



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: NOV 29 2022

Case No. DIR-2021-5596-TOC-HCA-1A

Council District: 11 – Bonin

CEQA: ENV-2021-5597-CE; ENV-2013-622-EIR; SCH. No. 2013031038

Plan Area: Palms – Mar Vista – Del Rey

Project Site: 2456 – 2460 South Purdue Avenue

Applicant: Amir Mehdizadeh
Representative: Aaron Belliston, BMR Enterprises

Appellant: Kathryn Schorr

At its meeting of **November 3, 2022**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Construction of a new six-story, 67-foot tall, 27-unit residential building (including three units reserved for Extremely Low-Income Households). The Project will have a proposed Floor Area Ratio (FAR) of approximately 4.3:1 with approximately 46,528 square feet of floor area. The Project provides 26 parking spaces located at subterranean level. The existing two single-family dwellings and attached garages on-site are proposed to be demolished, and seven non-protected trees are proposed to be removed from the subject site. The Project will involve grading and export of approximately 6,475 cubic yards of soil.

1. **Determined**, that based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, that the Project is within the scope of the Exposition Corridor Transit Neighborhood Plan Program EIR No. ENV-2013-622-EIR, SCH. No. 2013031038 (Program EIR), pursuant to CEQA Guidelines Sections 15168 and 15162; the environmental effects of the Project were covered in the Program EIR and no new environmental effects not identified in the Program EIR will occur and no new mitigation is required; and the City has incorporated all feasible mitigation measures from the Program EIR on the Project;
3. **Denied** the appeal and **sustained** the Planning Director's Determination dated July 28, 2022;
4. **Approved**, pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code (LAMC), a Transit Oriented Communities Affordable Housing Incentive Program Compliance Review for a qualifying Tier 3 project totaling 27 dwelling units, reserving three units for Extremely Low Income Household occupancy for a period of 55 years, with the following requested Additional Incentives:
 - a. Height. A 22-foot increase in the building height, allowing 67 feet in lieu of the maximum 45 feet per the R3-1 Zone;
 - b. Side Yard/Setback. A 30 percent decrease in the required depth of the northwest side yard, allowing a six-foot four-inch northwest side yard setback in lieu of otherwise required nine-foot side yard setback per R3-1 Zone; and

- c. Open Space. A maximum 25 percent reduction in the required open space, allowing 3,342 square feet in lieu of the 4,275 square feet otherwise required;
- 5. **Adopted** the attached Conditions of Approval; and
- 6. **Adopted** the attached Amended Findings.

The vote proceeded as follows:

Moved: Dake Wilson
 Second: Perlman
 Ayes: Campbell, Choe, Leung, López-Ledesma, Mack, Millman
 Absent: Hornstock

Vote: 8 – 0



Cecilia Lamas, Commission Executive Assistant
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is final and effective upon the mailing of this determination letter and not further appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions of Approval, Amended Findings, Interim Appeal Filing Procedure (CEQA)

- c: Michelle Singh, Senior City Planner
- Connie Chauv, City Planner
- Norali Martinez, City Planning Associate

CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, West/South/Coastal Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 27 residential units per Exhibit "A".
3. **Affordable Units.** The project shall reserve a minimum of three (3) units, that is 11 percent On-Site Restricted Affordable Units, for Extremely Low Income Households as defined in Section 50106 of the California Health and Safety Code. The Transit Oriented Communities Affordable Housing Incentive Program Guidelines also requires a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Los Angeles Housing Department (LAHD) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.
4. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A.31 and comply with the Transit Oriented Communities Affordable Housing Incentive Program Guidelines adopted by the City Planning Commission.
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute and record a covenant and agreement running with the land to the satisfaction of the Los Angeles Housing Department (LAHD) to make three (3) unit for Extremely Low Income Households for rental as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set aside affordable units may be adjusted, consistent with LAMC Section 12.22-A.25, to the satisfaction of LAHD, and in consideration of the project's SB 330 Determination. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The Applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and any monitoring requirements established by the LAHD. Refer to the Transit Oriented Communities Affordable Housing Incentive Program Background and Housing Replacement (SB 330 Determination) Background sections of this determination.
6. **Floor Area Ratio (FAR).** The project shall be limited to a Floor Area Ratio of 4.3:1 or approximately 46,528 square feet, as shown in Exhibit "A".
7. **Height.** The project shall be limited to a maximum 67 feet in height, as shown in Exhibit "A". Height increases over 11 feet, resulting in building height over 56 feet, shall be stepped back at least 15 feet from the exterior façade of the ground floor of the building

located along any street frontage, as provided in Sheets A2.06, A3.02, A3.04, and A4.02 through A4.04 of Exhibit "A".

