4(a)(6) screens, the § 21080.66(c) hazardous-materials obligations, and register status for both structures.

3. Count Recreation Rooms #1–#9 as dwelling units for density, floor area and open space; or in the alternative require the project description to disclose the intended conversion and the resulting 48-unit development.

4. Impose the following conditions on all nine rooms, and make the finding that supports them.

> **4(a) - DESIGN CONDITIONS (the operative request).** Recreation Rooms #1–#9 shall be constructed without: (i) plumbing supply, waste or vent lines other than those serving a restroom designated and signed for **common use by all residents**, and **not located on or connected to the vertical bathroom stack serving the dwelling units above**; (ii) any sink, counter, appliance space, kitchen, kitchenette or cooking facility, including rough-in; (iii) any laundry standpipe, laundry supply connection or dryer vent, including rough-in; (iv) gas service; (v) individual utility

sub-metering or provision for it; (vi) **dedicated per-room condensing units or other mechanical service configured to serve an individual dwelling**, the rooms to be served instead by a building system; and (vii) demising wall or floor-ceiling assemblies rated for dwelling-unit separation under CBC § 420.2 or meeting the sound transmission standards applicable between dwelling units. Any deviation shall require Plan Approval before this Commission.

4(b) - FINDING. That Recreation Rooms #1–#9 as designed constitute **"livable space" within the meaning of Gov. Code § 66313(e)** and are **not eligible for conversion to Accessory Dwelling Units under Gov. Code § 66323(a)(3)**.

4(c) - COVENANT. A covenant in a form approved by the City Attorney, running for the life of the building, acknowledging 4(b) and prohibiting conversion of Rooms #1–#9, or any portion, into dwelling units or ADUs.

4(d) - OPEN SPACE CREDIT. Any recreation room credited toward common open space shall be maintained as common open space accessible to all residents for the life of the building. **This condition should attach to whichever room or rooms are credited**, so it cannot be evaded by re-designating a different room in the tabulation.

4(d) is additional to, and is not a substitute for, 4(a) through 4(c). Granting 4(d) alone would address only the open space defect and would leave unremedied the density violation in Section IV.C, the ineligibility question in Section IV.B, and the waiver findings in Section VI. Objections to each remain fully preserved.

The Objectors direct the Commission's attention to the following. If these are genuinely recreation rooms - amenity space for 39 households - every element of Demand 4 costs the applicant nothing. Not one dollar, not one square foot, not one day of schedule. **A recreation room does not need a kitchen sink, a gas line, a sub-meter, its own rooftop condenser, or a dwelling-rated demising wall.** If the applicant resists, he will be telling this Commission that nine recreation rooms require the infrastructure of nine dwelling units. That answer is available to him. It is not available alongside a request for an open space reduction, a floor area waiver, and a finding that these rooms are not dwellings. **The Objectors ask the Commission to put the question to him directly, on the record, at the hearing.**

5. State expressly that the entitlement authorizes 39 dwelling units. The incentives and the waiver were calibrated to a 39-unit project with six restricted units; a 48-unit building with six restricted units is a materially different project and a different affordability ratio, and § 65915(d)(1) ties incentives to cost reductions to provide affordable housing. The Letter of Determination should so state, and should provide that **any increase in the number of dwelling units requires Plan Approval before this Commission** to reassess whether the granted incentives and the 4.35:1 waiver remain justified. This prohibits nothing; it requires only that a materially larger building be justified publicly rather than ministerially.

5A. Determine eligibility under Gov. Code § 65915(c)(3) before acting. Require the LAHD Replacement Unit Determination for the RSO-subject parcel (or confirmation none was obtained), the number and income category of required replacement units, identification of the satisfying units by unit number and bedroom count, and the bedroom count of the demolished units. **Replacement is a condition of eligibility for the bonus, the incentives and the waiver alike.**

6. Deny the FAR waiver absent findings identifying substantial evidence of physical preclusion that account for 13,081 sf of voluntary parking and roughly 6,000 sf of Recreation Rooms.

7. Require the Letter of Determination to state the incentive count and its authority, and the authority for satisfying the AB 1287 additional bonus with Moderate Income units in a rental development.

8. Preserve all prior objections. The Formal Objection and Supplemental Objection, with Exhibits A–E, remain in the record. All grounds stated in them, including those not restated here because of the page limit, are preserved for purposes of Pub. Res. Code § 21177 and Code Civ. Proc. § 1094.5.

X. CONCLUSION

The Objectors have withdrawn three of their own prior contentions and have narrowed their objections to what the drawings show: a 39-unit building containing nine rooms with private restrooms, kitchen-type counters, individually labeled rooftop condensers, dedicated utility closets, footprints matching the adjoining dwellings and the nine unit numbers missing from the applicant's own schedule - organised into two vertical residential stacks, one already built out as Unit #603 - in a quantity precisely equal to the statutory ADU conversion cap, inside an envelope fitted to within 26 square feet.

