

## Communication from Public

**Name:** Jonathan Riker

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**Council File No:** 22-0875

**Comments for Public Posting:** Please see the attached letter from the applicant's representative.

September 6, 2022

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**VIA E-MAIL**

Councilmember Marqueece Harris-Dawson, Chair  
Councilmember Gilbert A. Cedillo  
Councilmember Bob Blumenfeld  
Councilmember John S. Lee  
Councilmember Monica Rodriguez

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Re: **CEQA Appeal of Case No. DIR-2021-9072-TOC-SPR-HCA/ENV-2021-9073-CE;  
1031-1043 S. Dewey Ave.**

Dear Honorable Councilmembers:

Our law firm represents URSA 1037 Dewey Ave., LLC (the “**Applicant**”), in defense of its Transit Oriented Communities (“**TOC**”) and Site Plan Review application to construct a 60-unit, 56,578 sq.-ft. apartment building on three vacant lots, including six (6) units set aside for Extremely Low Income tenants (the “**Project**”). The above-referenced application was approved by the Director of City Planning (the “**Director**”) on June 23, 2022, who determined that the Project is exempt from the California Environmental Quality Act (“**CEQA**”) pursuant to CEQA Guidelines, Section 15061, Class 32 (“**Class 32 Exemption**”) for qualified urban infill projects.

On July 15, 2022, Enrique Velasquez from the Coalition for an Equitable Westlake/MacArthur Park (the “**Appellant**”) appealed the Director’s CEQA determination, arguing that the Project does not qualify for a Class 32 Categorical Exemption due to the city’s failure to adequately analyze the cumulative effects of surrounding past, current and future projects.

However, as explained by the City Planning Department in their report to the PLUM Committee, the Appellant has not produced any substantial evidence to demonstrate that there will be a cumulative adverse impact caused by the Project in combination with the other projects they listed within a 0.6-mile radius of the Project site. The Appellant only alludes to potential impacts based on an assertion that the Project site is located in a “high pedestrian and car traffic area” but fails to offer any analysis to substantiate this assertion.

Furthermore, the Appellant merely references a 2019 article from the California Transit Association on declining transit ridership in Southern California and suggests that any

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environmental impacts based on pre-Covid levels of public transit ridership should consider declining public ridership – but again, no analysis to connect this information to a potentially significant traffic impact is provided.

In contrast to the Appellant’s vague and unsubstantiated assertions regarding potential traffic impacts, the Los Angeles Department of Transportation (“**LADOT**”) reviewed the Project application and concluded that the Project will not add a significant number of vehicle trips to the area. Furthermore, all projects in the vicinity are similarly required to assess impacts to traffic and consider measures to reduce any potentially significant impacts. Just like the Project, all nearby projects would also be required to submit vehicle trip information and formal construction staging and traffic control plans for review and approval by LADOT prior to the issuance of construction permits to ensure safety to pedestrians.

Also, as noted by the Applicant in its application materials, the Project proposes construction of residential units in an area surrounded by existing residential development and is entirely consistent with the existing General Plan designation, zoning designation and the TOC program. In its report, the City Planning Department states that the Project, as well as projects in the vicinity, would also be required to comply with all state, regional, and local laws as part of regulatory compliance, including those related to air quality, noise, hazardous materials, geology and transportation that ensure less-than-significant impacts. Therefore, we concur with the City Planning Department that the Class 32 Exemption prepared for the Project adequately analyzes potential cumulative impacts, and the appeal is completely lacking in merit. As a result, we urge you to dismiss this appeal.

We also want mention that the Applicant reached out to the Appellant prior to the CEQA appeal hearing as a good faith effort to address the Appellant’s concerns so that the appeal could be dropped. The Applicant discovered during this discussion that Appellant’s primary concern is the displacement of tenants and the loss of affordable housing due to the impacts of new development projects in the area. This is an important issue, but it is not an issue within the purview of CEQA. Also, the Appellant asked for a guarantee that the membership in his organization would be allotted the affordable units in the Project and that the Applicant would provide a large cash donation to address his concerns.

However, no tenants will be displaced by the Project because the Project site is currently vacant land. Furthermore, only four previously existing units are subject to affordable replacement pursuant to state law, as determined by the Los Angeles Housing Department. Therefore, by adding six new affordable housing units, along with 54 new market rate units, the Project is a tremendous net benefit to the community. Consequently, we feel that Appellant’s animus towards this Project is misguided.

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We are very disappointed that the CEQA process has been usurped as the avenue to raise the Appellant's concerns, which should be raised in a more appropriate forum where tenant displacement and affordable housing are the focal points of a broader policy discussion. Therefore, we again respectfully ask you to reject the Appellant's CEQA appeal.

We appreciate your time and attention to this matter and look forward to answering any question you may have during the hearing.

Best Regards,



Jonathan Riker

cc: Henry Fan  
Patrick Jen