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August 27, 2020

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:

**2467-2471 SOUTH LINCOLN BOULEVARD; CF 20-0858**

The Los Angeles City Planning Commission approved Case No. CPC-2019-6069-CU-DB-CDP-CDO-SPP-MEL-WDI on May 28, 2020, a Determination Letter was issued on June 3, 2020.

Two appeals were filed for the approved entitlements related to Case No. CPC-2019-6069-CU-DB-CDP-CDO-SPP-MEL-WDI and one appeal was filed for the associated CEQA review under Case No. ENV-2019-6070-CE.

A summary of the appeal points and staff's responses are provided as follows:

**Appellant No. 1 – Archdiocese of Los Angeles, Michael Davitt**

A1-1 *The Project does not qualify for a Class 32 Categorical Exemption because the Project is not consistent with the applicable general plan policies, zoning designation and regulations. There are likely to be significant impacts related to construction noise.*

**Staff Response:**

The Appellant does not provide substantial evidence to support their claim that the Project does not qualify for the Class 32 categorical exemption. Finding No. 8 of the City Planning Commission (CPC) Determination provides a thorough discussion of the review of the project under the California Environmental Quality Act (CEQA). The Project is exempt under Public Resources Code, Section 21080.27(b)(1), a statutory exemption available for supportive housing projects within the City of Los Angeles and is also exempt pursuant to CEQA Guidelines Section 15532 (Class 32), a categorical exemption for infill development. Finding No. 8 addresses the requirements of the Class 32 exemption and includes the applicable policies of the Venice Community Plan, applicable zoning designation, and regulations. The Project is subject to Regulatory Compliance Measure

(RCM) RC-NO-1, which requires adherence to the Noise Ordinance. Finding No. 8 adequately discusses the environmental review for the Project.

- A1-2 *The Commission approved a Conditional Use permit. The proposed operations will not be compatible with the abutting St. Mark's Elementary School and does not conform to the provisions of the Venice Coastal Zone Land Use Plan or Specific Plan. The Commission erred in approving an incompatible land use (a social service counseling and referral center/Permanent Supportive Housing project) immediately abutting an Elementary School and Church.*

**Staff Response:**

The project site is zoned [Q]C2-1-CDO, both residential and commercial uses are permitted by right. The site is developed with a 2,056 square-foot auto repair shop and a 2,482 square-foot philanthropic use, offices for the Safe Place for Youth (SPY) organization. The existing SPY offices will be maintained and integrated into the proposed development.

The CPC approved a Conditional Use Permit to for an increase in density by 100 percent, to allow a total of 40 units in lieu of the 20 base density units. The required findings for the Conditional Use are outlined in Finding No. 1, which further states how the Project substantially conforms to the applicable provisions of the General Plan, Community Plan, and Specific Plan.

The Appellant contends the Commission erred in approving an incompatible use and cites previous public safety incidents related to the SPY offices. As previously discussed, the existing philanthropic office use is permitted in the C2 zone by right, not by conditional use. The proposed commercial and residential uses further conform to the provisions of the LUP, Specific Plan, and LAMC, as stated in Finding Nos. 1, 2, 3, and 5 of the Determination.

- A1-3 *The Commission approved a Waiver of Development Standards to permit a building height of 49 feet and to waive a required step-back, which is not consistent with the Venice Specific Plan.*

**Staff Response:**

Pursuant to LAMC Section 12.22-A.25(g)(3) Density Bonus Ordinance, the City Planning Commission's decision on Off-Menu Incentives and Waivers of Development Standards are final. Therefore, the CPC's decision to approve the Off-Menu Incentives and Waivers of Development Standards is not subject to appeal.

- A1-4 *The Commission approved a Coastal Development Permit. Policy I.E.2 (Scale) holds that "New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods." The subject project is clearly out of scale with the surrounding community.*

**Staff Response:**

The Appellant states the proposed development is "out of scale with the surrounding community" but does not provide substantial evidence to support the claim. Finding No. 3 of the Determination provides the required findings to approve a Coastal Development

Permit and adequately discusses how the Project is visually compatible with the character of the area, as required in Chapter 3, Section 30251 of the Coastal Act and that the Project is consistent with Policy 1.E.2 of the Venice Land Use Plan (LUP).