The Commission need not resolve the applicant's intentions to act appropriately. It need only require that the Project be measured as drawn, that the statutory exemption's own preconditions be satisfied before it is invoked, and that conditions be imposed ensuring the building the Commission approves is the building that gets occupied.

The Objectors close where they began. **Nothing they ask would remove a single home from this site.** If the applicant intends 48 homes here, the Objectors would welcome 48 homes - approved as 48, counted as 48, and carrying the affordable housing obligation that 48 homes owe this city. The Density Bonus Law is a bargain: additional density in exchange for affordability. A building that takes the density of the bargain while disclosing only half of it does not serve the housing policy this Commission exists to advance. It undermines it, and it does so at the expense of the households who would have occupied the units the bargain was supposed to produce.

Respectfully submitted,

Tal Lev · Keren Rosenthal 1840 S. Fairburn Avenue, Apt. #302, Los Angeles, CA 90025 · talev86@gmail.com · kerenrosenthal@gmail.com

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RECORD REFERENCES AND EXHIBITS

Most of the evidence relied on in this letter is the applicant's own plan set, already in the City's file in this case. To conserve the Commission's page allowance, those sheets are cited rather than reproduced. Three new items are attached.

A. Applicant's plan set - already in the case file (MiKA Design Group, issued for Planning 05.16.25)

Sheet	What it shows	Cited at
T-1.0	Title sheet; unit schedule with the nine missing unit numbers; density and FAR calculations; entitlements requested	II; IV.A(8), (12)
T-1.2	Open space diagrams and tabulation: 3,530 sf provided vs. 3,525 sf required; **651 sf credited to Rec Room #2**; roof deck areas	IV.A(11); V
T-1.5	Zoning area analysis, floors 2–6; locations of Recreation Rooms #1–#9; 50,034 sf zoning floor area	IV.A(8), (11), (12)
A-2.0 / A-2.1	P1 and First Floor parking: 66 spaces; 13,081 sf ground floor	IV.A(12); VI
A-2.2	Second Floor: Rec Rooms #1 and #2 - restroom with WC, lavatory, fold-down grab bar, 60-inch turning circle; utility closet; **5'-0" counter with sink and adjacent appliance space**; patio access	IV.A(1)–(3), (6), (7)

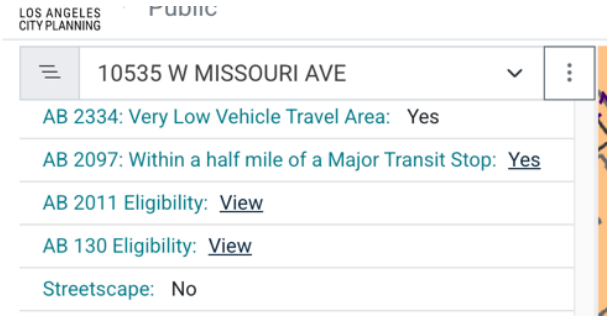
A-2.6	Sixth Floor: **Rec Room #9 at position 602**; **Unit #603** at the top of the parallel stack	IV.A(3), (9)
A-2.7	Roof Plan: equipment platforms with per-room and per-unit condensers; roof deck and planter areas	IV.A(4), (5)

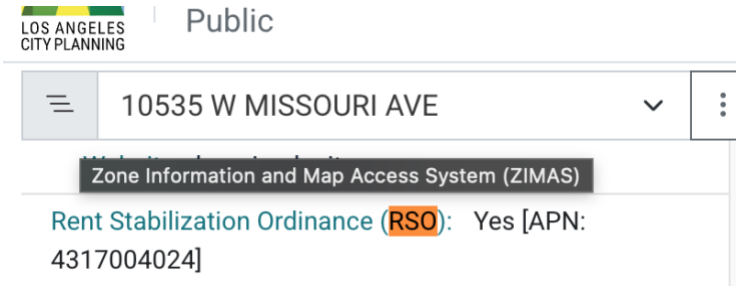
B. Exhibits previously submitted in this case - already in the record

Prior Exhibit	Content	Now cited at
B	Level 2 floor plan showing Recreation Rooms occupying the X02/X03 unit positions	IV.A(1), (7), (8)
C	Level 6 comparison - Unit #603 occupying the vertical footprint and plumbing stack of the lower-level Recreation Rooms	IV.A(3), (9)
D	Applicant's parking calculations (54 required vs. 66 provided)	IV.A(12); VI
A, E	EAF sensitive-uses response; City Planning agenda correspondence	VII (reliability); preserved under Demand 8

C. Exhibit attached

Exhibit 1 - ZIMAS Parcel Profile Report, 10535 W. Missouri Avenue, dated Aug 2nd, 2026 showing **"AB 2097: Within a half mile of a Major Transit Stop: Yes"**, **"Rent Stabilization Ordinance (RSO): Yes [APN: 4317004024]"**, and **"Housing Use within Prior 5 Years: Yes."** This is the only document relied on in this letter that is not already in the case file; the applicant declined to submit a ZIMAS report, having answered "No" to whether the Project utilizes AB 2097.





