

## Communication from Public

**Name:**

**Date Submitted:** 03/31/2022 11:41 AM

**Council File No:** 21-1030-S1

**Comments for Public Posting:** CF-21-1030-S1. This letter is submitted on behalf of Applicant, WIP Expo Crenshaw, for the PLUM meeting scheduled for Tuesday, April 5, 2021.

March 31, 2022

Honorable Members of the Los Angeles City Council  
Planning and Land Use Management Committee  
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Re: Crenshaw Crossing Project (Council File No. 21-1030-S1; ENV-2019-5426-SCEA; CPC-2019-5425-DB-MCUP-SPP-SPR-PHP-1A)

We submit this letter on behalf of our client, WIP Expo Crenshaw (“**Applicant**”) in the above-referenced matter. The Applicant is proposing a development project that includes the construction and operation of two mixed-use buildings, including up to 401 residential units, with at least 61 units reserved for Very-Low Income households and 20 units reserved for Very-Low Income or Low Income households, and 40,996 square feet of commercial and community floor area. The development project, known as the Crenshaw Crossing Project (“**Project**”), is composed of two sites, the West Site and East Site, bifurcated by Crenshaw Boulevard and located less than 500 feet from the Metro E Line Expo/Crenshaw Station. The Project also includes a portal on the East Site to provide pedestrian access to Metro’s Crenshaw/LAX Transit Project, which is currently under construction on Crenshaw Boulevard.

On October 13, 2021, the City Council adopted a Sustainable Community Environmental Assessment Project (“**SCEA**”) for the Project pursuant to California Public Resources Code (“**PRC**”) Section 21155.2. On October 14, 2021, the Deputy Advisory Agency approved the SCEA adopted by the City Council, and the City filed a notice of determination (“**NOD**”) that was thereafter posted at the County Recorder’s Office. The statute of limitations to challenge the City’s approval of the SCEA ended on November 24, 2021, pursuant to the State California Environmental Quality Act (“**CEQA**”) Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) (“**CEQA Guidelines**”) 15075. No appeal was filed by the appellants to the Deputy Advisory Agency’s decision.

On January 11, 2022, after a duly noticed public hearing that was held on December 16, 2021, the City Planning Commission issued a Letter of Determination (“**LOD**”) finding, among other matters, that the environmental clearance for the Project, the SCEA, was approved by the City Council on October 14, 2021, and that no substantial evidence of new information or significant impacts was presented. As a result, the LOD findings state that “no major revisions to the SCEA are necessary due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect resulting from changes to the project, changes to circumstances, or the existence of new information.” (LOD page F-40)

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On January 22, 2022, the appellants, Donna Jones and the East Adams Avenues Association (“**Appellants**”), appealed the City Planning Commission’s actions, including its findings on the SCEA (“**Appeal**”). The Appellants’ underlying reason for the Appeal is based on the Project’s removal of three protected Sycamore trees and the replacement of the three trees with 12 new trees, as well as the replacement of the non-protected trees with an additional 40 trees than required by the Los Angeles Municipal Code (“**LAMC**”). Appellants also contend that the City Planning Commission abused its discretion in adopting its findings.

Although the SCEA is final and not subject to reopening by an untimely appeal, to assist in your deliberations, below is a brief analysis of various legal issues raised in the Appeal, including the issues relating to the SCEA.

**I. The Approved SCEA Complies with California Environmental Quality Act and is Final**

**A. Overview**

In an attempt to encourage the development of much needed housing near transit, the State enacted Senate Bill 375 (“**SB 375**”), which streamlines the environmental review of certain transit priority projects (“**TPPs**”) with the preparation of a SCEA. The purpose of the streamlined review for TPPs is to encourage the reduction in greenhouse gas emissions by encouraging higher density, infill development located near transit. Consistent with PRC Section 21155.2(b), the SCEA that the City Council approved for this Project contains detailed analysis and substantial evidence that the Project qualifies for a SCEA because: (i) the Project is consistent with the general land use designation, density, building intensity, and policies identified in the Southern California Association of Governments Regional (“**SCAG**”) Transportation Plan/Sustainable Communities Strategy (“**2020-2045 RTP/SCS**”); (ii) at 89 percent residential use, the Project contains at least 50 percent residential use, based on total building square footage; (iii) at 95 dwelling units per acre, the Project provides a minimum net density of at least 20 units per acre; (iv) located within a high-quality transit corridor, and less than 500 feet from the Metro E Line Expo/Crenshaw Station, the Project is located within one-half mile of a major transit stop or high-quality transit corridor included in the 2020–2045 RTP/SCS; (v) the Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in three applicable prior EIR’s (the SCAG 2020–2045 RTP/SCS Program EIR, the West Adams-Baldwin Hills-Leimert Community Plan EIR, and the Community Redevelopment Agency of the City of Los Angeles (CRA/LA) Mid-City Redevelopment Plan EIR); and, (vi) the initial study included substantial evidence that the Project will have less than significant impacts through incorporation of the prior EIR mitigation measures and incorporation of new mitigation measures.

