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April 29, 2021

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:

**CEQA APPEAL FOR A PROPOSED PROJECT AT 1614-1626 WEST TEMPLE STREET;
CASE NOS. ENV-2019-7520-CE-1A & DIR-2019-7519-TOC-1A; COUNCIL FILE NO. 21-0022**

The proposed project is the construction, use, and maintenance of a new, six-story, 47,000 square-foot mixed-use building with 72 dwelling units, including seven (7) dwelling units set aside for Extremely Low Income Households (or 9% of the proposed density) and with 700 square feet of commercial space. The building will be constructed with five (5) residential levels above one (1) ground level of parking and commercial use and one (1) level of subterranean parking. The project will provide a total of 72 automobile parking spaces, eight (8) short-term and 58 long-term bicycle parking spaces. The project includes 72 one-bedroom units, and a total of 5,794 square feet of open space for residents.

At its meeting on November 19, 2020, the Los Angeles City Planning Commission (CPC):

1. Determine that based on the whole of the administrative record that the project is exempt from California Environmental Quality Act (CEQA) pursuant to Article 19, Class 32 of the CEQA Guidelines, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. Denied the appeal and sustain the Director of Planning's Determination approving a 60% increase in density consistent with the provisions of the Transit Oriented Communities Affordable Housing Incentive Program for a Tier 2 project with a total of 72 dwelling units, including seven (7) dwelling units reserved for Extremely Low Income (ELI) Households occupancy for a period of 55 years, along with the following two (2) Additional Incentives:
 - a. Setback. To permit the use of any or all the yard requirements for the RAS3 Zone in lieu of the C2-1 Zone, and
 - b. Open Space. To permit a 20 percent reduction in the required open space

On December 31, 2020, an appeal of the associated CEQA clearance was filed by Temple CW, LLC.

The following statements have been compiled from the submitted appeal justifications.

1. Improper Exemption From CEQA, Significant Negative Traffic and Parking Impacts

Appellants' Statement:

The Planning Commission made an erroneous determination that the project is exempt from CEQA pursuant to a Class 32 categorical exemption, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Staff's Response:

As part of the review and approval process for the proposed project, staff conducted an environmental analysis of the proposed project to determine whether the project qualified for the Class 32 Categorical Exemption. This included a review of the project's potential impacts related to traffic, noise, air quality, hazardous materials and historic resources. The analysis of these areas of impacts found that the project would have either no impact or a less than significant impact on the environment.

With regard to traffic, the project was reviewed by the Department of Transportation (LADOT). Subsequently, LADOT issued a letter, dated March 3, 2020, in which the Department determined that as the proposed project would result in a total of 247 new daily trips, and therefore, the project would not have a significant transportation impact under any of the CEQA screening thresholds.

Furthermore, no substantial evidence has been submitted to the record by any of the appellants which would contradict the conclusions of the CPC's determination that the project qualifies for the Class 32 Categorical Exemption.

2. Lack of Appeal Instructions

Appellants' Statement:

The Letter of Determination mailed to Appellant on December 22, 2020 did not include proper or adequate instructions for appeal. Further, the Appellant did not receive proper notice, nor did the Appellant waive its right to notice, for the November 19, 2020 hearing.

Staff's Response:

The appellant contends that the Department did not include proper or adequate instructions for appeal. The CPC determination packet that was mailed on December 22, 2020, included additional information regarding the available options to file an appeal. Additionally, this appeal point is not CEQA related.

It is hereby recommended that the City Council deny the appeal and sustain the Los Angeles City Planning Commission's decision.

Actions for the City Council:

1. Determine that based on the whole of the administrative record that the project is exempt from California Environmental Quality Act (CEQA) pursuant to Article 19, Class 32 of the CEQA Guidelines, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Oliver Netburn
City Planner

VPB:ON:MC