D. Public documents cited, not reproduced

- **HCD Letter of Technical Assistance to the City of Los Angeles, March 24, 2026** - hcd.ca.gov/sites/default/files/docs/policy-and-research/ordinance-review-letters/los-angeles-adu-ta-3242026.pdf
- **HCD Letter of Technical Assistance to the City of Los Angeles, August 14, 2025** - same directory, los-angeles-adu-ta-081425.pdf
- **City Planning Application (CP13-7771.1)**, pages 3 and 4, in the case file - parking ("Is the project utilizing AB 2097?" - NO) and CEQA ("intent to develop a larger project?" - **NO**)
- Gov. Code §§ 65915, 66313, 66314, 66319, 66323; Pub. Res. Code § 21080.66; LAMC 12.21 G, 12.22 A.25, 12.24 U.26

YIMBY Law

2261 Market Street STE 10416

San Francisco, CA 94114

hello@yimbylaw.org

YIMBY LAW

8/11/2026

City of Los Angeles
Planning Department
200 North Spring Street, Room 340
Los Angeles, CA 90012

Re: 10535 Missouri Avenue; 1847 South Fairburn Avenue

Dear Los Angeles Planning Department,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). This Planning Department has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

When complete, the six-story, 73-foot-six-inch-tall residential apartment building will include 39 dwelling units. Three of those units will be reserved for Very Low-Income residents and three for Moderate Income residents. The Project will provide 66 parking spaces at an at-grade and subterranean parking level. The site is currently improved with an existing duplex (Lot 14) and single-family dwelling (Lot 15), which will be demolished. We urge you to follow your staff's recommendation to find it eligible for AB 130 CEQA exemption and grant the Density Bonus waivers & incentives to which it is entitled.

AB 130 exempts all proposed developments from CEQA where they are on sites under 5 acres, dedicate at least ⅔ of their square footage to residential use and comply with all applicable general plan and zoning ordinances. As your staff have identified, it complies with the General Plan and Zoning designation, It qualifies as an urban infill site and does not fall into the definition of an environmentally sensitive area or require the destruction of historic structures. As such the project is exempt from CEQA review. The applicants have submitted an analysis detailing its qualification under AB 130's exemptions.

By designating units for Very Low and Moderate Income households, the project qualifies for benefits under the State Density Bonus Law. Under the State Density Bonus Law, a developer may propose unlimited waivers of development standards that would have the effect of physically precluding construction of a qualifying project at the densities or with the concessions or incentives permitted by the Density Bonus Law. The applicant is entitled to the waivers it has

requested, all of which will provide relief from development standards that would physically preclude construction of the project at the density proposed.

Once a project qualifies for a density bonus, State law provides that the City may deny a requested waiver only if it would have a specific, adverse impact upon health or safety, would have an adverse impact on a historic resource, or would be contrary to State or Federal law. In this context, specific adverse impact "means 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." There is no substantial evidence in the record that any of the applicant's requested waivers would meet the criteria for City denial.

California Government Code § 65589.5, the Housing Accountability Act prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety. § 65589.5 (j)(3) elaborates that the receipt of a density bonus does not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,



Sonja Trauss
Executive Director
YIMBY Law

DAY OF HEARING SUBMISSIONS

Item No. 07

Department of City Planning

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

August 11, 2026

TO: City Planning Commission

FROM: Joshua Ordonez, Planning Assistant

TECHNICAL MODIFICATION/CORRECTION TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. CPC-2023-7894-GPA-ZC-CU-SPR-HCA

The following technical modifications/corrections are to be incorporated into the staff recommendation report to be considered at the City Planning Commission meeting of August 13, 2026, related to Item No. 7 on the meeting agenda.

Reason: Staff recommends updating the description to correct a typographical error regarding the bedroom mix and bike room placement to both Exhibit E (Technical Modification/Correction), and the Supplemental Project Analysis in the Staff Recommendation Report.

Revised text is shown with ~~strike outs~~ to remove text and <u>underline</u> to reflect revised or new text.

TECHNICAL MODIFICATION/CORRECTION Exhibit E in the Staff Recommendation Report should be revised to read as:

As a result of the requested revisions/changes, Exhibit A has been updated to reflect the following:

- The change in bedroom mix from eight 1-bedroom units to a mix of ~~three~~ <u>five</u> 1-bedroom and ~~five~~ <u>three</u> 2-bedroom units, resulting in a .01 increase in the Floor Area Ratio (FAR) from 1.34 to 1.35. The unit count remains the same at eight units.

