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August 30, 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:

APPEAL SUMMARY AND STAFF RESPONSE. 1041 – 1047 South Crenshaw Boulevard; CF 23-0667

Project Background

The Project involves the construction, use, and maintenance of a new, seven-story residential building with 60 dwelling units, including six (6) dwelling units set aside for Extremely Low Income Households (or 10% of the proposed density). The building will be constructed with one (1) ground floor level of residential recreation rooms, a lobby, leasing office, bike room, and residential parking, a second floor level with residential parking and a bike room, and five (5) levels of residential units on the third through seventh floors. The project will encompass 44,371 square-feet of floor area resulting in a Floor Area Ratio (FAR) of 2.96 to 1. The residential unit mix includes 21 studio units, 37 one-bedroom units, and two (2) two-bedroom units. A total of 39 residential parking spaces will be located on the ground and second floor levels. The project will be served by a single two-way driveway accessible from Crenshaw Boulevard. The project will provide five (5) short-term bicycle parking spaces along the sidewalk and 48 long-term bicycle parking spaces within the parking garage. Approximately 4,575 square feet will be dedicated to open space which includes two recreational rooms, a roof deck, and private balconies.

Pursuant to the Transit Oriented Communities (TOC) Housing Incentive Program, the Project was determined eligible for the following Base Incentives which are granted by-right for eligible TOC projects, and three (3) Additional Incentives (Tier 3) to construct the proposed project, as follows:

Base Incentives.

- a. Density. Increase the maximum number of dwelling units by up to 70 percent to allow a maximum residential density of 65 units in lieu of 38 units otherwise allowed;
- b. FAR. Increase in FAR resulting in at least a 3.75 to 1 FAR in commercial zones, in lieu of a 1.5 to 1 FAR otherwise allowed in the C2-1-O Zone; and

- c. Parking. Provide automobile parking at a ratio of 0.5 parking spaces per dwelling unit to allow a minimum of 30 parking spaces, in lieu of 62 parking spaces otherwise required by LAMC Section 12.21 A.4.

Additional Incentives.

- d. Yards/Setbacks. Utilization of any or all of the yard requirements for the RAS3 Zone per LAMC Section 12.10.5. The project requests a reduction in the northern and southern side yards to allow a minimum side yard of 5 feet, in lieu of a side yard of 10 feet otherwise required.
- e. Transitional Height. Building height limit shall be stepped-back at a 45 degree angle as measured from a horizontal plane originating 15 feet above grade at the property line of the adjoining lot in the R1 Zone, in lieu of the transitional height requirements found in LAMC Section 12.21.1 A.10; and
- f. Open Space. A 25 percent reduction in Open Space requirement to allow a minimum of 4,575 square feet of Open Space, in lieu of 6,100 square feet otherwise required.

On May 18, 2023, the Director of Planning approved a Transit Oriented Communities Affordable Housing Incentive Program project for the construction of the proposed project under Case No. DIR-2022-9089-TOC-HCA. In addition to the Letter of Determination, the Director of Planning also determined based on the whole administrative record that the Project is exemption from CEQA pursuant to Article 19, Section 15332, Class 32 of the CEQA Guidelines, and there is no substantial evidence demonstrating that an exception to a categorical exemption applies. A Categorical Exemption justification report (CE Justification Report) dated March 2023, was drafted for the accompanying environmental case (Case No. ENV-2022-9090-CE).

On June 2, 2023, Virginia Jauregui filed an appeal of the CEQA categorical exemption (Class 32) for the Project. Staff has responded to the appeal points below.

Staff Recommendation

Staff recommends that the PLUM Committee recommend for Council Action to deny the submitted CEQA appeal and sustain the City Planning Commission's determination, based on the whole of the administrative record, that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332, Article 19 (Class 32), and that there is no substantial evidence demonstrating that an exception to the categorical exemption (ENV-2021-2251-CE) pursuant to CEQA Guidelines Section 15300.2 applies. The Appellant has not met the burden of proof to demonstrate with substantial evidence that the Director of Planning's adoption of the Class 32 Categorical Exemption is incorrect and inappropriate and that any of the exceptions to a categorical exemption applies. The following statements have been compiled and summarized from the submitted appeal and responded to below.

