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August 11, 2022

Los Angeles City Council
c/o Office of the City Clerk
City Hall, 395
Los Angeles, CA 90012

Attention: PLUM Committee

Dear Honorable Members:

SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT FOR 5001 WILSHIRE PROJECT. STAFF REPORT. 5001 WILSHIRE BOULEVARD, 671 – 677 SOUTH HIGHLAND AVENUE, AND 668 SOUTH CITRUS AVENUE; CF 22-0453

This report includes Environmental Findings, Justification, and supporting documents and technical analyses for the Sustainable Communities Environmental Assessment (SCEA) that was published for public review from April 14, 2022 to May 13, 2022 for the following project:

Project Name: 5001 Wilshire Project
Environmental Case No.: ENV-2021-3327-SCEA
Project Applicant: Wilshire Springs, LLC
Project Address: 5001 Wilshire Boulevard, 671 – 677 South Highland Avenue, and 668 South Citrus Avenue
Community Plan: Wilshire
Council District: 5 – Koretz

An initial study has been prepared and circulated in compliance with Public Resources Code (PRC) Section 21155.2(b). A public hearing on the SCEA, and all comments received on the SCEA, will be considered by City Council prior to SCEA adoption and approval of the Project. The Transit Priority Project (TPP) has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior Environmental Impact Report(s) (EIR), including the Southern California Association of Governments (SCAG) Connect SoCal 2020 – 2045 Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS); finding that all potentially significant effects identified in the initial study have been identified and analyzed in the SCEA; finding that with respect to each significant effect on the environment required to be identified in the initial study for the SCEA, changes or alterations have been required in or incorporated into the Project that avoid or mitigate the significant effects to a level of insignificance or those changes

or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

It is hereby requested that the City Council consider and determine if the proposed project qualifies for a SCEA, pursuant to PRC Section 21155.2.

The following Staff Report shall supersede the Staff Report dated June 2, 2022. To address minor technical corrections, clarifications, and comments received during the public comment period, the following was added to the Council File: Errata to the SCEA, Response to Comment Memorandum, and updated Mitigation Monitoring and Reporting Program.

Background

Through the “Sustainable Communities and Climate Protection Act of 2008,” known as Senate Bill 375 (SB 375), the state legislature created a new document for environmental review called a Sustainable Communities Environmental Assessment (SCEA). The intent of a SCEA is to encourage projects that would implement regional plans to reduce greenhouse gas emissions (e.g. by building housing near public transit) by providing for streamlined environmental review of Transit Priority Projects that are consistent with an adopted sustainable communities strategy. The SCEA provides complete environmental analysis by evaluating the potential effects of a Project in an Initial Study similar to a Mitigated Negative Declaration (MND), with additional requirements specific to a SCEA as described below.

SB 375 requires Metropolitan Planning Organizations (MPOs), such as SCAG, to create a new component in their Regional Transportation Plan to include a Sustainable Communities Strategy. Government Code Section 65080(b)(2)(B) requires the SCS to set forth a forecasted development pattern for the region that integrates transportation policies to reduce greenhouse gas emissions and achieve the reduction targets approved by the California Air Resources Board. SB 375 also contains new environmental clearances in the California Environmental Quality Act (CEQA) for projects that can qualify under PRC Section 21155 as TPPs. The SB 375 clearances are intended to meet the goals of the SCS to encourage higher density, infill development located near transit. If a project qualifies as a TPP and would mitigate potentially significant impacts to a level of insignificance, the lead agency may choose to prepare a SCEA. Under PRC Section 21155, to be a TPP, the project must be consistent with the general land use designation, density, building intensity, and policies in the SCAG RTP/SCS; and meet 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. Under PRC Section 21155.2(b), a TPP may qualify for a SCEA if it meets all of the following:

- The Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in applicable EIRs; and
- An initial study is prepared and the initial study shows the Project will have less than significant impacts, including if needed, through the imposition of mitigation measures.