SUPPLEMENTAL PROJECT ANALYSIS in the Staff Recommendation Report should be revised to read as:

<u>Incorporate Urban Design Studio Feedback:</u>

Bicycle Parking Placement: The Urban Design Studio commented that the bicycle room for the storage building was "inappropriately far away" and non-code compliant. The revised first-floor unit mix plan (Sheet A2) on Exhibit A ~~continues to locate the Bike Room at the eastern end of the structure, unchanged from previous iterations.~~ <u>shows that the bicycle room</u>

was relocated from the eastern end to the western end of the storage facility, which is now closer to the residential units.

Transmitted herewith, is the Staff Recommendation Report for Case CPC-2023-7894-GPA-ZC CU-SPR-HCA to be considered at the City Planning Commission meeting of August 13, 2026 related to Item No. 7 on the meeting agenda.

Planning CPC <cpc@lacity.org>

RCFE Report Back

MAK <making@socal.rr.com> Wed, Aug 12, 2026 at 7:40 PM
To: Planning CPC <cpc@lacity.org>, Cecilia Lamas <cecilia.lamas@lacity.org>, Laura Frazin-Steele <laura.frazinsteele@lacity.org>

Dear Commissioners,

I am very grateful for the wealth of information provided in the report back on RCFE's and the nuances with certain types of submittals as well as what each city and state agency looks at.

I would like to share comments and do a little more research as I think there is room for the city to improve upon RCFE's and ensure we have all the critical reviews before we approve a project.

I am out of town so I apologize for my late response but I would be remiss to not at least say thank you to you and our DCP staff Laura Frazin-Steel for this great report.

I will share thoughts a little later, by the next CPC meeting.

Thank you all again,

Much appreciated,

Marianne King

Sent from my iPhone

Westwood South of Santa Monica Blvd Homeowners' Association
P.O. Box 64213, Los Angeles, CA 90064
wssmhoa.org • info@wssmhoa.org
Est. 1971

August 12, 2026

Los Angeles City Planning Commission
VIA EMAIL: cpc@lacity.org

RE: DIR-2025-3079-DB-VHCA - 10535 W Missouri Avenue project. CPC 8/13/26 - Item 6

Dear Commission President Lawshe, Vice President Choe, and Honorable Commissioners:

This letter will be a supplement to our earlier correspondence to the Commission of March 2026. Community members have been meeting and discussing the proposed project at Missouri and Fairburn since that time. While there has been some progress with community input being considered by the project principals, we would like to request that the following proposed project conditions be added to already stated project conditions when considered by the Commission.

Project representatives have agreed to adopt the following suggestions as part of their project and we request that the City include these items in project requirements detailed in our earlier letter:

a) **Project compliance with AB 2712**, The project with comply with the state measure and not provide access to or be a part of any local Preferential Parking district.

b) **Project landscape** to be maintained in perpetuity.
While the project representatives focused on landscape plans at ground level, we seek language that also requires that **rooftop landscape** plans be maintained in perpetuity. It is important that potted trees and other plantings be replaced to provide shade and the benefits provided.

Care and replacement of new **street trees** at project location has been agreed to for a period of five years. Should any tee die, it will be replaced and the cycle of care re-started.
Donation of **two additional trees** to the City and/or local community has been agreed to to replace trees on the property that have been removed. Location to be determined.

c) Project **haul route trucks** to carry placard identification of project location.

The community is requesting that the City require the following project conditions which will not have any impact on the size or number of housing units planned also be included. They will serve to address concerns and issues related to the construction of the project at the location targeted.

1) The project will limit **nighttime use of the rooftop facilities** to no later than 8 pm on weekdays and 10 pm Friday and Saturday. The project proposes weekday hours to 10 pm and Friday-Saturday hours to midnight. If later hours are adopted, a defined review period and process with opportunity to address problems should be created so that impacts can be addressed without community members having to document a nuisance condition.

2) **Staging of trucks** (including haul route trucks) will not be done on local residential streets. The project has agreed not to stage trucks on nearby R1 streets. However, there is considerable congestion and a lack of available parking on the multi-family zoned streets so the condition should apply to all nearby residential streets, including R1 blocks south of Missouri Avenue.

3) Developer has offered **parking for construction workers onsite** after subterranean levels are built out. Community continues to request that construction workers not park on nearby/adjacent streets

residential (R1 & R3) due to demand for parking from residents and clients of nearby commercial buildings on Santa Monica Blvd.

Community requests a condition that developer offer and provide **free transit passes** for all construction workers who are interested in using public transit to access the worksite as an incentive to reduce traffic, parking demands and encourage/support use of transit.

