



Jan. 18<sup>th</sup>, 2022

Re. Item **(1)** 21-1495 –  
Case No. VTT-82077-SL-2A      Environmental No. ENV-2020-4774-CE

Honorable PLUM Committee Members:

The City has a valuable interest in maintaining its ability to exercise its dedication rights throughout the City. In this case, the City's right to exercise a dedication along Penmar Avenue on the subject property was preempted because the applicant was allowed to obtain ministerial LADBS permits before applying for the VTT subdivision of the property.

Since ministerial permits do not trigger dedications, the applicant was able to get permits to build porches on four buildings that would extend into the dedication. (At the WLAAPC hearing, the DCP representative erroneously stated that the buildings would not extend into the dedication). This error restricted the City's ability to exercise the dedication to mitigate the severe traffic impact of a bottleneck that exists at this property, which narrows the roadway by 10 feet, to 28 feet. It is therefore a CEQA impact.

The rest of Penmar Avenue, a collector street, has a roadway of 38 feet from its starting point at Rose Avenue to its intersection with Palms Boulevard, another connector street.

The Second Appellate District Court of California has made clear that "CEQA's requirements 'cannot be avoided by chopping up proposed projects into bite-sized pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial.'" *Lincoln Place Tenants Association v. City of Los Angeles*, 155 Cal. App. 4th 425, 450 (2d Dist. 2007) (citations omitted).

That case involved Lincoln Place, the property next to this project. Some of you may remember that litigation. It happened over a decade ago, yet we see the same error being made again, right next door.

The case before you is a CEQA case in which the issue of a CEQA requirement was avoided by breaking the proposed project up into two separate bites. The first bite was the building permits at LADBS. The second bite was the subdivision and VTT.

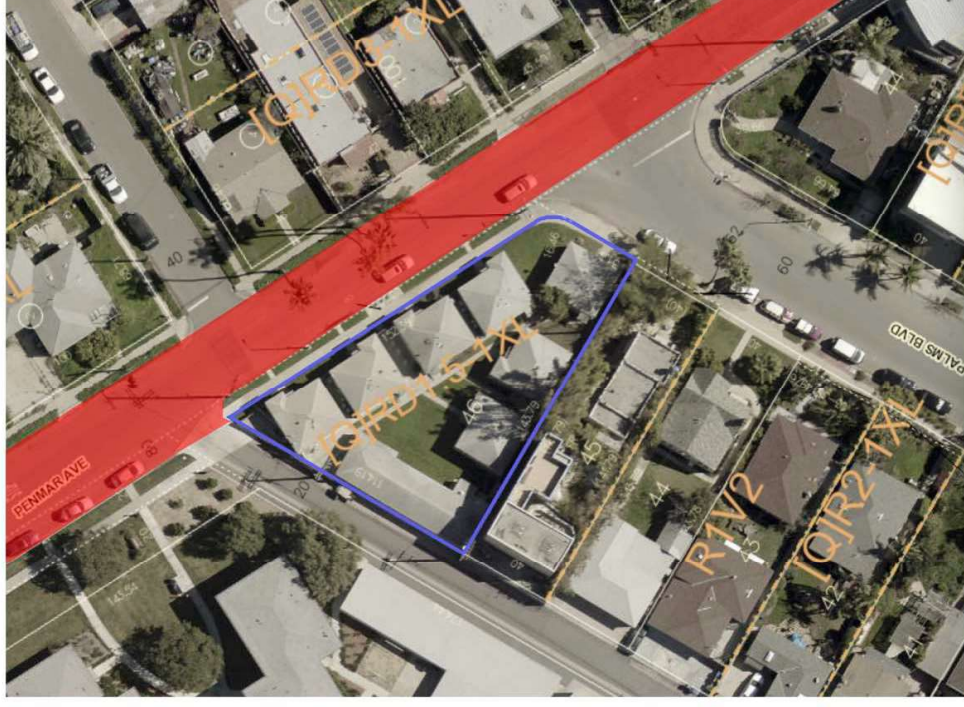
The VTT was given a Categorical Exemption from CEQA despite the traffic bottleneck, because the ability to widen the road had already been restricted by the ministerial permits. Had the building permits been given in the context of the VTT project, the City could have taken enough of its dedication to make the street passable in both directions. Therefore, the proposed project, as processed, has a CEQA traffic impact because it fails to mitigate a substandard condition that is dangerous to drivers, bicycle riders, pedestrians, and others.