The evaluation of a SCEA differs from standard MND environmental review in that it requires the following additional analysis: (1) consistency analysis with the SCAG RTP/SCS; and (2) analysis to demonstrate all applicable mitigation measures from applicable EIRs have been incorporated into the Project. The SCEA also has additional procedural requirements from an MND. Under a SCEA, the City is not required to analyze growth inducing impacts or project specific or cumulative

impacts from cars and light trucks on global warming or the regional transportation network. The Initial Study should identify any cumulative effects that have been adequately analyzed and mitigated in prior applicable certified EIRs. Projects that use the SCEA provisions will still need to obtain discretionary permits or other approvals from the lead agency.

Project Description

The subject of this SCEA is a Project that proposes the demolition of an existing two-story commercial building and surface parking lots to develop an eight-story mixed-use building with 242 residential units and 10,900 square feet of commercial space fronting Wilshire Boulevard. The Project will reserve 10 percent, or 25 units, of the total number of residential units proposed for Extremely Low Income households pursuant to the Transit Oriented Communities (TOC) Affordable Housing Incentive Program. The Project will encompass a total floor area of 260,000 square feet resulting in a Floor Area Ratio (FAR) of 3.54:1, and will have a maximum building height of 105 feet. In addition, the northern lots of the project site and Carling Way will be redeveloped into a 16,822 square-foot open space area that will be utilized as a publicly-accessible common open space. In total, the Project will provide 26,350 square feet of open space which includes the green belt, a courtyard, roof deck, private balconies, and amenity rooms. The Project will comprise of 323 residential parking spaces located within two subterranean parking levels and one above-grade level, and 30 commercial parking spaces located on the ground level. Designated driveways will provide ingress and egress for residential and commercial parking, and will be located along South Citrus Avenue. The Project will also provide 164 bicycle spaces (143 long-term and 21 short-term).

The Project approvals requested by the Applicant include:

1. Pursuant to LAMC Section 12.32 H, Clarification of “Q” Condition pursuant to Ordinance 174,483 to allow a privately maintained and publicly accessible open space area in Subarea 944 which limits development to parking lots or residential development at the R1 Zone density;
2. Pursuant to the TOC Guidelines and LAMC Section 12.22 A.31, ministerial clearances for a TOC Tier 3 project requesting three Base Incentives:
 - a. Density. Increase the maximum number of dwelling units by up to 70 percent to allow a residential density of 242 units in lieu of 143 units;
 - b. FAR. Increase in FAR by up to 50% to allow to a maximum FAR of up to 4.5:1 for lots in the C4-2D Zone and a FAR of 3.75:1 for lots in the [Q]C2-1 and [Q]C2-1-HPOZ Zones, for an overall FAR of 3.54:1, in lieu of 3:1 and 1.5:1, respectively; and
 - c. Parking. A reduction in required residential parking to not exceed 0.5 spaces per unit to allow a minimum of 121 spaces in lieu of 362 spaces, and a reduction in required nonresidential parking by up 30 percent to allow a minimum of 30 spaces in lieu of 42 spaces;
3. Pursuant to the TOC Guidelines and LAMC Section 12.22 A.31, a Tier 3 TOC project requesting the two Additional Incentives:

- a. Averaging. Permit the averaging of density, FAR, open space, parking, and vehicular access across the project site; and
 - b. Transitional Height. Utilization of Tier 3 Transitional Height requirements in which the project's building height limit shall be stepped back at a 45-degree angle as measured from the horizontal plane originated 25 feet above grade at the property line of the adjoining lots in the R1R3-RG and R1-1-HPOZ Zones;
4. Pursuant to LAMC Section 16.05, a Site Plan Review for a development project creating 50 or more residential units; and
 5. Pursuant to LAMC Section 17.15, a Vesting Tentative Tract Map (VTT-83358) to merge the existing four lots with Carling Way and to resubdivide the project site into two ground lots (Lot 1 – Mixed-Use Building with accessory uses; Lot 2 – Open Space) for condominium purposes. The applicant also requests the following actions from the Deputy Advisory Agency:
 - a. A yard designation to allow Lots 1 and 2 to be designated as through lots with front yards on South Highland Avenue and South Citrus Avenue; and
 - b. A haul route approval.

