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(213) 978-1300

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200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

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DEPUTY DIRECTOR

April 12, 2023

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 CASE NO. CPC-2021-4937-CU-DB-SPR-WDI-HCA FOR PROPERTY LOCATED AT 6501-6521 SOUTH SEPULVEDA BOULEVARD, 6502-6520 SOUTH ARIZONA AVENUE WITHIN THE WESTCHESTER – PLAYA DEL REY COMMUNITY PLAN AREA (CF 22-0574-S1)

The project involves the demolition of an existing commercial shopping center, industrial building, and associated surface parking lots, the maintenance of an existing one-story commercial restaurant building, and the construction, use, and maintenance of a new eight-story mixed-use building with 362 residential units and approximately 3,700 square feet of new commercial space on the ground floor. Forty-one residential units will be reserved for Very Low Income households. The project will provide 520 vehicle parking spaces in one subterranean level and three aboveground levels.

At its meeting of November 17, 2022, the Los Angeles City Planning Commission took the following actions in conjunction with the approval of the proposed project:

1. Found 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-2021-4938-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; Found that the City Council held a hearing on and adopted the SCEA on September 30, 2022 pursuant to PRC Section 21155.2(b)(6); Found the project is a "transit priority project" as defined by PRC Section 21155 and the project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior EIR(s), including SCAG 2020-2045 RTP/SCS EIR Schedule No. 20199011061; Found all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA; Found 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; Found the SCEA reflects the independent judgment and analysis of the City; Found the mitigation measures have been made enforceable conditions on the project; and Adopted the SCEA and the Mitigation Monitoring and Reporting Program prepared for the SCEA;

2. Approved, pursuant to Section 12.24 U.26 of the Los Angeles Municipal Code (LAMC), a Conditional Use Permit to allow a 50 percent Density Bonus for a housing development project in which the density increase is greater than otherwise permitted by LAMC Section 12.22 A.25;
3. Approved, pursuant to LAMC Section 12.22 A.25, a Density Bonus Compliance Review to permit a housing development project consisting of 362 dwelling units, of which 41 will be set aside for Very Low Income households, and with the following Incentives:
 - a. An Off-Menu Incentive to allow a maximum Floor Area Ratio (FAR) of 3.85:1 in lieu of the otherwise permitted 1.5:1;
 - b. An Off-Menu Incentive to allow a 26 percent reduction in the required amount of open space; and
 - c. An Off-Menu Incentive to allow a zero-foot distance between main buildings in lieu of the otherwise required distance;
4. Approved, pursuant to LAMC Section 16.05, a Site Plan Review for a development project creating 50 or more residential dwelling units;
5. Approved, pursuant to LAMC Section 12.37 I, a Waiver of Dedications and Improvements to waive the otherwise required dedications and improvements along Sepulveda Boulevard;
6. Adopted the attached Modified Conditions of Approval; and
7. Adopted the attached Findings.

The last day to appeal the project's entitlements was December 29, 2022. On December 27, 2022, an appeal of the City Planning Commission's decision was filed by the Lozeau Drury law firm on behalf of the Supporters Alliance for Environmental Responsibility (SAFER), appealing the Site Plan Review only portion of the project. The appellant had previously submitted a comment letter dated September 20, 2022 stating opposition to the project's SCEA at the SCEA public hearing on September 20, 2022; the applicant submitted a response to these comments contending that there was no substantial evidence of any deficiencies in the SCEA. The City Council subsequently evaluated all comments and found that the SCEA adequately analyzed the project's environmental impacts and adopted the SCEA. For the appeal herein, SAFER has resubmitted the same comments dated September 20, 2022 contending that the project's SCEA is inadequate and therefore the requested entitlements, specifically Site Plan Review, cannot be approved. However, as no new evidence has been submitted, Planning maintains that there is no substantial evidence that the project's environmental impacts have not been adequately analyzed. The applicant's legal consultant Rand Paster Nelson (RPN) has further submitted another letter dated April 12, 2023 reiterating why the SCEA demonstrates that there will be no significant

impacts regarding air quality and noise, as the appellant alleges. Responses to the appellant's comments are provided in detail by the applicant's environmental consultant, CAJA Environmental Services, in correspondence dated September 29, 2022; a summary is provided as follows:

The appellant alleges that the project will result in significant air quality impacts due to exposure to formaldehyde in construction materials, that the project relies on incorrect air quality analysis data, and that a health risk assessment is required. However, the appellant utilizes improper assumptions and does not account for regulatory compliance measures that would prevent any significant impact regarding formaldehyde exposure, and does not present any substantial evidence of any impacts. In addition, the air quality analysis utilizes the proper air quality data inputs that accurately reflect the project's characteristics and demonstrate that the project will not result in any significant air quality impacts including mobile source emissions, and there is no requirement or threshold surpassed that would mandate a health risk assessment for the project. The appellant also contends that the project does not properly analyze potential noise impacts from outdoor uses such as amplified music and event areas; however, the appellant does not provide any evidence or justification to support their claims that the project's noise analysis methodologies or data is improper. The project also does not include uses such as amplified music or event areas by design, and would be subject to regulatory compliance measures such as the City's Noise Ordinance; accordingly, the SCEA properly concludes that the project will not have any significant noise impacts.

It should also be noted that as the City Council fully approved and adopted the SCEA on September 30, 2022, the SCEA is final and not before the PLUM Committee or the City Council again at this time. SAFER's justifications for its appeal of the project's Site Plan Review entitlement reiterate previously submitted contentions regarding the SCEA only and do not allege any error in the City Planning Commission's approval of the Site Plan Review entitlement. Therefore, it is Planning's position that there is no merit to the appellant's appeal of the Site Plan Review entitlement.

In summary, the appeal does not provide any substantial evidence of any significant environmental impacts. Furthermore, the City Council previously evaluated all of the appeal points raised and concluded that the project's SCEA adequately analyzed all relevant environmental impact categories and adopted the SCEA. The SCEA cannot be appealed and is not before the City Council at this time, and there is no evidence in the record that the Site Plan Review entitlement was improperly approved. Therefore, Planning recommends that the Planning and Land Use Management Committee deny the appeal and sustain the City Planning Commission's decision.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



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City Planner