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August 29, 2025

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:

**APPEAL RESPONSE FOR CASE NO. CPC-2024-914-DB-SPPC-VHCA FOR THE PROPERTY  
LOCATED AT 5416-5418, 5420, 5424-5428, AND 5430 WEST CARLTON WAY; CF 25-0811**

On June 25, 2025, the City Planning Commission acted on Case No. CPC-2024-914-DB-SPPC-VHCA, approved the project located at 5416-5418, 5420, 5424-5428, and 5430 West Carlton Way, and adopted Categorical Exemption No. ENV-2024-915-CE, determining that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Class 32 (In-Fill Development Project), 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. The project includes the demolition of seven (7) existing residential buildings and accessory uses, with 25 dwelling units and the construction, use and maintenance of a new 131-unit apartment building with 15 units restricted to Very Low Income Households. An existing eight (8)-unit apartment building will remain, and there will be a total of 139 units on an approximately 37,688.3 square-foot (0.87 acre) site within Subarea A (Neighborhood Conservation) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan.

Two appeals by two aggrieved parties were subsequently filed. On June 27, 2025, the Department of City Planning received one appeal of the City Planning Commission's decision to conditionally approve a Density Bonus/Affordable Housing Incentive Program Compliance Review with three (3) Off-Menu Incentives and seven (7) Waivers of Development Standards and a Specific Plan Project Compliance determination. Richard Drury, Lozeau Drury LLP (Appellant No. 1), on behalf of Supporters Alliance for Environmental Responsibility (SAFER), filed the appeal.

On July 8, 2025, the Department of City Planning received a second appeal of the City Planning Commission's decision from Justin Maurer and Noemi Santo (Appellant No. 2), on behalf of the Carlton Serrano Tenants Association.

Pursuant to Section 12.22 A.25(g)(3)(i)(b) of Chapter 1 of the LAMC and Section 13A.2.10. E. of Chapter 1A of the LAMC, the decision of the City Planning Commission is final regarding Density Bonus decision including the three (3) Off-Menu Incentives and seven (7) Waivers of Development Standards. Therefore, only the Specific Plan Project Compliance entitlement is eligible for appeal.

Appeals were not filed by any other aggrieved parties, other than the aforementioned.

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

**Appellant No. 1, Supporters Alliance for Environmental Responsibility (SAFER):**

A-1 *The project does not qualify for a Class 32 (In-Fill Project) Categorical Exemption as the project results in significant environmental impacts, including air quality overall and related to traffic congestion.*

On June 24, 2025, the City Planning Commission adopted a Class 32 Categorical Exemption (Class 32 CE) for the subject case (Environmental Case No. ENV-2025-915-CE), which found that the subject project is exempt from the California Environmental Quality Act (CEQA). According to the State CEQA Guidelines, Section 15332, Class 32 (Infill Development Project), a Class 32 CE may be used for infill development projects within an urbanized area provided that the project 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;
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered, rare or threatened species;
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) The site can be adequately served by all required utilities and public services.

Additionally, the State CEQA Guidelines provide that a Class 32 CE may not be used if any of the following five (5) exceptions apply: (a) cumulative impact; (b) significant effect; (c) scenic highways; (d) hazardous waste sites; and (e) historical resources.

A local agency's determination that a project falls within a categorical exemption is presumed to be valid so long as substantial evidence supports the City's determination that all of the Class 32 requirements have been met. The City has met its burden by preparing a robust and detailed Notice of Exemption and Class 32 Justification. Once this initial threshold analysis has been met, the burden shifts to the challenging party to produce evidence showing that one of the exceptions applies to take the project out of the exempt category. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086; *San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1022-23.) Here, the Appellant has not met its burden as substantial evidence was not submitted in the administrative record to conclude that the proposed project does not qualify for a Class 32 CEQA Exemption.

As detailed in the Class 32 Justification for Project Exemption Case No. ENV-2024-915-CE, the proposed project meets all criteria to qualify as an infill site under the Class 32 CEQA Exemption, California Environmental Quality Act & CEQA Guidelines Section

15332, and none of the exceptions under CEQA Guidelines Section 15300.2 applies. The Appellant has submitted no evidence or reasoning as to why the proposed project does not qualify for a Class 32 CEQA Exemption.

