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February 9, 2022

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:

VESTING TENTATIVE TRACT MAP APPEAL OF CASE NO. VTT-82107-2A, FOR PROPERTY LOCATED AT 10822 WEST WILSHIRE BOULEVARD AND 10812 WEST ASHTON AVENUE; CF 20-1624-S1

On July 21, 2021, the Advisory Agency approved Vesting Tentative Tract Map No. 82107 for the merger and re-subdivision of six-lots into three lots (Lot 1 accommodates the existing Sanctuary, Lot 2 accommodates the Eldercare Facility, and Lot 3 accommodates the Childcare Facility) and ten (10) commercial condominium units. The designation of yards is shown on the approved map (see Exhibit A of the City Planning Commission Staff Report). Lot 2 would be for the construction, use, and maintenance of a new 12-story, 176,580 square foot Eldercare Facility containing up to 53 Senior Independent Housing dwelling units, 77 Assisted Living Care Housing guest rooms, 46 Alzheimer's/Dementia Care Housing guest rooms, and associated residential amenity and service areas within a single building. Lot 3 would accommodate a new two-story, 19,703 square foot Childcare Facility containing classrooms, administrative office space, and multi-purpose/group space and church-related administrative offices. The existing preschool, Fellowship Hall, administrative offices, surface parking lot, and a Church-owned single-family residence would be demolished. The Church's existing Sanctuary located on the northern portion of the Project Site fronting Wilshire Boulevard would remain. The Advisory Agency also approved a haul route for the export of approximately 62,000 cubic yards of soil. The project is related to Case No. ZA-2018-3422-ELD-CU-DRB-SPP-SPR, which was approved by the Zoning Administrator on July 21, 2021 and appealed by the same appellant as the appeal herein. On November 4, 2021, the City Planning Commission denied the appeal and upheld the Zoning Administrator's original decision with modified Conditions of Approval and amended Findings. The Zoning Administrators case is not further appealable.

On May 18, 2021, the City Council adopted a Sustainable Communities Environmental Assessment for the project pursuant to Public Resources Code (PRC), Section 21155.2. The Los Angeles City Council found, pursuant to PRC Section 21155.2, after consideration of the whole of the administrative record, including Senate Bill 375 Sustainable Communities Environmental Assessment, No. ENV-2019-5735-SCEA (SCEA), and all comments received, after imposition of

all mitigation measures there is no substantial evidence that the project will have a significant effect on the environment; found that the City Council held a hearing on and adopted the SCEA pursuant to PRC Section 21155.2(b)(6); found the Project is a “transit priority project” as defined by PRC Section 21155 and the Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in the prior environmental reports, including the Southern California Association of Government’s (SCAG) Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS) Program Environmental Impact Report; found all potentially significant or significant effects required to be identified and analyzed pursuant to the California Environmental Quality Act (CEQA) in an initial study have been identified and analyzed; found with respect to each significant effect on the environment required to be identified in the initial study, changes or alterations have been required in or incorporated into the project that avoids or mitigates the significant effects to a level of insignificance; found the SCEA reflects the independent judgement and analysis of the City; found the mitigation measures have been made enforceable conditions on the project; and adopted the SCEA and the Mitigation Monitoring Program for the SCEA (CF 20-1624).

One appeal of the entirety of the July 21, 2021 Advisory Agency action was filed within the appeal period ending August 2, 2021, by Kristina Kropp of Luna & Glushon representing Kay Waldman of Westwood Neighbors for Sensible Growth. This appeal was heard by the City Planning Commission (CPC) on November 4, 2021. At the hearing, Commissioners voted six to zero to deny the appeal and sustain the determination of the Advisory Agency.