The CEQA and State CEQA Guidelines authorize the City to rely on the previously adopted SCEA unless a subsequent environmental review or addendum is required. Pursuant to CEQA Guidelines Sections 15162 and 15164, the preparation of a subsequent SCEA or an addendum is not required unless (i) there are substantial changes in the project resulting in new significant environmental

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effects or a substantial increase in the severity of previously identified significant effects; (ii) substantial changes in circumstances have occurred since approval of the SCEA resulting in either new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (iii) new information of substantial importance, which was not known *and could not have been known with the exercise of reasonable diligence at the time the SCEA was adopted*, shows that the project would have either: (a) one or more new significant effects; or (b) significant effects previously analyzed in the SCEA will be substantially more severe; or (c) mitigation measures found in the SCEA to be infeasible, and which the applicant declines to adopt, are not infeasible and would substantially reduce one or more significant effects of the project; or (d) new mitigation measures are available that would substantially reduce one or more significant effects of the project.

Appellants have failed to provide substantial evidence of *any* new information or change of circumstance that could not have been known with respect to the planned removal of the three Sycamore trees or the other trees. In fact, as noted in the LOD findings, none of the above changes or factors has arisen since the City approved the Project and the SCEA. (LOD page F-40.) Accordingly, as further explained below, there is no basis for requiring a subsequent SCEA or an addendum to the SCEA.

## **B. Appellants Are Barred From Challenging the SCEA.**

The SCEA was released for public comment from June 10, 2021 to July 9, 2021. The SCEA included an analysis of impacts to biological resources that specifically discussed the removal and replacement of the on-site trees, including the three protected Sycamore trees and two of the 11 non-protected street trees. (SCEA Section 4.0, pages 4.0-37 through 4.0-42 and Appendix B, *Tree Report*.) During the public comment period, the Department of City Planning received two written comments from members of the public, neither of which were from the Appellants. The public comment letters that were received did not include any comments regarding the Project's removal and replacement of the trees, instead they included concerns over liquefaction, drought, the size of parking stalls, access to outdoor space, provision of public benefits, and environmental review through a SCEA. Based on substantial evidence in the record, the City Council found that none of the concerns set forth in the comments provided substantial evidence that the Project would have a significant effect on the environment. Accordingly, the City Council approved the SCEA and the Mitigation Monitoring Program for the Project.

Pursuant to CEQA Guidelines Section 15112, the statute of limitations for challenges to the approval of an EIR, and in this case the SCEA, is 30 days after the posting of the notice of determination (“**NOD**”). After the Deputy Advisory Agency approved the SCEA, the City timely filed the NOD, which the County posted on October 25, 2021. Appellant did not appeal the actions of the City Council nor of the Deputy Advisory Agency, nor comment on the SCEA during the comment period or at the public hearing on the SCEA. Accordingly, Appellants are barred from raising any new issues (i.e., removal of the three sycamore trees) related to the adequacy of the SCEA at this time. Additionally, as explained below, this Appeal contains no substantial evidence

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which would support a need for a subsequent SCEA or an addendum to the SCEA. As a result, the portions of the Appeal challenging the adopted SCEA have no merit and should be denied.