As set forth in the administrative record, the proposed project and other projects in the vicinity area are subject to Regulatory Compliance Measures (RCMs) related to air quality, noise, hazardous materials, geology, and transportation. Numerous RCMs in the City's Municipal Code and State law provide requirements for construction activities and ensure impacts from construction-related air quality, noise, traffic, and parking are less than significant. For example, the South Coast Air Quality Management District (SCAQMD) has District Rules related to dust control during construction, type, and emission of construction vehicles, architectural coating, and air pollution. All projects are subject to the City's Noise Ordinance No. 144,331, which regulates construction equipment and maximum noise levels during construction and operation. Furthermore, the Applicant submitted a noise and vibration study, and an air quality study prepared by Douglas Kim + Associates, LLC that demonstrated the proposed project will not have a significant impact upon the environment. The Applicant also submitted a transportation assessment, prepared by Gibson Transportation Consulting, Inc., which also concluded that the project will not have a significant impact upon the environment. The Department of Transportation (LADOT) reviewed the transportation assessment and concurred with the conclusions in the report per an interdepartmental correspondence dated April 12, 2024. All the technical studies can be found in Case No. ENV-2024-915-CE.

In conclusion, the Appellant has failed to provide substantial evidence demonstrating that the Class 32 Categorical Exemption for the Project is deficient. The CEQA Determination includes substantial evidence that the Class 32 Categorical Exemption applies to the proposed project and that no exceptions to the categorical exemption apply.

For the reasons explained above, the City Planning Commission's decision was appropriate, and the Class 32 Categorical Exemption adequately addresses all impacts relative to the proposed project at 5416-5418, 5420, 5424-5428, and 5430 West Carlton Way. As such, the City Planning Commission did not err when determining that the Project was exempt from CEQA, pursuant to CEQA Guidelines Section 15332, and this appeal point is without merit.

- A-2 *Due to the inadequate CEQA analysis, the approval of the Project's Site Plan Review entitlements was approved in error and the City lacks substantial evidence to support its findings for the Site Plan Review entitlement.*

The Application's request is for a Density Bonus Compliance Review and a Specific Plan Project Compliance Review. There is no Site Plan Review or Project Review entitlement triggered for this Project under LAMC Chapter 1 Section 16.05. Therefore, this appeal point is irrelevant to the Application.

**Appellant No. 2, Carlton Serrano Tenants Association:**

- A-1 *The project does not qualify for a Class 32 (In-Fill Project) Categorical Exemption as the project results in significant environmental impacts, including public health impacts, heat island effects due to the loss of protected trees, air quality impacts, and historic resources impacts.*

As detailed in the Class 32 Justification for Project Exemption Case No. ENV-2024-915-CE, the proposed project meets all criteria to qualify as an infill site under the Class 32

CEQA Exemption, California Environmental Quality Act & CEQA Guidelines Section 15332. The Applicant submitted several studies including a noise and vibration study and an air quality study prepared by Douglas Kim + Associates, LLC that demonstrated the proposed project will not have a significant impact upon the environment.

The project site and existing structures were not found to be historically significant under the California Environmental Quality Act. The site and existing structures have 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 HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Furthermore, a Historic Resources Assessment prepared by Chronical Heritage was also submitted and reviewed by the Office of Historic Resources, which confirmed that the existing structures on-site are not considered historic resources under CEQA.

The Appellant has failed to provide substantial evidence demonstrating that the Class 32 Categorical Exemption for the Project is deficient. The CEQA Determination includes substantial evidence that the Class 32 Categorical Exemption applies to the proposed project and that no exceptions to the categorical exemption apply.

For the reasons explained above and under Staff response to Appeal Point 1, the City Planning Commission's decision was appropriate, and the Class 32 Categorical Exemption adequately addresses all impacts relative to the proposed project at 5416-5418, 5420, 5424-5428, and 5430 West Carlton Way. As such, the City Planning Commission did not err when determining that the Project was exempt from CEQA, pursuant to CEQA Guidelines Section 15332, and this appeal point is without merit.

- A-2 *The project does not comply with the applicable regulations, findings, standards and provisions of the Vermont/Western SNAP Specific Plan. The Project is exploiting zoning regulations.*

The proposed project requests the use of State Density Bonus Law under Government Code Section 65915, which allows for additional density and incentives, concessions and waivers of development standards in exchange for the provision of covenanted affordable units. The project's Density Bonus/Affordable Housing Incentive Program Compliance Review request includes three (3) Off-Menu Incentives and seven (7) Waivers of Development Standards. These incentives provide the developer relief from developmental standards, including deviations from the SNAP building setbacks, minimum roofline breaks, maximum lot combination, minimum setbacks, and minimum open space area requirements and provide for the cost of providing the affordable units. The waivers of development standards are requested because the affordable units would be physically precluded from being built if the waivers are not granted.

The Applicant was required to file for a Specific Plan Project Compliance determination to determine conformance with the SNAP. Through compliance with State Density Bonus Law, which supersedes local laws, the Project was found to be compliant with the Vermont/Western SNAP as the Project meets the Density Bonus requirements and is granted relief for these development standards through the Density Bonus incentives and waivers of development standards.

