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February 14, 2024

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, 395  
Los Angeles, CA 90012

Attention: PLUM Committee

Dear Honorable Members:

**SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT FOR 6728 SEPULVEDA PROJECT AT 6728 NORTH SEPULVEDA BOULEVARD; 6715 NORTH COLUMBUS AVENUE; CASE NOS. DIR-2022-5107-TOC-SPR-VHCA & ENV-2022-5108-SCEA; CF 23-0893**

This report includes Environmental Findings, Justification, and supporting documents and technical analyses for the Sustainable Communities Environmental Assessment (SCEA) that was published for public review from July 20, 2023 to August 21, 2023 for the following project:

Project Name: 6828 Sepulveda Project  
Environmental Case No.: ENV-2022-5108-SCEA  
Project Applicant: Leon Benrimon, Uncommon Developers  
Project Address: 6828 North Sepulveda Boulevard; 6715 North Columbus Avenue  
Community Plan: Van Nuys – North Sherman Oaks  
Council District: 6 – Imeda Padilla

An initial study has been prepared and circulated in compliance with Public Resources Code (PRC) Section 21155.2(b). A public hearing on the SCEA, and all comments received on the SCEA, will be considered by City Council prior to SCEA adoption and approval of the Project. The Transit Priority Project (TPP) has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior Environmental Impact Report(s) (EIR), including the Southern California Association of Governments (SCAG) Connect SoCal 2020 – 2045 Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS); finding that all potentially significant effects identified in the initial study have been identified and analyzed in the SCEA; finding that 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.

It is hereby requested that the City Council consider and determine if the proposed project qualifies for a SCEA, pursuant to PRC Section 21155.2.

### **Background**

Through the “Sustainable Communities and Climate Protection Act of 2008,” known as Senate Bill 375 (SB 375), the state legislature created a new document for environmental review called a Sustainable Communities Environmental Assessment (SCEA). The intent of a SCEA is to encourage projects that would implement regional plans to reduce greenhouse gas emissions (e.g. by building housing near public transit) by providing for streamlined environmental review of Transit Priority Projects that are consistent with an adopted sustainable communities strategy. The SCEA provides complete environmental analysis by evaluating the potential effects of a Project in an Initial Study similar to a Mitigated Negative Declaration (MND), with additional requirements specific to a SCEA as described below.

SB 375 requires Metropolitan Planning Organizations (MPOs), such as SCAG, to create a new component in their Regional Transportation Plan to include a Sustainable Communities Strategy. Government Code Section 65080(b)(2)(B) requires the SCS to set forth a forecasted development pattern for the region that integrates transportation policies to reduce greenhouse gas emissions and achieve the reduction targets approved by the California Air Resources Board. SB 375 also contains new environmental clearances in the California Environmental Quality Act (CEQA) for projects that can qualify under PRC Section 21155 as TPPs. The SB 375 clearances are intended to meet the goals of the SCS to encourage higher density, infill development located near transit. If a project qualifies as a TPP and would mitigate potentially significant impacts to a level of insignificance, the lead agency may choose to prepare a SCEA. Under PRC Section 21155, to be a TPP, the project must be consistent with the general land use designation, density, building intensity, and policies in the SCAG RTP/SCS; and meet the criteria in PRC Section 21155(b) related to minimum density, residential uses, and distance from a major transit stop or high-quality transit corridor included in a regional transportation plan. Under PRC Section 21155.2(b), a TPP may qualify for a SCEA if it meets all of the following:

- The Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in applicable EIRs; and
- An initial study is prepared and the initial study shows the Project will have less than significant impacts, including if needed, through the imposition of mitigation measures.

The evaluation of a SCEA differs from standard MND environmental review in that it requires the following additional analysis: (1) consistency analysis with the SCAG RTP/SCS; and (2) analysis to demonstrate all applicable mitigation measures from applicable EIRs have been incorporated into the Project. The SCEA also has additional procedural requirements from an MND. Under a SCEA, the City is not required to analyze growth inducing impacts or project specific or cumulative impacts from cars and light trucks on global warming or the regional transportation network. The Initial Study should identify any cumulative effects that have been adequately analyzed and mitigated in prior applicable certified EIRs. Projects that use the SCEA provisions will still need to obtain discretionary permits or other approvals from the lead agency.