- A1-5 *The Commission approved a Community Design Overlay Plan Approval. The project is not harmonious in scale with existing development and does not provide adequate documentation to justify the full extent of the parking reduction.*

**Staff Response:**

The Appellant does not provide substantial evidence to support their claim. Finding No. 4 of the Determination provides a thorough discussion of the applicable provisions of the Lincoln Boulevard Community Design Overlay (CDO) and further states how, "The structure, site plan, and landscaping are harmonious in scale and design with existing development and any cultural, scenic, or environmental resources adjacent to the site and in the vicinity." Furthermore, Finding No. 2 of the Determination provides a discussion of the required findings in approving the Off-Menu Incentives for the reduced parking. As discussed in Staff Response to Appeal Point No. A1-3, the Off-Menu Incentives are not subject to appeal.

- A1-6 *The Commission approved a Project Permit Compliance Review. The Project is not in scale with the surrounding development, proposes a use that will be materially detrimental to the abutting elementary school, and does not provide the required parking.*

**Staff Response:**

The Appellant does not provide substantial evidence to support their claim. Finding No. 5 of the Determination provides a thorough discussion of the applicable provisions of the Specific Plan and further states how, "the Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and that the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood." Furthermore, Finding No. 2 of the Determination provides a discussion of the required findings in approving the Off-Menu Incentives for the reduced parking. As discussed in Staff Response to Appeal Point No. A1-3, the Off-Menu Incentives are not subject to appeal.

**Appellant No. 2 – Tracy Carpenter**

- A2-1 *The Project was unanimously approved and Commission President Samantha Millman and Commissioner Marc Mitchell participated in the vote. They each had a conflict of interest that required recusal.*

**Staff Response:**

The CPC approved a Conditional Use Permit, Density Bonus/Affordable Housing Off-Menu Incentives and Waivers of Development Standards, Coastal Development Permit, and a Community Design Overlay, Project Permit Compliance, and Mello Act Compliance Review for the proposed project. As provided in the CPC's Determination, the necessary Findings were made in approving the requested actions.

- A2-2 *California's Brown Act requires that land use decisions be decided at a meeting accessible to the public. Governor Newsom has relaxed some requirements for public meetings by way of Executive Order N-25-20 pertaining to COVID-19. Part 11 of that order requires that public meetings be accessible to the public and allow for public participation. The May*

*28, 2020 meeting did not comply with this requirement. Many people opposed to the project did not get to speak or even listen to the hearing.*

**Staff Response:**

A public meeting was held by the City Planning Commission on May 28, 2020, in accordance with the requirements of the Brown Act (beginning at Government Code Section 54950). The Appellant contends the meeting was not accessible to the public and that the public was not able to participate or provide public comment. As required by the Brown Act, a meeting agenda noting the date and time of the meeting was made available to the public more than 72 hours in advance of the meeting.

In regards to accessing the public meeting. Members of the public were provided several options to listen and participate in the meeting. The agenda provided instructions to dial (213) 621-2489 or (818) 904-9450 to listen to the meeting, or call 1 (669) 900-6833 and use Meeting ID No. 965 8745 5027 to listen and provide public comment.

In regards to public participation. Government Code Section 54954.3(b)(1) provides that "The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker." The Commission President provided instructions to the public, advising that up to 45 minutes would be set aside to hear comments in support of the Project and up to 45 minutes would be set aside to hear comments in opposition to the Project. Members of the public were also given the opportunity to submit comment letters, for consideration by the Commission.

- A2-3 *Municipal Code section 12.22.A.25 sets forth findings pertaining to density bonus and incentives. The City may not approve the density bonus and incentives relative to this project if the administrative record contains substantial evidence of a specific adverse impact. This record for this Project does contain such evidence.*

**Staff Response:**

Pursuant to LAMC Section 12.22-A.25(g)(3) Density Bonus Ordinance, the City Planning Commission's decision on Off-Menu Incentives and Waivers of Development Standards are final. Therefore, the CPC's decision to approve the Off-Menu Incentives and Waivers of Development Standards is not subject to appeal.

- A2-4 *The Project violates the Coastal Act because it does not provide enough parking. This Project is not consistent with the LUP policy and therefore does not qualify for reduced parking. Current plans contain only 6 parking spots for (up to 98) residents, 25 staff, 20 volunteers, and guests. According to the Venice Specific Plan, this project should have 104 spaces. Increased density should be self-sufficient, and not dependent on the neighborhood for what it is lacking (for example, parking). The fact that there is no loading dock for such a large building with commercial use on the ground floor, will negatively impact the neighborhood with large trucks parking in front of our homes.*

**Staff Response:**

The Project provides a total of six (6) parking spaces for the commercial use (office) and zero (0) parking spaces for the proposed dwelling units. The Appellant contends that adequate parking is not provided and a loading dock is required.

