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October 4, 2019

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**2465-2467 SOUTH PURDUE AVENUE/ CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA) APPEAL; APPEAL RESPONSE: COUNCIL FILE NO. 19-0681**

PROJECT BACKGROUND

The proposed project involves the demolition of the existing four-unit residential building and the construction, use, and maintenance of a new five-story, approximately 56-foot high residential building with 17 units. Of the 17 residential units, the project will reserve two (2) units for Extremely Low Income Households and one (1) unit reserved for Very Low Income Households.

On December 19, 2019, the Director of Planning approved a Determination (DIR-2018-3411-TOC) that conditionally approved a Transit Oriented Communities Affordable Housing Incentive Program for the proposed project that included Tier 3 Base Incentives and three additional incentives for increase in building height from 45 feet to 56 feet, reduced side yards from 8-foot to 5-foot 7 ¼ -inches, and reduced required open space from 2,000 square feet to 1,500 square feet. As part of the Determination, the Director of Planning determined the proposed project to be exempt from CEQA (ENV-2018-3412-CE) as the project was found to meet the conditions required for a Class 32 Categorical Exemption.

On January 2, 2019, the action of the Director of Planning was appealed to the City Planning Commission (CPC) by five adjoining owners/tenants. On May 16, 2019, the City Planning Commission issued a Determination denying the appeals and sustaining the Director of Planning's determination and the associated Class 32 Categorical Exemption. The action of the CPC is final for Case No. DIR-2018-3411-TOC pursuant to Los Angeles Municipal Code.

On May 31, 2019, two appeals of the Class 32 Categorical Exemption determination (Case No. ENV-2018-3412-CE) were filed by Kathryn Schorr and Scott Opdorp. Jyvette P. Springer filed a third appeal on August 1, 2019.

APPEAL SUMMARY

The three appeals are largely repetitive of claims raised in the appeals to the City Planning Commission. Additionally, many of the submitted appeal points pertain to the approved entitlement (DIR-2018-3411-TOC). This appeal is an appeal of the environmental clearance which cannot be appealed further pursuant to Los Angeles Municipal Code (LAMC). The appeals filed by Kathryn Schorr and Scott Van Opdorp have overlapping appeal points. The appeals in their entirety are located within Council File No. 19-0681. The following statements have been compiled and summarized from the submitted appeals and responded to below:

APPEAL ANALYSIS

1. Class 32 Exemption

APPEAL POINT: The class 32 Exemption was given in error by LADCP and State CEQA Guidelines Section 15300.2 further prohibits any exemption. There is substantial evidence demonstrating that an exception to a categorical exemption does not apply.

STAFF RESPONSE: On December 19, 2018, the Department of City Planning determined the proposed project to be exempt from CEQA as the project was found to meet the conditions required for a Class 32 Categorical Exemption (In-Fill Development Projects) and issued a Notice of Exemption for ENV-2018-3412-CE. Specifically, the project was found a) to be consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; b) occur within city limits on a project site of no more than five acres substantially surrounded by urban uses; c) located on a site has no value as habitat for endangered, rare or threatened species; d) would not result in any significant effects relating to traffic, noise, air quality, or water quality; and e) can be adequately served by all required utilities and public services. In addition, there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. Furthermore, on May 16, 2019, the City Planning Commission issued a Determination denying the appeals and sustaining the Director of Planning's determination and the associated Class 32 Categorical Exemption.

Further discussion on how the project meets the conditions of the Class 32 Categorical Exemption can be found in Department of City Planning memo dated October 3, 2019 attached to the Council File.

2. The letter of determination was approved by the City Planning Commission in error.

APPEAL POINT: Project is described in three different Ways.

STAFF RESPONSE: The proposed project as analyzed in ENV-2018-3412-CE, approved by the Director of Planning under DIR-2018-3411-TOC and approved by the City Planning Commission on appeal consisted of the demolition of an existing four-unit residential building and the construction, use, and maintenance of a new five-story, approximately 56-foot high residential building with 17 units with two (2) units reserved for Extremely Low Income households and one (1) unit reserved for Very Low Income households.

3. Currently, the Zoning Code does not contain a provision that affirmatively allows for CEQA clearance to be directly appealed to the City Council therefore currently the City Planning Commission is not allowed to conduct hearings or render final approval.

APPEAL POINTS: Further, the city allows projects to go forward during sick appeals even though the city planning commission is not allowed to approve final letters of determination. The Zoning Code/ordinance does not currently contain a provision that affirmatively allows clearances to be directly appealed to the City Council

STAFF RESPONSE: The State Guidelines implementing the CEQA statute mandate that local agencies provide for such CEQA appeals, and that agencies may establish procedures governing the appeals. Currently, the City has no written and codified procedures for such appeals. In practice, the City Council hears timely filed appeals from all actions where the City Planning or Area Planning Commission decisions are final. However, the City Council has recently adopted two ordinances (CF 14-0090-S1 and 18-0066) that will establish CEQA appeal procedures for decisions of City Commissions and Departments.

