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September 11, 2020

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, 1047-1053 SOUTH FEDORA STREET; CF #
20-0851**

Project Background

The proposed project involves the approval of a Tier 3 Transit Oriented Communities Affordable Housing Incentive Program Request (TOC) for the construction, use, and maintenance of a new, 75-foot high (at its highest point), six-story plus mezzanine residential building. The project will contain 50 multi-family dwelling units. Of the 50 units proposed, 5 will be set aside for Extremely Low Income Households. The proposed building will encompass approximately 36,309.6 square feet in total building area for an approximate Floor Area Ratio of 4.5:1. The project proposes to provide 36 automobile parking spaces and 49 bicycle stalls within one level of at-grade parking and one level of subterranean parking. The proposed unit mix consists of 21 studios, 9 one-bedroom units, and 20 two-bedroom units.

On March 25, 2020, the Director of Planning issued a Determination that conditionally approved a TOC for the proposed project under Case No. DIR-2019-5051-TOC. During the appeal period, from March 25, 2020 to April 9, 2020, no appeals were filed on the land use entitlement grant. As noted in the Director's determination letter and pursuant to LAMC Section 12.22-A,31, the TOC approval is final and effective upon the end of the 15 day appeal period of the determination letter and not further appealable.

Subsequently, an appeal of the CEQA clearance (Environmental Case No. ENV-2019-5052-CE) for the project pursuant to the Public Resource Code Section 21151(c) was available since the Determination of the Director is not further appealable and the decision is final. On April 21, 2019, within the required 15-day appeal period for a CEQA appeal, an appeal of the Director's decision to determine the project exempt from CEQA was filed by Margarita Lopez on behalf of the Coalition For An Equitable Westlake/MacArthur Park. The appellant is represented by Claudia Medina, Law Office of Claudia Medina and challenges the Categorical Exemption for

Environmental Case No. ENV-2019-5052-CE as the environmental clearance for the project.

The appeal points included in the appeal relating to the CEQA clearance for the project are addressed herein.

Appeal Summary

Staff recommends that the PLUM Committee recommend for Council Action to deny the submitted appeal and sustain the Director's determination, that based on the whole of the administrative record, 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-2019-5052-CE) pursuant to CEQA Guidelines Section 15300.2 applies. The following statements have been compiled and summarized from the submitted appeal and responded to below.

1. The City fails to consider cumulative impacts.

APPEAL POINT:

The appellant argues that the Class 32 Categorical Exemption is inadequate because the Categorical Exemption does not take into account the cumulative impacts related to past, current, and future projects within 1 mile of the proposed project.

STAFF RESPONSE:

California Environmental Quality Act (CEQA) defines cumulative impacts as two or more individual actions that, when considered together, are considerable or will compound other environmental impacts. Cumulative impacts are the changes in the environment that result from the incremental impact of development of the Proposed Project and other projects with related impacts. For example, traffic impacts of two nearby projects may be insignificant when analyzed separately but could have a significant impact when analyzed together.

This subsection provides an analysis of overall cumulative impacts of the project taken together with other past, present and probable future projects producing related impacts, as required by Section 15130 of the CEQA Guidelines.

Land Use

The review of a proposed project is guided by the various land use and planning documents of the City of Los Angeles, such as the Wilshire Community Plan and the Los Angeles Municipal Code.

Wilshire Community Plan

The proposed project complies with applicable provisions of the Los Angeles Municipal Code and the Wilshire Community Plan. There are twelve elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of the Los Angeles Municipal Code.

Through the TOC land use entitlement which granted the proposed project TOC Base and Additional Incentives, the project is consistent with the applicable General Plan designation and all applicable General Plan policies and zoning designations. The TOC land use entitlement is final and not appealable. The Land Use Element of the City's General Plan is divided into 35 Community Plans. The project is located within the Wilshire Community Plan area. The Wilshire Community Plan Map designates the property for High Medium Residential land uses corresponding to the R4 Zone. The property is zoned R4, which corresponds to the existing land use designation and permits the use of land for multi-family residential purposes.