**C. The Appeal Presents No Substantial Evidence Justifying a Subsequent SCEA or an Addendum to the SCEA.**

Appellants contend that substantial new information renders the approval of the SCEA open for further review. However, the Appeal contains no substantial evidence that would warrant any such review. Appellants instead contend that they were not specifically informed of the removal of the three Sycamore trees (which they refer to as “grove” although the definition of a grove is “a small wood without underbrush or a planting of fruit or nut trees” [Merriam-Webster]). However, Appellants admit that the SCEA contains a Tree Report that clearly states that the three Sycamore trees would be removed.<sup>1</sup> (Appeal at page 3.) Moreover, the actual text of the SCEA, page 4.0-38, gives ample notice of the removal of the Sycamore trees as well as the other on-site trees and two off-site trees:

“In addition, according to the Tree Report (Appendix B: Tree Report) prepared for the Project, vegetation on the Project Site [includes] 44 on-site trees (41 trees on the West Site and 3 trees on the East Site) and 11 street trees in the public right-of-way (ROW) adjacent to the West Site. The 3 trees on the East Site are sycamore trees, which are protected under the City’s tree ordinance. [footnote omitted]. **The Project will require the removal of 41 on-site trees on the West Site and 2 street trees in the public ROW adjacent to it, and the 3 protected sycamore trees on the East Site.**” (emphasis added.)

The information regarding the removal of the Sycamore trees was repeated on pages 4.0-40 through 4.0-41 of the SCEA, which also explain that the Project would provide more than the LAMC required replacement trees, thereby finding that the Project would not have a significant impact related to this biological resource.

“The Project will require the removal of 41 on-site trees from the East Site, 2 street trees in public ROW adjacent to the West Site, and 3 protected Sycamore trees on the East Site. Impacts to any trees that meet the City of Los Angeles Tree Preservation Ordinance No. 177.404 would be considered potentially significant.

“Replacement of the on-site Sycamore trees will occur at a four-to-one (4:1) ratio, all street trees will be replaced at a two-to-one (2:1) ratio. Accordingly, in addition to the 12 replacement Sycamore trees and the 4 replacement street trees, the Project is also required to provide an additional 101 new trees, one tree for every four new residential units, pursuant to LAMC Section 12.21 G, ... The Project, however, will provide 157 new trees on-site and within the Project’s adjacent ROW, consisting of 78 trees on or adjacent to the West Site and 79 trees on or adjacent to the East Site. ... Therefore, the Project would not

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<sup>1</sup> SCEA, Exhibit B, *Tree Report*, Table II, *Inventory of Site “B” Trees*, page 11.

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conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance and potential impacts would be less than significant.”

Thus, Appellants’ assertion that the public was not made aware of the removal of the trees is without merit. In fact, Appellants admit that the SCEA provides information on the removal of the trees, but they nevertheless – and shockingly – assert that they should not be required to read the SCEA or the Tree Report for this Project to determine the fate of the trees. (Appeal at page 3, paragraph 1.) Failure to review the SCEA is not substantial evidence of new information that was not known or could have been known at the time of adoption of the SCEA. As highlighted above, CEQA Guidelines Section 15162(a)(3) makes clear that only information which was not and *could not have been known with the exercise of reasonable diligence*, gives rise to the need to prepare a subsequent SCEA or an addendum to the SCEA. Failure by Appellants to exercise even the modest due diligence of reading the SCEA’s section on impacts to Biological Resources (Pages 4.0-37 through 4.0-42 and Appendix B, *Tree Report*) does not constitute a failure by the City to inform Appellants or the general public.

Additionally, Appellants erroneously contend that the Project would not replace the three Sycamore trees at a greater ratio than required by the LAMC. (Appeal at page 6, paragraph 2.) As stated in the LOD, page F-37, *Landscape*, the “Project would remove ... [the] three protected Sycamore trees on Site B” and would adhere to the City Urban Forestry’s best practice of replacing “the three sycamore trees to be removed at a 4:1 ratio” rather than the 2:1 ratio required by LAMC.” At the time the Project was filed on September 12, 2019 and deemed complete 30 days later pursuant to PRC Section 65943 (a), the LAMC required ratio to replace on-site protected trees was 2:1. Since the application was deemed complete, the City increased the required replacement ratio to 4:1<sup>2</sup>. While the Project is not required to replace the trees at a 4:1 ratio because its legal obligation is 2:1, the Applicant had committed from the Project’s inception to replace the removal of the three protected trees at a 4:1 ratio.

Thus, the Appellants’ contention that the removal of the trees was purposely kept from them and that the Project would not replace removed trees with more than the LAMC required amounts are not supported by any substantial evidence.