4. *West Los Angeles Neighborhood Council has not approved the project in three separate meetings*

APPEAL POINT: West Los Angeles Neighborhood Council has not approved the project in three separate meetings.

STAFF RESPONSE: The West Los Angeles Sawtelle Neighborhood Council submitted a letter to the Department of City Planning stating at their February 27, 2019, meeting, their Board of Directors voted to not support the project as designed. As the proposed project is Transit Oriented Communities Affordable Housing Incentive Program project, consideration from the local neighborhood is encouraged, but approval from the local neighborhood council is not a requirement.

5 *Building Height/Transitional Height/Neighborhood Compatibility/Design Guidelines*

APPEAL POINTS: At five stories plus mechanical equipment on the rooftop, this building is nearly four times taller than 75% of buildings on Purdue and more than twice as tall as the remaining buildings.

STAFF REPONSES:

Building Height/Compatibility

The proposed project involves the demolition of an existing four-unit residential building and the construction, use, and maintenance of a new five-story, approximately 56 foot high apartment building with 17 residential units. Of the 17 units proposed, nine (9) will be one bedroom units, six (6) will be two bedroom units, and two (2) will be three bedroom units. Of the 17 residential units, the project will reserve two (2) units for Extremely Low Income households and one (1) unit reserved for Very Low Income households.

The project will provide 18 total automobile parking spaces, all within a one-level subterranean parking garage accessed from Purdue Avenue. The project will also provide 17 long-term bicycle parking spaces and 2 short-term bicycle parking spaces. A total of 1,500 square feet of open space will be provided, divided between the rear yard and private balconies. The project will maintain a 15-foot front yard, five-(5)-foot and seven and one half-(7 1/2) inch- side yards, and a 15-foot rear yard.

Surrounding properties are generally developed with one to four-story multi-family residential buildings fronting along Purdue Avenue in the R3-1 Zone with single-family developments

located to the east in the R1-1 Zone. The northern adjoining property is zoned R3-1 and is developed with a one-story four-unit residential building. The eastern adjoining property (across Purdue Avenue) is zoned R3-1 and is developed with a two-story multi-family residential building. The southern adjoining property is zoned R3-1 and is developed with a two-story apartment building. The western adjoining property is zoned R1-1 and developed with a one-story single-family dwelling.

Pursuant to the voter-approved Measure JJJ, Los Angeles Municipal Code (LAMC) 12.22-A,31 was added to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program (TOC Program). The Measure requires the Department of City Planning to create TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines) for all Housing Developments located within a one-half mile (or 2,640-foot) radius of a Major Transit Stop. These Guidelines provide the eligibility standards, incentives, and other necessary components of the TOC Program consistent with LAMC 12.22-A,31.

A qualifying TOC Project shall be granted Base Incentives with regard to increased residential density, increased floor area ratio, and reduced automobile parking requirements. In addition to these Base Incentives, an eligible project may be granted Additional Incentives with regard to yards and setbacks, open space, lot coverage, lot width, averaging, density calculation, height, and developments in public facilities zones. Up to three (3) Additional Incentives may be granted in exchange for providing the requisite set aside of affordable housing as enumerated in the TOC Guidelines. As highlighted, with the base incentives and additional incentive, proposed buildings are inherently larger and provide more density than what is otherwise permitted by underlying zone.

The proposed project, which sets aside 17% of the total number of units for Extremely Low and Very Low Income Households, meets all eligibility requirements for the TOC Affordable Housing Incentive Program and is entitled to the Base Incentives. In addition, the subject property is located within a Tier 3 TOC Affordable Housing Incentive Area as the property is approximately 2,000 square-feet from the Exposition/Sepulveda Metro Station. Per Section IV of the Transit Oriented Communities Guidelines, Tier 3 projects are eligible for the base incentives as well as up to three additional incentives as the project reserves at least 11 percent of the base units for Extremely Low Income Households.

The requested increase in height is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The R3-1 Zone allows a building height of 45 feet. The TOC height incentive allows for an additional 11 feet in height thereby creating a building envelope with the area necessary to accommodate the proposed density, including the affordable housing units. The project is 56 feet in height and five stories. The requested incentives in combination with the requested floor area of 19,589 square feet will allow the developer to increase the amount of units in the building so two (2) units are reserved for Extremely Low Income Households and one (1) for Very Low Income Households can be constructed and the overall space dedicated to residential uses is increased. This incentive supports the applicant's decision to reserve three (3) units as affordable housing units.

Design

The proposed project involves the demolition of an existing four-unit residential building and the construction, use, and maintenance of a new five-story, approximately 56 foot high apartment building with 17 residential units. The proposed building will front Purdue Avenue

and will encompass approximately 19,589 square feet of residential floor area, resulting in a Floor Area Ratio (FAR) of approximately 3.914 to 1. Of the 17 units proposed, nine (9) will be one bedroom units, six (6) will be two bedroom units, and two (2) will be three bedroom units. Of the 17 residential units, the project will reserve two (2) units for Extremely Low Income households and one (1) unit reserved for Very Low Income households.

