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November 29, 2023

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:

SUPPLEMENTAL REPORT REGARDING APPEAL OF CASE NO. CPC-2019-2567-GPAJ-VZCJ-HD-CUB-SPR-1A FOR PROPERTY LOCATED AT 3431-3455 WEST 8TH STREET (749-767 SOUTH HARVARD BOULEVARD, 744-762 SOUTH HOBART BOULEVARD) WITHIN THE WILSHIRE COMMUNITY PLAN; CF 22-1593-S2

The project involves the demolition of an existing single-family unit, commercial buildings, and parking lot for the construction, use, and maintenance of a mixed-use building containing 251 residential dwelling units, with 13 units set aside for Extremely Low Income Households and 16 units set aside for Very Low Income Households and 61,500 square feet of commercial/office floor area, with a maximum 4.64:1 Floor Area Ratio.

At its meeting of May 25, 2023, the City Planning Commission approved the project and issued a Letter of Determination on August 29, 2023. Subsequently, Victoria Yundt of Lozeau Drury LLP on behalf of the Supporters Alliance for Environmental Responsibility (SAFER), as well as one additional appellant, Nam Kim, on behalf of themselves and the Voice of Wilshire Koreatown Community, appealed the project's Site Plan Review entitlement approved by the City Planning Commission.

Following the City Planning Commission's issuance of the Letter of Determination, SAFER appealed the project's environmental clearance, a Sustainable Communities Environmental Assessment ("SCEA"). For the appeal herein, the appellant submitted the same comments that were previously submitted to and evaluated by the City Planning Commission. Responses to the appellant's comments are provided in detail by the applicant's environmental consultant, Envicom Corporation, in correspondence previously submitted to the City Planning Commission and also included in the subject council file.

SAFER contends that the City improperly approved the Site Plan Review request for the project because the project does not qualify for a SCEA and thus was not properly analyzed under CEQA. The appellant specifically states that the project does not qualify for a SCEA because the project will have significant air quality, greenhouse gas (GHG), and noise impacts. However, the project's

environmental impacts were fully analyzed in the SCEA document dated November 2022 prepared by Envicom Corporation. As noted in this analysis and the supporting technical data in the Appendices, the project will not exceed any air quality thresholds of significance for construction or operation. As a primarily residential development with ancillary commercial retail/service-type uses, the project will not result in the generation of any significant amounts of noise and diesel particulate matter. As an urban infill housing and commercial development that will be developed to the latest energy and construction standards, the Project's impacts regarding GHG emissions would be less than significant, as the Project would be consistent with relevant policies regarding reduction of GHG emissions. In particular, the Project is an infill project located in close proximity to transit facilities. As such, the Project would not contribute considerably to cumulative GHG impacts and cumulative impacts would be less than significant.

It should also be noted that Envicom Corporation submitted a response to SCEA comments to the subject Council File: 22-1593 on April 13, 2023. While this document updates various references and background information, the analysis has not substantially changed and the previous conclusions that the project will not have any significant environmental impacts remain the same.

The second appellant, Nam Kim, submitted five appeal points related to the Site Plan Review and Conditional Use Beverage approval. A summary of the Nam Kim's appeal points and staff's responses are provided as follows:

1. The project does not provide enough affordable units.
2. The setbacks at 8th and Harvard are too minimal and should be increased.
3. The project does not provide enough parking. Replacing parking stalls with bicycle stalls is an affront to the community when the traffic and street conditions in this neighborhood are so unsafe for bicycling.
4. There are too many restaurants, bars, and liquor licenses in the neighborhood and community.
5. Even if the project is approved and construction is allowed to begin, the appellant will continue to monitor and communicate with the City to try to mitigate the negative impacts the project will have on our neighborhood.

Appeal point no. 1 indicates that the project does not provide enough affordable units. As a project that is subject to the requirements of Measure JJJ, the Project would be required to comply with LAMC Section 11.5.11, as it relates to on-site affordability provisions. Projects which propose ten or more residential dwelling units are required to comply with one of the on-site affordability provisions under LAMC Section 11.5.11(a)(1), an on-site affordable provision for Rental Projects. The provision provides different set aside requirements based on the existing permitted uses on the site and the number of dwelling units proposed. The Project would comply with LAMC Section 11.5.11(a)(1)(iii) due to the existing land use designation and zoning, which would require a minimum of five (5) percent of the total units to be set aside for Extremely Low Income households and either 11 percent of the total units to be set aside for Very Low Income households, inclusive of any Replacement Units. The project proposes five (5) percent of the total dwelling units, or 13 units, for Extremely Low Income Households, six (6) percent, or 16 dwelling units, for Very Low Income Households, thus satisfying the on-site affordability requirements required under Measure JJJ.

With respect to the appeal point no. 2 regarding the reduced setback, the project is eligible for two Developer Incentives to reduce the setback from the 20-foot required to 16-foot, as long as the required affordable set asides are provided.

Appeal point no. 3 expresses concerns regard the impact on traffic and insufficient parking in the area. The project is required to provide 139 residential parking spaces and 123 commercial parking spaces. The project proposes 139 residential parking spaces and 145 commercial parking spaces for a total of 284 vehicular parking spaces. Moreover, the site is within the AB 2097 Reduced Parking Area. AB 2097 is a state law that prohibits public agencies or cities from imposing a minimum automobile parking requirement on most development projects located within a half-mile radius of a major transit stop. By providing more spaces than required, the project has satisfied the parking requirements for the site.

Appeal point no. 4 insinuates that there appears to be an overconcentration of licenses in the area, however, as indicated in the Conditional Use findings, the request does not result in any additional alcoholic beverages licenses within the community. Appeal point no. 5 is a statement rather than an argument of why the project should be denied under the Los Angeles Municipal Code.

Planning staff has reviewed the appellants' justifications as well as the applicant's responses and maintains that the City's approval of the Site Plan Review and Conditional Use, and adoption of the SCEA as the project's environmental clearance were proper. Furthermore, there is no substantial evidence in the record that the project will have any significant environmental impacts.

In summary, the appeals do not provide any substantial evidence of any significant environmental impacts. Planning has evaluated the proposed project and determined that the findings necessary to grant the Site Plan Review and Conditional Use, and that the proposed SCEA is the appropriate environmental clearance for the project under CEQA. Therefore, Planning recommends that the Planning and Land Use Management Committee and City Council deny the appeals and sustain the City Planning Commission's decision.

Sincerely,

VINCENT P. BERTONI, AICP

Director of Planning

A handwritten signature in black ink, appearing to read 'Vincent P. Bertoni', written over a horizontal line.

CHI DANG

City Planner