Appeal Summary

On June 2, 2022, the Appellant (Virginia Jauregui) filed an appeal of the Class 32 Categorical Exemption for the Project. Subsequently, two (2) Justification Letter were submitted (dated July 14, 2023 and July 25, 2023) outlining the reasons for the appeal. The Appellant does not believe that the Project qualifies for a Class 32 Categorical Exemption citing that 1) the Project is inconsistent with the objectives, principles, intent, and goals of the Wilshire Community Plan; 2) the Project site is located in a special hazard zone/AO Flood Zone and therefore does not meet the requirements to qualify as an infill site; 3) the Project site may be too valuable as open space including as farmland or as wildlife habitat; 4) the Project will have a substantial adverse change to the stability of surrounding single family home communities and will encourage the encroachment onto the historic resources in the Oxford Square Residential Historic District (Oxford Square Historic Preservation Overlay Zone); 5) the Project and successive housing development projects in the vicinity will have a significant cumulative and long term impact on the Oxford Square residents; 6) the Project and other housing development projects in the vicinity will have a significant effect on the environment due to unusual circumstances; 7) a Site Plan Review entitlement should be required for this Project; and 8) the City Planning Department overrides environmental law by enabling developers to circumvent code by committing fraud.

Appeal Point #1: The Project is inconsistent with the objectives, principles, intent, and goals of the Wilshire Community Plan.

The Appellant contends that the Project is inconsistent with the Wilshire Community Plan because the Project does not comply with the objectives of the Community Plan or address residential issues regarding:

1. The preservation of single family and low-density residential neighborhoods (Objectives 1-1.1 and 1-1.2, Wilshire Community Plan).
2. Development that is compatible with the scale and character with the existing neighborhood (Objective 1-3.1, Wilshire Community Plan).
3. The spillover of traffic onto local residential streets (Objective 1-3.4, Wilshire Community Plan)

Staff Response

The Project site is located within the Wilshire Community Plan and is zoned C2-1-O with a Neighborhood Office Commercial land use designation. Residential uses are permitted on the property and are subject to the development (e.g., height, yards, density, FAR) and parking standards outlined in the Los Angeles Municipal Code (LAMC) including LAMC Sections 12.14 C, 12.21 1, and 12.21 A.4. According to the Zone Information and Map Access System (ZIMAS), the Project site is located within a transit priority area and a Transit Oriented Communities (TOC) Tier 3 area, and therefore the proposed housing development project is qualified for Base and Additional Incentives with the reservation of a minimum percentage of proposed dwelling units for on-site restricted affordable housing. The Project proposes a new, seven-story residential building with 60 dwelling units, including six (6) units set aside for Extremely Low Income Households. As concluded in the Letter of Determination for the Project's entitlement case (DIR-2023-9089-TOC-HCA), the Project is consistent with the LAMC and the provisions of the TOC Program. In addition, a consistency analysis was discussed in the CE Justification Report (Tables 2-1 and 2-2, Sections 2.1.8 and 2.2) and it concluded that the Project is consistent with the General Plan and Wilshire Community Plan.

Adjoining the Project site to the west properties located in the R1-1-O-HPOZ Zone and developed with low-density residential structures. The Project site is not listed nor is it eligible for listing in the California Register, or in a local register of historical resources. These properties are located at the northeast edge of the Oxford Square Historic Preservation Overlay Zone (HPOZ), recognized for its concentration of one to two-and-a-half story single family residences constructed in the early 20th century. According to the HPOZ Architectural Survey, the properties adjacent to the Project site contain "Non-Contributing Features"¹. Properties located north, south, and east of the Project site (across South Crenshaw Boulevard) are developed with commercial structures. With the development of the Project, limited excavation will be undertaken as the site is currently vacant and the Project does not propose any subterranean levels. As such the Project will have no direct impacts to adjacent residential properties and the Oxford Square Residential Historic District during the construction phase. Upon completion, the Project will maintain a height and density that is greater than what was historically developed on the site and some of the properties in the community. Nevertheless, the Project will not result in any significant environmental effects as concluded in the CE Justification Report and the Project will not alter, obscure, or materially impair any of the essential features that convey the District's significance as stated in the Historic Resources Technical Report (Appendix G).

