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June 12, 2024

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:

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) APPEAL OF CASE NO. ENV-2023-1540-SCEA-1A; COUNCIL FILE No. 24-0133

The project involves the partial maintenance and partial demolition of an existing multi-family residential complex for the construction of a new eight-story multi-family residential building with 108 new residential units, resulting in a total of 152 units (equal to a net increase of 80 units). Sixteen (16) units will be set aside for Very Low Income households and two (2) units will be set aside for Low Income households. The Project will provide a total of 99 vehicle parking spaces.

At its meeting of December 14, 2023, the Los Angeles City Planning Commission approved the following in conjunction with the proposed project:

- 1. Found**, pursuant to Public Resources Code (PRC), Section 21155.2, after consideration of the whole of the administrative record, including the SB 375 Sustainable Communities Environmental Assessment, No. ENV-2023-1540-SCEA ("SCEA"), and all comments received, after imposition of all mitigation measures there is no substantial evidence that the project will have a significant effect on the environment; **Found** the project is a "transit priority project" as defined by PRC Section 21155 and the project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior EIR(s), including SCAG 2020-2045 RTP/SCS EIR Schedule No. 20199011061; **Found** all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA; **Found** with respect to each significant effect on the environment required to be identified in the initial study for the SCEA, changes or alterations have been required in or incorporated into the project that avoid or mitigate the significant effects to a level of insignificance or those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; **Found** the SCEA reflects the independent judgment and analysis of the City; **Found** the mitigation measures have been made enforceable conditions on the project; and **Adopted** the SCEA and the Mitigation Monitoring and Reporting Program prepared for the SCEA;
- 2. Approved**, pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC), a Density Bonus Compliance Review to permit a housing development project consisting of a

total of 152 residential units (including 108 new units and 44 existing units to remain), of which a minimum of 16 will be set aside for Very Low Income households, and with the following Off-Menu Incentives and Waivers of Development Standards:

- a. An Off-Menu Incentive to permit parking stall widths of eight feet six inches without a 10-inch increase where obstructions occur on either side of the longer dimension;
- b. An Off-Menu Incentive to permit vehicle ingress and egress along a designated Collector roadways;
- c. An Off-Menu Incentive to allow 10,181 square feet of open space in lieu of the otherwise required 13,575 square feet of open space;
- d. A Waiver to allow a maximum floor area ratio (FAR) of 3.12:1 in lieu of the otherwise permitted 3:1;
- e. A Waiver to allow a maximum building height of 95 feet in lieu of the otherwise permitted height;
- f. A Waiver to allow an easterly side yard setback of zero feet in lieu of the otherwise required 11 feet;
- g. A Waiver to allow a westerly side yard setback of zero feet in lieu of the otherwise required 20 feet; and
- h. A Waiver to allow a rear yard setback of five feet in lieu of the otherwise required 15 feet.

Subsequently, on February 2, 2024, a CEQA appeal was filed by an aggrieved party (Supporters Alliance for Environmental Responsibility (SAFER), a community organization, "Appellant") to the City Council (Case Number ENV-2023-1540-SCEA-1A; Council File Number 24-0133) challenging the Los Angeles City Planning Commission's adoption of a Sustainable Communities Environmental Assessment (SCEA) as the project's environmental clearance.

APPEAL SUMMARY

The appellant contends that the City improperly approved the Site Plan Review, Off-Menu Density Bonus Incentives, and Waivers of Development Standards request for the project because the project was not properly analyzed under CEQA. The appellant further alleges that the SCEA fails to adequately analyze the project's environmental impacts and fails to incorporate all feasible mitigation measures to reduce the project's impacts. The appellant does not address any specific project impacts, but states that by failing to conduct environmental review under CEQA, the City lacks substantial evidence to support the necessary findings for the proposed project.

APPEAL ANALYSIS

Prior to the City Planning Commission's meeting on December 14, 2023, the SCEA was published and circulated for comments from October 5, 2023, to November 6, 2023. During the comment period SAFER submitted comments dated November 2, 2023 and subsequently, submitted additional comments dated November 20, 2023, regarding the SCEA, alleging that the SCEA "lacks substantial evidence to support its conclusions that the Project will have less than significant air quality impacts" and that the SCEA does not "comply with CEQA because it fails to incorporate 'all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports,' namely, the 2020 Connect SoCal Program EIR."

With the approval of the proposed project, the City Planning Commission determined that there was no substantial evidence of any insufficiencies in the SCEA and that the project's potential environmental impacts have been appropriately analyzed, with the conclusion that the project will not have any significant impacts with the incorporation of certain mitigation measures. The applicant's environmental consultant has responded to the comments in more detail in the

correspondence dated November 2023 and included in the Council File. In summary, the SCEA incorporates all applicable mitigation measures; the SCEA identifies all nearby related projects and analyzes all potential cumulative impacts; and the SCEA appropriately analyzes all air quality, noise, construction, and traffic impacts, and concludes that there will not be any significant impacts. For the appeal herein, SAFER has submitted primarily the same comments that were previously submitted to and evaluated by the City Planning Commission.

Additionally, it should be noted that the project request and approval did not include a Site Plan Review entitlement as the Appellant references in the appeal justification submitted to the record. The project includes a request for a Density Bonus Compliance Review with Off-Menu Incentives and Waivers of a development standards which is not further appealable.

In conclusion, the Appellant has failed to provide substantial evidence demonstrating that the SCEA prepared for the project is deficient. Planning has evaluated the proposed project and determined that the SCEA appropriately analyzes the project's environmental impacts under CEQA and that no further analysis is necessary. Therefore, the SCEA adequately addresses all impacts relative to the proposed project located at 1201 North Gower Street.

RECOMMENDATION

Staff recommends that the PLUM Committee recommend for City Council to **deny** the appeal; **sustain** the Los Angeles City Planning Commission's approval of the project; and **adopt** the SCEA as the project's environmental clearance.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Michelle Carter
City Planner