



DEPARTMENT OF CITY PLANNING APPEAL REPORT

City Planning Commission

Date: October 27, 2022
Time: After 8:30 a.m.*
Place: In conformance with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the CPC meeting will be conducted entirely telephonically by Zoom [<https://zoom.us/>].

The meeting's telephone number and access code access number will be provided no later than 72 hours before the meeting on the meeting agenda published at https://planning.lacity.org/about/commission_boards-hearings and/or by contacting cpc@lacity.org

Public Hearing: Required
Appeal Status: Not Further Appealable
Expiration Date: October 27, 2022
Multiple Approval: No

Case No.: DIR-2021-9356-TOC-SPR-HCA-1A
CEQA No.: ENV-2021-9357-CE
Council No.: 5 - Koretz
Plan Area: Wilshire
Specific Plan: N/A
Certified NC: Wilshire Center-Koreatown

Land Use: High Medium Residential & General Commercial
Zones: R4-1 & C2-1

Applicant: Korea Town, LP

Representative: Allen Park

Appellant: Supporter Alliance for Environmental Responsibility,
c/o Rebecca Davis,
Lozeau Drury, LLP

PROJECT

LOCATION: 975 Manhattan Place

PROPOSED PROJECT:

The proposed project is the construction, use, and maintenance of a new, 95,206 square-foot, seven-story, 120-unit residential development with 12 units set aside for Extremely Low Income (ELI) households. The project will provide 127 vehicle parking spaces within one (1) at grade level and two (2) subterranean level parking garages. The project includes a Transit Oriented Communities Affordable Housing Incentive Program for a Tier 3 project with base and additional incentives.

APPEAL ACTION:

1. An appeal of the Director of Planning determination, based on the whole of the administrative record, that the project is exempt from the CEQA Guidelines, 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; and
2. An appeal of the Director of Planning's approval of a Site Plan Review for a project that results in 50 or more dwelling units.

RECOMMENDED ACTIONS:

1. **Deny** the appeal;
2. **Determine** that, based on the whole of the administrative record, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32 (In-Fill Development Projects) and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies;
3. **Sustain** the determination of the Director of Planning to conditionally approve a Site Plan Review for the proposed project which results in 50 or more dwelling units.
4. **Adopt** the findings therein.

VINCENT. P. BERTONI, AICP
Director of Planning



Heather Bleemers, Senior City Planner



Oliver Netburn, City Planner



for

Stephanie Escobar, City Planning Assistant
Stephanie.Escobar@lacity.org

ADVICE TO PUBLIC: * The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272 City Hall, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300)*. While all written communications are given to the Commission for consideration, the initial packets are sent to the Commission's Office a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to the agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate. The meeting facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request at least seven (7) days prior to the meeting by calling the City Planning Commission Office at (213) 978-1300.

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- Map 1 - Vicinity Map
- Map 2 - Radius Map
- Map 3 - Zoning Map

Exhibits:

- Exhibit A: Director's Determination DIR-2021-9356-TOC-SPR-HCA & Exhibit A
- Exhibit B: Appeal
- Exhibit C: Categorical Exemption ENV-2021-9357-CE
Appendix B-2 - LADOT Approval Letter, November 3, 2021
- Exhibit D: CAJA Response to appeal
- Exhibit E: Public Correspondence

PROJECT ANALYSIS

PROJECT BACKGROUND

The subject property is a slightly sloping, 28,158 square-foot (0.65 acre), rectangular, interior lot with a frontage of approximately 225 feet along Manhattan Place. The project site is currently partially vacant and partially improved with a surface parking lot.

The project site is zoned R4-1 and C2-1 and is located within the Wilshire Community Plan with a General Plan Land Use Designation of High Medium Residential and General Commercial. Additionally, the site is located within a Transit Priority Area, a TOC Tier 3 area, an Urban Agriculture Incentive Zone, Outside Flood Zone, and is within 0.8639 kilometers from the Puente Hills Blind Thrust fault zone.

The proposed project is the construction, use, and maintenance of a seven-story residential development with 120 dwelling units. The proposed building will encompass approximately 95,206 square feet of floor area resulting in a Floor Area Ratio (FAR) of 4.4 to 1 and will have a maximum height of 83 feet. Pursuant to the Transit Oriented Communities (TOC) Affordable Housing Incentive Program, the applicant requested three (3) Base Incentives and three (3) Additional Incentives in exchange for providing 10 percent, or 12 units, of the total dwelling units proposed for Extremely Low Income Households.