- A-3 *The Project's Applicant and Representative's fraudulent history – more oversight and transparency are needed.*

This appeal point does not identify how the Project does not meet the findings necessary to approve the requested Density Bonus Compliance Review or Specific Plan Project Compliance Review. This statement is not germane to the land use application before the City.

A-4 *The Project is not compliance with “No Net Loss” laws, RSO protection, fair replacement mandates, net loss of affordable housing and displacement of tenants.*

The project includes the demolition of 25 units that are protected under the Rent Stabilization Ordinance. The project includes a new 131-unit apartment building with 15 units restricted to Very Low Income Households and an existing eight (8)-unit apartment building, for a total of 139 units. The project has been conditioned to record a covenant with the Los Angeles Housing Department (LAHD) to make 15 units available for Very Low-Income Households to ensure the applicant sets aside the required number of affordable housing for the project.

The project is subject to the replacement requirements under the Housing Crisis Act (SB 8). The Los Angeles Housing Department (LAHD) reviewed all of the existing structures at the subject site and determined, per the Housing Crisis Act Replacement Unit Determination (RUD), dated June 3, 2024, that 11 units are subject to the replacement pursuant to the requirements of the HCA, including seven (7) units set aside for habitation by Very Low Income Households and four (4) units set aside for habitation by Low Income Households. Fifteen units are being set aside for habitation by Very Low Income Households proposed through Density Bonus and the project will be required to comply with all the applicable regulations set forth by LAHD. As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Sections 65915(c)(3) (State Density Bonus Law) and 66300 (Housing Crisis Act of 2019). The existing tenant protections under the Housing Crisis Act are available to the tenants on site, including the right to remain and the right to return.

Planning Staff has conditioned the project to adhere to the requirements outlined in the RUD letter, ensuring that 15 units are reserved for the specified affordability levels. In accordance with Condition No. 3 of the Letter of Determination, the project is required to comply with the terms of the RUD letter, dated June 3, 2024, to the satisfaction of LAHD. Furthermore, under Condition No. 6 of the Letter of Determination, the project owner must secure LAHD's approval for the replacement of affordable units. Therefore, the City Planning Commission's approval was appropriate.

The request before the Planning Department was a consideration of a Density Bonus determination. The project complies with the applicable regulations and conditions, such as Condition No. 3 and Condition No. 6 of the Letter of Determination, set forth by the Vermont/Western SNAP Regulations and the Density Bonus/Affordable Housing Incentive Program Compliance Review, including provisions for replacing affordable units and ensuring that the tenants impacted by this development are provided with appropriate relocation assistance and the right to remain and the right to return under the Ellis Act, SB 330 and SB 8. With regard to relocation assistance, the City's Relocation Consultant will be engaged to provide transportation and support during the relocation process, as required by LAMC Section 47.07.

A-5 *Destruction of historically significant housing; adverse environmental impact and potential health risks; request for a rigorous Environmental and Social Impact Review – AB 1001 – CEQA equity consideration law; and traffic, transportation and street parking infrastructure, employee retention.*

As detailed in the Class 32 Justification for Project Exemption Case No. ENV-2024-915-CE, the proposed project meets all criteria to qualify as an infill site under the Class 32 CEQA Exemption, California Environmental Quality Act & CEQA Guidelines Section 15332. Assembly Bill 1001 raised by the Appellant was introduced during the 2021-2022 California legislative session, and sought to address environmental justice through the CEQA review process. However, the bill ultimately did not pass. In addition, SB 743 (2013) eliminated aesthetics and parking as significant impacts for infill projects.

The project site and existing structures were not found to be historically significant under the California Environmental Quality Act. The site and existing structures have 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 HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Furthermore, a Historic Resources Assessment prepared by Chronical Heritage was also submitted and reviewed by the Office of Historic Resources, which confirmed that the existing structures on-site are not considered historic resources under CEQA.

As detailed in the Class 32 Justification for Project Exemption Case No. ENV-2024-915-CE, the proposed project meets all criteria to qualify as an infill site under the Class 32 CEQA Exemption, California Environmental Quality Act & CEQA Guidelines Section 15332, and none of the exceptions under CEQA Guidelines Section 15300.2 applies. The Appellant has not submitted substantial evidence as to why the proposed project does not qualify for a Class 32 CEQA Exemption. Therefore, the City Planning Commission did not err when determining that the Project was exempt from CEQA, pursuant to CEQA Guidelines Section 15332.

### Conclusion

Planning Staff recommends that the PLUM Committee and City Council deny the appeal and sustain the Determination of the City Planning Commission to determine that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Class 32 (In-Fill Development Project); approve the Specific Plan Compliance determination; adopt the Conditions of Approval; and adopt the Findings.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

*Chi Dang* for

Danalynn Dominguez  
City Planner

VPB:JC:DK:DD