Please have the City Attorney consult the aforementioned judicial authority before ruling on this appeal.

Thank you,

EVNA

# ZIMAS - PENMAR AVENUE EXISTING ROADWAY NARROWS BY 10' (from 38' to 28') AT PROJECT SITE

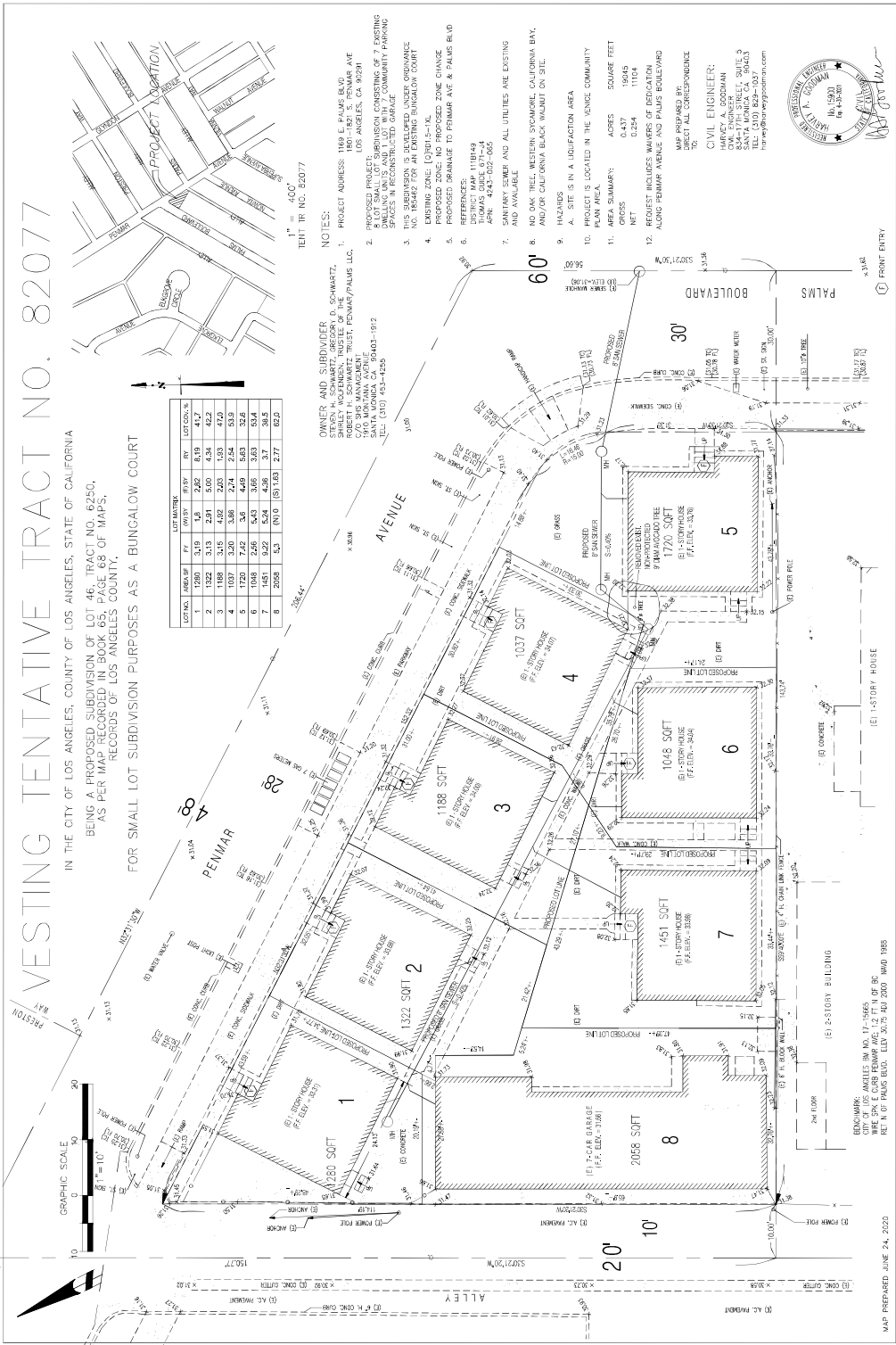




## PENMAR AVENUE – ZIMAS – EXISTING WITH TENTATIVE TRACT



# PROPOSED TENTATIVE TRACT MAP WITH NO DEDICATIONS



# PROPOSED ROADWAY WIDENING WITH 2' DEDICATION ON PENMAR AVENUE