4) Because the area has no public park/recreation facilities and the project has already requested a reduction in **required open space**, we request that the recreation room provided be required to remain as open space in perpetuity and may not be converted to any other use, including housing, in the future. Shared community open space is an important amenity for residents.

We have discussed the requests for **reductions in setbacks** for this project and wish to raise an issue that is relevant to both this project and others in the area that are located on corner lots. The project address is on Missouri Avenue. Missouri (an east-west street) is normally regarded as a "side street" in the area with property frontages on the north-south streets – including Fairburn Avenue. This project places its entrance on Missouri and by treating Fairburn (east face) as a side yard, it eliminates the expected front yard setback replacing it with a retaining wall. We therefore expect that Missouri (the south face) to be the front of the project. Yet, the project requests a SIDE YARD setback on Missouri from 9 feet to 7 feet – which is the face of the project we understood to be the project's frontage. The project request:

c. An Off-Menu Incentive for a minimum northerly side yard of seven feet in lieu of nine feet, otherwise required per the R3-1 Zone;
d. An Off-Menu Incentive for a minimum southerly side yard of seven feet in lieu of nine feet, otherwise required per the R3-1 Zone; and

We ask for your review of the requested setbacks and clarification between side and "front" setbacks and their placement. Is the project's rear the north side if the front is the south side? The project can have two side setbacks and one rear setback. Clarification as to which sides are being pursued for each setback is needed. There does not currently appear to be a front yard with the appropriate setback.

Reductions in setbacks are opposed by neighboring buildings and their residents for the obvious impacts.

Finally, the expediter has clearly and repeatedly stated that ALL of the units in the building would fall under **the RSO program**. We are not certain that this is the case. If not, can that be a project condition? For any units that fall under the RSO, there shall be no pathway for the project to seek an future exemption from the RSO. We expect that the low/moderate income units to remain protected for a 99-year period.

There continue to be significant concerns related to both the density and height of the proposed project for its impact on nearby residents and quality of life including those in condominium and apartment buildings in an already congested area – none of which have been built to the height or FAR requested for this project. As density is added to the area, it is critical that a long-term plan to improve utility services and to plan for added public safety resources which, as you know, are already stretched thin.

Thank you for your consideration.

Sincerely,

Barbara Broide

Barbara Broide, President

Brownstein

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August 12, 2026

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VIA E-MAIL (cpc@lacity.org)

City of Los Angeles
City Planning Commission
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Via email: cpc@lacity.org

Re: Agenda Item 6 — Case No. CPC-2025-3079-DB-VHCA / ENV-2025-3081-SE 10535 W. Missouri Avenue / 1841–1847 S. Fairburn Avenue — Applicant's Response to August 10 "Objections"

Dear President Lawshe and Hon. Commissioners:

This office represents the applicant in connection with the above referenced project, and we write in response to the recent "objection" letter submitted by Keren Rosenthal and Tal Lev. When you set the rhetoric aside, the letter identifies no error in the staff report and no defect in the findings. It asks the Commission to require more proof than the law requires, and then to impose new restrictions that no adopted standard supports. Both requests would put the City at odds with state law rather than in compliance with it. Accordingly, we respectfully request the Commission approve the project as recommended by the Department.

The objection letter asks for reassurance, not correction. The recurring theme of the letter is a demand that the record be made to satisfy the objectors personally. They ask for written confirmation that two 1930s and 1940s houses are not on a historic register — a fact the public can verify in about a minute using publicly accessible resources, and which staff has already found in the negative. They ask for "analysis" of the site-exclusion screens, which staff walked and resolved. They ask that the hazardous-materials obligation be binding rather than a "submitted report," which is exactly what Condition 30 does — it requires the Phase I, a preliminary endangerment assessment if a recognized environmental condition appears, and remediation to current federal and state standards before any certificate of occupancy. Dissatisfaction with the level of detail is not evidence of error. The findings before you are supported, and under Government Code section 65915(d)(4) the burden of proving otherwise rests with the party asking the City to deny.

The tribal consultation was properly performed and concluded. The objectors read the statute as a waiting period. It is not one. The City sent formal notification on May 1, 2026. Each traditionally and culturally affiliated tribe then had 60 days to accept the invitation to consult, and if a tribe declines or does not respond within that window, "the consultation shall be considered to have concluded." (Pub. Resources Code, § 21080.66, subd. (b)(2).) One tribe — the Fernandeño Tataviam Band of Mission Indians — responded on May 11, 2026 and declined to consult. No other tribe requested consultation, and the 60-day window closed on July 1, 2026. Consultation therefore concluded by operation of the statute six weeks before this hearing. Government Code section 65950 is a Permit Streamlining Act shot clock that sets an *outside* deadline to act; it cannot fairly be read to forbid acting promptly. Condition 29 imposes each measure the statute requires as a binding condition, including tribal monitoring on request, a CHRIS records search, and a Sacred Lands Inventory request. No further assurance is needed.