On December 10, 2021, the entirety of the CPC Determination was subsequently appealed to the City Council by Kristina Kropp of Luna & Glushon representing Kay Waldman of Westwood Neighbors for Sensible Growth (Appellant) (Case No. VTT-82107-2A). The appeal in its entirety is located within Council File 20-1624-S1. The appeal points raised by the Appellant rely on the same arguments and information presented in the Appellant’s previous letters to the City. The City has already adequately provided details and full responses to each of the appeal points, supported by substantial evidence in the record and the CPC Appeal Report, dated November 4, 2021. The Appellant has failed to present any new information or substantial evidence to dispute the City’s Findings for Approval. Nonetheless, the following represents a summary and response to the appeal points identified in the appeal filed on December 10, 2021 and responded to by Planning Staff in the CPC Appeal Report dated November 4, 2021.

APPEAL ANALYSIS

APPEAL POINT 1: CONSISTENCY WITH GENERAL AND SPECIFIC PLANS

Appeal Point 1: *“The Project is Not Consistent with the General Plan, Westwood Community Plan, or the Wilshire Westwood Scenic Corridor Specific Plan.”*

“The Project, as proposed, fails to comply with all of these Community and Specific Plan requirements. The Project fails to maintain and preserve the low-density character of single-family neighborhood behind it and the multi-family neighborhood immediately next door, lacks transition of scale, and is the definition of out-of-scale development (seeking a laundry list of deviations from Code) adjacent to single family uses. It is the very type of Project, contributing to “a solid wall of high-rise buildings” on Wilshire Boulevard, that the Specific Plan was amended to avoid. It utterly fails to minimize the shadows caused on residential lots adjacent to the Wilshire-Westwood Scenic Corridor and to maximize air and light between buildings.”

Staff Response: While the appeal cites various issues, goals, and objectives in the Westwood Community Plan and purposes from the Wilshire – Westwood Scenic Corridor Specific Plan, the appeal fails to provide specific details showing how the proposed project does not adhere to those issues, goals, objectives, and purposes.

Even if the appeal was able to cite to specific criteria that Appellant contends is inconsistent with the General Plan and the applicable specific plans, it is well established that the test for whether zoning is consistent with the general plan is whether the zoning would be compatible with the applicable objectives, policies, and goals in the general plan. (Cal. Gov. Code §65860.) Perfect conformity is not required. (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1565 (“*Pfeiffer*”); see also, *Naraghi Lakes Neighborhood Preservation Assn.* (2016) 1 Cal.App.5th 9, 17-18 [“To reiterate, the essential question is ‘whether the project is compatible with, and does not frustrate, the general plan’s goals and policies’” in reviewing site rezoning].)

Moreover, the record supports the Advisory Agency and City Planning Commission’s (CPC) findings of consistency with the applicable policies and regulations made in the determination when approving the Project and no new substantial evidence has been raised by the Appellant regarding this analysis. As detailed in the Letter of Determination, reasons set forth in other appeal point responses in this report, the Sustainable Communities Environmental Assessment (SCEA), and elsewhere in the record, the Project is consistent with the General Plan, Community Plan, zoning code, Specific Plans, Eldercare Facility Unified Permit, and Conditional Use Permits approved as part of the Project.

Only the northern, R5 zoned, portion of the Project is located within the Westwood Community Design Review Board and Wilshire-Westwood Scenic Corridor Specific Plans. The Project was presented to the Westwood Design Review Board (DRB) which approved the project with conditions. The DRB found that the project substantially complies with LAMC Section 16.50 E as well as the relevant design guidelines and development provisions of the Wilshire-Westwood Scenic Corridor Specific Plan. The associated Zoning Administrator’s Letter of Determination contained the findings required to grant a Specific Plan Project Permit and Design Review approval. Thus, the City has provided substantial evidence demonstrating that the project complies with the applicable Specific Plan regulations.

The Project site is zoned both R1 and R5. As detailed in the Letter of Determination, reasons set forth in other appeal point responses in this report, and elsewhere in the record, the uses in the Project are appropriately located on the site and arranged into buildings in a way that is consistent with the R1 zoned portion of the lot and surrounding R1 uses as well as the R5 zoned portion of the lot and surrounding R5 neighborhood. The site today does not have a low-density character as purported by the Appellant; the site is within a part of the city that is largely oriented around multifamily residential towers to the east as well commercial towers to the west along Wilshire Boulevard and is designated for Very High Residential Land Uses in the Westwood Community Plan.