The Project is consistent with the Citywide Design Guidelines which encourages the development of projects appropriate to the context of the City's climate and urban environment through three design approaches: Pedestrian-First Design, 360 Degree Design and Climate-Adapted Design. In conjunction with the objectives of the General Plan and the provisions of the TOC Program, the Project incorporates a variety of design elements that make the development of the proposed

¹ Non-Contributing Features are defined as "structures, landscapes, natural features, or sites identified as not retaining their historic character as a result of un-reversible alterations, or as having been built outside of the HPOZ Period of Significance or because they are vacant lots" (page 26, DRAFT Oxford Square HPOZ Preservation Plan (September 8, 2016))

seven-story, 60-unit residential building compatible with the surrounding neighborhood. Pedestrian and vehicular access will take place along South Crenshaw Boulevard with bicycle parking fronting the residential building. The Project will incorporate a variety of colored metal panels, cement plaster, porcelain tile, glass railing, and vinyl windows for façade treatment and visual interest. In addition, the Project will address the transition of height and scale from the C2 Zone to the western adjacent properties in the R1-1-O-HPOZ Zone.

LAMC Section 12.21.1 A.10 imposes transitional height requirements for projects located in the “C” Zone in close proximity to properties zoned RW1 or more restrictive. The Project site is located in the C2 Zone and is within 0-49 feet from an adjoining property in the R1 Zone, which restricts building height from exceeding 25 feet. With the Director of Planning’s approval of the Project’s entitlement case, the Project is permitted an Additional Incentive which allows for the building height limit to be stepped back at a 45 degree angle as measured from a horizontal plane originating 25 feet above grade at the property line of the adjoining lot. As shown in the Exhibit A, the Project complies with the provision of the Additional Incentive as the Project’s design incorporates a gradation in height starting from the western adjoining property in the R1 Zone and reaching a maximum building height of 93 feet. The Project will also provide a rear yard setback consistent with the LAMC, at 19 feet from the property line. Therefore, the Project’s transitional height and step back from the adjacent residential properties are consistent with the LAMC and the provisions of the TOC Program, and is compatible with the surrounding neighborhood.

The Project will not contribute to a significant spillover of traffic and parking onto local residential streets (Country Club Drive and South Victoria Avenue). The Project is located within a transit priority area as it is located within 0.5 miles from a major transit stop located on the intersection Crenshaw Boulevard and Olympic Boulevard (the intersection services two Metro Bus Lines, Metro Local Line 28 and Metro Local Line 210). Senate Bill (SB) 743 and Public Resources Code (PRC) § 21099(d) of the 2023 CEQA Statute and Guidelines states that, “Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” The Project involves the construction of a residential building within an urban infill site, therefore Project-related parking impacts shall not be considered a significant impact on the environment. In addition, the Director of Planning issued a Letter of Determination for the Project’s entitlement case, Case No. DIR-2022-9089-TOC-HCA and determined that the Project is consistent with the provisions of the TOC Program for a Tier 3 project. The Project will not provide direct pedestrian or vehicular access to the single-family developments to the west as the residential building’s main entrance and single, two-way driveway will be accessible along South Crenshaw Boulevard. Therefore, the Project will not result in a significant spillover of traffic and parking onto local residential streets.

Furthermore, the Appellant fails to provide any substantial evidence that demonstrates that the Project is under-parked and that it would result in spillover parking effects in the community. The Appellant provides unsupported speculation on the how a spillover of traffic and parking from the Project would have a negative effect on the quality of life and safety of nearby residents without any analyses indicating the alleged amount of spillover parking and the specific impacts caused by the spillover of parking.

Therefore, the Project is consistent with the objectives, principles, intent, and goals of the Wilshire Community Plan.

Appeal Point #2: The Project site is partially located in a special hazard zone/AO Flood Zone and therefore does not meet the requirements to qualify as an infill site.

The Appellant cites Public Resource Code § 21159.24 of the 2023 CEQA Statute and Guidelines, stating that since the Project site is partially located within in a designated AO Flood Zone (according to ZIMAS and FEMA Flood Map) the Project does not meet the requirements to qualify as an infill site, and thus qualifies neither for a TOC density allowance or Class 32 Categorical Exemption for In-Fill Development Projects. The AO Flood Zone is considered a special hazard zone, and as such the Appellant contends that the Project site cannot be designated as an infill site according to CEQA. In addition, the Appellant identifies four other developments in the neighborhood who have received “fake CEQA 32 Exemption and/or TOC density and construction increases/allowances” as they are also within the AO Flood Zone.

