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April 1, 2026

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 OF CASE NO. CPC-2024-5548-DB-PR-HCA, FOR PROPERTY LOCATED AT 2930 – 2936 South Sepulveda Boulevard; CF 26-0185

The project is the construction, use, and maintenance of a 71-foot high, six story, 77-unit residential development including 12 units set aside for Very Low-Income Households, and two subterranean parking levels including 84 parking spaces. The project includes a total Floor Area of 74,282 square feet with a 2.99:1 FAR. There are no existing trees on site, however there are two (2) existing trees within the public right-of-way adjacent to the subject property proposed to remain. There is an existing one-story commercial office building and surface parking lot proposed to be demolished, and a haul route for the export of approximately 9,771 cubic yards of soil proposed as a part of the project.

On December 11, 2025 the City Planning Commission (“CPC”) approved the requested Density Bonus, and Project Review under Case No. CPC-2024-5548-DB-PR-HCA. The CPC also determined that the Project is statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.66 and the provisions in Assembly Bill (AB) 130. The CPC’s Letter of Determination was issued on January 15, 2026, which established an appeal period ending on January 30, 2026.

On January 28, 2026, within the required 15-day appeal period, an appeal was filed by Pam Rieder for 2990 S. Sepulveda, LLC against the City Planning Commission’s determination of the part of the decision. (See Council File No. 26-0185). The Density Bonus is not further appealable; therefore, the items eligible for City Council consideration are appeals against the Project Review, Condition 43, and the determination that the project is exempt from CEQA pursuant to Public Resource Code Section 21080.66 and the provisions in Assembly Bill (AB) 130. In the instant appeal, the appellant submitted appeal points related to an existing wireless telecommunication facility located on the roof of a neighboring property.

It should be noted the appeal justification submitted raises concern over the potential impact the height of the proposed development will have on the signal of an existing wireless

telecommunications facility located on the roof of the three-story medical facility located across the alley to the south of the subject property.

Appeal Point No. 1:

The Project, constructed to a height of 71 feet, will block coverage of existing wireless antennas sited at 2990 S. Sepulveda Boulevard serving wireless customers located north of 2990 S. Sepulveda, resulting in dropped service in areas that currently receive service with a signal power of -95 dBm or greater, including the 405/10 interchange.

The reduction in signal power will result in a significant change in the existing line-of-sight radio wave transmission path, creating gap areas in reliable wireless service for both T-Mobile and Verizon, resulting in signal disconnects and lower data transmission speeds.

First Responders utilizing the Verizon Frontline Network or the T-Mobile T-Priority Network, who are in the shadow of the proposed structure at 2930 S Sepulveda will have their communications interfered with and interrupted at the intersection of the I-405 and I-10 freeway and north and east along I-405.

Staff Response:

The subject property is an irregularly shaped lot, consisting of three parcels, totaling approximately 25,756 square feet (0.591 net acres). The subject property has approximately 130 feet of frontage along the east side of Sepulveda Boulevard and a varied depth of approximately 198 feet along the northerly property line and approximately 194 feet along the southerly property line. The site is currently improved with a one-story commercial office building and a surface parking lot which will be demolished for the project.

The project site is located in the West Los Angeles Community Plan and is designated for Community Commercial land uses, with corresponding zones of CR, C2, C4, RAS3, RAS4, P, and PB. The site is split zoned with the C2-1VL zone along the westerly half of the site and the R4P-1 zone along the easterly half of the site and is consistent with the land use designation. C2-1VL which allows a maximum height of 45 feet and three-stories, and R4P-1 which allows for unlimited height. The applicant has requested an incentive through State Density Bonus law to allow an increase in building height to 71 feet and six-stories. As proposed, the increased building height will allow the developer to expand the building envelope to allow for the construction of the affordable residential units and floor area, whose rents will provide for the operational costs of the affordable units. It is noted that the increase in height is only necessary for the westerly half of the project site zoned C2-1VL as the remaining easterly half of the site zoned R4P-1 is allowed unlimited height.

Pursuant to case number ZA-2001-5488(CU) approved by the Zoning Administration on August 8, 2001, the approval of the appellant's Conditional Use Permit to allow the construction of the Wireless telecommunication facility on the roof of their building is ancillary to the primary established use of the property, a medical office building. In general, Conditional Use approvals do not pre-empt abutting properties from taking advantage of their fundamental right to build to heights allowed by law. Citywide, wireless telecommunication facilities have been adjusted, enhanced, or relocated whenever abutting property owners exercise their right to build to heights allowed by law. In this instance, the placement of wireless equipment on the appellants building does not negate the land use rights of abutting owners and neighboring properties, nor does it preclude the use of local regulations or State Density Bonus Law.