## **Project Description**

The project involves the construction of a new six-story, residential building, 60 feet in height, containing a total of 405 dwelling units with 41 units reserved for Extremely Low Income Households. The proposed development will contain approximately 268,770 square feet of floor area, equating to a floor area ratio (FAR) of approximately 3.18:1. The project will provide a total of 32,866 square feet of open space comprised of private balconies, a gym, recreation room, community room, pool deck, terraces and roof deck. The project will have three subterranean levels and will provide 556 vehicle parking stalls and 194 bicycle parking stalls. The project involves grading that would result in the export of approximately 77,277 cubic yards of soil from the project site.

In order to facilitate the development of the proposed project, the applicant is requesting the following discretionary actions:

1. Pursuant to the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), the Tier 3 project is eligible for Base Incentives and up to three (3) Additional Incentives. As Base Incentives, the project is eligible to (1) increase the maximum allowable number of dwelling units permitted by 70 percent, (2) increase the maximum allowable FAR by 50 percent or to 3.75:1 if the maximum percentage increase results in a FAR of less than 3.75:1 for a project in a commercial zone, and (3) provide a minimum of zero (0) vehicle parking spaces. As Additional Incentives, the project is requesting, (1) an increase in building height by two additional stories up to 22 additional feet, and (2) a maximum 25 percent reduction in required open space;
2. Site Plan Review for the construction of a new residential development resulting in a net increase of 50 or more dwelling units; and
3. Any other discretionary and ministerial permits and approvals that may be deemed necessary, including, but not limited to, temporary street closure permits, grading permits, excavation/shoring permits, building permits, and sign permits in order to execute and implement the proposed project.

The Project's environmental clearance is before the Planning and Land Use Management Committee of the City Council; the validity of the requested land use entitlements will be evaluated by the appropriate decision maker at a later date.

## **Public Comments**

The SCEA was released for public comment from July 20, 2023 to August 21, 2023. Planning staff received four comment letters and a letter of support for the proposed project. In a letter dated August 21, 2023, the Lozeau Drury LLP law firm on behalf of the Supporters Alliance for Environmental Responsibility (SAFER) states that the SCEA fails to adequately analyze the Project's potentially significant environmental impacts and fails to impose all feasible mitigation measures to reduce the Project's impacts. In another letter dated August 21, 2023, the Mitchell M. Tsai law firm on behalf of the Southwest Regional Council of Carpenters (SWRCC) contends that the SCEA is inadequate and expresses concerns regarding local hire requirements as well as project eligibility for a SCEA. Planning Staff received a Letter of Support dated December 19, 2023 from the Van Nuys Neighborhood Council, which states that on November 9, 2023, the

Board of the Van Nuys Neighborhood Council passed a motion to provide the Letter of Support to the Planning Department for the Proposed Project by vote of 10 to 2.

### **Mitigation Measures**

As described in the SCEA, PRC Section 21151.2(a) requires that a TPP such as the Project incorporate all feasible mitigation measures, performance standards, or criteria from prior applicable EIRs. As a new predominantly residential project to be developed at an urban infill site that is within a SCAG-identified high-quality transit area and transit priority area, the most relevant prior EIR for the Project is the program EIR (PEIR) prepared for SCAG's 2020-2045 RTP/SCS, which was adopted by SCAG on September 3, 2020 and certified by the California Air Quality Board (CARB) on October 30, 2020. An analysis of the SCAG mitigation measures that are applicable to the Project is provided in Section IV, Mitigation Measures From Prior EIRs, of the SCEA.

Where appropriate, the SCEA has identified Project design features, regulatory compliance measures, or potential mitigation measures to avoid or to reduce potentially significant environmental impacts of the proposed Project. The following mitigation measures were identified for the Project:

### **Hazards and Hazardous Materials**

**HAZ-MM-1:** As recommended in the Phase I ESA, prior to construction of the Project, a Human Health Risk Assessment shall be prepared to determine whether the VOCs previously detected in soil vapor on the Project Site represent a threat to current and future human health, and to determine whether risk-control measures would be required to protect future tenants and workers based on the planned residential development. Any requirements such as the installation of a soil vapor barrier and passive venting system recommended based on the results of the HHRA, shall be implemented prior to Project construction.

