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August 12, 2021

Honorable Council Members
Planning and Land Use Management Committee
City of Los Angeles
City Hall, Room 350
Los Angeles, CA 90012

APPEAL OF ENV-2018-2454-CE; CF 19-1603-S1

On January 28, 2021, the Director of Planning issued a Determination that approved a Redevelopment Plan Project Compliance Review, permitting a 2.47% density increase to match the base density of the LAMC pursuant to the Exposition/University Park Redevelopment Plan (Redevelopment Plan), Sections 1304 and 1306, for the construction of a new four-story (45 feet high), approximately 185,985 square-foot residential complex with 102 residential units along with the adoption of ENV-2018-2454-CE which is a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, section 15332 (Class 32).

On February 16, 2021, an appeal of the entire Director's Determination was filed by Jean Frost on behalf of the West Adams Heritage Association.

On June 15, 2021, the South Los Angeles Area Planning Commission conducted a public hearing to consider the appeal under Case No. DIR-2020-4338-RDP-1A and denied the appeal and sustained the Planning Director's Determination, dated January 28, 2021. The Letter of Determination of the South Los Angeles Area Planning Commission was issued on June 23, 2021.

On June 28, 2021, a CEQA appeal was filed by an aggrieved party (Jean Frost on behalf of the West Adams Heritage Association) to the City Council relative to the action of the South Los Angeles Area Planning Commission's adoption of ENV-2018-2454-CE.

As discussed below, upon careful consideration of the appellants' points and in review of the entire record, Planning staff has determined that the Project does not qualify for use of the Class 32 Categorical Exemption for the Redevelopment Plan Project Compliance Review. The appeal in its entirety is located within Council File No.19-1603-S1. Below is a summary of the findings demonstrating that the project is not categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines, section 15332 (Class 32). To the extent any of the

analysis in this report appears to conflict with the analysis contained in the Staff Appeal Report dated July 28, 2021, or any other appeal reports contained in the Council File, the analysis in this report shall supersede any conflicting analysis in the previous appeal reports.

APPEAL ANALYSIS

Class 32 Categorical Exemption -- Inconsistency with City Zoning (Redevelopment Plan)

To qualify for the Class 32 Categorical Exemption set forth in CEQA Guidelines, section 15332, a project must meet the following five (5) requirements:

- a) The project is consistent with applicable general plan designation and all applicable general plan policies as well as with 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.
- e) The site can be adequately served by all required utilities and public services. (CEQA Guidelines § 15332.)

In review of the administrative record, including the CEQA Narratives dated August 30, 2018 and September 2019 and the South Los Angeles Area Planning Commission Appeal Recommendation Report, the Department of City Planning has determined that the Class 32 Categorical Exemption is deficient in that the first requirement that the project be “consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations” did not include an adequate consistency analysis regarding the relevant Redevelopment Plan policies and LAMC Section 11.5.14 at issue.

Specifically, the Department of City Planning is responsible for implementing land use provisions in active redevelopment project areas per Assembly Bill ABx1-26 (the CRA/LA, is a Designated Local Authority (DLA)). The Designated Local Authority is the successor to the former Los Angeles Community Redevelopment Agency, Assembly Bill ABx1-26 dissolved the Agency in 2012, the land use authorities granted in the Redevelopment Project Area Plans remain effective and will continue to be administered by the Department of City Planning and per the zoning code process for an administrative review related to compliance with a Redevelopment Plan as set forth in LAMC section 11.5.14.D.4. This procedure is only permitted for projects that are in compliance with the relevant standards of the Zoning Code and the applicable Redevelopment Plan. This project, as currently approved, does not comply with the applicable Redevelopment Plan as its base density of 83 units is greater than the 81 unit base density permitted by the Redevelopment Plan. Applying the currently approved 22.5% density bonus to 81 base units results in 100 units, not the 102 units approved under the previously approved project entitlements. To reach 102 units and also be consistent with the Redevelopment Plan, the project requires a 25% density bonus. This additional density requires the project to provide one additional Very Low Income Dwelling Unit per the State Density Bonus Law.

However, to achieve consistency with the Redevelopment Plan, a part of the City’s zoning code, per LAMC Section 11.5.14 and Assembly Bill ABx1-26, the applicant cannot merely promise to provide one additional Very Low Income dwelling unit at this stage. The project entitlements would have to be modified to change the condition related to the number of affordable housing units to increase the number of Very Low Income dwelling units from 5 to 6. The administrative review procedure set forth in LAMC 11.5.14.D.4 does not provide a mechanism to modify entitlements

to bring the project into conformance with the redevelopment plan. Therefore, even if the developer is willing to provide one more Very Low Income Dwelling Unit, it may not use the CEQA appeal process to modify the previously approved entitlements so as to establish redevelopment plan consistency. In effect, the project as proposed is not consistent with the Redevelopment Plan, and in effect, the applicable zoning designation per LAMC Section 11.5.14. By not being consistent with the Redevelopment Plan, the project is also not consistent with the General Plan, or the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.