Density Bonus State Law, Government Code Section 65915(m) states:

“This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under this section shall be permitted in a manner that is consistent with this section and Division 20 (commencing with Section 30000) of the Public Resources Code.”

As provided in Density Bonus State Law, the “waivers or reductions of development standards, and parking ratios....shall be permitted in a manner that is consistent with...” the Coastal Act. As discussed in Finding No. 3 of the Determination, the reduced parking in consistent with the Chapter 3 policies of the Coastal Act and Policy 1.A.14 of the Venice LUP:

“The proposed development is located within a quarter-mile of local and regional bus lines (Culver City, Big Blue Bus and Metro Rapid) and adjacent to bicycle-friendly streets that connect to dedicated lanes on Washington Boulevard and other shared lanes. Furthermore, the 100 percent affordable housing project is comprised of supportive housing units that are not expected to have the same parking demand as market rate units. Fehr and Peers prepared a study, dated April 20, 2017, *Infill and Complete Streets Study Task 2.1A Local Affordable Housing Trip Generation Study*, that analyzed vehicle trip generation and parking demand of affordable housing project in the City. Based on a review of 42 affordable housing sites, the study found that trip generation and parking demand were lower than standard apartments, that “parking demand for senior, special needs, and permanent supportive affordable housing range from 0.20 to 0.48 spaces per unit and are lower than the parking requirements under the LAMC Affordable Housing Density Bonus Option 2 (LAMC 12.22A.25(d)(2)) for units restricted to low or very low income senior citizen or disabled (0.5 spaces per unit).” The proposed supportive housing project meets the definition of a Qualified Permanent Supportive Housing Project and satisfies the requirements outlined in LAMC Section 14.00 A.13. Pursuant to LAMC Section 14.00 A.13(d)(2)(i), no parking spaces are required for the dwelling units set aside for the Target Population (supportive housing for chronically homeless individuals). As such, the proposed zero residential parking spaces is consistent with the policies for affordable housing and reduced parking of the LUP.”

The project is comprised of affordable housing, associated with a reduced demand for parking and is located in an area proximate to alternative modes of transportation such as bike lanes and local and regional bus lines.

Furthermore, the proposed development is not required to provide a loading space. LAMC Section 12.21-C.6(a) states:

“A loading space shall be provided and maintained on the same lot with every hospital, hotel, or institution building. A loading space shall be provided and maintained on the same lot with every building in the C or M Zones where the lot on which said building is located abuts an alley, provided that when the lot is occupied by a use, such as a service station or a drive-in business, in which the building covers less than the total buildable area, a suitable loading space must be

provided, but it need not comply with all the provisions of this section if its location, size and means of access are approved by the Department of Building and Safety.”

The Project does not consist of a hospital, hotel, or institution building and the subject site does not abut an alley. As such, a loading space is not required.

A2-5 *The Project is not visually compatible with the character of the surrounding areas. It is not compatible in scale or character with the existing neighborhood and it will be detrimental to adjoining lots and the immediate neighborhood. This Project overlooks an elementary school and single-family residences. This project sets a dangerous precedent of height, scale, density, and lack of parking.*

**Staff Response:**

The Appellant states the proposed development is “not compatible in scale or character with the existing neighborhood...” but does not provide substantial evidence to support the claim. Finding No. 3 of the Determination provides the required findings to approve a Coastal Development Permit and adequately discusses how the Project is visually compatible with the character of the area, as required in Chapter 3, Section 30251 of the Coastal Act and that the Project is consistent with Policy 1.E.2 of the Venice Land Use Plan (LUP).

Planning staff recommends that the PLUM Committee and City Council deny the appeals and sustain the Determination of the City Planning Commission to approve the requested actions for the proposed Project. Upon in-depth review and analysis of the issues raised by the appellants, no substantial evidence exists of errors or abuse of discretion committed by the City Planning Commission in regards to the appeal points raised. The appeals cannot be substantiated and therefore should be denied.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

  
Juliet Oh  
Senior City Planner

VPB:FR:JO