All the Project’s uses are allowed uses either by-right, through conditional uses, or through the Eldercare Facility Unified Permit process; all the procedures for these have been appropriately followed and justified with substantial evidence by the City. Childcare is an underprovided necessity for families in both the R1 and R5 areas of this neighborhood as well as the adjacent office buildings. Childcare does not adversely affect or degrade public health, welfare, and safety and is consistent with the Westwood Community Plan. The Childcare Center will be two stories in height, consistent with the surrounding single-family homes. Just north of the two-story Childcare Center, the project provides an open space area for vehicular and pedestrian circulation; though not required, this space acts as a buffer from the R1 lots to the south of the

Project site. The above-ground portion of the 12-story Eldercare Facility is fully situated on the R5 zoned portion of the lot. The 12-story building is compatible with the surrounding R5 zoned lots along Wilshire Boulevard and the R3 and R4 zones along the northern side of Ashton Avenue. Immediately adjacent to the subject site is a 24-story multi-family condominium residential building, situated along a corridor of other 20-story buildings.

The appeal claims the Project contributes to, “*a solid wall of high-rise buildings’ on Wilshire Boulevard, that the Specific Plan was amended to avoid,*” and the Project “*fails to minimize the shadows caused on residential lots.*” However, the Eldercare Facility will provide a front yard that observes the existing 25-foot building line ordinance along Wilshire Boulevard by placing plaza and a porte-cochere after the 25-foot building line, and then siting the building’s north façade with a 48-foot setback from Wilshire Boulevard. Previous design iterations had no step backs or terraces and instead had one solid wall all the way up to the project height but were redesigned to step back the front façade to present a smaller volume towards Wilshire Boulevard. Thus, the project does not present a solid wall along Wilshire Boulevard and as described in the Zoning Administrator’s Letter of Determination, is consistent with the Wilshire – Westwood Scenic Corridor Specific Plan. Regarding shadow, the Determination found that the project does not create shade and shadow impacts as is required by the Specific Plan; a shade and shadow analysis (see Appendix C of the SCEA) was conducted and found the project would not exceed the Specific Plan’s thresholds. Thus, the project complies with the shade and shadow requirements of the Wilshire – Westwood Scenic Corridor Specific Plan.

APPEAL POINT 2: DESIGN AND ENVIRONMENTAL DAMAGE FINDING

Appeal Point 2: “*The Design of the Subdivision and Proposed Improvements are Likely to Cause Substantial Environmental Damage.*”

“*A Sustainable Communities Environmental Assessment (“SCEA”) is not appropriate, as a matter of the California Environmental Quality Act (“CEQA”).*”

Staff Response: The Appellant has not provided any evidence to link environmental damage to the design of the subdivision. For purposes of a subdivision, “design” is defined as street alignments, drainage, easements, fire access, lot sizes, traffic access, grading, parks, and the like pursuant to Section 66418 of the State Subdivision Map Act and LAMC Section 17.02. In addition, the following finding is required to approve a subdivision, “the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.” In approving the Vesting Tentative Tract Map, the Deputy Advisory Agency adequately considered the physical condition of the project site and surrounding area to make this finding. As described in the Determination, “approximately 95 percent of the Project Site is currently covered by on-site buildings and paved areas, while the remaining portion is covered by landscaping and trees.” Of the 31 existing on-site trees, one is a protected tree; all on-site trees are proposed to be removed and replaced at the ratios required by Ordinance 177,404. The Determination verifies that, “the surrounding area is presently developed with structures,” and, “neither the project site nor the surrounding area provides a natural habitat for fish or wildlife.” Additionally, the project site does not contain any riparian habitat or sensitive natural community, nor does it contain state or federally protected wetlands to support biological resources.

Furthermore, the Appellant’s argument that the SCEA is inappropriate is unsubstantiated. To the contrary, there is sufficient evidence in the record including but not limited to the project’s adopted SCEA and the responses to Appeal Points 3-6 detailed below, that the project’s environmental impacts were adequately assessed and that the project qualifies for a SCEA.