Appeal Point No. 2:

Appellant's recommended revisions to Condition of Approval (43) represent a more realistic estimate of initial fees and costs associated with the City's defense in the event of a third-party challenge to the City's Project approvals.

Staff Response:

Condition No. 43 on the City Planning Commission's determination dated January 15, 2026 as approved at their meeting on December 11, 2025 is the City's standard indemnification clause applied to all discretionary development projects within the City of Los Angeles which states:

43. 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.

The appellant has opposed section (iii) of this clause and proposed that the project applicant be required to submit a \$350,000 deposit to the City for the City's litigation costs in lieu of the \$50,000 otherwise required. As the clause states in part, “The initial deposit shall be an amount set by the City Attorney’s Office, **in its sole discretion**, based on the nature and scope of action...”. The City Attorney’s office has not requested any deposit be made in excess of the standard fee required by any other development project. Further, the appellant has provided no evidence that would support the City arbitrarily increasing this fee by \$300,000.

Appeal Point No. 3:

The City’s determination that the Project is eligible for the new statutory infill housing exemption, further, is contrary to law and should be set aside because the Project fails to satisfy the threshold eligibility requirements of Public Resources Code section 21080.66, as the Project is inconsistent with the City’ General Plan.

Staff Response:

On October 22, 2025, the Planning Department determined that the subject project is Statutorily Exempt from environmental review under California Public Resource Code (PRC) § 21080.66 (Assembly Bill [AB] 130, 2025).

A project qualifies for a Statutory Exemption if it is developed as a Housing Development Project as defined as § 65905.5(b) of the California Government Code (Govt. Code) and meets the following eligibility criteria and procedural requirements in PRC § 21080.66 (including as terms are defined in that section):

As stated in the CPC determination letter, the project is the construction, use, and maintenance of a 71-foot high, six story, 77-unit residential development including 12 units set aside for Very Low-Income Households, and two subterranean parking levels including 84 parking spaces. The project includes a total Floor Area of 74,282 square feet with a 2.99:1 FAR. There are no existing trees on site, however there are two (2) existing trees within the public right-of-way adjacent to the subject property proposed to remain. There is an existing one-story commercial office building and surface parking lot proposed to be demolished, and a haul route for the export of approximately 9,771 cubic yards of soil proposed as a part of the project.

As a qualifying Housing Development Project as defined in Section 65905.5(b) of the California Government Resource Code, the project qualifies for the Statutory CEQA Exemption pursuant to California Public Resource Code Section 21080.66 as described below:

SITE AND ENVIRONMENTAL CRITERIA

- a. *Site is 20 acres or less.*

The project site is approximately 0.593 acres pre-dedications per the Zone Information & Map Access System (ZIMAS).

- b. *Site is previously developed with or 75 percent of the perimeter of the site adjoins parcels developed with urban uses.*

The site was previously developed with a commercial bank since 1961.

The surrounding neighborhood is characterized by commercial, institutional, and multi-family residential, with single-family to the rear of the subject site. The property adjacent to the north is in the C2-1VL and R4P-1 Zone and developed with a 4-story school, with a 5-story residential development just north of the school in the (T)(Q)RAS4-1 Zone. The properties to the east across the alley are zoned R1-1 and developed with single-story single-family homes. The property to the south across the alley is zoned C2-1VL and is developed with a three-story medical facility. Properties to the west across Sepulveda Boulevard are zoned C2-1VL and are developed with single-story commercial uses.

- c. *Project is consistent with General Plan and Zoning; if the plan or zone is inconsistent, then consistent with the plan or the zoning.*

The project site is located in the West Los Angeles Community Plan Area and has a General Plan Land Use Designation of Community Commercial. As shown in the case file, the project is consistent with the applicable West Los Angeles Community Plan designation and policies and all applicable zoning designations and regulations.

The project seeks a density bonus request with two on-menu incentives, one off-menu incentive and two waivers of development standards that are established in the Los Angeles Municipal Code (LAMC). Additionally, the project requires a Project Review as a development that creates more than 50 new residential dwelling units. The project meets the requirements of the State and City density bonus law. Excluding the incentive and waiver requests to deviate from the LAMC standards,

- d. *Density is 15 dwelling units/acre (for City of Los Angeles) or more.*

The Project proposes 77 dwelling units and the site is approximately 0.591 acres, making the proposed density approximately 130 dwelling units per acre.