Staff Response

The Project site is partially located in the AO Flood Zone as indicated by the Appellant, however the Appellant improperly cites PRC § 21159.24 of the CEQA Statute and Guidelines to support their claim that the Project does not qualify as an infill site and neglects the City’s regulatory requirements which address developments located in a flood zone.

A Project site’s flood zone designation is not a factor in determining eligibility for a Class 32 Categorical Exemption under Article 19, Section 15332 of the CEQA Guidelines. In addition, the provision detailed in PRC § 21159.24 is not relevant to the adopted Class 32 Categorical Exemption for this Project because the provision applies to projects seeking a statutory exemption from CEQA. Even if the provision applies, which it does not, the provision does not prohibit the use of an exemption due to being located in a designated flood zone where the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.

Similar to many developments constructed within a flood zone, including those developed in the AO Flood Zone, the City’s Department of Building and Safety (LADBS) enforces building regulatory requirements to protect properties from flooding damage. Some of these requirements include flood-resistant material on the lowest finished floor and no basements. The Project will comply with the requirements and will be built at-grade; no subterranean levels will be constructed on the site.

The Appellant inaccurately claims that the Project site cannot be considered an infill site as it is within a special hazard zone. The Project site is consistent with CEQA’s definition of an “Infill Site”² found in PRC § 21061.3 of the 2023 CEQA Statute and Guidelines as it is located in a

² “Infill site” means a site in an urbanized area that meets either of the following criteria: (a) The site has not been previously developed for urban uses and both of the following apply: (1) The site is immediately adjacent to parcels that are developed with qualified urban uses, or at least 75 percent of the perimeter of

highly urbanized area, surrounded by urban uses, and was previously developed with urban uses.

The Appellant fails to provide any substantial evidence that supports their claim that the AO Flood Zone designation will result in a significant impact on the environment. The Appellant also makes the same speculation for four other developments in the vicinity without any facts, reasonable assumptions predicated upon facts, or expert opinion supported by facts. These developments are unrelated to the Project and the accompanying Class 32 Categorical Exemption.

While the Project site is located within an AO Flood Zone/special hazard zone, it is consistent with the definition of an infill site and the Project will comply with all the building regulatory requirements for a site located in the AO Flood Zone. Therefore, the Project is qualified for a Class 32 Categorical Exemption for In-Fill Development Projects.

Appeal Point #3: The Project site may be too valuable as open space including as farmland or as wildlife habitat.

The Appellant claims that the Project site may be too valuable as open space including as farmland or as wildlife habitat. The Appellant states that the Oxford Square neighborhood is home to various wildlife species (e.g. birds and insects) and as a result, the Project will have significant ecological effects that will endanger the area's ecosystem.

Staff Response

The Appellant provides no substantial evidence that supports their claim that the Project site is a sensitive habitat for wildlife or farmland. The Project will be developed on a previously developed urban infill site and as concluded in the CE Justification Report (Section 4, pages 2-22 through 2-24), the Project will not conflict with any local policies or ordinances protecting biological resources, or with provisions of an adopted Habitat Conservancy Plan. In addition, the Project site has no value as habitat for endangered, rare, or threatened species.

The Project site does not contain any trees nor are there any street trees located in front of the property. Nevertheless, the Project will comply with the local, state, and federal policies which protect birds and wildlife. The City's Bureau of Street Services, Urban Forestry Division complies with the Federal Migratory Bird Treaty Act and the City imposes a standard condition that recommends proposed project activities to take place outside the breeding season. Therefore, the Project will not have significant ecological effects that will endanger the area's ecosystem.

The Appellant's claim that the Oxford Square neighborhood is a home to wildlife species is also unsubstantiated as there are no reports or maps attached to their justification that support their claim.

the site adjoins parcels that are developed with qualified urban uses and the remaining 25 percent of the site adjoins parcels that have previously been developed for qualified urban uses. (2) No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency. (b) The site has been previously developed for qualified urban uses. (Page 6, 2023 CEQA Statute and Guidelines)

Therefore, based on the analyses and technical reports discussed in the Project's CE Justification Report, the Project has no value as habitat for endangered, rare or threatened species and the Project will not adversely impact the area's ecosystem as contended by the Appellant.

