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February 25, 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:

**CEQA APPEAL OF CASE NO. AA-2020-6489-PMLA-SL (ENV-2020-6490-CE-1A), FOR
PROPERTY LOCATED AT 2034–2036 SOUTH CURSON AVENUE; CF 21-1192**

On April 29, 2021, the Advisory Agency approved Parcel Map No. AA-2020-6489-PMLA-SL-HCA located at 2034 – 2036 Curson Avenue, to subdivide one (1) lot, totaling 5,175 square-feet into two (2) lots for the construction, use and maintenance of two (2) small lot homes with 4 covered on-site parking spaces in the RD2-1 zone.

On May 10, 2021, the Advisory Agency Determination was appealed to the South Los Angeles Area Planning Commission by Kristina Kropp of Luna & Glushon representing Alfredo Mercado of Curson Avenue Neighbors (Appellant) (Case No. AA-2020-6489-PMLA-SL-HCA-1A). This appeal was heard by the Area Planning Commission (APC) on August 3, 2021. At the hearing, Commissioners voted four to zero to deny the appeal and sustain the determination of the Advisory Agency, issuing their decision in a letter dated August 23, 2021.

On August 23, 2021, the CEQA determination was appealed to the City Council by Kristina Kropp of Luna & Glushon representing Alfredo Mercado of Curson Avenue Neighbors (Appellant) (Case No. ENV-2020-6490-CE). The appeal in its entirety is located within Council File 21-1192. **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 APC Appeal Report, dated August 3, 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 August 23, 2021 and responded to by Planning Staff in the APC Appeal Report dated August 3, 2021.

APPEAL ANALYSIS

NEED FOR ENVIRONMENTAL IMPACT REPORT

Appeal Point 1: *“The California Environmental Quality Act (“CEQA”) provides the strong presumption in favor of requiring preparation of an Environmental Impact Report.”*

Staff Response: The Appellant has failed to provide substantive evidence to support its allegations that CEQA requires the preparation of an Environmental Impact Report in this case. The Advisory Agency determined that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, Class 32 (for Infill Development Projects), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

CONSISTENCY WITH GENERAL AND SPECIFIC PLANS

Appeal Point 2: *“Class 32 Exemptions may only be used where the Project is consistent with the applicable General Plan. The Project is not consistent with the West Adams - Baldwin Hills - Leimert Community Plan.”*

Staff Response: The Appellant has failed to provide substantive evidence to support its allegations that the Design of the Project is not consistent with the West Adams - Baldwin Hills - Leimert Community Plan. The Advisory Agency has made findings of consistency with the Plan when approving the Project and no new substantial evidence has been raised by the Appellant regarding this analysis. The project site is located within the West Adams - Baldwin Hills - Leimert Community Plan with a Low Medium II Residential land use designation with corresponding zone RD1.5 and RD2. The subject property is zoned RD2-1. The proposed subdivision is for one (1) lot, totaling 5,175 square-feet into two (2) lots for the construction, use and maintenance of two (2) small lot single family homes. Lots 1 and 2 will have two (2) covered parking spaces per lot and one (1) roof deck on each lot, which is consistent with the zone and land use designation.

APPROPRIATENESS OF CATEGORICAL EXEMPTION.

Appeal Point 3: *“Class 32 Exceptions are further only available where the Project would not result in any significant effects relating to traffic, noise, air quality or water quality. Here, not only is the City’s finding to such effect not supported by substantial evidence, there is evidence to the contrary.”*

Staff Response: The Appellant has failed to substantiate or provide evidence as to how the project would result in any significant effects relating to traffic, noise, air quality or water quality. The project is beneath the threshold criteria established by LADOT for preparing a traffic study. Therefore, the project will not have any significant impacts to traffic. The project will not result in significant impacts related to air quality because it falls below interim air threshold established by Department of City Planning (DCP) staff. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds.

Furthermore the project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff.

Appeal Point 4: *“CEQA also prohibits use of a categorical exemption when “there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” (CEQA Guidelines § 15300.2(c)). The “unusual circumstances” exception is established without evidence of an environmental effect upon a showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location. In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance. Alternatively, the “unusual circumstances” exception is established with evidence that the project will have a significant environmental effect. The City’s finding that there are no unusual circumstances is not supported by substantial evidence, there is evidence to the contrary.”*

Staff Response: The Appellant has failed to substantiate or provide evidence as to how the project would constitute an unusual circumstance that would have a significant effect on the environment in this case. The proposed project consists of development typical of a residential neighborhood; no unusual circumstances are present or foreseeable. The site is zoned RD2-1. The property is currently developed with a single-family residence proposed to be demolished and is located within the West Adams - Baldwin Hills - Leimert Community Plan, which designates the site for Low Medium II Residential land uses. The proposed subdivision is for one (1) lot, totaling 5,175 square-feet into two (2) lots for the construction, use and maintenance of two (2) small lot single family homes. Lots 1 and 2 will have two (2) covered parking spaces per lot and one (1) roof deck on each lot, which is consistent with the zone and land use designation.

Appeal Point 5: *“Finally, application of the Class 32 exemption is inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. Cumulative impacts have not been adequately evaluated.*

Staff Response: The Appellant has failed to substantiate or provide evidence as to how the project would significantly contribute to a cumulative impact of successive projects of the same type in the same place, over time. The project is consistent with the type of development permitted for the areas zoned RD2-1 and designated Low Medium II Residential land use. The project site is currently developed with a single-family residence proposed to be demolished. Given the proposed project is for 2 dwelling units, that equates to a net increase of one (1) dwelling unit. On July 19, 2018 the Advisory Agency approved a small lot subdivision for the construction, use and maintenance of two (2) small lot single family homes at 2022 South Curson Avenue. On November 11, 2019 the Advisory Agency approved a small lot subdivision for the construction, use and maintenance of two (2) small lot single family homes at 1918 South Curson Avenue. Both of these subdivisions requested the same set of entitlements as the subject project, and all were consistent with the zone and land use designation of the project sites. No other subdivision has been developed near the subject site within the last thirteen years.

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 Area Planning Commission acted reasonably in approving the requested small lot 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', written over a horizontal line.

Sergio Ibarra
Deputy Advisory Agency

VPB:MS:SI:RF