The project will be comprised of two (2) studio units, 91 one-bedroom units and 27 two-bedroom units with 127 residential parking spaces located in one (1) at garage parking level and two (2) subterranean levels. The project will provide a total of 94 bicycle parking spaces on-site (85 long term spaces and nine (9) short term spaces). The long-term and short-term bicycle parking spaces will be located within an enclosed bike storage room within the ground-level parking garage. A total of 9,722 square feet will be dedicated to open space which includes courtyards, indoor amenities, roof deck, and private balconies.

SURROUNDING PROPERTIES

Surrounding properties are predominantly developed with single and multi-story residential and commercial buildings, and surface parking lots. Properties to the north are zoned R4-1 and developed with multi-story residential building. Properties to the east, across Manhattan Place, are zoned R4-1, R3-1, and C2-1 and currently consists of a large vacant lot, surface parking lots and multi-story commercial uses. The property to the south is zoned C2-1 and developed with a one-story commercial building. Properties to the west are zoned R3-1 and developed with multi-story residential buildings and surface level parking lots.

STREETS

Manhattan Place, adjoining the subject property to the east, is a Local Street-Standard, dedicated to a width of 60 feet and improved with roadway, curb, gutter, and sidewalk.

TRANSIT ORIENTED COMMUNITIES

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.

The proposed project, which sets aside 10% of the total number of units for Extremely 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 within the Tier 3 TOC Affordable Housing Incentive Area as the property is within 550 feet of the intersection of the Metro Rapid Bus Routes 728 and 757 at the intersection of Olympic Boulevard and Western Avenue.

Given the above, the proposed project includes the following Base and Additional Incentives for a qualifying Tier 3 Project:

Tier 3 Base Incentives:

- a. **Density.** The subject property is zoned R4-1 and C2-1 and limited to a maximum density of one (1) dwelling unit per 400 square feet of lot area. With a lot area totaling 28,158 square feet, the project has a base density of 71 dwelling units. As an eligible Housing Development in Tier 3, the project is entitled for a 70 percent density increase for a maximum of 122 total units. In this case, the project seeks a 69 percent density increase to permit a total of 120 units.
- b. **Floor Area Ratio (FAR).** The subject property is zoned R4-1 and C2-1 and limited to an FAR of 3 to 1 in the R4 zone and 1.5 to 1 in the C2 zone. With 18,553 square feet of buildable area in the R4 Zone (with a maximum permitted 4.5:1 FAR) and 3,125 square feet of buildable area in the C2 Zone (with a maximum permitted 3.75:1 FAR), the property is allowed up to 95,206 square feet of floor area. With the Additional Incentive for Averaging the proposed project has a 4.4:1 FAR across the entire site and a total floor area of 95,206 square feet.
- c. **Parking.** Pursuant to LAMC Section 12.21-A,4, the propose 120-unit residential building would be required to provide a total of 192 residential parking spaces. However, as an Eligible Housing Development within Tier 3, pursuant to the TOC Guidelines, 0.5 parking spaces per unit. With two (2) studio units, 91 one-bedroom units and 27 two-bedroom units, the project is required 60 parking spaces. The proposed project is providing 127 parking spaces.

Tier 3 Additional Incentive:

Pursuant to the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), the Tier 3 Project is eligible for and has been granted three (3) Additional Incentives in order to construct the proposed project:

- a. **Yards.** As the subject property is zoned R4-1 and C2-1, the project would be required 15-foot setback along Manhattan Place, a 10-foot side yard setback to the north, a 10-foot side yard setback to the south, and a 19-foot rear yard setback. Eligible Housing Developments in Tier 3 and in residential zones may reduce the required side yard by up to 30%. With a 30% reduction in the required width of the north side yard and rear yard, the project is permitted a minimum seven-foot northly side yard and a 10-foot rear yard. As proposed, the project provides minimum seven-foot northly side yard and a 10-foot rear yard.
- b. **Open Space.** Pursuant to LAMC Section 12.21-G, the proposed 120-unit residential building would be required to provide a total of 12,675 square feet of open space. Eligible Housing Developments in Tier 3 may reduce the required open space by up to 25%. In this case, the project would be permitted to provide 9,507 square feet of open space, as proposed the project will provide a total 9,722 square feet of open space.
- c. **Averaging.** Eligible Housing Developments in Tier 3 are permitted the averaging of FAR, Density, Open Space, Parking and Vehicular Access pursuant to TOC Guidelines, Sections VII.1.e. The project proposes to utilize the average FAR for the entire site. With 3,125 square feet of buildable area in the C2 Zone (with a maximum permitted 3.75:1 FAR) and 18,553 square feet of buildable area in the R4 Zone (with a maximum permitted 4.5:1 FAR, the average FAR for the entire site is 4.4:1.