Section V.4 of the TOC Guideline (Design Conformance) states “Projects seeking to obtain Additional Incentives shall be subject to any applicable design guidelines, including any Community Plan design guidelines, Specific Plan design guidelines and/or Citywide Design Guidelines and may be subject to conditions to meet design performance. The conditions shall not preclude the ability to construct the building with the residential density permitted by Section VI.”.

The subject is not located within a Specific Plan or Community Design Overlay. However the project is subject to the Citywide Design Guidelines. The project includes variations in building materials and the exterior walls of the building are also articulated, incorporating street-facing, balconies and windows, and breaks in the entire massing to allow visibility to internal residential units. The ground floor consists of a variation in wall treatments that are integrated into the overall architectural style of the building. The project design employs various architecture methods to establish a distinguishable and attractive building design. A variety of building materials and finishes, as well as landscape and hardscape materials, will result in a design that is complementary to the neighborhood. In conformance with Section V.4 of the TOC Guidelines the conditions of approval does not preclude the ability to construct the building with the residential density permitted by Section VI of the TOC Guidelines.

Transitional Height

Section VII.G of the TOC Guidelines state that an Eligible Housing Development may select the transitional height requirements illustrated in the Guidelines in lieu of those found in LAMC 12.21.1 A.10, or any applicable transitional height limits in a in a Specific Plan, including any requirements for reduced building heights when a building is adjoining a more restrictive zone. However, LAMC Section 12.21.1-A, 10 applies the transitional height requirements to buildings on a C or M zoned lot and which are within specified distances of the RW1 Zone or a more restrictive zone.

The proposed project is zoned R3-1 and does abut R1 zoned properties to the rear. However, as the subject property is zoned R3-1 (not C or M) the transitional height requirements of the LAMC and the TOC Guidelines do not apply to the subject project. The Tier 3 TOC height incentive allows for an additional 11 feet in height for one (1) additional story thereby creating a building envelope with the area necessary to accommodate the proposed density, including the affordable housing units. Therefore, given the project’s TOC height incentive and the R3 zoning along with the R1 zoning of the adjacent properties, the transitional height requirement is not applicable to the site.

- 6. Since the TOC forces only 13% of the city to bear increasing density we as neighbors request the denial of this commercial sized and character building on our street.***

APPEAL POINT: We should be given priority not developers and not future residents who do not live there. The need for housing is not an excuse to approve projects that are out of character and tower over the existing longtime homes.

STAFF RESPONSE: Pursuant to the voter-approved Measure JJJ, Los Angeles Municipal Code (LAMC) 12.22-A,31 was added to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program (TOC Program). The Measure requires the Department of City Planning to create TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines) for all Housing Developments located within a one-half mile (or 2,640-foot) radius of a Major Transit Stop. These Guidelines provide the eligibility standards, incentives, and other necessary components of the TOC Program consistent with LAMC 12.22-A,31.

7. *Traffic/Unbundled Parking*

APPEAL POINTS. The building will result in significant effects relating to traffic, noise, and air quality. We are very concerned about the inadequate space for parking. Our 10 unit building provides 16 parking spaces. The proposed 17 unit building provides for unbundled parking which allows for parking 'rented separately from the units'. The current street parking is at capacity. Purdue is very narrow street with parking in both directions and should not be further impacted by the inadequate parking provided by the proposed project.

STAFF RESPONES:

Traffic

In regards to traffic, a significant impact may occur if the project conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The project site is located within the West Los Angeles Transportation Improvement and Mitigation Specific Plan (West LA TIMP) and consists of the construction of a 17 residential unit multi-family apartment structure on an existing site developed with four residential units. In a LADOT Traffic Study Assessment dated May 15, 2018, the LADOT determined that the project would result in a net increase of 63 daily trips, including 4 am peak hour trips and 6 pm peak hour trips. The project does not exceed net unit thresholds established by the Los Angeles Department of Transportation and therefore no impact traffic study is warranted. No mitigation would be necessary and the project would not result in any significant impacts related to traffic.

Unbundled Parking

The unbundling of the provided parking is allowed as a base incentive through Section VI.2.c of the TOC Guidelines. The proposed project provides 18 parking spaces within a subterranean level. Traditionally, the cost of a residential unit includes one or more parking spaces, regardless of whether the tenant/owner is using them or not. Unbundling allows residents to choose the number of parking spaces (if any) they use and pay for accordingly and thus the value of the parking spaces are not passed on to the overall cost of the residential unit.

RECOMMENDATION

Upon careful consideration of the Appellants's points, the Appellants have failed to adequately disclose how the City erred or abused its discretion. Additionally, no new substantial evidence was presented showing that City Planning Commission has erred in its actions relative to the Categorical Exemption. Therefore, based on the above, in consideration of the CEQA appeal for the project located at 2465-2467 South Purdue Avenue, the Department of City Planning recommends that the PLUM Committee recommend for Council Action to deny the appeals and determine that based on the whole of the administrative record, the project is exempt from 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.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



NICHOLAS HENDRICKS
Senior City Planner

VPB:NH:JT