The proposed project is consistent with the Wilshire Community Plan in that the proposed 50-unit apartment development would add new and desirable multi-family housing to the Los Angeles housing supply. The Wilshire area is a vibrant community that residents and visitors enjoy, and increasing the housing stock is specifically consistent with the following Goals and Objectives of the Wilshire Community Plan:

- Goal 1: Provide a safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Wilshire Community.
- Objective 1-1.3: Provide for adequate Multiple Family residential development.
- Objective 1-2: Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations and existing bus route stops.
- Policy 1-2.1: Encourage higher density residential uses near major public transportation centers.
- Objective 1-4: Provide affordable housing and increased accessibility to more population segments, especially students, the handicapped and senior citizens.

The proposed project is in substantial compliance with the purposes, intent, and provisions of the General Plan and the Wilshire Community Plan. The site's High Medium Residential designation is consistent with the planning principles identified in the Community Plan, which outlines a number of objectives and policy goals for residential developments in the area. As referenced in the Wilshire Community Plan, the intent of providing developments such as the one proposed is to ensure adequate multiple family residential developments with affordable housing and develop new housing near transit.

The proposed land use and intensity of the project is consistent and compatible with the surrounding area and typical for an infill development located near transit. Development of the proposed 6-story, multi-family development will not significantly exceed the existing character and scale of surrounding properties as there are four to six-story buildings surrounding the project site. Furthermore, the zoning of the site allows for this intensity of development in conjunction with the approval of the land use entitlement granting TOC Base and Additional Incentives. As such, the scale of the proposed development has already been contemplated and accounted for through the Community Plan which establishes the land use and zoning of the site.

Therefore, the implementation of the TOC project itself and future development on the Wilshire Community Plan would not cause a cumulatively considerable incremental contribution to environmental effects in the area.

Cumulative Projects

When evaluating the potential impacts of a residential development of 50 units proposed, the Director of Planning considered potential cumulative impacts on surrounding uses that could be affected by the construction and operation of the project. Cumulative impacts result when the effects of an action are added to or interact with other past, present, and reasonably foreseeable future effects on the same resources.

A list of past, current, and future projects within one mile radius of the project site has been submitted by the appellant. The appellant states that the projects contribute towards the cumulative impacts of the project that must be considered. However, a number of the cumulative projects cited by the appellant are not of the same type or nature to the proposed project. These projects are also in various phases of development without any evidence that the construction of all projects would happen simultaneously with the construction of this project.

In response to this, Staff has provided a detailed update regarding the list submitted by the appellant of projects within 1 mile of the project site below. These projects are under construction, have received final discretionary approvals, have applications accepted as complete, or are currently undergoing project and environmental review.

The following **2018** cases were cited by the appellant:

2842 West James Wood Boulevard – 193 units (DIR-2018-309-TOC-SPR): The project site is within 0.8 miles of the proposed project. On July 11, 2019, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program and Site Plan Review request for the construction, use, and maintenance of a new 77-foot high residential building with 193 units, of which 20 units will be set aside for Extremely Low Income households, pursuant to the TOC Guidelines. The project proposes a total of 168,405 square feet of floor area on a net 44,908 square-foot lot for a Floor Area Ratio (F.A.R.) of 3.75:1. Concurrently to approving the land use entitlements, the Director determined that based on the whole of the administrative record, 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-2018-310-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

3323 West Olympic Boulevard – 94 units (CPC-2018-617-DB-SPR): The project site is within 0.8 miles of the proposed project. On July 5, 2019, the City Planning Commission conditionally approved a Density Bonus and Site Plan Review for the demolition of single-family dwelling and surface parking lot and the construction, use, and maintenance of a seven-story mixed-use development consisting of 94 residential dwelling units including 8 units reserved for Very Low Income Households and 3,260 square feet of commercial space. The Project will provide a total of 168 parking spaces within two subterranean and one at-grade level of parking. Concurrently to approving the land use entitlements, the City Planning Commission determined that based on the whole of the administrative record, 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-2018-618-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

975 South Manhattan Place – 95 units (CPC-2018-656-DB-SPR): The project site is within 0.8 miles of the proposed project. On July 5, 2019, the City Planning Commission approved a Density Bonus and Site Plan Review for the demolition of an existing single-family home and surface parking lot and the construction, use, and maintenance of a new seven-story, 86-foot high residential development consisting of 95 dwelling units. The project will set aside 8 units for Very-Low Income Households. The project will provide 149 automobile parking spaces located within two subterranean levels and at the ground level. The project site is within 0.8 miles of the proposed project. Concurrently to approving the land use entitlements, the City Planning Commission determined that based on the whole of the administrative record, 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-2018-657-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

