

**DEPARTMENT OF  
CITY PLANNING**

COMMISSION OFFICE  
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN  
PRESIDENT

MONIQUE LAWSHE  
VICE-PRESIDENT

MARIA CABILDO  
CAROLINE CHOE

ILISSA GOLD

HELEN LEUNG

KAREN MACK

JACOB NOONAN

ELIZABETH ZAMORA

**CITY OF LOS ANGELES  
CALIFORNIA**



KAREN BASS  
MAYOR

**EXECUTIVE OFFICES**

200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
(213) 978-1271

VINCENT P. BERTONI, AICP  
DIRECTOR

SHANA M.M. BONSTIN  
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

November 1, 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:

**APPEAL FOR A PROPOSED PROJECT AT 728-742 ½ SOUTH WESTERN AVENUE; CASE NO. DIR-2022-7636-TOC-SPR-VHCA-1A, ENV-2022-7637-CE-1A; CF 23-0816**

At its meeting of June 8, 2023 the City Planning Commission (CPC) approved the Construction, use, and maintenance of a new, seven-story, approximately 108,000 square-foot mixed-use building with 125 dwelling units, including 13 units set aside for Extremely Low Income Households as well as a 3,920 square-foot commercial tenant space. The building will be constructed with one level of subterranean level parking, ground level parking along with a commercial space, six residential levels above, and a rooftop recreation space. The Project includes 85 one-bedroom units, 40 two-bedroom units, and 10,350 square feet of open space for residents. The CPC determined, that based on the whole of the administrative record that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Class 32, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the CEQA Guidelines regarding location, cumulative impacts, significant effects based on unusual circumstances, scenic highways, hazardous waste sites, or historical resources apply. The CPC approved entitlement requests are as follows:

- 1) **Denied** the appeal and **sustained** the Planning Director's Determination dated March 31, 2023;
- 2) **Approved** pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code (LAMC), a 70 percent increase in density consistent with the provisions of the Transit Oriented Communities Affordable Housing Incentive Program for a Tier 3 project with a total of 125 dwelling units, including 13 units reserved for Extremely Low Income (ELI) Households for a period of 55 years, along with the following two Additional Incentives:
  - a. RAS3 Zone Yards. To permit the use of the rear and side yard requirements of the RAS3 Zone of five feet; and
  - b. Open Space. To permit up to a 25 percent decrease in required open space;
- 3) **Approved**, pursuant with Conditions, pursuant to LAMC Section 16.05, a Site Plan Review for a development project creating 50 or more residential dwelling units;

- 4) **Adopted** the Conditions of Approval; and
- 5) **Adopted** the Findings.

Following this action, an appeal was filed by Supporters Alliance for Environmental Responsibility ("SAFER") in a timely manner.

The appeal raises the same concerns that were initially raised before the City Planning Commission. These points were addressed at the City Planning Commission hearing on June 8, 2023. Responses were provided by the project applicant, DKA Planning and CAJA. Those responses are incorporated herein.

The appellant, SAFER, claims that the appellant's letter incorrectly argues that the "unusual circumstances" exception to the CE under CEQA Guidelines Section 15300.2(c) applies here. However, the Appellant letter does not demonstrate the existence of an "unusual circumstance" here, nor could it, as the proposed project is a typical multi-family residential development on a flat, rectangular, highly urbanized infill site in Wilshire Community Plan Area. The Appellant letter attempts to rely on the statement in Berkeley Hillside that substantial evidence showing a project "will," as opposed to "may," have a significant impact can establish the exception.

The Appellant letter then attempts to rely on invalid claims of significant indoor air quality impacts from purported formaldehyde gas to support its conclusion that the Project "will" cause a significant impact. However, for the reasons set forth below, the alleged "evidence" relied on in the Appellant letter is wholly insufficient to the Project may cause a significant impact, falling even shorter of the high burden to show the Project "will" result in such an impact, as is necessary to establish the exemption. The Appellant Letter, attached as Exhibit A, includes a June 5, 2023 report by Francis J. Offerman, (Offerman Report) which includes the same analysis it has now submitted innumerable times to the City by an alleged expert asserting that the project would result in significant impacts from formaldehyde gas from furniture and construction materials that would allegedly cause significant indoor air quality (IAQ) impacts on future project residents. The State of California has elected to address formaldehyde exposures from construction materials via state technical building, energy, and green building codes and the California Air Resources Board's ATCM (Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products) regulations with which the project would comply. The state has not dealt with this issue under CEQA. The project will comply with these applicable regulations and requirements. The City was not required to analyze this topic under established CEQA judicial rulings.

The appellant claims that the project will have air quality impacts and that the categorical exemption improperly relies on the newest version of the CalEEMod air quality modeling software, which allegedly does not provide certain inputs and data relied on in the analysis and that the categorical exemption should have provided input modeling computer files instead. As demonstrated by the AQ Technical Analysis, based project-specific information, standard methodologies and adopted thresholds, the project would have minimal impacts on regional and local air quality under CEQA. For example, construction-related air quality emissions would be more than 78 percent lower than any of the thresholds for regional criteria pollutants, including being 97 percent lower than the mass emissions threshold for carbon monoxide. Further, the project would result in a reduction of mobile source emission by reducing 62 daily vehicle trips and 202 vehicle miles traveled from local roadways when compared to the impact of the existing commercial center operating at the project site. The project would thus result in a net reduction of NO emissions, a key precursor pollutant to regional ozone levels, for the which region is

considered non-attainment. The project will not cause significant air quality impacts and the appellant does not demonstrate otherwise. The CalEEMod air quality model (version 2022.1.0.0) relied on in the AQ Technical Analysis was released on May 27, 2022 and represents the state-of-the-practice for use in air quality analyses throughout the State. This was a much-needed update to the previous version issued in 2020 that no longer reflected updated emission factors and other technical data necessary to make an accurate estimate of air quality emissions based on the most current information.

The Categorical Exemption Report attached in Appendix D contains 48 pages of documentation that fully discloses all relevant assumptions and technical factors used to make every calculation in the air quality modeling work conducted for the project. This includes an accounting of all default assumptions used by the model, as well as a separate documentation of all user changes to default data (Section 8, page 48). The appellant's suggestion that an evaluation of the analysis is not possible without the model's input file is unsubstantiated, as the information provided fully meets CEQA's requirement to fully disclose the assumptions underlying the analysis and the results of the analysis. The information provided with the Categorical Exemption Report includes all the information the commenter claims was missing from the disclosed data.

The appellant claims that the AQ technical memorandum is unsigned; the categorical exemption does not contain any information on who authored the report, or what qualifications they have to make their assessment. There is no authority for the claim that an air quality analysis must be signed in order to be valid, and no such requirement exists under CEQA, which provides that expert opinions on technical subjects based on facts constitute substantial evidence that can be relied on to support factual findings by a lead agency. The AQ Technical Analysis here was prepared by Douglas Kim, AICP, who is the principal of DKA Consulting and has 37 years of experience preparing technical air quality analyses.

The appellant claims that the categorical exemption analysis relies on improper information for off-road equipment, demolition materials to be removed from the site, and incorrect grading values. The appellant incorrectly states that revisions to the equipment inventory were made. The inventory of equipment assumed for the analysis was not altered, instead relying on default assumptions from the model for each phase for every one of the eight variables considered by the model. The allegation that an incorrect amount of demolition debris was assumed in the AQ analysis in the CE is false, relying on incorrect, outdated information. The correct volume of debris for the project was analyzed in the AQ Technical Analysis. In addition, the modeling was based on the actual size of the project site, which is the correct basis for the analysis of the project and not the default assumptions for site size in the model, as claimed by the commenter. The model default does not reflect the actual size of the project site and therefore would not provide an accurate analysis of project impacts.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

*Alexander Truong*

Alex Truong  
City Planner

Attachments:

*Summary Responses to Administrative Appeal re: 730 S. Western Project, CAJA, June 7, 2023*  
*Summary Technical Memorandum, Douglas Kim + Associates (DKA Planning), June 7, 2023*