#### **D. All Feasible Mitigation Measures Were Incorporated Into the SCEA.**

The Appellants acknowledge that the Project qualifies for an SCEA. However, they assert that additional mitigation measures are needed to reduce the Project’s impacts on biological resources to a less-than-significant level. Appellants failed to raise this issue during the approval process for the SCEA and no substantial new evidence is presented in the Appeal that substantiates the claim that the removal and replacement of the trees would create a substantial new impact or increase the severity of an existing substantial impact. A SCEA is only required to contain new mitigation

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<sup>2</sup> LAMC 17.05 R.4(a), which states the required replacement ratio for protected trees, was updated per Ordinance No. 186,873.

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measures that either avoid a significant impact or reduce a significant impact to a less-than-significant level. (PRC Section 21155.2(b)(2).) As discussed above, the SCEA concluded that Project's replacement of trees would comply with the City's protected tree ordinance and would not conflict with relevant City policies and, therefore, the Project's impacts would be less than significant. Moreover, as required, the SCEA incorporates mitigation measure MM-BR2 from the West Adams-Baldwin Hills-Leimert Community Plan EIR that requires that the Applicant submit a final landscape plan pursuant the requirements of the City's Protected Tree Shrub Relocation and Replacement Ordinance for approval by the City's Urban Forestry Division and the Bureau of Street Services. The SCEA specifically states that incorporation of this mitigation measure would "further reduce the less than significant impacts" of the Project. (SCEA page 4.0-42.) Appellants' disagreement with this conclusion does not constitute substantial evidence of a new significant impact or of an increase in the severity of the potentially significant impact identified in the SCEA. Therefore, no significant impacts are identified that require the additional mitigation requested by Appellants.

## **II. The Planning Commission's Actions Were Not An Abuse of Discretion**

Appellants contend that the actions taken by the City Planning Commission including adoption of findings contained in the LOD are an abuse of discretion because the findings fail to discuss all relevant provisions of applicable plans and fail to consider the importance of the removal of the three mature protected Sycamores. However, Appellants' contentions all rely on the same underlying premises that the City withheld information about the trees and that the removal of these three trees is a significant impact, as well as an affront to the City's plans and policies and to the community surrounding the Project Site due to the scarcity of mature trees in the Project vicinity.<sup>3</sup>

As explained above, the SCEA adequately and clearly describes the removal and replacement of the trees. Appellants' assertion that it should not be required to read the relevant environmental document has no legal authority and defies common sense.

Appellants' assertion that the removal of these trees was purposely withheld from the community because it was not specifically called out in various public hearings and outreach meetings is, therefore, without merit. The SCEA clearly discusses the removal of these three protected Sycamore trees and all the other trees that will be removed and replaced on and adjacent to the

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<sup>3</sup> Appellants also allege that the City staff and the Applicant abused its discretion when they allegedly told the community that removal of trees was necessitated by the Los Angeles Department of Water and Power ("DWP"). Although we do not concede that such statements were made, the fact that Appellants reference such a conversation indicates that at some point Appellant's were made aware of the removal of the trees. (Appeal at page 5.) Moreover, the "evidence" that is presented in footnote 1, page 5, of the Appeal, is not substantial evidence that the City Planning Commission abused its discretion in this matter. At most, it explains DWP's standard practices and contends that the DWP had not spoken with the Applicant in 1.5 years. This is not evidence of whether or not there is a DWP requirement for the location of the vault that would necessitate removal of the Sycamore trees.

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Project Site. Appellant's argument is therefore relegated to a complaint that there was insufficient information at public hearings to make them aware that the trees would be removed. Appellants' failure to exercise due diligence to read the SCEA renders their argument specious.

In addition to the alleged lack of transparency regarding removal of the trees discussed above, the Appeal alleges that the City Planning Commission abused its discretion by having incomplete findings related to consistency with various elements of the General Plan and the Mid-City Redevelopment Plan or simply because Appellants disagree with the findings. Specifically, the Appellants contend that removal of old trees and replacement with new, smaller trees, is inconsistent with some City policies and goals thereby rendering the Planning Commission's finding inadequate and an abuse of discretion. (Appeal at pages 4 through 7.)