- e. *Not located within a Coastal Zone, farmland, wetlands (defined by USFW), VHFHSZ unless mitigation exists, hazardous waste site listed pursuant to PRC 65962.5 or DTSC pursuant to H&S Code 25356 – unless site has been cleared for residential use, earthquake fault zone, special flood hazard area, regulatory floodway, habitat conservation plan, habitat for protected special status species, conservation easement.*

The project site is not located within a coastal zone, farmland, wetlands (as defined by USFW), very high fire hazard severity zone unless mitigation exists, hazardous waste site listed pursuant to PRC 65962.5, earthquake fault zone, special flood plain, floodway, habitat conservation plan, habitat for protected special status species, or conservation easement.

- f. Not demolishing designated historic resource (designated before preliminary application).*

The project site was not identified on SurveyLA, the citywide Historic Resources Database of Los Angeles, as a potential individual resource. Therefore, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

- g. No portion of the project is for hotel, motel, other transient lodging (not including residential hotel or resident use as short-term lodging).*

No portion of the Project shall be used for hotel, motel, or other transient lodging.

PROCEDURAL CRITERIA

- a. Tribal Notification/Consultation*

The City has met the tribal notification and consultation requirement as evidenced in the case file. This includes the City providing formal notification via certified mail to each California Native American Tribe that is traditionally and culturally affiliated with the project as an invitation to consult on the proposed project, its location, and the project's potential effects on tribal cultural resources. Additionally, this includes adhering to the requisite number of days for a tribe to request consultation and to accept the invitation to consult, and the City to initiate and close consultation.

- b. As a condition of approval, the applicant will be required to submit a Phase 1 Environmental Site Assessment (ESA) to identify any potential exposures to hazardous conditions. If necessary, mitigated to current federal and state standards.*

A Phase 1 Environmental Site Assessment (ESA), prepared by Partner Engineering and Science Inc., dated April 30, 2012 was submitted into the public administrative record. The ESA did not reveal evidence of recognized environmental conditions in connection with the subject property. The subject property historically appeared to be utilized for agricultural purposes prior to the construction of the existing structure. There is a potential that agriculturally related chemicals: pesticides, herbicides, and fertilizers may have been used and stored on site. The subject property is currently developed with a commercial building with paved parking areas and landscaped areas. During development activities at the subject property, near surface soils (where residual pesticide concentrations would have most likely been present, if at all) would have been mixed with fill material or disturbed during grading. Also, it is common that engineered fill material was placed over underlying soils as part of the development activities. Furthermore, it is likely that residual pesticides (if any) would have degraded since the subject property was last utilized for agricultural purposes. Therefore, the former agricultural use of the subject property is not expected to represent a significant environmental concern.

Based on the construction date of the subject building, it is possible that asbestos-containing materials (ACMs) are present on the subject property. Overall, suspect ACMs were observed in good condition and do not pose a health and safety concern to the occupants of the subject property at this time. Suspect ACMs should be sampled prior to repair, renovation, or demolition activities.

Based on the conclusions of this assessment, Partner Engineering and Science recommends the following:

An Operations and Maintenance (O&M) Program should be implemented in order to safely manage the suspect ACMs located at the subject property.

As required by Conditions 31, 32, and 33 of this determination, the project is conditioned to satisfy this recommendation.

c. Freeway – Additional Conditions of Approval for Projects within 500 feet of a Freeway.

The subject site is within 500 feet of a freeway and therefore conditions of approval for the freeway proximity requirements will ensure that applicants provide HVAC, filtration, and other related design specifications to Los Angeles Department of Building and Safety (LADBS) to ensure compliance.


Again, AB 130 exempts from CEQA review for qualifying infill housing developments, that are new development projects on vacant or underutilized land within an existing development scheme, that meet local planning and zoning standards and are not located on hazardous or environmentally sensitive sites. ~~Unlike prior exemptions,~~ AB 130 does not require affordable housing developments, ~~require payment of~~ pay prevailing wage (except for buildings over 85 feet in height and certain projects in San Francisco), cap the number of units in a project, or require proximity to major public transit facilities. AB 130 is an absolute “statutory” exemption that excludes a project from CEQA consideration regardless of the potential for environmental impacts. It is not subject to disqualifying exceptions to the exemption like, for example, a Class 32 categorical exemption for infill development.

Conclusion

Staff recommends that the PLUM Committee recommend to City Council to deny the submitted appeal and sustain the City Planning Commission’s action in approving CPC-2024-5548-DB-PR-HCA. Pursuant to Public Resources Code (PRC) Section 21080.66 and the provisions in Assembly Bill (AB) 130, that the Project is statutorily exempt from the California Environmental Quality Act (“CEQA”) as a residential infill development.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning


Theodore L. Irving, AICP
Principal City Planner

VPB:TLI:CC:KW

Enclosures

Attachment 1: Staff Recommendation Report to City Planning Commission, dated December 11, 2025