Public Comments and Response to Comments

The SCEA was released for public comment from April 14, 2022 to May 13, 2022. During the public comment period of the SCEA, the Department of City Planning received 15 written comments from members of the public and one agency comment. The public comments included notification of typographical errors and inconsistencies with several graphics found in the initial study, concerns related to noise impacts, traffic congestion, lack of parking, privacy between the northern adjacent single-family houses and the proposed project, the inadequate analysis of noise, air, hazardous materials, and public welfare impacts, and adequacy of the SCEA as the environmental clearance for the project. The agency comment was received from the California Department of Transportation (Caltrans) stating their gratitude in being a part of the environmental review process for the subject SCEA. Based on the SCEA, transportation impacts from the Project would be less than significant as the Project would not exceed thresholds for Vehicle Miles Traveled (VMT) or net daily trips to necessitate further VMT analysis and that the project meets the goals and policies of the Wilshire Community Plan Transportation Improvement and Mitigation Plan (TIMP).

A Response to Comments memorandum dated August 8, 2022, has been added to the Council File and provides the applicant's responses to each of the written comments received for the SCEA. Copies of the written comments in their entirety can be found in the administrative record of Case No. ENV-2021-3327-SCEA and as part of the Response to Comments letter. In summary, there is no substantial evidence that the project will have a significant effect on the environment in any of the areas of environmental concern identified by the public. Furthermore, only the project's environmental clearance is before the Planning and Land Use Management Committee of the City Council; the validity of the requested land use entitlements will be evaluated by the appropriate decisionmaker at a later date.

Errata

An Errata to the SCEA was prepared in August 2022 which makes minor technical corrections and clarifications to the SCEA. These modifications clarify and refine the SCEA and provide supplemental information to City decision-makers and the public. CEQA requires recirculation of an environmental document only when substantial revisions are made or significant new information is added (refer to CEQA Guidelines Section 15088.5 regarding environmental impact reports and CEQA Guidelines Section 15073.5 regarding negative declarations) before the document is certified or adopted.

The information added pursuant to this Errata does not disclose any new significant environmental impact that would result from the Project, nor does it identify any new or different mitigation measures resulting in new significant effects. All information added pursuant to this Errata merely clarifies, amplifies, or makes insignificant modifications to the information contained in the SCEA. The City has reviewed the information in this Erratum and has determined that it does not change any of the basic findings or conclusions of the SCEA, does not constitute a “substantial revision” pursuant to CEQA Guidelines Section 15073.5, and does not require recirculation of the SCEA.

The Errata addresses minor clarifications and revisions to Section II of the SCEA, Project Description. Some of the changes include revisions to the proposed unit mix of the residential-commercial development, the project’s total floor area and floor area ratio (FAR), automobile parking, open space area, and clarification to the proposed access and circulation along South Citrus Avenue. As a result of the revisions to the Project Description, several Figures incorporated into the SCEA have also been updated to reflect the current design of the Project.

In addition, revisions to Section IV of the SCEA, SCEA Environmental Analysis, are also addressed in the Errata for the analysis of Construction Air Quality, Hazards and Hazardous Materials, and Construction Noise. Regarding Construction Air Quality, revisions are related to minor corrections of the localized significance thresholds that were applied for on-site emissions. These revisions do not constitute new significant information as they reflect a change in the methodology used per SCAQMD guidance, and do not change the significance conclusions in the SCEA pursuant to CEQA Guidelines Section 15088.5. In response to public comments related to potentially contaminated soils and methane hazards, revisions were also made to expand the description of site conditions provided in the SCEA which are from the Phase II ESA included in Appendix F of the SCEA. The expanded descriptions do not constitute new significant information and do not change the analysis or the significance conclusions in the SCEA. Regarding Construction Noise, the Errata also addresses revisions related to estimated unmitigated and mitigated construction noise levels and clarification of mitigation measures necessary to ensure impacts will remain less than significant. These revisions include additional descriptions of methodology which does not constitute new significant information or change the significance conclusions reported in the SCEA.

Therefore, the technical corrections and clarifications described above do not add, or delete, significant, new information to the SCEA, and do not include any significant changes to the project or environmental setting, nor identify any new substantial adverse environmental effects or feasible mitigation measures.