In general, the Appellants assert that the removal of a mature canopy is in conflict with the City's stated goals of providing ample green and open space, improving air quality and enhancing beauty within the City and with its assurance of environmental justice for a tree-poor area located within a community of color. However, Appellants' assertions that the Project is not in substantial compliance with some portions of the various plans and policies are not supported by substantial evidence, which is the standard requirement under PRC Section 21155.2(b)(7) as well as established law for challenges to land use decisions.

Under the substantial evidence test, a court determines if there is substantial evidence to support the findings and if the findings support the decision. Under this test, the court accords significant deference to the public agency. (See *Bedoe v. County of San Diego* (2013) 215 CA 4th 56, 61 and *Sacramentans for Fair Planning v. City of Sacramento, et al* (2019) 37 Cal.App.5th 698, 707-708.) Disagreement with the findings based on argument, speculation or unsubstantiated opinion or narrative, or evidence which is clearly erroneous or inaccurate, does not constitute substantial evidence. (*Newtown Preservation Society et al v. County of El Dorado* (2021) 65 Cal.App.5th 771, 781.) A court may not set aside a city's findings which are based on substantial evidence simply on the ground that an opposite conclusion would have been equally or more reasonable. (See, [\*Greenebaum v. City of Los Angeles\* \(1984\) 153 Cal. App.3d 391, 401-402 \[regarding certification of an EIR\].](#))

The City Planning Commission's findings regarding substantial compliance with relevant portions of the General Plan and other applicable plans and policies is supported by substantial evidence as set forth in the LOD (pages F-9 through F-39) and the SCEA (Section 4.0, pages 4.0-38 through 4.0-42 and 4.0-130 through 4.0-137, and Appendix L, *Land Use Policy Consistency*). Appellants base their contentions on recitation of excerpts from various plans and policies that promote preservation of trees or increasing the number of trees. Appellants claim that these portions of the plans were not explicitly discussed in the findings and, therefore, the findings are inadequate and adoption of the findings is an abuse of discretion. However, Appellants' excerpts do not constitute substantial evidence that the Project would not be in substantial conformance with the relevant plans and policies since the Project will replace the removed protected trees in accordance with the LAMC. (SCEA Section 4.0, pages 4.0-38 through 4.0-42.) That is, the evidence presented in



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the findings and SCEA are adequate to show that the Project would be in substantial conformance with the various plans and policies, even if all the instances in City plans and policies where trees are mentioned were not specifically discussed.

Moreover, a finding that a project is in substantial compliance with plans and policies does not require an analysis of every goal or policy, it merely requires a good faith analysis of the most relevant provisions and a finding of substantial conformance with the plan in whole. The courts have made clear that a finding of consistency means that the project must be “in agreement or harmony with” the applicable plan. As stated by the court in *Sequoyah Hills Homeowners Association v. City of Oakland, et al* (1993) 23 Cal.App.4th 704, 719-720, “[o]nce a general plan is in place, it is the province of elected city officials to examine the specifics of a proposed project to determine whether it would be ‘in harmony’ with the policies stated in the plan. [citation omitted.] It is, emphatically, *not* the role of the courts to micromanage these development decisions.” (emphasis original.) Thus, the court found that an argument that the city had failed to find consistency with some of the provisions of a land use plan, while finding consistency with a majority of the policies in the plan, did not constitute an abuse of discretion. (Id. at page 420.) As further elaborated by the courts, a city’s finding that a project is consistent with the city’s general plan will be reversed by a court only if, based on the evidence in the record before the city, no reasonable person could have reached that same conclusion. (See, e.g., *No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal. App. 3d 223, 243.)

Appellants allege that removal of the trees on the Project Site would not be consistent with: the Health and Wellness Element because it expresses a “vision” of ample green and open space, including a robust tree canopy in all neighborhoods and, in regards to a recent amendment, discusses environmental justice; the Framework Element because it indicates that trees provide benefits to the City; the Land Use Chapter of the Framework Element because it includes references to environmental justice; the Housing Element because it references the need to conserve and expand the City’s urban tree canopy; and the Mid-City Redevelopment Plan because it calls out conservation, landscape standards and participation by the community. (Appeal at pages 4 through 6.) Appellants also allege that the Planning Commission should have based its decision on the newly amended Housing Element rather than the version in effect at the time the SCEA was prepared (Appeal page 5); failed to discuss consistency with the Conservation and Open Space Element<sup>4</sup> (Appeal page 4); and, that the findings with respect to compatibility of the Project with