Appeal Point #4: The Project will have a substantial adverse change to the stability of surrounding single family home communities and will encourage encroachment onto the historic resources in the Oxford Square Residential Historic District (Oxford Square Historic Preservation Overlay Zone).

The Appellant contends that the Project is inconsistent with the objectives of the Wilshire Community Plan which protect existing stable single family and low-density residential neighborhoods from encroachment by higher density residential uses that are incompatible with the community and promote neighborhood preservation for all stable residential neighborhoods (Objectives 1-1.1 and 1-1.2, Wilshire Community Plan). Furthermore, the Appellant argues that the Project will significantly impact the residential properties which lie adjacent to the Project site and are within the Oxford Square Residential Historic District.

Staff Response

As discussed in the Staff Response to Appeal Response No. 1, a consistency analysis was discussed in the CE Justification Report (Tables 2-1 and 2-2, Sections 2.1.8 and 2.2) and it concluded that the Project is consistent with the General Plan and Wilshire Community Plan. The Project site is located within the Wilshire Community Plan and is zoned C2-1-O with a Neighborhood Office Commercial land use designation. The Project proposes a new, seven-story residential building with 60 dwelling units, including six (6) units set aside for Extremely Low Income Households. On May 18, 2023, the Director of Planning approved the Project (Case No. DIR-2023-9089-TOC-HCA) and determined that the Project is consistent with the LAMC and the provisions of the TOC Program.

The Project incorporates a variety of design elements that make the development of the proposed seven-story, 60-unit residential building compatible with the surrounding neighborhood. Pedestrian and vehicular access will take place along South Crenshaw Boulevard with bicycle parking fronting the residential project. This will reduce any potential for spillover effect due to parking and traffic. The Project will incorporate a variety of colored metal panels, cement plaster, porcelain tile, glass railing, and vinyl windows for façade treatment and visual interest. In addition, the Project will address the transition of height and scale from the C2 Zone to the western adjacent properties in the R1-1-O-HPOZ Zone. LAMC Section 12.21.1 A.10 imposes transitional height requirements for projects located in the "C" Zone in close proximity to properties zoned RW1 or more restrictive. Under the provisions of the TOC Program, the Project meets the requirements for a Tier 3 Additional Incentive which permits the building height limit to be stepped back at a 45 degree angle as measured from a horizontal plane originating 25 feet above grade at the property line of the adjoining lot. As shown in the Exhibit A, the Project complies with the provision of the Additional Incentive as the Project's design incorporates a gradation in height starting from the western adjoining property in the R1 Zone and reaching a maximum building height of 93 feet.

The Project will also provide a rear yard setback consistent with the LAMC, at 19 feet from the property line. Therefore, the Project's transitional height and step back from the adjacent residential properties is consistent with the LAMC and the provisions of the TOC Program, and is compatible with the surrounding neighborhood.

The Project site is located adjacent to the northeast boundary of the Oxford Square Historic Preservation Overlay Zone (HPOZ). The Project site is not listed nor is it eligible for listing in the California Register, or in a local register of historical resources. The Oxford Square Residential Historic District is recognized for its concentration of one to two-and-a-half story single family residences constructed in the early 20th century. According to the HPOZ Architectural Survey, the properties adjacent to the Project site contain "Non-Contributing Features" (defined as "structures, landscapes, natural features, or sites identified as not retaining their historic character as a result of un-reversible alterations, or as having been built outside of the HPOZ Period of Significance or because they are vacant lots). Properties located north, south, and east of the Project site (across South Crenshaw Boulevard) are developed with commercial structures. The CE Justification Report discusses the Project and its potential to cause a substantial adverse change in the significance of a historical resource (Section 15, pages 2-124 through 2-125). The CE Justification Report refers to a Historical Resources Technical Report prepared by Historic Resources Group, dated December 2022 (Appendix G), which states:

"The Project does not propose to demolish, destroy, relocate, or alter any contributors to the Oxford Square Residential Historic District. There would be limited excavation undertaken by the Project and therefore there would be no direct impacts to adjacent resources resulting from construction activity. The Project would add a new, seven-story building of contemporary design to the Project Site, adding height and density on parcels that historically were developed with low density single-family residences. However, the Project Site is outside of the potential historic district boundary. Although the new construction would be visible from within the district, the Project would not alter, obscure, or otherwise materially impair any of the essential features that convey the district's significance, and it would not change the interrelationship of contributing properties within the potential district boundary. The Project Site is spatially separated from contributing properties to the potential district; this decreases the Project's likelihood to adversely impact contributors and, as a result, the potential district as a unified entity."