1045 South Dewey Avenue – 67 units (DIR-2018-901-TOC): The project site is within 900 feet of the proposed project. On June 26, 2018, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the demolition of six existing residential and accessory structures with eight residential units and the construction of a new six-story apartment building with 67 units and approximately 81 feet in height. The proposed building will encompass approximately 54,231 square feet in total building area, resulting in a Floor Area Ratio (FAR) of approximately 4.31. The project provides 71 automobile parking spaces in a two-level subterranean parking garage accessed from 11th Street, as well as 67 long-term bicycle parking spaces and 7 short-term bicycle parking spaces. Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2018-902-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

860 South Normandie Avenue – 57 units (DIR-2018-2808-TOC): The project site is within 0.4 miles of the proposed project. The project site is within 0.4 miles of the proposed project. On April 11, 2019, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the construction, use, and maintenance of a new, 48,671 square-foot residential building with 57 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 six (6) residential levels above two (2) levels of subterranean parking. Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2018-2809-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

846 South Mariposa Avenue – 38 units (DIR-2018-2943-TOC): The project site is within 0.4 miles of the proposed project. On September 12, 2018, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the demolition of an existing vacant two-story multi-family residential structure and the construction, use, and maintenance of a seven-story multi-family residential structure containing a maximum of 29,313.4 square feet (equal to a 5.07:1 FAR) with a total of 38

residential dwelling units. Of the units proposed, six (6) will be reserved for affordable housing, including a minimum of 10% of the units set aside for Extremely Low Income Households. Four (4) units will be reserved for Extremely Low Income Households, one (1) unit will be reserved for Very Low Income Households, and one (1) unit will be reserved for Low Income Households. The project will provide a total of 36 automobile parking spaces, and will be required to provide a minimum of 38 long-term bicycle parking spaces, and four (4) short-term bicycle parking spaces in the proposed development. Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2018-2944-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

924 South Catalina Street – 30 units (DIR-2018-3005-TOC): The project site is within 0.4 miles of the proposed project. On October 17, 2018, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the demolition of the existing apartment building and garage and the construction, use, and maintenance of a six-story, 71-foot high, 22,388 square-foot multi-family residential building. The project will include 30 residential dwelling units with three units set aside for Extremely-Low Income Households along with two units set aside for Low Income Households and one unit set aside for very low income households. The project proposes to provide parking on the ground level and one level of subterranean parking (totaling 23 vehicular parking spaces and 33 bicycle parking spaces). Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2018-3006-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

1120 South Serrano Avenue – 52 units (DIR-2018-4954-TOC): The project site is within 0.6 miles of the proposed project. On February 14, 2019, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the demolition of the existing homes and the construction, use, and maintenance of a six-story, 67-foot high, 66,768 square-foot multi-family residential building. The project will include 52 residential dwelling units with six units set aside for Extremely-Low Income households. The project proposes to provide parking on the ground level and one level of subterranean parking (totaling 36 vehicular parking spaces and 57 bicycle parking spaces). Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2018-4955-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

904 South Normandie Avenue – 29 units (DIR-2018-4983-TOC): The project site is within 0.4 miles of the proposed project. On July 3, 2019, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the demolition of the existing two-story duplex; and the construction, use and maintenance of a seven-story, multi-family residential building containing 29 dwelling units, including 22 market-rate units, one (1) unit restricted to Extremely Low Income Households, one (1) unit restricted to Very Low Income Households, and five (5) units restricted to Low Income Households. The building height will be 78 feet, 10 inches, as measured from grade to the top of the parapet, with roof structures that have a height of up to 10 feet, 6 inches from the parapet.

