

## Communication from Public

**Name:** Fix the City, Laura Lake, Ph.D. Board Member  
**Date Submitted:** 06/13/2021 04:39 PM  
**Council File No:** 21-0250  
**Comments for Public Posting:** TOC is limited to three ministerial incentives. Awarding additional discretionary incentives triggers CEQA review. 1300 Westwood Boulevard is therefore ineligible to receive a Class 32 Categorical Exemption. Please see the attached statement.

## FIX THE CITY

By email: LACouncilComment.com

June 15, 2021

The Hon. Marqueece Harris-Dawson, Chair, and PLUM Committee Members

**RE: CEQA APPEAL 1300 WESTWOOD BLVD. (DIR-2019-2789-TOC, ENV-2018-2790-CE)**

Fix the City supports the twin goals of JJJ to provide good jobs and more affordable housing. If this project sought only the ministerial “Base” TOC Incentives, calculated on the base density and zone, *as required by JJJ*, there would be no CEQA appeal. However, approving additional **discretionary** TOC incentives triggers CEQA review for 1300 Westwood.

JJJ authorized *additional incentives* for JJJ **Section 5 projects** that meet the **Labor Standard**, not for TOC projects. 1300 Westwood does not provide the good jobs promised to the voters and it is not eligible for a Categorical Exemption. Here’s why:

1. The **DCP Staff Report for the TOC Guidelines** states: “Because approval of any Additional Incentives would require a discretionary approval, this would also trigger CEQA review” (May 25, 2017, p. A10). The project does not qualify for a Class 32 Exemption.
2. The ***Friends of Westwood v. City of Los Angeles*** (1987) made it clear that when there is a *mix of discretion and ministerial approvals*, a project is subject to environmental review. This project has a mix of ministerial and discretionary approvals.
3. **Conditional approval of a project signifies discretionary authority.** 1300 Westwood’s approval by CPC had conditions placed on its approval (CPC LOD, February 2, 2021, p. 1) and is not exempt from CEQA review.
4. **1300 Westwood violates the zone and land use regulations** and therefore is ineligible for a Class 32 Exemption. The staff appeal recommendation for 1300 Westwood omits the word “**all**” from the Class 32 language for Exception (a), which requires consistency “with the applicable general plan designation and **all** applicable general plan policies as well as the applicable zoning designation and regulations.” (p. 1, emphasis added). 1300 Westwood violates zoning (the C2-1VL height limit is 45-feet, not 75-feet) as well as the required yards and open space of the zone. Therefore, it is ineligible for a Class 32 exemption. It can apply for these approvals by going to through Section 5 of measure JJJ and providing good jobs.
5. Approval of 1300 Westwood also **violates General Plan Framework Policy 3.3.2, a mandatory CEQA mitigation** that requires that before any *discretionary* added intensity of development occurs, the City must find that there is **adequate current infrastructure and city services** and that it can accommodate the added demand. The added intensity of development due to height and yard reductions intensifies development by permitting 75-feet for a site limited to 45-feet. A Class 32 Exemption may not be granted if a project violates zoning regulations, General Plan policies, particularly mandatory CEQA mitigations.

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6. **Class 32 exemptions require substantial evidence** showing adequacy, not statements declaring that the site is in an urban area that has utilities and services. **The question is whether or not they are adequate to protect public safety.** The “whole of the administrative record” (Staff Appeal Recommendation p. 1) fails to contain substantial evidence of adequate infrastructure and public services, particularly police and fire response times, staffing, and facilities. Thus, the granting of a Class 32 Categorical Exemption is arbitrary and capricious and unsupported by substantial evidence.
7. **Fix the City has submitted over 26,000 pages of substantial evidence regarding the inadequacy of the City’s infrastructure and public services for the Expo lawsuit administrative record.** We incorporate by reference this substantial evidence. The project does not qualify for a Class 32 exemption because existing infrastructure is in disrepair and city services are inadequate, particularly fire and police response times.
8. Approval of the project prior to obtaining approval that the project conforms with the **Westwood Boulevard POD is piecemeal approval** in violation of CEQA. (Condition 15, CPC Conditions of Approval, p. C-2.)

Respectfully,

*Laura Lake*

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