8. **Side Yard/Setback.** The project qualifies for a 30 percent reduction in the required width or depth of two individual yards or setbacks. The northwest side yard shall be no less than 6 feet 4 inches, as shown in Exhibit "A".
9. **Open Space.** The project shall provide a minimum of 3,342 square feet of open space per Exhibit "A". The common open space shall meet the requirements of LAMC Section 12.21 G per the satisfaction of the Department of Building and Safety.
10. **Automobile Parking.** Based upon the number of dwelling units proposed, a minimum of fourteen (14) automobile parking spaces shall be provided for the project. Automobile parking shall be provided consistent with TOC Guidelines, which allows required parking for all residential units in an Eligible Housing Development for a Tier 3 project not to exceed one-half (0.5) space per unit. The project proposes 26 parking spaces, as shown in Exhibit "A".
11. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be recalculated by the Department of Building and Safety, based upon the ratios set forth ratios set forth in the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines).
12. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.
13. **Landscape Plan.** Revised landscape plans shall be submitted to show the size and location of all plants. The landscape plan shall indicate landscape points for the Project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be landscaped, including an automatic irrigation system, and maintained in accordance with a final landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The final landscape plan shall be in substantial conformance with the submitted Landscape Plan, Exhibit "A," and shall incorporate any modifications required as a result of this grant.
14. Street trees may be used to satisfy on-site tree requirements pursuant to LAMC Article Section 12.21.G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units).
15. **Specific Plan.** Prior to the issuance of a building permit, the applicant shall demonstrate compliance with the Exposition Corridor Transit Neighborhood Plan Specific Plan ("Expo TNP") pursuant to Ordinance No. 186,402, including but not limited to:
 - a. Street-fronting residential units on the ground floor shall each have a primary entrance facing the street per Expo TNP Section 4.3.2.A.1.

- b. Primary pedestrian entrances shall be prominent and distinguished through architectural features such as, but not limited to, front porches, overhead projections, columns, side windows, or recessed planes per Expo TNP Section 4.3.2.A.2.
- c. Visible exterior surfaces of the proposed structure, fencing, recreational equipment, or outdoor art installations shall be constructed of materials such as, but not limited to, high-performance and/ or non-reflective tinted glass (without mirror-like tints or films), pre-cast concrete, fabricated wall surfaces, composite materials, wood, coated metal, and stone to minimize glare and reflected heat per Expo TNP 4.3.3.B.2.
- d. At least 50% of hardscape areas shall include permeable paving, except where not feasible due to water table levels, contamination, or permeability of the soil per Expo TNP 4.3.4.A.2.

Administrative Conditions

- 16. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
- 17. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
- 18. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
- 19. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
- 20. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
- 21. **Recording Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall

be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center at the time of Condition Clearance for attachment to the subject case file.

22. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

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

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

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its

approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

(As Amended by the City Planning Commission at its meeting on November 3, 2022)

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

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

1. **Pursuant to Section 12.22 A.25(g) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the Director finds that:**
 - a. ***The Incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.***

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

The list of on-menu incentives in the TOC Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project. Therefore, the site and project qualify for the TOC Affordable Housing Incentive Program as an Eligible Housing Development, and is eligible for the incentives granted therein.

Increased Height:

A restriction on height could limit the ability to construct the additional residential dwelling units, and specifically the Restricted Affordable Units. The project is financially feasible because of the increased flexibility the incentives allow the applicant in the building envelope.

Base Height + Incentive

The applicant has requested a Tier 3 Height Incentive, which allows for two additional stories up to 22 additional feet. The R3-1 zone allows for a maximum height of 45 feet. Therefore, the Tier 3 Height Incentive would allow a maximum height of 67 feet. The project is within that envelope at 67 feet and is consistent with the TOC Guidelines.

TOC Height Exception

The TOC Height Exception applies to projects located on lots with a height limit of 45 feet or less. The Exception requires any height increases in excess of the first 11 feet above the base height to be stepped-back a minimum of 15 feet from the exterior face of the Ground Floor building along any street frontage.

The project site is in a R3-1 Zone, with a height limit of 45 feet. Therefore, along Purdue Avenue, the project is stepped back after the first 11 feet of height increase over the base height of 45 feet, beginning at 56 feet, as provided in Sheets A2.06, A3.02, A3.04, and A4.02 through A4.04 of Exhibit "A". The project is consistent with the TOC Guidelines height incentive and stepback requirements.