The building will contain a maximum of 19,250 square feet of floor area with a maximum FAR of 4.57:1. The project will provide 18 automobile parking spaces, 32 long-term bicycle parking stalls, and four (4) short-term bicycle parking stalls. Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2018-4984-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

919 South Harvard Boulevard – 24 units (DIR-2018-4999-TOC): The project site is within 0.7 miles of the proposed project. On March 20, 2019, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the construction, use, and maintenance of a new five-story, multifamily residential building containing 24 dwelling units, of which three (3) units will be set aside for Extremely Low Income Households, with one level of subterranean parking garage. The proposed building will have a maximum height of 54 feet and a floor area ratio (FAR) of 4.5:1. The project will provide 12 automobile parking spaces, 26 bicycle parking spaces. Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2018-5000-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

950 South Berendo Street – 75 units (DIR-2018-3645-TOC): The project site is within 0.4 miles of the proposed project. On December 18, 2018, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the construction, use and maintenance of a six-story, approximately 73-foot tall, 38,489 square-foot multi-family residential building. The development will include 75 residential dwelling units, of which eight (8) units will be set aside for Extremely-Low Income Households. The project will provide 53 automobile parking spaces that will be located at- and above-grade. Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2018-3646-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

1228 South Fedora Street – 9 units (DIR-2018-6497-TOC): The project site is within 0.2 miles of the proposed project. On July 8, 2019, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the demolition of an single family dwelling and for the construction, use and maintenance of a five-story, approximately 56-foot tall, 9,966 square-foot multi-family residential building. The development will include 9 residential dwelling units, of which one unit will be set aside for Extremely-Low Income Households. The project will provide 9 automobile parking spaces that will be located at- grade. Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2018-6498-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

955 South Ardmore Avenue – 34 units (DIR-2019-6904-TOC): The project site is within 0.4 miles of the proposed project. On July 2, 2019, the Director of Planning conditionally

approved a TOC Affordable Housing Incentive Program request for the demolition of two existing multi-family residential structures and the construction, use, and maintenance of a six-story multi-family residential structure with a total of 34 residential dwelling units. Of the units proposed, three (3) will be reserved for affordable housing, including a minimum of 8% of the total number of units set aside for Extremely Low Income Households. The project will provide a total of 21 automobile parking spaces, and will be required to provide a minimum of 34 long-term bicycle parking spaces, and four (4) short-term bicycle parking spaces in the proposed development. Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2018-6905-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

744 South Serrano Avenue – 157 units (DIR-2018-7690-TOC-SPR): The project site is within 1 mile of the proposed project. On July 25, 2019, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program and Site Plan Review request for the removal of an existing surface level parking lot and the construction of a new, six-story, mixed use structure above two levels of subterranean parking. A total of 157 multi-family dwelling units are proposed on the upper floors of the building, of which 16 will be set aside for Extremely Low Income Households and 10,114 square feet of commercial retail space. The Floor Area Ratio (FAR) of the proposed building would be a maximum of 3.75 to 1, with a total building area of 137,951.25 square feet and maximum height of approximately 82 feet, 8 inches. Parking would be provided via two subterranean levels containing 180 automobile parking spaces. Concurrently to approving the land use entitlements, the Director determined that based on the whole of the administrative record, 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-2018-7691-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

The following **2019** cases were cited by the appellant:

3031 West Olympic Boulevard – 14 units (DIR-2019-1053-TOC): The project site is within 0.3 miles of the proposed project. On August 2, 2019, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the demolition of an existing commercial building and the construction, use, and maintenance of a new, 14-unit, six-story, 60-foot tall building. The project will set aside two (2) units for Very Low Income Households. The project proposes to provide seven (7) automobile parking spaces, and a total of 16 bicycle parking spaces, including 14 long-term spaces and two (2) short-term bicycle spaces. Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2019-1054-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

738 South Normandie Avenue – 50 units (DIR-2019-929-TOC): The project site is within 0.7 miles of the proposed project. On December 19, 2019, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the construction, use and maintenance of a seven-story residential structure over one level of subterranean parking garage, containing 50 dwelling units, including five (5) units reserve

for Extremely Low Income Households and 45 market-rate units. The building will be a maximum of 80 feet 3 inches, as measured from grade to the top of parapet, and contain approximately 27,500 square feet of floor area with a floor area ratio (FAR) of 5.75. The project will provide 25 vehicular parking spaces located at grade and within one level of subterranean parking garage. The project will also provide 42 long-term and 4 short-term bicycle parking spaces. Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2019-930-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