Therefore, the Planning Department has determined that there is substantial evidence in the administrative record to support the Appellant's allegations that the City has erred in its judgment for purposes of CEQA and the use of the Class 32 Categorical Exemption that the Project is consistent with the applicable Exposition/University Park Redevelopment Plan policies and other applicable zoning regulations. The Planning Department has determined that the Class 32 CE should have also analyzed if the Project, as proposed, is consistent with the following policies of the South Los Angeles Community Plan as well:

- **LU1.11 Mixed-Income Communities.** Encourage additional mixed-income neighborhoods by promoting affordable housing and reducing residential segregation and concentrations of poverty.
- **LU5.1 Address Diverse Resident Needs.** Provide for the preservation of existing housing stock and for the development of new housing to meet the diverse economic and physical needs of existing residents and the projected population of the Community Plan Area to the year 2035.
- **LU5.2 Diverse and Affordable Housing.** Prioritize housing that is affordable to a broad cross-section of income levels, that provides a range of residential product types, and that supports the ability to live near work.
- **LU19.3 Mixed-Income Housing.** Incentivize the production of affordable and/or mixed-income housing in Transit-Oriented Districts.

As previously discussed, one additional Very Low Income unit would be required to meet the requirements of the State Density Bonus law. The City Council now finds the South LA Area Planning Commission erred in its determination that substantial evidence existed in the record to make the necessary consistency findings when these redevelopment plan policies and LAMC Section 11.5.14 are taken into account as part of the required CEQA analysis.

Cumulative Impacts Exception Also Triggered

In addition, to the concerns above, the City Council has concerns that the proposed project, as proposed, raises housing equity and cumulative impact concerns given that the housing project is targeted towards University students nearby as established by the unusually high bedroom count per unit (5 per unit) with a total bedroom count of 506 bedrooms in a 102 unit project. Finally, the 506 bedroom project will not "provide adequate parking" via a meager 255 off-street vehicle parking spaces, which wouldn't accommodate 506 bedrooms that may be occupied by several students per bedroom each with private vehicular access. The City has not provided any evidence to establish that this project targeting students and other related student-housing targeted projects would not create traffic issues and contribute to cumulative construction air quality and noise impacts as established by the multitude of related projects in the area, set forth in Exhibit A, many of which are also targeting student housing. The City Council has also determined that given the increasing intensification around the Project Site, the City Council finds the cumulative impacts analysis in the narrative supporting the Class 32 exemption dated August 30, 2018 and

September 2019 lacks substantial evidence to support its conclusions related to cumulatively considerable impacts related to air quality, noise, and transportation. Additional environmental analysis is requested to be completed to evaluate these concerns further.

The cumulative impacts exception to categorical exemptions provides that “[a]ll exemptions...are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.” (CEQA Guidelines, 15300.2(b).) In this case, the City has failed to analyze the cumulative impacts of the proliferation of student housing in the area, and the City has recognized the negative impacts of multi-habitable room projects in this area through the establishment of the Neighborhood Stabilization Ordinance, which limits parking for projects targeting student housing. In addition, as stated above, the analysis of cumulative impacts related to air quality, construction noise and construction related transportation is not adequate to support the determination in the narrative supporting the Class 32 exemption dated CEQA Narratives dated August 30, 2018 and September 2019 to support its conclusion that the cumulative impact exception set forth in CEQA Guidelines, 15300.2(b) does not apply.

CONCLUSION

For the reasons stated herein, and the findings referenced here, the Planning Department finds that the proposed project does not qualify for the Class 32 Categorical Exemption. Based on the complete plans submitted by the applicant, a review of the record, and considering the appellant’s arguments for appeal, staff has determined that the project does not satisfy CEQA Guidelines Section 15332 (a) and the cumulative impacts exception. The Appellant has raised new information to dispute the Findings of the Class 32 Categorical Exemption and the Planning Department concurs.

Therefore, Planning staff recommends that the City Council take the following actions: determine that based on the whole of the administrative record, the project is NOT exempt from CEQA pursuant to CEQA Guidelines, Section 15332, and because substantial evidence demonstrating that the cumulative impact exception applies, and uphold the CEQA appeal filed by Jean Frost. Planning staff recommends that this matter be returned to Planning Staff to prepare an initial study and determine if a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report should be prepared for the proposed Project..

Exhibit A

List of Related Projects (Student Housing)

Address:	Case Number:	Unit Count:
243 W Adams Boulevard	CPC-2016-3312-GPA-VZC-DB-SPR, ENV-2016-3313-MND	296 apartments
505 W 31st Street	CPC-2017-111-DB-SPR, ENV-2017-112-CE	73 apartments
2595 S Hoover Street	None	46 townhomes
2321 S Flower Street	DIR-2020-996-SPR-HCA, ENV-2020-997-CE	280 apartments
2813 S Flower Street	DIR-2020-7585-RDP, ENV-2020-7592-EAF	47 hotel rooms
1069 W Exposition Boulevard	ADM-2021-1387-CPIOC	52 apartments
1265 W Exposition Boulevard	CPC-2020-415-DB-SPR-CUW, ENV-2020-415-CE	108 apartments
1421 W Adams Boulevard	DIR-2019-2727-CCMP(-1A), ENV-2019-2728-CE, ADM-2020-5776-CPIOC	45 apartments
1840 W Adams Boulevard	VTT-83081-SL-HCA, ENV-2020-3308-CE	10 SL townhomes