For the reasons described in the Determination, the SCEA document, and the staff responses to the appeal points above, a SCEA was appropriate as the CEQA review for this project. Therefore, the City has provided evidence in the Determination and the SCEA that the project's design will not cause environmental damage.

APPEAL POINTS 3 – 6

STAFF NOTE: Appeal Points 3 – 6 relate to the project's Sustainable Communities Environmental Assessment (SCEA), prepared in accordance with Public Resources Code (PRC) Section 21155.2, which was adopted by the City Council on May 18, 2021. As such, the SCEA is not further appealable. The City Council is the ultimate decisionmaker for purposes of CEQA and there is no basis to find that any changes to the project or circumstances have occurred, or new information has become available that was not known or could not have been known with the exercise of reasonable diligence, after Council's consideration such that the City Council's adoption of the SCEA and SCEA findings for the Project are no longer supported by substantial evidence or that a new significant impact would occur.

For purposes of the administrative record, the City further clarifies why the appeal points are without merit.

APPEAL POINT 3: TRANSIT PRIORITY PROJECT

Appeal Point 3: *"The Project does not Qualify as a Transit Priority Project ("TPP"), and therefore may not utilize a SCEA."*

"Public Resources Code § 21155(b) defines a TPP as a development project that contains at least 50 percent residential use, provides a minimum density of at least 20 units per acre, and is located within one-half mile of a major transit stop or transit corridor. A qualifying residential project for purposes of TPP status is defined in Public Resources Code § 21159.25 as follows: "Residential or mixed-use housing project" means a project consisting of multifamily residential uses only or a mix of multifamily residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use. Undoubtedly, here, the Project is not comprised of "multifamily residential uses" only. Furthermore, evidence has been submitted that the Project does not qualify because its non-residential uses (not fully repeated herein but incorporated by reference) exceed the thresholds provided in Public Resources Code §§ 21159.25 and 21155(b)."

"The Initial Study in the SCEA for the Project makes the unsupported assumption that the zoning of the Project site necessarily renders this a residential Project. That assumption is not only unsupported, but also incorrect. Indeed, an Eldercare Facility, as proposed, is not even a "by right" use on this residentially zoned site. The Zoning Administrator will note that this issue has been litigated and Courts have rejected efforts to use the zoning to characterize the nature of a proposed land use differently from its actual functionality. Concerned Dublin Citizens v. City of Dublin (2013) 214 Cal.App.4th 1310. In response to this criticism, the City further asserts that the term "eldercare facility" is defined in the LAMC as a residential use. But the problem is that there is no substantial evidence to support the finding here that the uses proposed will actually be residential. The proposed operations of the Project before the City render it more akin to a commercial, rather than a residential use: the 24-hour care and outside assistance, provided scale of the proposed food service (resembles more closely a hotel or a hospital than a multi-family residential use), guest services, numbers

of employees plus the nature of the work they will provide, proposed childcare facility, worship facilities and related functionalities, etc. By proposing the SCEA, the City is failing to adequately recognize the functionality of the proposed Project.”

“A TPP is, on its face, meant to be for purposes of building residential uses near transit for the purpose of encouraging public transit use. But, based on the transportation profile of the consumers of the Project – pre-school children, Alzheimer patients and the elderly, the Project is unlikely to generate any or any appreciable amount of transit use. Accordingly, it fails as a TPP based upon the legislative history of the SB 375, as well as the law’s plain language.”

Staff Response: Pursuant to Senate Bill (SB) 375 and Public Resources Code (PRC) Section 21155, a project qualifies as a Transit Priority Project for the purposes of utilizing a SCEA if it is consistent with the general land use designation, density, building intensity, and policies in the SCAG RTP/SCS; and meets the criteria in PRC Section 21155(b) related to minimum density, residential uses, and distance from a major transit stop or high-quality transit corridor included in a regional transportation plan. A project must contain at least 50 percent residential use based on total building square footage, and if a project contains between 26 percent and 50 percent non-residential uses, a floor area ratio of not less than 0.75 to be considered a Transit Priority Project in accordance with PRC Section 21155. As demonstrated in the record, the project meets the above criteria.