968-974 South Fedora Street – 50 units (DIR-2019-1113-TOC): The project site is within 800 feet of the proposed project. On November 1, 2019, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the construction, use and maintenance of a six-story (67 feet 10 inches) residential structure over one level of subterranean parking garage, containing 50 dwelling units, including five (5) units reserve for Extremely Low Income Households and 45 market-rate units. The building will be a maximum of 67 feet 10 inches, as measures from grade to the top of parapet, and contain approximately 37, 125 square feet of floor area with a floor area ratio (FAR) of 4.5:1. The project will provide 34 vehicular parking spaces located at grade and within one level of subterranean parking garage. The project will also provide 42 long-term and 5 short-term bicycle parking spaces. Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2019-1114-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

904 South New Hampshire – 63 units (DIR-2019-1200-TOC): The project site is within 0.6 miles of the proposed project. On February 28, 2019, a TOC Affordable Housing Incentive Program request was filed to construct an 8-story, 63-unit condominium project. Concurrently, a Vesting Tentative Tract Map No. VTT-82514 and Environmental Case No. ENV-2019-1201-EAF were filed for review. The case is on hold and no determination has been issued.

2870 Olympic Boulevard – 126 units (DIR-2019-2498-SPR): The project site is within 900 feet of the proposed project. On February 6, 2020, the Director of Planning conditionally approved a Site Plan Review for the demolition of a billboard, four single-family commercial buildings, surface parking lots, a single-family single-story dwelling and for the construction, use and maintenance of a seven-story mixed-use building with 126 residential dwelling units (13 reserved for Extremely Low Income) and 5,998 square feet of ground floor commercial retail space. The project will provide 130 automobile parking spaces within a two-level subterranean parking garage. Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2019-2499-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

3433 West 8th Street – 251 units (CPC-2019-2567-GPA-VZC-HD-CUB-SPR): The project site is within 0.8 miles of the proposed project. On April 30, 2019, a multi-approval request was filed to construct an 8-story, 251-unit mixed-use project. Concurrently, an

Environmental Case No. ENV-2019-2568-EAF was filed for review. The case is on hold and no determination has been issued.

825 South Irolo Street – 28 units (DIR-2019-3143-TOC): The project site is within 0.5 miles of the proposed project. On May 28, 2019, a TOC Affordable Housing Incentive Program request was filed to construct a 7-story, 28-unit apartment project. Concurrently, an Environmental Case No. ENV-2019-3144-CE was filed for review. The case is on hold and no determination has been issued.

982 South Dewey Avenue – 14 units (ENV-2019-3453-EIR): The project site is within 0.3 miles of the proposed project. On June 11, 2019, an Environmental Impact Report was filed to construct a 4-unit multi-family residential development. There are no related cases associated with this environmental clearance and a publication of the environmental impact report has not been issued.

923 South Kenmore Avenue – 75 units (DIR-2019-3502-TOC): The project site is within 0.3 miles of the proposed project. On December 16, 2019, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the demolition of three duplexes and for the construction, use and maintenance of a six-story building that provides 100-percent affordable and Permanent Supportive Housing for seniors, totaling 74 units reserved for Extremely Low Income households and 1 market rate manager's unit. The project will provide 8 automobile parking spaces at-grade. Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2019-3503-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

936 South Mariposa Avenue – 21 units (DIR-2019-4901-TOC-HCA): The project site is within 0.3 miles of the proposed project. On July 1, 2019, a TOC Affordable Housing Incentive Program request was filed to construct a 21-unit apartment project with 3 units set aside for affordable housing. Concurrently, an Environmental Case No. ENV-2019-4092-EAF was filed for review. The case is on hold and no determination has been issued.

939 South Ardmore Avenue – 30 units (DIR-2019-4395-TOC): The project site is within 0.4 miles of the proposed project. On April 30, 2020, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the construction, use, and maintenance of a new, five-story, 17,682 square-foot multi-family building with 30 dwelling units, including three (3) dwelling units set aside for Extremely Low Income Households (or 10% of the proposed density). The building will be constructed with four (4) residential levels above a ground floor with a residential lobby and parking and one (1) level of basement parking. Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2019-4395-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

1238 South Magnolia Avenue – 36 units (DIR-2019-5659-TOC): The project site is within 1 mile of the proposed project. On September 23, 2019, a TOC Affordable Housing Incentive Program request was filed to construct a 5-story, 36-unit residential project with 4-units set aside for affordable housing. Concurrently, an Environmental Case No. ENV-

2019-5660-EAF was filed for review. The case is on hold and no determination has been issued.