Mitigation Monitoring and Reporting Program (MMRP)

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” Section 15097 of the CEQA Guidelines provides additional direction on mitigation monitoring or reporting. A MMRP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6, and Section 15097 of the CEQA Guidelines. The MMRP includes revisions and clarifications to mitigation measures identified in the previously transmitted Staff Report dated June 2, 2022. These changes do not identify any new or different mitigation measures resulting in new significant effects were identified for the Project.

As described in the SCEA and in the Errata dated August 2022, PRC Section 21151.2(a) requires that a TPP such as the Project incorporate all feasible mitigation measures, performance standards, or criteria from prior applicable EIRs. As a new predominantly residential project to be developed at an urban infill site that is within a SCAG-identified high-quality transit area and transit priority area, the most relevant prior EIR for the Project is the program EIR (PEIR) prepared for SCAG’s 2020-2045 RTP/SCS, which was adopted by SCAG on September 3, 2020 and certified by the California Air Quality Board (CARB) on October 30, 2020. In addition, the SCEA also considers suggested mitigation measures in the Wilshire Community Plan TIMP. An analysis of the SCAG and Wilshire TIMP mitigation measures that are applicable to the Project is provided in Section III. Sustainable Communities Environmental Assessment Eligibility and Appendix A. Applicable Mitigation Measures of the SCEA.

Where appropriate, the SCEA has identified Project design features, regulatory compliance measures, or potential mitigation measures to avoid or to reduce potentially significant environmental impacts of the proposed Project. The MMRP is designed to monitor implementation of any mitigation measures identified for the Project.

Environmental Findings

The City of Los Angeles finds that the Proposed Project complies with the requirements of CEQA for using an SCEA as authorized pursuant to Public Resources Code Section 21155.2(b). The City of Los Angeles has determined that:

The Project is a Transit Priority Project (TPP) pursuant to PRC Section 21155:

- a. The Project is consistent with the general use designation, density, building intensity, and applicable policies specified in the project area in the current SCAG RTP/SCS.
- b. The Project contains at least 50 percent residential use, based on total building square footage, and if the project contains between 26 percent and 50 percent non-residential uses, a floor area ratio of not less than 0.75;
- c. The Project provides a minimum net density of at least 20 dwelling units per acre;
- d. The Project is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan, consistent with PRC Section 21155(b). A major

transit stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

The Transit Priority Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in the following prior applicable EIRs: SCAG's 2020-2045 RTP/SCS EIR.

An initial study has been prepared and circulated in compliance with PRC Section 21155.2(b). A public hearing on the SCEA, and all comments received on the SCEA, will be considered by City Council prior to SCEA adoption and approval of the Project.

All potentially significant or significant effects required to be identified in the initial study have been identified and analyzed.

With respect to each significant effect on the environment required to be identified in the initial study, either of the following apply:

- i. Changes or alterations have been required in or incorporated into the project that avoid or mitigate the significant effects to a level of insignificance.
- ii. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

Conclusion and Actions for the City Council

The City of Los Angeles finds that the Project complies with the requirements of CEQA for using a SCEA as authorized pursuant to Public Resources Code Section 21155.2(b). City Planning Staff recommends that PLUM recommend for City Council action the adoption of the SCEA, with the following recommended actions:

FIND, pursuant to Public Resources Code (PRC) Section 21155.2, after consideration of the whole of the administrative record, including the SB 375 Sustainable Communities Environmental Assessment, No. ENV-2021-3327-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;

FIND that the City Council held a hearing on and adopted the SCEA pursuant to PRC Section 21155.2(b);

FIND the Project is a transit priority project pursuant to PRC Section 21155 and the Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior EIR(s), including SCAG's 2020-2045 RTP/SCS EIR and the Wilshire Community Plan TIMP;

FIND all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA;


FIND with respect to each significant effect on the environment required to be identified in the initial study for the SCEA, changes or alterations have been required in or incorporated into the Project that avoid or mitigate the significant effects to a level of insignificance or those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency;

FIND the SCEA reflects the independent judgment and analysis of the City;

FIND the mitigation measures have been made enforceable conditions on the project; and

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in black ink, appearing to read "David Woon", written in a cursive style.

DAVID WOON
Planning Assistant

VPB:HB:KG:DW

Enclosures

Response to Comments Memorandum (August 8, 2022)
Errata (August 2022)
Mitigation Monitoring and Reporting Program (August 2022)