The Appellant alleges that the project does not qualify as a Transit Priority Project because the proposed uses and operations on the site, including the eldercare facility, are more akin to commercial rather than residential uses. Additionally, the Appellant argues that those directly served by the project, including children, Alzheimer’s patients, and the elderly, are unlikely to generate significant transit use, and therefore fail to meet the intent of SB 375. However, both arguments are specious and lacking in any substantial evidence to support these unfounded assumptions, as SB 375 does not disqualify or discriminate against certain types of residential uses from being considered a Transit Priority Project (even if those uses provide on-site care and food or require staffing to serve the long-term residents of the project). Additionally, LAMC Section 12.03 clearly defines Eldercare Facility as:

“[o]ne functionally operated facility, which provides *residential housing* [emphasis added] for persons 62 years of age and older, and which combines in one facility, two or more of the following housing types: Senior Independent Housing, Assisted Living Care Housing, Skilled Nursing Care Housing, and/or Alzheimer’s/Dementia Care Housing. A minimum of 75 percent of the floor area, exclusive of common areas, shall consist of Senior Independent Housing and/or Assisted Living Care Housing.”

Each of the project’s senior living unit types, including the 53 Senior Independent Housing dwelling units, 77 Assisted Living Care Housing guest rooms, and 46 Alzheimer’s/Dementia Care Housing guest rooms, along with specialized amenity, service, and care areas for the eldercare facility, are considered residential uses under the LAMC, and constitute more than 50 percent of new floor area for the project. Although the Childcare Center and existing Sanctuary are not considered residential uses, they constitute less than 50 percent of new floor area for the project and do not disqualify the project from meeting the definition of Transit Priority Project. The Project would construct two new buildings on the Project Site which would contain a total floor area of 196,283 square feet (consisting of 19,703 square feet of non-residential uses within the proposed Education Center, and 176,580 square feet of residential uses within the proposed Eldercare Facility). Accordingly, the Project’s residential floor area would comprise nearly 90 percent of the Project’s new building square footage. Though not required, if only the floor area of the proposed

dwelling units and guest rooms were considered, the project would still surpass the 50 percent threshold as the total floor area contained within the 53 Senior Independent Housing dwelling units and 77 Assisted Living Care Housing guest rooms is 85,280 square feet and the total floor area contained within the Alzheimer's/Dementia Care Housing guest rooms is 18,940 square feet, for a total of 104,220 square feet of non-common area Eldercare Facility floor area. The Appellant failed to demonstrate how users of the site would significantly increase Vehicle Miles Traveled (VMT) above applicable thresholds or how the Project would result in significant transportation impacts. As such, the project is properly deemed a Transit Priority Project pursuant to CEQA statute, and this appeal point is without merit.

APPEAL POINT 4: CONSISTENCY WITH SCAG'S RTP/SCS

Appeal Point 4: *"The Project is not Consistent with the General Land Use Designation, Density, Building Intensity and Applicable Policies Specified in the RTP/SCS Prepared by SCAG."*

"The Project specifically seeks a laundry list of discretionary entitlements and deviations from the Los Angeles Municipal Code, including the Zoning Code. Accordingly, it is not consistent with the general use designation, density, building intensity, and applicable policies specified for the Project area in the RTP/SCS prepared by SCAG."

"A CEQA document must identify and discuss, as part of its substantive disclosure requirements, inconsistencies between the Project and applicable general plans and regional plans. The SCEA fails to adequately do so. Instead, the SCEA Initial Study states that the Project does not seek any adjustments or an exception but rather seeks approval from the Zoning Administrator under the Eldercare Facility zoning law of a 12-story and 153-foot building. The SCEA Initial Study then concludes that with these approvals, there will be no "conflict." Such unsupported conclusion not only plays fast and loose with not only the scope of the requested entitlements, but also fails to provide clear information as required under CEQA."