1200 South Magnolia Avenue – 21 units (DIR-2019-5733-TOC): The project site is within 1 mile of the proposed project. On September 25, 2019, a TOC Affordable Housing Incentive Program request was filed to construct a 5-story, 21-unit residential project with 2-units set aside for affordable housing. Concurrently, an Environmental Case No. ENV-2019-5734-EAF was filed for review. The case is on hold and no determination has been issued.

2662 West Pico Boulevard – 54 Units (DIR-2019-7510-TOC-SIP): The project site is within 0.4 miles of the proposed project. On January 6, 2020, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the construction, use, and maintenance of a new, five-story, 17,682 square-foot multi-family building with 30 dwelling units, including three (3) dwelling units set aside for Extremely Low Income Households (or 10% of the proposed density). The building will be constructed with four (4) residential levels above a ground floor with a residential lobby and parking and one (1) level of basement parking. Concurrently to approving the land use entitlement, the Director determined that pursuant to California Government Code (Gov.) Section 65913.4, that the project is a Streamlined Infill Project (SIP) for a development that satisfies all of the objective planning standards of Gov. Section 65913.4(a) and is therefore subject to the streamlined, ministerial approval process provided by Gov. Section 65913.4(b) and (c); and Determined, pursuant to Gov. Section 65913.4 and Public Resources Code Section 21080(b)(1), determine based on the whole of the record, that the Streamlined Infill Project is Statutorily Exempt from the California Environmental Quality Act ("CEQA") as a ministerial project.

The following **2020** cases were cited by the appellant:

715 South Mariposa Avenue – 44 units (DIR-2020-149-TOC-HCA): The project site is within 0.6 miles of the proposed project. On January 8, 2020, a TOC Affordable Housing Incentive Program request was filed to construct a new 44-unit residential project with 5-units set aside for affordable housing. Concurrently, an Environmental Case No. ENV-2020-151-EAF was filed for review. The case is on hold and no determination has been issued.

933 South Ardmere Avenue – 48 units (DIR-2020-350-TOC-HCA): The project site is within 0.4 miles of the proposed project. On January 16, 2020, a TOC Affordable Housing Incentive Program request was filed to construct a 7-story, 48-unit residential project with 6-units set aside for affordable housing. Concurrently, an Environmental Case No. ENV-2020-351-EAF was filed for review. The case is on hold and no determination has been issued.

1043 South Harvard Boulevard – 47 units (DIR-2020-467-TOC-HCA): The project site is within 0.4 miles of the proposed project. On June 5, 2020, the Director of Planning conditionally approved a TOC Affordable Housing Incentive Program request for the project is for the demolition of all structures, and the construction, use and maintenance of a new four (4)-story, affordable and permanent supportive multi-family residential development containing 47 dwelling units, that provides six (6) units reserved for Extremely Low Income Households, one (1) unit for Very Low Income, 39 units reserved for Low Income Households, and one (1) manager's unit. The building will have a maximum height of 45 feet as measured from grade to the parapet, with 21,615 square

feet of floor area for a maximum FAR of 2.68:1 across both lots. There will be a total of 44 bicycle parking spaces and no required automobile parking, however the project is proposing one (1) non-required parking space. Concurrently to approving the land use entitlement, the Director determined that based on the whole of the administrative record, 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-2020-468-CE) pursuant to CEQA Guidelines Section 15300.2 applies.

975 South Manhattan Place – 120 units (DIR-2020-1286-TOC-SPR-HCA): The project site is within 0.8 miles of the proposed project. On February 27, 2020, a TOC Affordable Housing Incentive Program request was filed to construct a 7-story, 120-unit residential project. On August 28, 2020, the applicant submitted a letter requesting to withdraw the application for the property as the applicant has chosen not to go through with the purchase of the project site. On August 31, 2020, the proposed request as well as the Environmental Case No. ENV-2020-1287-EAF were terminated by the Department of City Planning.

986 South Mariposa Avenue – 100 units (DIR-2020-1140-TOC-SPR-HCA): The project site is within 900 feet of the proposed project. On February 20, 2020, a TOC Affordable Housing Incentive Program and Site Plan Review request was filed to construct an 8-story, 100-unit mixed-use project. Concurrently, an Environmental Case No. ENV-2020-1141-EAF was filed for review. The case is on hold and no determination has been issued.