The replacement unit determination is already in the record. The letter states that the record "is silent" on replacement units and that the objectors searched and found nothing. This is incorrect. The LAHD Replacement Unit Determination is Exhibit C3 to the staff report, and the Affordable Housing Referral Form is Exhibit C1. The RUD is dated October 3, 2025, determines that three units existed, and requires two Affordable Replacement Units — one Very Low Income and one Low Income. Conditions 3 and 4 require compliance with the RUD to LAHD's satisfaction and provide that the most restrictive affordability levels prevail.

There is no restriction on the inclusion of rec rooms. Contrary to the letter's vigorous assertions, nothing in the LAMC or state law prohibits recreation rooms, limits their number, or forbids a restroom or a counter inside one. Either an adopted objective standard restricts them or it doesn't. None does — and the objectors identify none. What the letter asks instead is that the Commission create restrictions now, on an ad hoc basis. As you know, under the Housing Accountability Act, this Project may be measured only against objective standards adopted and in effect when its application vested (Gov. Code, § 65589.5, subds. (f)(1), (o)). "Objective" means standards involving no personal or subjective judgment and uniformly verifiable against an external benchmark knowable to applicant and official alike (§ 65589.5, subd. (h)(9)). A condition invented at the hearing to address one commenter's inference about a future intention is the opposite of that. (*Cal. Renters Legal Advocacy & Educ. Fund v. City of San Mateo* (2021) 68 Cal.App.5th 820, 840.)

There is also a timing problem. Under Government Code section 65589.5(j)(2), if a city considers a housing development project inconsistent with an applicable standard, it must say so in writing within 30 days of the date the application is deemed complete. If that written notice is not given, or does not describe the inconsistency with sufficient specificity, the project "is deemed to satisfy the City's objective planning and zoning standards." The City never issued a notice of inconsistency identifying the recreation rooms, and the deadline passed long ago. The issue cannot be raised for the first time at the hearing on the last day to act.

The authority cited against the Project actually supports it. The objection cites *Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755 for the proposition that design latitude is not physical preclusion. Respectfully, the case holds close to the reverse. The court explained that had the city "denied the requested incentives or failed to waive any inconsistent design standards, it would have physically precluded construction of the Project, including the affordable units, and defeated the Density Bonus Law's goal of increasing affordable housing." (*Id.* at p. 774.) The court further held that a city may not apply a development standard that would physically preclude the project *as designed*, "even if the building includes 'amenities' beyond the bare minimum of building components." (*Id.* at p. 775.) The objectors' theory is that if the Project were configured differently — less parking, smaller units, no recreation rooms — it would not need the waiver. Courts have rejected exactly that reasoning. (*Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1346–1347.) The Commission must consider the Project as proposed, inclusive of the requested incentives and waiver. We appreciate the Commission's consideration and are available at the hearing.

Respectfully submitted,

Daniel F. Freedman
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cc: Julissa Lopez-Hodoyan, City Planning Associate

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August 13, 2026

VIA ELECTRONIC MAIL

Honorable President and Members
Los Angeles City Planning Commission
c/o Julissa Lopez-Hodoyan, City Planning
julissa.lopez-hodoyan@lacity.org; cpc@lacity.org

Re: Case No. CPC-2025-3079-DB-VHCA; Env. No. ENV-2025-3081
10535 W. Missouri Avenue / 1841–1847 S. Fairburn Avenue
Public Hearing — August 13, 2026
Supplemental Objection on Behalf of Tal Lev

Dear President and Honorable Members of the Commission:

This Firm represents Tal Lev, who resides directly across Fairburn Avenue from the above-referenced project (the "Project"). This letter supplements, and expressly incorporates by reference, the objection letter of Mr. Lev and Ms. Keren Rosenthal. It rests on a single, dispositive point: as designed, the Project is not consistent with the City's zoning regulations, and it therefore does not qualify for the statutory exemption from the California Environmental Quality Act ("CEQA") on which its approval depends. The Project is drawn as it is for a reason—to capture the density of a 48-unit building while paying the affordable-housing price of a far smaller one, depriving the City and the public of affordable units the law would otherwise require.

1. **The Project as designed is a 48-unit building.** The applicant counts 39 dwelling units, but the plans depict nine additional rooms—labeled "Recreation Room #1" through "#9"—that are dwelling units in all but name. On the applicant's own drawings, each has a private bathroom (water closet and lavatory), a kitchen-type counter with sink and adjacent appliance space, a dedicated rooftop condensing unit, and a private utility closet; each occupies a residential-stack footprint identical to the neighboring units; and the nine rooms fill the precise nine unit numbers missing from the applicant's own schedule. One such position, Unit #603, is already built out as a dwelling. Counted honestly, the Project contains 48 dwelling units.