Staff Response: The Appellant purports that the project's discretionary entitlements are inconsistent with the general land use designation, density, building intensity and applicable policies specified in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) prepared by SCAG, and therefore the project does not qualify for a SCEA. The Appellant misstates the SCEA requirements, as set forth in Public Resources Code 21155. To qualify for a SCEA, pursuant to Public Resources Code Section 21155(a), the project must demonstrate consistency with the applicable Sustainable Communities Strategy (here, the SCAG 2020-2045 RTP/SCS), not City-specific zoning requirements. The SCEA contains analyses of both the 2020-2045 and 2016-2040 RTP/SCS and demonstrates consistency with both plans. The Project Site is within an Urban land use development category (LDC) – the highest density and most intense land development category assessed in the 2016-2040 RTP/SCS. The most intense development types are anticipated in the Urban LDC. The Project is consistent with the Urban LDC and the Urban Residential and City Residential place types described in the 2016-2040 RTP/SCS, as it is located within a highly urbanized area within the City of Los Angeles and proposes to develop uses and buildings that are consistent with the contemplated place types of the RTP/SCS (see Section 3 of the SCEA for more details). In addition, the SCEA fully discloses and analyzes the Project's land use impacts and finds that the Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Although the project requires relief from certain provisions of the LAMC, these deviations have been aptly approved and supported by Zoning Administrator findings as part of the entitlement review process. An assessment of the project's consistency with the LAMC is not a requirement pursuant to Senate Bill 375's CEQA streamlining provisions. The Appellant has failed to demonstrate how the portions of the LAMC that are the subject of the Zoning Administrator's action avoid or mitigate an environmental effect, or how the Project would otherwise result in significant land use impacts. As such, this appeal point is unsubstantiated.

APPEAL POINT 5: SCEA PROJECT DESCRIPTION

Appeal Point 5: *"The Project Description contained within the SCEA provide a superficial description of the Project which omits material facts that relate to whether the Project has the potential for significant environmental impacts. The stated number of dwelling units is misleading, the total resident capacity not provided, and the description of services provided at the Center vaguely set forth. Statistics regarding ambulatory needs and capacity are missing. The SCEA also lacks a complete project setting."*

Staff Response: The appeal does not point to specific evidence of an inadequate or incomplete project description or environmental setting contained within the SCEA analysis to which a direct response is possible. The project and project setting have been adequately described and disclosed in accordance with CEQA Guidelines, Appendix G: Environmental Checklist Form. The Project, as described in the SCEA, would construct a new 12-story, 176,580-square foot Eldercare Facility containing up to 53 Senior Independent Housing dwelling units, 77 Assisted Living Care Housing guest rooms, 46 Alzheimer's/Dementia Care Housing guest rooms, and associated residential amenity and service areas; the project would also provide a new 2,520-square foot Fellowship Hall and 2,923 square feet of shared space for use by the Eldercare Facility and the Church; and the project would construct a new two-story, 19,703-square foot Childcare Facility containing classrooms, multipurpose/group space, and administrative offices for the church and Childcare Facility. Section 2.1 Project Description and Section 2.6 Project Characteristics of the SCEA provide additional details on the Project and include all the Project's requested entitlements. Sections 2, 3, and 4 of the SCEA provide many details of the existing project setting, including relevant maps and pictures. This information has been relied upon in preparation of the project's initial study and provides a complete picture of the project and environmental setting to analyze the potential impacts of the project based on established thresholds of significance. As such, the appeal point is without merit.

APPEAL POINT 6: SCEA TRANSPORTATION ANALYSIS

Appeal Point 6: *"The Discussion of Transportation Impacts is Unsupported by Substantial Evidence."*

"Rather than evidence, the SCEA provides assumptions and speculation regarding transportation impacts from the Project, and in particular with regard to the elderly served by the Project as well "pass-by trips." The SCEA repeatedly claims a "reduction" in trips but fails to substantiate this claim with evidence. Indeed, the evidence is to the contrary."