3323 West Olympic Boulevard – 118 units (DIR-2020-1687-TOC-SPR-VHCA): The project site is within 0.8 miles of the proposed project. On March 11, 2020, a TOC Affordable Housing Incentive Program and Site Plan Review request was filed to construct a new 118-unit residential project with 12 units set aside for affordable housing. Concurrently, an Environmental Case No. ENV-2020-1688-EAF was filed for review. The case is on hold and no determination has been issued.

888 South Vermont Avenue – 0 units (DIR-2020-1878-SPR): The project site is within 0.7 miles of the proposed project. On March 18, 2020, a Site Plan Review request was filed to add 4,715 square feet to a commercial building currently under construction. Concurrently, an Environmental Case No. ENV-2020-1879-EAF was filed for review. The case is on hold and no determination has been issued.

815 South Kingsley Drive – 114 units (DIR-2020-1881-SPR-TOC-VHCA): The project site is within 0.7 miles of the proposed project. On March 18, 2020, a TOC Affordable Housing Incentive Program and Site Plan Review request was filed to construct a new 6-story, 114-unit residential project. Concurrently, an Environmental Case No. ENV-2020-1882-EAF was filed for review. The case is on hold and no determination has been issued.

As indicated by the short status summary of each case above, all projects are within 800 feet or more of the proposed project site and are at different stages of review and development. This list of past, present, and probable future projects and their combined potential cumulative impacts have been analyzed in accordance with criteria outlined in CEQA Guidelines Section 15130(b). Additionally, there is no substantial evidence in the record that indicates that the project would have a significant impact during construction or operation of these projects along with the proposed project. In fact, there is no substantial evidence indicating that the construction of these would occur simultaneously. Any successive projects that are of the same type and nature would reflect a development that is consistent with the underlying land

use designation and the Code, and thus would be subject to the same regulations and requirements, and their own environmental clearance to reduce all potentially significant environmental impacts to less than significant levels, if necessary. Further, all development projects are required to adhere to specific regulatory compliance measures meant to regulate impacts.

Using the Regional Growth Projections Method, also outlined in CEQA Guidelines Section 15130(b), the project has been determined to be consistent with the Community Plan's projections for population, housing, and employment for the area and is consistent with Southern California Association of Governments' (SCAG) applicable growth projections and the applicable assumptions used in the development of the Air Quality Management Plan (AQMP). As such, the proposed project would not jeopardize attainment of the air quality levels identified in the AQMP. Furthermore, the project would comply with all the South Coast Air Quality Management District (SCAQMD) rules and regulations that are applicable to the project. As stated in the project's Air Quality and Noise Analyses and associated findings, the project's addition of 50 housing units would account for 0.01 percent of the total housing unit growth from 2012 to 2040. Thus, the project's relatively small increase in housing would not have the potential to conflict with the regional growth projections for the Los Angeles subregion. In addition, and further discussed in the Air Quality and Noise Analyses completed for the project by Pomeroy Environmental Services (PES) on August 2019, the levels of emissions from the project are all projected to be far below the thresholds considered by SCAQMD to be potentially significant under CEQA guidelines (the report provides the full analysis and the CalEEMod output report dated August 20, 2019 and provides the air quality modeling results). Additionally, the Air Quality and Noise Analyses finds that the project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Thus, the project would not impair implementation of the AQMP, and the project's proposed density satisfies the goals of the City's Transit Oriented Communities and the goals of the Regional Transportation Plan/Sustainable Communities Strategy (SCS/RTP). Similarly, the project's traffic impacts have been analyzed and found not to reach a level of significance to be cumulatively considerable when combined with other related projects. Further, the project's incremental increase in housing units has been accounted for in LADWP's adopted Urban Water Management Plan (UWMP), which ensures that the existing and project water demand within its service area can be accommodated. Thus, while the project would add growth to the area, the growth is considered smart growth and meets all of the criteria associated with a Class 32 (Urban Infill) Categorical Exemption.

The appellant has not provided substantial evidence to support their claim that the project will result in significant cumulative environmental impacts. To the contrary, there is evidence in the record supporting the determination that the project will not have cumulative impacts and would therefore qualify for a Class 32 categorical exemption.