APPEAL ANALYSIS

APPEAL POINTS AND STAFF RESPONSES

On May 25, 2022, the Department of City Planning held a Hearing Officer hearing for the proposed project to gather public testimony. At the hearing both the Hearing Officer and the project representative gave presentations on the proposed project and there were no members of the public who gave public testimony.

On July 8, 2022, the Director of Planning approved a Transit Oriented Communities Affordable Housing Incentive Program (TOC) and Site Plan Review for the proposed project. On July 21, 2022, Rebecca Davis of Lozeau Drury LLP, on behalf of Supporters Alliance for Environmental Responsibility filed an appeal.

The following statements have been compiled from the submitted appeal. The appeal in its entirety have been attached herein for reference (Exhibit B).

The environmental consultant, CAJA Environmental Services, LLC, has prepared a detailed response to these claims, which is attached to this report (Exhibit D). Nevertheless, a brief response to this claim is provided here.

1. Air Quality

Appeal Comment:

The appellants argue that the project will have significant indoor air quality impacts, precluding reliance on the Class 32 Exemption. Based on expert comments submitted on other similar projects and assuming all the project's building materials are compliant with the California Air Resources Board's formaldehyde airborne toxics control measure, future residents of the project will be exposed to a cancer risk from formaldehyde greater than the SCAQMD's CEQA significance threshold for airborne cancer risk of 10 per million.

Staff Response:

The appellant's contention that the proposed project would result in a significant air quality impact due to formaldehyde emissions is without merit. The proposed project will not have significant air quality impact, including air contamination from formaldehyde gas emissions, as claimed by the appellant. The analysis provided in ENV-2021-9357-CE (Exhibit C) relies on substantial evidence and supports the determination of the Director that the proposed project qualifies for the Class 32 Categorical Exemption. The analysis demonstrates that the emissions resulting from the proposed project, including from area, energy, and mobile sources, is significantly below the relevant thresholds of significance. (see pages 2-67 to 70 of ENV-2021-9357-CE)

Additionally, the appellant merely sets out legal arguments that are not supported by any substantial evidence.

Therefore, the determination of the Director that the proposed project qualifies for the Class 32 Categorical Exemption is proper.

2. **Noise**

Appeal Comment:

The appellant argues that the project will likely have significant noise impacts, precluding reliance on the Class 32 Exemption. Specifically, the project is located adjacent to residential uses. and the noise generated from various construction equipment must be analyzed to determine if it will result in a significant noise impact.

Staff Response:

Like the previous appeal point, there is substantial evidence in the record to support the conclusion that the project will not have any significant noise, including those noise impacts claimed by the appellant. The appellant claims that the project will create noise impacts due to construction and proximity to residential uses, which are analyzed in the noise study provided in Exhibit C.

The appellant fails to consider the substantial evidence in the record. Case No. ENV-2021-9357-CE includes substantial evidence found on pages 2-36 to 38 that support the conclusion that the project will not result in any significant noise impacts.

Additionally, the appellant failed to provide any evidence supporting their claims regarding noise impacts.

Therefore, the determination of the Director that the proposed project qualifies for the Class 32 Categorical Exemption is proper.

STAFF RECOMMENDATION

Conclusion

In conclusion, the Appellant has not demonstrated how the Director's Determination erred or abused its discretion in approving DIR-2021-9356-TOC-SPR-HCA and has not provided any substantial evidence to dispute the findings of the Categorical Exemption. The Categorical Exemption is comprehensive and has been completed in full compliance with CEQA. As demonstrated by the responses to the appeal points, there are no new impacts or substantial increases in previously identified impacts that would result from the comments raised herein. The Director's Determination included correct findings of approval consistent with the provisions of CEQA and Site Plan Review. Therefore, in consideration of all the facts, Planning staff recommends that the appeal be denied, the decision of the Director's Determination be sustained, approve the Site Plan Review, and it be determined that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332 (Class 32) and there is no substantial evidence demonstrating that an exception to the Exemption pursuant to CEQA Guidelines, Section 15300.2 applies.