"Moreover, the SCEA fails to identify the methodology used to determine transportation impacts. Although it states that a "custom" methodology was used, no such customization is scrutinized and in other parts of the SCEA directly contradicted by traditional transportation methodology."

"Finally, the SCEA's finding of no impact with regard to whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp

curves or dangerous intersections) or incompatible uses (e.g., farm equipment) is completely devoid of any, let alone substantial, evidence. Based on the SCEA's own Project Trip Generation, Table 7-1, the expanded day care center will generate 457 daily trips, an increase of 417 trips over existing on Ashton Avenue, a small residential street which intersects with Malcom Avenue, another small residential street. The SCEA fails to even mention, let alone analyze or mitigate the impacts of such incompatible uses."

Staff Response: The appeal does not point to specific inaccuracies or deficiencies in the SCEA's transportation analysis. All required traffic analyses have been prepared in accordance with the Los Angeles Department of Transportation (LADOT) Transportation Impact Study Guidelines, and have been reviewed and found to be adequate by LADOT, including the following:

- March 19, 2019 LLG Engineers Transportation Impact Study (TIS), approved by LADOT on April 23, 2019
- April 20, 2020 Supplemental VMT Assessment, approved by LADOT on April 28, 2020

The detailed analysis is included in the administrative record and serves as substantial evidence that the project's transportation impacts will be less than significant. An additional Engineers Construction Traffic Analysis Memo was prepared by LLG Engineers on March 28, 2019, with supplemental construction analysis. The pass-by trip reductions are fully disclosed and identified in the traffic assessment, and as noted in the SCEA Appendix K, Transportation Analyses and LADOT Assessment Letters on page 6, the source of the pass-by reduction is cited as the "LADOT policy on pass-by trip adjustments, Transportation Impact Study Guidelines, LADOT December 2016". The Appellant fails to demonstrate how the established LADOT methodology and policy is "based on speculation" or fails to qualify as evidence. As clearly detailed in the traffic study, a custom land use was employed for the Eldercare Facility in the VMT calculator, as determined by LADOT, and which reflected the project's number of residents and employees and indicated in the VMT calculator sheets. The Appellant has failed to demonstrate how the custom land use did not appropriately capture VMT by the project's residents and employees. The Appellant also claims that the project would result in hazardous traffic conditions but fails to demonstrate deficiencies in the analysis and information in the SCEA. As stated on page 318 of the SCEA:

"No sharp curves, incompatible uses, new intersections or roadways are proposed. As mentioned in Threshold 17.a, the Project's impact on roadways and intersections in the area was evaluated in a Transportation Impact Study (Appendix K-1). As such, the forecasted vehicle trips generated by the Project would not increase potentially hazardous conditions on local roadways or intersections. In addition, as discussed in the TIS, the Project Site is not located along Westwood Boulevard or Glendon Avenue, which are identified as High Injury Network streets in the City."

In sum, the SCEA and traffic study clearly document reductions and VMT calculations consistent with LADOT methodology, as well as demonstrate that Project traffic impacts will be less than significant. To the contrary, the Appellant fails to address any issues not already addressed in the SCEA, nor have they provided any specific or substantial evidence to support their claim that the project's transportation analysis is incomplete. As such, the appeal point should be denied.

CONCLUSION

Based on the information submitted, reports from City agencies, the surrounding land uses and zoning pattern, conformance with the General Plan, and Los Angeles Municipal Code, Planning Staff recommends that the PLUM Committee and City Council deny the appeal and sustain the

Determination of the City Planning Commission. Upon in-depth review and analysis of the issues raised by the appellant, no substantial evidence exists, and the City Planning Commission acted reasonably in approving the requested subdivision. The appeal cannot be substantiated and therefore should be denied.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in black ink, appearing to read 'Sergio Ibarra', with a stylized flourish at the end.

Sergio Ibarra
Deputy Advisory Agency

VPB:MS:SI:EG:ds