Reduced Side Yard/Setback:

Per TOC Guidelines, in residential zones, Eligible Housing Developments may utilize an incentive for yard reductions. The project does not request or propose any reductions in the required front, rear, or southeast side yard setbacks. The applicant has requested a Tier 3 Reduced Side Yard Incentive, which allows for a 30% reduction of the required northwest side yard. The project is providing 6-foot 4-inch side yard and is therefore in compliance with the TOC Guidelines.

The requested incentive is necessary to provide the affordable housing costs as defined in California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units. The reduced side yard setbacks are necessary to build the affordable housing units provided.

Reduced Open Space:

Based on the number of habitable rooms in the project, a total of 4,275 square feet of open space is required by LAMC Section 12.21.G. The Additional Incentive allows for a maximum 25 percent reduction, which results in a minimum 3,206.25 square feet of open space. The project is providing 3,342 square feet of qualified open space, consistent with the TOC Guidelines open space incentive.

Additional required open space could limit the physical ability to construct the additional residential dwelling units, and specifically the Restricted Affordable Units. The project is financially feasible because of the increased flexibility in the incentives allow the applicant in the building envelope. Therefore, the requested incentives are necessary to provide the affordable housing costs as defined in the California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units.

- b. The Incentive will have a Specific Adverse Impact upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.***

There is no evidence in the record that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was

deemed complete” (LAMC Section 12.22.A.25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project’s proposed incentives will have a specific adverse impact on public health and safety or on property listed in the California Register of Historic Resources.

CEQA FINDINGS

As the designee of the Director of Planning, I have determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

As the designee of the Director of Planning, I have found, based on the independent judgement of the decision-maker, after consideration of the whole of the administrative record, that the project is within the scope of the Exposition Corridor Transit Neighborhood Plan Program EIR No. ENV-2013-622-EIR, SCH. No. 2013031038 (“Program EIR”), pursuant to CEQA Guidelines Sections 15168 and 15162; the environmental effects of the Project were covered in the Program EIR and no new environmental effects not identified in the Program EIR will occur and no new mitigation is required; and the City has incorporated all feasible mitigation measures from the Program EIR on the Project.

The project proposes the demolition of two existing single-family buildings and detached garages, and the construction of a new six-story, 67-foot tall, 27-unit residential building (including 3 units reserved for Extremely Low-Income). The project will have a proposed Floor Area Ratio (“FAR”) of approximately 4.3:1 with approximately 46,528 square feet of floor area. The project provides 26 parking spaces located at subterranean level. The project will also provide 30 long-term and three (3) short-term bicycle parking spaces in accordance with LAMC 12.21.A.16. The project will involve grading and export approximately 6,475 cubic yards of soil. One(1) non-protected (Victorian box) street tree located in the public-right-of way is proposed. As a multi-family residential building, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.**

The site is zoned R3-1 and has a General Plan Land Use designation of Medium Residential, which has corresponding zones of R3 and R3(PV). The R3 Zone allows for a base residential density at a rate of the one unit per 800 square feet of lot area. Height District No. 1 in the R3 Zone allows for a height of 45 feet and the site is limited to a Floor Area Ratio (FAR) of 3:1. The project site is located in the Palms – Mar Vista – Del

Rey Community Plan area. The Exposition Corridor Transit Neighborhood Plan (Specific Plan) established by Ordinance 186,402 and effective December 26, 2019, established review procedures, design standards, and environmental standards for the subject site. The project site is in the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP, Ordinance 186,105 and 186,108). The project is subject to Department of Transportation clearance of the WLA TIMP. In addition, the project is within a Tier 3 designation of the Transit Oriented Communities Program. Pursuant to LAMC Section 12.22 A.31 and the TOC Guidelines, the applicant requests a Transit Oriented Communities Compliance Review.

The project site is comprised of two flat, rectangular lots. In total, the lots cover approximately 15,000 square feet, with approximately 100 feet of frontage along the east side of Purdue Avenue and a uniform depth of approximately 150 feet. The project site is located within the Palms – Mar Vista – Del Rey Community Plan area, West Los Angeles Transportation Improvement and Mitigation Specific Plan, Exposition Corridor Transit Neighborhood Plan, and within 1.78 kilometers of the Santa Monica Fault. The site is not located within a designated hillside area, a Special Grading Area (BOE Basic Grid Map A-13372), very high fire hazard severity zone, flood zone, landslide, tsunami inundation zone, or liquefaction zone. There are no designated historic resources or cultural monuments on the subject site.