**HAZ-MM-2:** As recommended in the Phase I ESA, prior to construction of the Project, a Soil Management Plan shall be prepared and implemented prior to any construction activities that require excavation of soil. At a minimum the Soil Management Plan must specify site-specific requirements, including a health and safety plan.

### **Noise**

#### **NOI-MM-1:**

- The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices capable of at least a 10 dBA reduction.
- Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

- A temporary noise control barrier/sound curtain shall be installed on the northern, eastern and southern property lines of the construction site. The noise control barrier shall be installed to block the line-of-sight from the nearby Senior Citizen Center/Convalescent Center uses, Elementary School use, and closest residential uses to the southeast, to the construction activity, and the barrier shall be designed to reduce construction-related noise levels at the nearby sensitive use structures by at least 10 dBA. The supporting structure shall be engineered and erected according to applicable codes. The temporary barrier shall remain in place until all windows have been installed and all exterior noise producing construction activities on the project site are complete.

**NOI-MM-2:** The construction contractor shall avoid using large bulldozer or caisson drill within 80 feet of the façade of the Center for Healthy Living Senior Citizen Center, located north of the Project Site, and the Beverly Manor Convalescent Center located south of the Project Site.

**NOI-MM-3:** The construction contractor shall avoid using large bulldozer within 15 feet of the façades of the existing structures located directly adjacent to the northern boundary of the Project.

#### Tribal Cultural Resources

**TR-MM-1:** In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by a qualified archeologist, in consultation with a qualified tribal monitor, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and OHR.
2. If OHR determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
3. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist retained by the City and paid for by the Applicant, or its successor, in consultation with the tribal monitor, reasonably conclude that the tribe's recommendations are reasonable and feasible.

4. In addition to any recommendations from the applicable tribe(s), a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.
5. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or qualified tribal monitor, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the archaeologist or tribal monitor; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate an significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.
6. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by both the qualified archaeologist and qualified tribal monitor and determined to be reasonable and appropriate.
7. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.
8. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.

### **Environmental Findings**

The City of Los Angeles finds that the Proposed Project complies with the requirements of CEQA for using an SCEA as authorized pursuant to Public Resources Code Section 21155.2(b). The City of Los Angeles has determined that:

The Project is a Transit Priority Project (TPP) pursuant to PRC Section 21155:

- a. The Project is consistent with the general use designation, density, building intensity, and applicable policies specified in the project area in the current SCAG RTP/SCS.
- b. The Project contains at least 50 percent residential use, based on total building square footage, and if the project contains between 26 percent and 50 percent non-residential uses, a floor area ratio of not less than 0.75;
- c. The Project provides a minimum net density of at least 20 dwelling units per acre;
- d. The Project is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan, consistent with PRC Section 21155(b). A major transit stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

The Transit Priority Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in the following prior applicable EIRs: SCAG's 2020-2045 RTP/SCS EIR.

An initial study has been prepared and circulated in compliance with PRC Section 21155.2(b). A public hearing on the SCEA, and all comments received on the SCEA, will be considered by City Council prior to SCEA adoption and approval of the Project.

All potentially significant or significant effects required to be identified in the initial study have been identified and analyzed.

With respect to each significant effect on the environment required to be identified in the initial study, either of the following apply:

- i. Changes or alterations have been required in or incorporated into the project that avoid or mitigate the significant effects to a level of insignificance.
- ii. 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.

### **Conclusion and Actions for the City Council**

The City of Los Angeles finds that the Project complies with the requirements of CEQA for using a SCEA as authorized pursuant to Public Resources Code Section 21155.2(b). City Planning Staff recommends that PLUM recommend for City Council action the adoption of the SCEA, with the following recommended actions:

FIND, 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-2022-5108-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;

FIND that the City Council held a hearing on and adopted the SCEA pursuant to PRC Section 21155.2(b);

FIND the Project is a transit priority project pursuant to PRC Section 21155 and the Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior EIR(s), including SCAG's 2020-2045 RTP/SCS EIR;

FIND all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA;

FIND 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;

FIND the SCEA reflects the independent judgment and analysis of the City; and

FIND the mitigation measures have been made enforceable conditions on the project.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

*Trevor Martin*

TREVOR MARTIN  
City Planner

VPB:HB:TM