2. **Forty-eight units exceeds the maximum density the law authorizes.** The base density is 19 units. The State Density Bonus Law (Gov. Code § 65915) permits a maximum density increase of 100 percent—here, 39 units. That is a statutory ceiling; 48 units is roughly 153 percent over base density. No provision of § 65915—no incentive, concession, or waiver—authorizes any density above that maximum.

3. **Exceeding the maximum requires a conditional use permit that would compel more affordable units—precisely what the applicant is evading.** The only mechanism by which a project may exceed the Density Bonus maximum is a conditional use permit under Los Angeles Municipal Code § 12.24 U.26. That permit is no formality. To approve density above the state maximum, the Commission must find that the project provides the requisite Restricted Affordable Units "calculated from the number of residential units provided" (not base density), plus additional Very Low or Lower Income units for each increment of density above the state maximum. (LAMC § 12.24 U.26(a)(2).) A lawful 48-unit building would thus owe substantially more affordable housing than the six restricted units the applicant proposes for a 39-unit bonus. The applicant has not sought that permit. By disguising nine dwelling units as "recreation rooms," he takes the density of a 48-unit project while providing the affordability of a 19-unit base—cheating the City

and the public of the affordable units the law requires for a building of this size. Absent the § 12.24 U.26 permit, a 48-unit building is not consistent with the applicable R3-1-O zoning and density regulations.

4. Because it is not zoning-compliant, the Project fails AB 130 and is not exempt from CEQA. The Project's sole environmental clearance is the statutory exemption at Public Resources Code § 21080.66, added by AB 130 (Stats. 2025, ch. 22)—the applicant having abandoned its Class 32 categorical exemption. That exemption applies only if the Project satisfies every condition of subdivision (a), including that "the project is consistent with the applicable general plan and zoning ordinance." (§ 21080.66(a)(4)(A).) While § 21080.66(a)(4)(C) provides that a density bonus granted "pursuant to Section 65915" is not a basis for an inconsistency finding, that protection reaches only the density § 65915 actually authorizes; it does not shield a unit count exceeding the statutory maximum, which the City may permit only through the § 12.24 U.26 conditional use the applicant never sought. A project that exceeds the maximum permitted density without that entitlement is not consistent with applicable zoning, does not satisfy § 21080.66(a), and is therefore not exempt from CEQA. The Commission may not approve it without the environmental review CEQA requires.

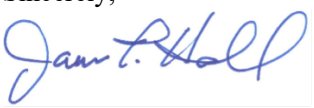
5. The applicant's ADU-conversion defense fails. The applicant may argue that he may lawfully convert the nine rooms to accessory dwelling units under state law after a certificate of occupancy issues. He may not. The ministerial ADU-conversion pathway reaches only space "within the portions of *existing* multifamily dwelling structures that are not used as livable space," such as storage rooms, attics, or garages. (Gov. Code § 66323(a)(3).) "Livable space" is defined as space "intended for human habitation, including living, sleeping, eating, cooking, or sanitation." (Gov. Code § 66313(e).) As designed—with private sanitation, a kitchen counter, and dwelling-unit mechanical service—these rooms are livable space and are ineligible for that pathway; Further, HCD confirms it assesses eligibility by the space's original design condition. (HCD Letter of Technical Assistance, Mar. 24, 2026.) That the nine rooms match the statute's 25-percent conversion cap exactly (25% of 39 = 9.75) confirms the design intent. The timing the applicant relies on is the flaw, not the cure: if conversion is planned, the true Project is a 48-unit building, and CEQA forbids segmenting it into an approved "39-unit" phase and an undisclosed later one (CEQA Guidelines § 15378(a))—and the applicant's own application answered "NO" to any intent to develop a larger project; if conversion is not planned, the nine rooms must be counted now as the dwelling units they are. Either way, because converted ADUs are excluded from density and carry no affordability obligation (Gov. Code §§ 66319, 66314(c)), the maneuver is a device to add nine market-rate units while evading both the density limit and the affordable-housing set-aside.

6. The remaining approvals independently fail as calculated. The floor-area waiver requires a showing that the standard would physically preclude development at the permitted density (Gov. Code § 65915(e)(1); *Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755)—untenable where the applicant devotes roughly 6,000 square feet to "recreation rooms" and 13,081 square feet to parking the site is not required to provide. The 25-percent open-space reduction rests on crediting a dwelling unit as common open space. And the record contains no replacement-unit determination for this rent-stabilized site (APN 4317-004-024), a condition of eligibility for the bonus, incentives, and waiver alike (§ 65915(c)(3)).

For these reasons, Mr. Lev respectfully requests that the Commission (1) find that the Project as designed comprises 48 dwelling units and exceeds the maximum density authorized by Government Code § 65915; (2) find that a conditional use permit under LAMC § 12.24 U.26—together with the additional Restricted Affordable Units it requires—is necessary and has not been obtained, so that the Project is inconsistent with applicable zoning; (3) find the AB 130 statutory exemption (Pub. Res. Code § 21080.66) unavailable; and (4) deny the Project. Mr. Lev's prior objection letter, and every ground stated in it, are incorporated and preserved.

Thank you for your consideration of this matter. I may be contacted at jamie.hall@channellawgroup.com if you have any questions, comments, or concerns.

Sincerely,



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VIA E-MAIL

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August 12, 2026

RE: Los Angeles – City Planning Commission – 7528 Bellaire Avenue Project

Dear City Planning Commission,

On behalf of the Western States Regional Council of Carpenters ("**WSRCC**"), our Office is submitting these comments for the Los Angeles City Planning Commission's ("**Commission**") public hearing on August 13, 2026 regarding the proposed development project at 7528 North Bellaire Avenue ("**Project**").

The Western States Regional Council of Carpenters is a labor union representing almost 90,000 union carpenters in 12 states, including California, and has a strong interest in well-ordered land use planning and in addressing the environmental impacts of development projects.

I. THE CITY SHOULD REQUIRE THE USE OF A LOCAL WORKFORCE TO BENEFIT THE COMMUNITY'S DEVELOPMENT AND ENVIRONMENT

The City should require the Project to be built by local workers who have graduated from a Joint Labor-Management Apprenticeship Program, have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program, or who are registered apprentices in a state-approved apprenticeship training program.

Community benefits such as local hire can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project site can reduce the length of vendor trips, reduce greenhouse gas emissions, and provide localized economic benefits.

II. THE PROJECT REQUIRES AN EIR AND CANNOT RELY ON AN MND

Pursuant to CEQA, the City should require the preparation of a full EIR for the proposed Project because it may not rely on an MND given the substantial development it entails, including developing 217,827 square feet of commercial floor area on a single site. The sheer scale of the Project's construction could generate unforeseen or unknown impacts regarding ambient air quality and noise pollution, and deserves a comprehensive environmental analysis that only a complete EIR can provide.

The Project's reliance on an MND is predicated on the flawed assumption that standard mitigation measures will be sufficient to suppress every significant impact associated with the Project. A commercial enterprise spanning over two hundred thousand square feet will undoubtedly create and present new

significant impacts on the environment that were not contemplated in the prior MND. The City should not approve the Project without a complete EIR for the Project.

III. THE PROJECT IS INCONSISTENT WITH THE CITY'S LAND USE FRAMEWORK

The Project's requested General Plan Amendment exposes fundamental conflicts with the City's own established land use and planning framework. Specifically, the Project seeks to eradicate the existing Commercial Manufacturing, Parking Buffer, and Low Residential designations and instead apply a uniform Commercial Manufacturing designation across the entire site. The Project's proposed Zone Change also represents a substantial intensification of existing land use because the requested CM-1 classification permits highly disruptive commercial activities directly adjacent to existing households. Further, the Project's goal of eradicating the long-standing low residential and parking buffer protections directly violates the core policies of the Sun Valley – La Tuna Canyon community plan. Removing these protections disrupts the delicate balance between commercial uses and nearby residences.

IV. THE PROJECT'S CUP CANNOT BE APPROVED ABSENT FURTHER REVIEW

The Project's request for a CUP also underscores its substantial environmental impacts and cannot be approved without additional analysis. Specifically, the Project requires a CUP because the storage facility would be located within 500 feet of active residential housing. The Project's close proximity to nearby homes and residences guarantees continuous interactions between heavy vehicles and local residents, and therefore will very likely generate environmental impacts, such as unknown air quality, aesthetic, and acoustic impacts. The standard mitigation measures detailed in the Project's MND fail to address the impacts from the Project's daily commercial operations. The City must therefore demand additional environmental review for the Project regarding impacts from its requested CUP.

V. THE PROJECT'S TRANSIT IMPACTS REQUIRE FURTHER REVIEW

The Project's request for a twenty percent reduction in mandatory vehicle parking will have significant impacts on local transit. Reducing the Project's parking supply below what is typically required will inevitably cause severe transit impacts on the Project site and surrounding communities. Because the MND's traffic analysis fails to capture and explain the full scope of its impacts, the Commission must demand a revised traffic study for the Project.

VI. CONCLUSION

The Commission should direct City Staff and the Project applicant to evaluate and address the issues raised herein prior to advancing the Project.

Sincerely,

Omar Corona
Attorneys for Western States Regional Council of Carpenters