The R3 Zone allows for a maximum residential density of one dwelling unit per 800 square feet of lot area. The combined subject lots total approximately 15,000 square feet, for a maximum base density of 18.75 units. The Los Angeles Municipal Code allows 18 units by right, however the TOC Guidelines round base density up to the next whole number of 19 units. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 70% resulting in 32.3 units; again, the TOC Guidelines round up to the next whole number resulting in 33 units. The project is proposing 27 dwelling units, which is consistent with the allowable density under the TOC Guidelines. The project is required to provide 14 parking spaces under the TOC incentive and is providing 26 spaces, consistent with the requirements of Los Angeles Municipal Code 12.22-A.31.

In the R3 Zone in Height District 1, the Los Angeles Municipal Code provides for a maximum FAR of 3:1. Los Angeles Municipal Code Section 12.03 states, "Buildable Area" is, "all that portion of a lot located within the proper zone for the proposed main building, excluding those portions of the lot which must be reserved for yard spaces, building line setback space, or which may only be used for accessory buildings or uses." The buildable area for the subject site is 10,800 square feet for a by-right floor area of 32,400 square feet. The Tier 3 FAR Incentive allows for a maximum FAR percentage increase up to 50%, as provided under Director's Interpretation under Case No. DIR-2022-1365-DI, for a maximum floor area of approximately 48,600 square feet. The project is proposing 46,528 square feet, which is consistent with the TOC requirements.

Pursuant to the TOC Guidelines, the project is eligible for, and has been granted three Tier 3 Additional Incentives. In Tier 3 areas, the TOC incentive for side yard reductions allows up to a 30 percent decrease in the required width or depth of two individual yards or setbacks. The project proposes a 6-foot 4-inch northwest side yard consistent with the TOC Guidelines. The side yard reflect a 30 percent reduction in the otherwise required 9-foot side yard for the project, consistent with the TOC yard reduction incentive.

The TOC Guidelines allow for a maximum height of 67 feet (22 additional feet) and the project is 67 feet in height. The project is consistent with the TOC Guideline's Height Incentive and Exception requirements.

Residential Open Space is required in projects that have more than six units; the amount of open space is related to the number of habitable rooms in each unit. The total required open space for the mix of units proposed in this project is 4,275 square feet. Applying the TOC reduction, the project is allowed to provide 3,206.25 square feet of open space. The proposed project includes 3,342 square feet of open space.

The proposed project is consistent with many General Plan goals, policies, and objectives. The Housing Element of the General Plan provides the following:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.1 Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1.1.4 Expand opportunities for residential development, particularly in designated Center, Transit Oriented Districts and along Mixed-Use Boulevards

The proposed project meets the above goal, policy and objective creating additional housing units in a transit oriented district; the project will also include three (3) units for Extremely Low Income household occupancy for a period of 55 years.

Additionally, the Palms - Mar Vista - Del Rey Community Plan, one of the Land Use Elements of the General Plan, provides the following:

Policy 1-1.1: Provide adequate multi-family residential development.

Policy 1-2.1: Locate higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development.

Objective 1-4: To promote the adequacy and affordability of multiple-family housing and increase its accessibility to more segments of the population.

The proposed project meets the above policies and objective by providing multi-family dwelling units in a new, safe, and secure building. The proposed project is located on a site designated for Medium Residential Land Uses, which includes multiple-family residential uses, and will be served by facilities and necessary infrastructure. The site is near the Metro "E" (Expo) Expo-Sepulveda Station. The three affordable units will ensure that the proposed project is accessible to lower-income segments of the population.

The current project is in an urbanized area and characterized as in-fill development, which qualifies for the Class 32 Categorical Exemption. As shown in the case file, the project is consistent with the applicable Palms – Mar Vista – Del Rey Community Plan designation and policies and all applicable zoning designations and regulations.

- (b) **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.344 acres (approximately 15,000 square feet). Abutting properties to the north, south, east and west are zoned R3-1 and are developed primarily with multi-family dwellings ranging from one to five stories in height. Properties further to the south (across Pearl Street) are zoned R1-1 and developed with single-family dwellings.

(c) **The project site has no value as habitat for endangered, rare or threatened species.**

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. The project site at 2456-2460 South Purdue Avenue is comprised of two lots, and is currently developed with two single-family dwellings and detached garages. Per the Arborist Report (prepared by Brandon's Landscapes dated September 10, 2021), there are seven (7) non-protected trees on the subject site which will be removed, and one (1) non-protected (Victorian box) street tree located in the public-right-of-way which will remain. Therefore, the project site has no value as habitat for endangered, rare or threatened species.

