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October 26, 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:

STAFF RECOMMENDATION REGARDING APPEAL OF CLASS 32 CATEGORICAL EXEMPTION (ENV-2020-5078-CE-1A) FOR PROPERTY LOCATED AT 550 SOUTH UNION AVENUE AND 1701, 1709, 1715, 1717, 1717 ½ WEST SIXTH STREET WITHIN THE WESTLAKE COMMUNITY PLAN AREA (CF 23-0952)

On December 23, 2022, the Director of Planning issued a Class 32 Categorical Exemption ("Class 32 CE") for a Transit Oriented Communities ("TOC") Project (Case No. DIR-2021-7344-TOC-SPR-HCA) consisting of the demolition of a surface parking lot and two (2) single-story commercial buildings for the construction, use, and maintenance of a seven-story, mixed-use building with 100 residential dwelling units and 13,046 square-feet of commercial floor area on the ground floor. The project also proposes to include 72 automobile parking spaces, 125 long-term bicycle parking spaces, and 32 short-term bicycle parking spaces across the ground floor, the second floor, and a subterranean garage. Under the TOC Program, ten (10) of the 100 dwelling units will be designated for Extremely Low Income Households.

On January 9, 2023, the Department of City Planning received five (5) appeals of the Director of Planning's Determination to approve Case No. DIR-2021-7344-TOC-SPR-HCA. At its meeting on July 13, 2023, the City Planning Commission ("CPC"), following consideration of the materials and oral testimony, denied the appeals and sustained the Director of Planning's Determination dated December 23, 2022 under Case No. DIR-2021-7344-TOC-SPR-HCA.

Subsequently, on August 30, 2023, the Department of City Planning received one (1) California Environmental Quality Act (CEQA) appeal to the Los Angeles City Council for the Class 32 CE (Case No. ENV-2020-5078-CE) from SAFER.

SAFER's appeal challenges the Director of Planning's Determination in Case No. DIR-2021-7344-TOC-SPR-HCA to grant a Site Plan Review entitlement and claims that the project's Class 32 CE is deficient. SAFER claims that the City must issue an Environmental Impact Report ("EIR") or a Mitigated Negative Declaration ("MND") instead of a Class 32 CE before granting a Site Plan Review entitlement. At the time of writing this report, SAFER did not submit any substantial

evidence to support their claims or justify why the Class 32 CE is deficient, nor did they provide any substantial evidence that there would be a significant unavoidable impact that requires the preparation of an Environmental Impact Report.

According to CEQA Guidelines Section 15332, 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 impacts; (b) significant effect; (c) scenic highways; (d) hazardous waste sites; and (e) historical resources.

In their appeal, SAFER claims that the project does not meet the requirements for the Class 32 CE as an infill development project. However, SAFER does not specify whether the project fails to meet any of the criteria for a Class 32 CE or if any of the exceptions mentioned above apply to the project.

The appellant has failed to meet their burden as there is no evidence in the record to conclude that the project does not qualify for a Class 32 CE or that the Class 32 CE is deficient. The appellant has also not submitted any substantial evidence for the record to support their claims. The Justification prepared for the subject project (Case No. ENV-2020-5078-CE), shows that the project appropriately qualifies for a Class 32 CE and that any environmental impact will be reduced to be less than significant by the City's Regulatory Compliance Measures (RCMs). Additionally, the Site Plan Review entitlement was appropriately granted and is not further appealable following the CPC's decision to sustain the Director of Planning's Determination at its meeting on July 13, 2023.

Therefore, the Class 32 CE issued by the Director of Planning on December 23, 2022 adequately addresses the impacts of the proposed project.

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 as 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 (Infill Development Project), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

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Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in blue ink, appearing to read "Vanessa Soto". The signature is fluid and cursive, with the first name "Vanessa" written in a larger, more prominent script than the last name "Soto".

Vanessa Soto, AICP
Senior City Planner

VPB:JC:VS:YL:EM