Based on the conclusions of the Historical Resources Technical Report and the assessment of the surrounding properties in the community, the Project will not result in a substantial adverse change to historical resources on the Project site or in the Project vicinity. In addition, the Project will be compatible in scale and height with the surrounding residential and commercial buildings in the neighborhood and will not have significantly impact the low density residential properties in the vicinity.

Appeal Point #5: The Project and successive housing development projects in the vicinity will have a significant cumulative and long term impact on the Oxford Square residents.

The Appellant claims that the cumulative and long term effect of approving apartment complexes

in the Oxford Square residential neighborhood will be significant as the lack of proposed parking provided by these developments will have a significant impact on the quality of life and safety of homeowners. The Appellant refers to two other housing developments, Solaris and Amani, as contributing to cumulative parking-related impacts on single-family neighborhoods.

Staff Response

CEQA Guidelines Section 15300.2(b) states that a categorical exemption is inapplicable “when the cumulative impact of successive projects of the same type in the same place, over time is significant.” An agency’s determination that a project falls within a categorical exemption includes an implied finding that none of the exceptions identified in the CEQA Guidelines apply. Instead, the burden of proof shifts to the challenging party to produce evidence showing that one of the exceptions applies to take the project out of the exempt category. (*Berkley Hillside Preservation v. City of Berkley* (2015) 60 Cal. 4th 1086; *San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1022-23.).

In this instance, the Appellant has not met its burden, and there is no evidence in the record to conclude that there would be a cumulative adverse impact on the environment and the Oxford Square residents as a result of the Project, the Solaris (1141 – 1145 South Crenshaw Boulevard) and Amani (4200 – 4208 West Pico Boulevard, 1313 South Crenshaw Boulevard) housing development projects, or any other successive projects. The cumulative impact exception applies when the environmental impacts at issue affect the environment in general and does not apply to activity that has an impact on only some particular persons (*Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4th 786, 799). Speculation that significant cumulative impacts will occur simply because other projects may be approved in the same area is insufficient to trigger this exception and is not evidence that the proposed project will have adverse impacts or that the impacts are cumulatively considerable (*Hines v. California Coastal Comm’n* (2010) 186 Cal.App.4th 830, 857).

The Appellant argues that the quality of life and safety of Oxford Square residents will be significantly impacted by the lack of parking spaces provided by these projects as Oxford Square will become an “all-night parking lot” for residents. Furthermore, the Appellant does not state a specific concern or question regarding the adequacy of the Class 32 Categorical Exemption for this Project, nor does it identify any physical environmental impacts caused by the Project and Solaris and Amani housing development projects.

According to ZIMAS, the Project site is located in a transit priority area in the City of Los Angeles. SB 743 and PRC § 21099(d) of the 2023 CEQA Statute and Guidelines states that, “Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” The Project involves the construction of a seven-story, 60-unit residential building within an urban infill site, therefore the number of parking spaces provided by the Project shall not be considered a significant impact on the environment. In addition, the Director of Planning issued a Letter of Determination for the Project’s entitlement case, Case No. DIR-2022-9089-TOC-HCA and determined that the Project is consistent with the provisions of the TOC Program

for a Tier 3 project of which six (6) units of the total 60 dwelling units proposed will be reserved for Extremely Low Income Households. The TOC Program permits Tier 3 projects to provide 0.5 vehicular parking spaces per unit and the Project proposes a total of 39 parking spaces. Furthermore, the State of California adopted AB 2097 in 2022 which prohibits a public agency from imposing minimum automobile parking requirements on most types of development near a major transit stop. Therefore, the Project is not required to provide any parking spaces under this bill. As discussed in the Staff Response to Appeal Point No. 1, the Project will not provide direct pedestrian or vehicular access to the single-family developments to the west as the residential building's main entrance and single, two-way driveway will be accessible along South Crenshaw Boulevard. As such, the Project will not result in a significant spillover of traffic onto local residential streets.

According to ZIMAS, the Solaris and Amani housing development projects are also located in a transit priority area in the City of Los Angeles and as such aesthetic and parking impacts shall not be considered a significant impact on the environment.

In Section 11, pages 2-105 through 2-117 of the CE Justification Report, the "Cumulative Impact" exception for categorical exemptions was discussed analyzing the potential impacts of the Project and five (5) related projects on transportation, noise, air quality, water quality, public service, and utilities. The related projects were identified using a 0.5-mile radius around the Project site. Through various analyses and technical reports, it was concluded that these projects will not result in any significant cumulative impacts to the environment.

Specifically with regards to the assessment of cumulative impacts related to transportation, the Project and related projects are individually responsible for complying with relevant plans, programs, ordinances, or policies addressing the circulation system. No cumulative impact was identified with the Project that would preclude the City's implementation of any transportation related policies, programs, or standards. The Project's impact on transportation will be less than significant as determined in Section 5, pages 2-25 through 2-27 of the CE Justification Report. The Los Angeles Department of Transportation's (LADOT) Transportation Assessment Guidelines requires preparation of a transportation assessment if it is estimated that a project will generate a net increase of 250 or more daily trips and requires discretionary action by the City. Based on LADOT's VMT Calculator tool, the Project will not exceed a net increase of 250 daily trips with an estimated value of 195 daily trips. Therefore, a transportation assessment was not required. Additionally, access to the Project and related projects would take place primarily along Crenshaw Boulevard and as such, no cumulative impacts were identified.

Therefore, the Appellant has not met the burden of proof that validates the assertion that the Project and successive housing development projects in the vicinity will have a significant cumulative and long-term impact.

Appeal Point #6: The Project and other housing development projects in the vicinity will have a significant effect on the environment due to unusual circumstances.

The Appellant claims that due to the Project's height and density, the proximity of the Project

and two public supportive housing developments near the Oxford Square residential neighborhood, the lack of parking provided by these projects, and the AO Flood Zone designation of some of the associated properties, these factors contribute to a reasonable possibility that an activity will have a significant effect on the environment due to unusual circumstances. The Appellant claims that the Oxford Square will lose access to sunlight and that it will become an “all-night parking lot” for future residential development.

Staff Response

The Appellant provides no substantial evidence demonstrating how the Project and the two public supportive housing developments are and impose unusual circumstances that result in significant impacts on the environment and on the Oxford Square residential neighborhood. The Project will construct a seven-story, 60-unit residential building with six (6) units reserved for Extremely Low Income Households and the Project site is located within an urban infill site as it is located in a highly urbanized area, surrounded by urban uses, and was previously developed with urban uses. The Appellant fails to determine, with facts, how each of the contributing factors that they have listed, i.e., the Project, the two public supportive housing developments, proximity to the Oxford Square residential neighborhood, parking, are unusual circumstances. In addition, the Appellant fails to address with substantial evidence if there are any significant effects as a result of the unusual circumstances that they have listed.

In the Staff Response to Appeal Point No. 1, the Project’s parking and design are discussed and address how the Project acknowledges the surrounding properties in the neighborhood and is compatible with the scale and character of the community. The Project site is also located within a transit priority area in the City of Los Angeles and as such, “Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” (PRC § 21099(d), 2023 CEQA Statute and Guidelines). In addition, the Staff Response also addresses how the development of the Project will not have a significant impact on the adjacent low-density residential neighborhood, notably the Oxford Square Residential Historic District.

As discussed in the Staff Response to Appeal Point No. 2, the Appellant fails to provide any substantial evidence that supports their claim that the partial AO Flood Zone designation of the Project site will result in a significant impact on the environment. It was clarified that the Project site is consistent with the definition of an “infill site” according to PRC § 21061.3 of the 2023 CEQA Statute and Guidelines and that the Project will comply with the building regulatory requirements for a site located in the AO Flood Zone.

The CE Justification Report discusses the “Unusual Circumstance” exception for categorical exemptions on Section 12, pages 2-118 through 2-120. This section discusses the potential for any unusual circumstances and their impacts as it relates to the Project site’s zoning and land use designation, significant ecological area status, location within a methane buffer zone and oil drilling district, and other geotechnical considerations. The analysis concludes that there are no unusual circumstances that may result in any significant environmental effects and that the “Unusual Circumstance” exception does not apply to the Project.

Appeal Point #7: A Site Plan Review entitlement should be required for this Project.

The Appellant claims that a Site Plan Review should be conducted for the Project as granting a TOC density increase and CEQA exemption to a building that does not qualify as an infill site without a Site Plan Review is in violation of the municipal code. The Appellant also cites the case of *Fix the City, Inc. v. City of Los Angeles (2022)*, in which the Los Angeles Superior Court ruled that conflicts between qualifying Transit Oriented Communities (TOC) Guidelines and specific plan requirements should be resolved in favor of a specific plan.

Staff Response

As discussed in the Staff Response to Appeal Point No. 2, the Project site is consistent with the definition of an “Infill Site” found in PRC § 21061.3 of the 2023 CEQA Statute and Guidelines as it is located in a highly urbanized area, surrounded by urban uses, and was previously developed with urban uses. Therefore, the Project is qualified for a Class 32 Categorical Exemption for In-Fill Development Projects.

The Appellant’s claim is a comment regarding the discretionary review and approval of the Project under Case No. DIR-2023-9089-TOC-HCA, and not the Class 32 Categorical Exemption under Case No. ENV-2023-9090-CE. The Appellant’s claim fails to state a specific concern or question regarding the adequacy of the Class 32 Categorical Exemption as discussed in the CE Justification Report and Appendices nor does it identify any physical environmental impacts caused by the Project.

LAMC 12.22 A.31(a) states that the provisions contained in the TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines) shall apply to all Housing Developments that are located within a one-half mile radius of a Major Transit Stop. Section V-2.b of the TOC Guidelines states that the threshold for a project triggering the Site Plan Review requirements of LAMC 16.05 shall be based on the number of units that would be permitted prior to any permitted TOC density increase. In this case, the Project is a qualifying Housing Development within one-half mile of a Major Transit Stop and contains a base density of 37 units. The Project falls below the below the 50-unit base density threshold for a project triggering Site Plan Review requirements. Therefore, a Site Plan Review is not required for the Project contrary to what the Appellant claims is required.

As stated by the Appellant, *Fix the City, Inc. v. City of Los Angeles (2022)* clarified in a ruling that conflicts between qualifying TOC Guidelines and specific plan requirements should be resolved in favor of a specific plan. However, the Project site is not located in a Specific Plan area therefore the Appellant’s claim is not relevant to the Project or the Class 32 Categorical Exemption.

Appeal Point #8: The City Planning Department overrides environmental law by enabling developers to circumvent code by committing fraud.

The Appellant claims that the City Planning Department works with developers to disenfranchise homeowners and single-family neighborhood communities in order to corrupt environmentally

sensitive areas of environmental protection, safety, open space and available parking, and committed environmental fraud previously on projects in the area. In addition, the Appellant attached several documents claiming collusion between a former City Council President and a Neighborhood Council.

Staff Response

The Appellant's claim regarding alleged fraud and collusion are not a comment on the Project's Class 32 Categorical Exemption. The Appellant fails to state a specific concern or question regarding the adequacy of the Class 32 Categorical Exemption as discussed in the CE Justification Report and Appendices nor does it identify any physical environmental impacts caused by the Project.

Conclusion

Based on the information in the record and after consideration of the appellant's arguments for appeal, Staff determines that the Project qualifies for a Class 32 Categorical Exemption under Case No. ENV-2022-9090-CE and there is no substantial evidence demonstrating that an exception to a categorical exemption applies. Contrary to the Appellant's claims regarding the Project and the accompanying Class 32 Categorical Exemption, the Project is consistent with the Wilshire Community Plan, the Project meets the requirements to qualify as an infill site and thereby the Class 32 Categorical Exemption for Infill Development projects is valid, and the Project is not subject to Site Plan Review. In addition, the Appellant presents no substantial evidence demonstrating that the Project will result in significant and adverse impacts to the surrounding ecological area and wildlife, low-density properties in the Oxford Square Residential Historic District, a significant effect on the environment due to unusual circumstances, and significant cumulative and long term impacts on the Oxford Square residents. Therefore, it is recommended that the PLUM Committee deny the appeals and affirm that the projects are Categorical Exempt from CEQA.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



DAVID WOON
Planning Assistant

HB:SK:DW