The project assumes a worst-case scenario of removing all street trees, in the event of changes to the right-of-way improvement plans after approval of the environmental clearance. However, this environmental analysis does not authorize the removal of any street trees without prior approval of Urban Forestry, in compliance with LAMC Sections 62.169 and 62.170 and their applicable findings.

Prior to any work on the adjacent public right-of-way, the applicant will be required to obtain approved plans from the Department of Public Works. As there currently is no approved right-of-way improvement plan and for purposes of conservative analysis under CEQA, Planning has analyzed the worst-case potential for removal of all street trees. Note that street trees and protected trees shall not be removed without prior approval of the Board of Public Works/Urban Forestry (BPW) under LAMC Sections 62.161 - 62.171. At the time of preparation of this environmental document, no approvals have been given for any tree removals on-site or in the right-of-way by BPW. The City has required a Tree Report to identify all protected trees/shrubs on the project site and all street trees in the adjacent public right-of-way. The project may involve the removal of one (1) non-protected street tree.

(d) **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. More specifically, RCMs include but are not limited to:

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be

used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

- The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

In addition, the project shall comply with the Environmental Standards in Appendix D of the Exposition Corridor Transit Neighborhood Plan Specific Plan, which include but are not limited to:

- **Regulatory Compliance Measure (Landscape):** The Project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g., use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- **Mitigation Measure (Construction Noise and Vibration):**
 - Construction Staging Areas. The construction contractor shall locate construction staging areas away from Sensitive Land Uses.
 - Construction Noise Barriers. When construction activities are located within 500 feet of Sensitive Land Uses, noise barriers (e.g., temporary walls or piles of excavated material) shall be constructed between activities and Sensitive Land Uses.

These RCMs will ensure the project will not have significant impacts on noise and water. The Department of Transportation Referral Form dated April 25, 2022 and the VMT calculator indicated that the project will result in an increase of 130 daily vehicle trips, which is under the threshold of 250 or more daily vehicles trips to require VMT analysis. Therefore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study and will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on

reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. These RCMs will ensure the project will not have significant impacts on noise, air quality, and water. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) **The site can be adequately served by all required utilities and public services.**

The project site will be adequately served by all public utilities and services given that the construction of a multi-family residential building will be on a site which has been previously developed and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32 Categorical Exemption.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32:

(a) **Cumulative Impacts.** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

Staff have identified two (2) comparable projects that were granted approval for land use entitlements within a 500-foot radius of the subject site:

- Case No. DIR-2018-7647-TOC-CDO-SPR (11430 W. Exposition Blvd)
- Case No. DIR-2015-4086-DB-CDO-SPR (2425 S. Butler Avenue)

As mentioned, the project proposes the demolition of two existing single-family dwellings with detached garages and the construction of a new six-story, 67-foot tall, 27-unit residential building (including 3 units reserved for Extremely Low-Income). The project will have a proposed Floor Area Ratio ("FAR") of approximately 4.3:1 with approximately 46,528 square feet of floor area. The project provides 26 parking spaces located at subterranean level. The project will also provide 30 long-term and three (3) short-term bicycle parking spaces in accordance with LAMC 12.21.A.16. The project is in an area zoned and designated for such development. Lots adjacent to the subject site are developed with urban uses. Lots adjacent to the subject site are developed with the following urban uses: multi-family residential. Abutting properties to the north, south, east and west are zoned R3-1 and are developed primarily with multi-family dwellings ranging from one to five stories in height. Properties further to the south (across Pearl Street) are zoned R1-1 and developed with single-family dwellings. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

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

As mentioned, the project proposes a multi-family residential building in an area zoned and designated for such development. Adjacent lots are developed with multi-family residential. The subject site is of a similar size and slope to nearby residential properties. The Floor Area, Density, Height, Yards, and Open Space of the proposed project are

consistent with the Zone and Transit Oriented Communities Guidelines, pursuant to LAMC Section 12.22 A.31. The site is not located within a designated hillside area, a Special Grading Area (BOE Basic Grid Map A-13372), very high fire hazard severity zone, flood zone, landslide, tsunami inundation zone, or liquefaction zone. There are no designated historic resources or cultural monuments on the subject site. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

- (c) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The State Route 27 is approximately 8 miles northwest of the subject site. Therefore, the Project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

- (d) **Hazardous Waste Sites.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code*

According to Envirostor, the State of California's database of Hazardous Waste Sites, the subject site is not identified as a hazardous waste site. Furthermore, the building permit history for the project site does not indicate the site may be hazardous or otherwise contaminated, therefore, this exception does not apply.

- (e) **Historical Resources.** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's Historic Places LA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



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

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check. Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment