



Land Use Developers Corp.

April 30th, 2021

Attn. Office of City Clerk and
Planning and Land Use Management Committee
200 N. Spring St. • Room 395
Los Angeles, CA 90012

Re: **Case No. ENV-2020-2195-CE; DIR-2020-2194-TOC-HCA**
Project Location: 316-322 S. Catalina Street, Los Angeles CA 90020 (the "Project")

Dear Honorable Committee and Councilmembers:

We represent Frontier Acquisitions, LLC ("Owner") and its application for DIR-2020-2194-TOC-HCA and environmental case no: ENV-2020-2195-CE, an approved multi-family Transit Oriented Communities ("TOC") Affordable Housing Incentive Program project at 316-322 S. Catalina Street (the "Project"), which was approved by a Director's Determination on February 8, 2021.

We are writing in response to the appeal filed in opposition to the Project by Margarita Lopez from the Coalition for an Equitable Westlake/MacArthur Park (the "Appellant"). The Project, as approved, consists of a TOC project with 30 units, three (3) of which would be set-aside for Extremely Low Income (ELI) household occupancy for a period of 55 years. Pursuant to the provisions of the TOC Affordable Housing Incentive Program under Los Angeles Municipal Code ("LAMC") Section 12.22 A.31, the Project is eligible for a 70% Density Bonus for a maximum of 34 total units. However, the Project as proposed would build only 30 total units with 3 units set aside for ELI households.

A Class 32 Categorical Exemption ("CE") from environmental review under the California Environmental Quality Act ("CEQA") was issued for the Project pursuant to the City of Los Angeles (the "City") CEQA Guidelines.

For the reasons stated in below, the claims made by the Appellant are without merit and the appeal should be denied and the City's Justification for Project Exemption under Case No. ENV-2020-2195-CE upheld with Class 32 Categorical Exemption (CE).

I. INTRODUCTION

In preparation for the May 4, 2021 hearing before the Planning and Land Use Management Committee ("PLUM"), the following summary of arguments in opposition is provided to explain why the Director of Planning's decision should be sustained.

II. RESPONSE

Appeal Comment (summarized). The cumulative impact of the Project in conjunction with other projects within 1.2 mile radius in the area has not been analyzed. CEQA review in the form of an MND or EIR must be conducted.

Response: The City determined that the Project was exempt from CEQA under the Class 32 exemption for infill development projects. Findings to justify the Categorical Exemption, including a discussion of cumulative impacts, are attached to the letter of determination and are addressed under “Justification for Project Exemption Case NO. ENV-2020-2195-CE” (see attached Exhibit “A”).

The analysis states that development of the Project is consistent with the underlying zoning and land use designations, and with the TOC program. A successive project would be subject to consistency with the underlying zoning and land use designation, and would be subject to prevailing regulations with respect to noise, construction restrictions, pollutant emissions, stormwater and runoff, and other applicable regulations, preventing a cumulative impact.

III. CONCLUSION

The Appellant has failed to demonstrate that they will be negatively impacted and are not abutting owners or that there are any substantive reasons why the Project does not qualify for CEQA Exemption as approved. The appellant’s justification for appeal is merely opinion, it does not provide any substantial evidence or substantive support for their appeal or opinion. The Project, as approved meets the requirements of CEQA and would not result in any adverse environmental impacts, therefore the Project is exempt from CEQA per Class 32. The City faces a well-documented housing shortage, and the Project would increase the number of residential units available to residents of the City and increase the City’s housing stock for Extremely Low Income households. For all the aforementioned reasons, the above appeal lacks merit, and we respectfully ask that the Planning and Land Use Management Committee deny this appeal .

We look forward to addressing any questions you may have during the hearing on May 4th. Thank you for your attention to this letter.

Respectfully Submitted,

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EXHIBIT "A"

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JUSTIFICATION FOR PROJECT EXEMPTION CASE NO. ENV-2020-2195-CE

The City of Los Angeles determined based on the whole of the administrative record that the project is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. The project was found to be exempt based on the following:

Project Description:

The project is located at 316-322 South Catalina Street in the Wilshire Community Plan Area.

The proposed project involves the construction, use and maintenance of a 21,480 square foot, six-story, 30-unit residential building with three (3) units reserved for Extremely Low Income Households, with one level of subterranean and one level of ground floor parking. The project would provide a total of 22 parking spaces on-site. There are two (2) trees on-site of which one (1) tree on-site is proposed to be removed.

The project requires the following:

1. Pursuant to Los Angeles Municipal Code (L.A.M.C.) Section 12.22-A,31, a Director's Determination for the construction, use and maintenance of a 21,480 square foot, 30-unit residential development with three (3) units reserved for Extremely Low Income Households Transit-Oriented Communities project.

Implementation of the California Environmental Quality Act

Pursuant to Section 21084 of the Public Resources Code, the Secretary for the Natural Resources Agency found certain classes of projects not to have a significant effect on the environment and declared them to be categorically exempt from the requirement for the preparation of environmental documents.

The project meets the conditions for a Class 32 Exemption found in CEQA Guidelines, Section 15332 (In-Fill Development Projects), and none of the exceptions to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 apply.

Conditions for a Class 32 Exemption

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- 1) 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;
- 2) The proposed developed occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- 3) The project site has no value as habitat for endangered, rare or threatened species;
- 4) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- 5) The site can be adequately served by all required utilities and public services.

The project is located within the Wilshire Community Plan which designates the subject property for High Medium Residential land uses with a corresponding zone of R4. The subject property is zone R4-1. The project is consistent with the applicable general plan land use designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.

The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.18 acres in size. Lots adjacent to the subject properties are developed with the following urban uses: commercial, and multi-family developments. The site is currently developed with a two-story fourplex and is surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. In addition, there are no protected trees on the site.

The project would not result in any significant effects related to traffic, noise, air quality, or water quality.

- The project will be subject to Regulatory Compliance Measures, which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater conditions; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water.
- An Air Quality Technical Report dated August 2020, was prepared by CAJA Environmental Services, LLC for the proposed project indicating that the project will result in less than significant impacts to air quality.
- A Noise Technical Report dated August 2020, was prepared by CAJA Environmental Services, LLC for the proposed project indicating that noise impacts would be less than significant.
- Construction and operational noise levels would not have a significant impact. Based on a review of similar projects, the project would not create significant levels of construction or operational emissions, nor toxic air contaminants. In addition the project would not result in significant impacts to water quality.

The project site will be adequately served by all public utilities and services given that the construction of a 21,480 square foot, six-story, 30-unit residential development will be on a site which has been previously developed and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

Exceptions to Categorical Exemptions

There are six (6) exceptions to categorical exemptions must be considered in order to find a project exempt from CEQA: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

The project is not located on or near any environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. There is not a succession of known projects of the same type and in same place as the subject project. The project would not reasonably result in a significant effect on the environment due to unusual circumstances. The project is not located near a State Scenic Highway. The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27. Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity is identified as an active hazardous waste site. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register or Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register, and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.