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<sup>4</sup> The Appeal fails to provide evidence that the Project is inconsistent with the Conservation and Open Space Element of the General Plan, nor even identify what portions of this Element are relevant to the Project. As stated in the introduction to the Conservation and Open Space Element, the State requires this element of a general plan to include conservation which addresses the conservation, protection, development, utilization and reclamation of natural resources and open spaces which are defined California Government Code Section 65560 as “any parcel or area of land or water that essentially is unimproved and devoted to an open-space use.” which includes “(1) preservation of natural resources, e.g., preservation of flora and fauna (animal habitats), bird flyways, ecologic and other scientific study areas, watershed; (2) managed production of resources, e.g., recharge of ground water basins or containing mineral deposits that are in short supply; (3) outdoor recreation, e.g., beaches, waterways, utility easements, trails, scenic highway corridors; and/or (4) public health and safety, e.g., flood, seismic,

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existing and future development was baseless (Appeal pages 6 and 7). Finally, as to the findings and conditions placed on the Project, the Appeal alleges an abuse of discretion for failure to include conditions and mitigation measures to ensure the continued vitality of the all the newly planted trees. (Appeal page 7.)

None of these contentions provide substantial evidence that the City Planning Commission did not properly conclude that the Project as a whole would be in substantial conformance with, or substantially consistent with the applicable land use plans and policies of the City. As stated in the above-cited cases, there is no legal requirement that a project be in conformance with all of the policies of a City, only that it be in harmony with, or substantially consistent with relevant policies. The LOD and the SCEA prepared for the Project amply demonstrate that the Project is substantially in compliance with the overarching goals of the relevant General Plan Elements as well as the Mid-City Redevelopment Plan. In fact, although Appellants obviously disagree, the Project is consistent with the City's goals to have a robust tree canopy throughout the City. By supplying more trees than required by the LAMC, the Project is not only supporting the City's tree policies, it is enhancing those policies by providing the neighborhood with even more trees than the City has determined are needed to meet the City's tree policies and significantly more trees than the currently existing 44 on-site trees and the 11 street trees.

The remainder of the Appeal (pages 8 through 12) base the claim of abuse of discretion on the allegation that the Project area is deficient in its tree canopy and that removal of mature trees to be replaced with initially smaller trees would fail to provide the community with tree equity and with the benefits derived from a mature tree canopy. However, as discussed above, rather than resulting in a lack of environmental justice for the community, the planting of 157 new trees, (an increase in 102 trees over existing conditions and 40 more trees than required by the LAMC), will promote the very policies that Appellants contend the Project would violate. While it is correct to assert that the replacement trees at the time of planting will not be fully mature trees reaching the height of the three existing Sycamore trees, the replacement trees, including the replacement for the Sycamores, will provide much needed landscaping to the area and will eventually grow to their full height providing a mature canopy which will further help enhance the area's air quality as well as provide shade and beauty to the community. As such, no significant environmental justice or other impact would occur from the removal of the trees and, in fact, the Project would improve the tree situation at and near the vicinity of the Project Site by significantly increasing the total number of trees. Accordingly, the Planning Commission did not err or abuse its discretion in determining

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geologic or fire hazard zones, air quality enhancement." With the exception of potential habitat, the Project Site is not covered by the policies of the Conservation and Open Space Element. However, the Project Site has been previously disturbed with development and for use as a construction staging site. It contains only three protected trees which are in B or B- condition (See SCEA Appendix B, *Tree Report*) and the Project is subject to compliance regulations regarding migratory birds and nesting sites. Therefore, it does not appear that the Conservation and Open Space Element is relevant to the Project. Nonetheless, the SCEA provides substantial evidence of the Project's consistency with plans and policies regarding trees.

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the Project would be in substantial compliance with the relevant provisions of the General Plan and the Mid-City Redevelopment Plan.

### **III. Conclusion**

For all the reasons set forth above, including the entirety of the administrative record, we respectfully submit that, based on substantial evidence, the City Planning Commission's findings are supported by substantial evidence, and the City Council should deny the frivolous appeal. We further submit that the Appeal presents no substantial evidence requiring a subsequent SCEA or an addendum to the SCEA or supporting the claim that the City Planning Commission abused its discretion.

Therefore, we respectfully request that the City Council deny the Appeal.

Sincerely,



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Partner

cc: City Clerk