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August 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:

SUPPLEMENTAL REPORT REGARDING APPEAL OF CATEGORICAL EXEMPTION ENV-2021-8105-CE FOR PROPERTY LOCATED 1900-1914 WEST 8TH STREET & 805-807 SOUTH BONNIE BRAE STREET WITHIN THE WESTLAKE COMMUNITY PLAN AREA (CF 22-0502)

The project involves the demolition of two existing one-story commercial buildings and surface parking areas for the construction, use, and maintenance of a new seven-story, approximately 85 feet-high mixed-use building with 64 residential units and approximately 1,000 square feet of commercial space on the ground floor, pursuant to the City's Transit Oriented Communities (TOC) Affordable Housing Incentive Program. Of the 64 proposed residential units, seven will be set aside for Extremely Low Income households to satisfy the TOC program requirements. The proposed building will encompass approximately 50,216 square feet in total building area, resulting in a Floor Area Ratio (FAR) of approximately 3.6:1. The project proposes to provide 34 automobile parking spaces on the ground floor, including 32 residential vehicle parking spaces and two commercial vehicle parking spaces. The project will also provide 53 long-term bicycle parking spaces and eight short-term bicycle parking spaces.

On March 31, 2022, the Director of Planning took the following actions in conjunction with the approval of the proposed project:

1. Determined based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. Approved with Conditions a 65 percent increase in density, consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program along with the following two (2) incentives for a qualifying Tier 3 project totaling 64 dwelling units,

reserving a minimum of seven units for Extremely Low Income (ELI) Household occupancy for a period of 55 years:

- a. Yards/Setbacks. Utilization of the side and rear yard setback requirements of the RAS3 Zone for a project in a commercial zone; and
- b. Open Space. A maximum reduction of 25 percent in the required amount of open space.

The last day to appeal the project's entitlements was April 15, 2022 and no appeals were filed by this date. However, on April 21, 2022, an appeal of the project's environmental clearance was filed by the Coalition for an Equitable Westlake/MacArthur Park. The appellant alleges that the project does not qualify for a Class 32 Categorical Exemption due to cumulative environmental impacts. However, Planning has reviewed the appellant's justifications and has determined that the appellant does not provide any substantial evidence indicating that the project would be precluded from a Class 32 Categorical Exemption due to significant cumulative impacts. In addition, both the applicant's environmental consultant (Parker Environmental) and the applicant's legal counsel (Holland & Knight) have provided further justifications explaining why the project does qualify for a Class 32 Categorical Exemption. In correspondence dated August 8, 2022, both Parker Environmental and Holland & Knight respond to the appellant's comments in detail; a summary is provided as follows:

The appellant alleges that the project will result in significant cumulative impacts due to the presence of many other development projects in the vicinity. The appellant includes a table with a list of 23 other projects within 0.6 miles of the subject property, and further states that the City bears the burden to provide substantial evidence to support a finding that the project will not result in significant cumulative impacts. However, as explained in both correspondences from Parker Environmental and Holland & Knight, the City has appropriately done so. The project's environmental impacts have been analyzed in the Class 32 Categorical Exemption document prepared by Parker Environmental dated January 2022, which specifically analyzed cumulative impacts by including a list of related projects. Parker Environmental further explains that there is no justification for analyzing the appellant's longer list of projects, that the Class 32 Categorical Exemption document adequately analyzes cumulative impacts and concludes that impacts will be less than significant, and that the proposed project qualifies for a Class 32 Categorical Exemption. Both Parker Environmental and Holland & Knight further note that the appellant has not provided any substantial evidence of any significant environmental impacts of any type.

It should also be noted that Holland & Knight further responds that the City inappropriately accepted the appeal herein because the appeal was untimely filed. However, Planning notes that the only entitlements in this case are TOC entitlements, which are only appealable by abutting owners and residents. As the appellant is not an abutting owner or resident, they are unable to appeal the project until the entitlement period has ended, at which point the project's approval is considered "final" and is then subject to environmental appeal procedures pursuant to CEQA. Supported by consultation with the City Attorney, Planning has determined that the appeal herein of the project's environmental clearance was timely filed.

In summary, the proposed project qualifies for a Class 32 Categorical Exemption, and the appeal does not provide any substantial evidence of any significant cumulative impacts. Therefore, Planning recommends that the Planning and Land Use Management Committee deny the appeal and sustain the Director of Planning's decision.

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Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in black ink, appearing to read 'V. Bertoni', with a long horizontal stroke extending to the right.

MORE SONG
City Planner