2. *The project vicinity is heavily populated with a high pedestrian and vehicle traffic area.*

APPEAL POINT:

The appellant states that the area within one mile radius is heavily populated and is a high pedestrian and vehicle traffic area.

STAFF RESPONSE:

The subject site is located along Fedora Street. The land use and zoning surrounding the subject site reflects a mix of single-family, multi-family, school, and commercial uses (zoned

R4-1, R3-1, C2-1, and [Q]C2-1). To the north of the property, are multi-family residential, commercial, and school buildings. Adjoining the property to the south is zoned R4-1 and it is developed with an apartment building. Further to the south, across 11th Street, is zoned R3-1 and is developed with apartment buildings and single-family dwellings. Adjoining the property to the west, it is zoned R4-1 and it is developed with the Ten 38 Lofts and other multi-family buildings. Properties to the east and across Fedora Street are zoned R4-1 and are developed with single-family dwellings.

The proposed project would not have a significant effect on the environment. A “significant effect on the environment” is defined as “a substantial, or potentially substantial, adverse change in the environment” (CEQA Guidelines, Public Resources Code Section 21068). The proposed project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City’s CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed project reach or exceed those thresholds. From analysis of the proposed project, it has been determined that it is Categorically Exempt from environmental review pursuant to Chapter 3, Article 19, Section 15332 of the CEQA Guidelines (Class 32). The Class 32 Exemption is intended to promote infill development within urbanized areas.

In regards to traffic, a significant impact may occur if the project conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The project site is approximately 0.27 acres and is vacant. The project involves the construction, use, and maintenance of a new six-story residential building with mezzanine, one level of at grade parking, and one level of subterranean parking. On August 22, 2019, LADOT issued a communication to the project applicant indicating that Vehicle Miles Traveled (VMT) Calculator was used to review the proposed 50 unit project and that it’s expected to generate 177 daily trips and confirming that the proposed project does not require a Traffic Assessment. Based on Los Angeles Department of Transportation’s (LADOT) traffic impact criteria, the proposed development would not impose a significant level of impact. The project’s transit impacts on the public transit system were analyzed based on existing available transit capacity and using the VMT Calculator and were determined to be less than significant. The project does not exceed net unit thresholds established by the Los Angeles Department of Transportation and therefore no impact traffic study is warranted. No mitigation would be necessary and the project would not result in any significant impacts related to traffic.

Pedestrian Safety and Construction Traffic

The proposed project would meet objectives and policies by developing 50 apartment units, including affordable units, in close proximity to several transit lines, including Metro Rapid Bus Line 728 and Metro Route 206, which would encourage pedestrian travel and reduce overall vehicle trips and associated pollutant emissions.

As part of the building permit process prior to the start of any construction work and in accordance with the requirements of the City’s Department of Building and Safety, the project must adhere to regulatory compliance measures such as preparing and submitting a Construction Traffic Control Management Plan (CTMP) to the Los Angeles Department of Transportation (LADOT) for review and approval. The LADOT supervises the review of all temporary street, lane, and sidewalk closures, therefore, this Regulatory Compliance Measure (RCM) formalizes how construction will be carried out and identifies specific actions that would be required to reduce effects on the surrounding community. The CTMP is required to identify the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of

operation, protective devices, warning signs, and access to abutting properties. The CTMP includes standard elements to more appropriately manage infill development related construction conflicts with surrounding vehicular traffic. The standard elements would ensure that construction related deliveries are during off-peak hours, that construction parking is located on-site as to not disrupt on-going traffic along any adjoining street, all delivery truck loading and unloading will take place on site, and there will be traffic signs around the site to ensure pedestrian and vehicle safety. Therefore, the project's compliance with the CTMP and the various RCMs will ensure there are no cumulative impacts in relation to traffic and pedestrian safety.

Conclusion and Staff Recommendation

The burden of proof is on the appellant to provide substantial evidence that the City erred in determining that the project is categorically exempt. No such evidence has been provided to demonstrate that the project will result in cumulative impacts. Staff recognizes that the project site is located in an area undergoing new development. However, there is no substantial evidence that this project or successive ones of a similar type and nature would result in significant environmental impacts during the construction or operation of the proposed development.

In light of the foregoing, City Planning Staff recommends that the PLUM Committee recommend for Council Action to deny the submitted appeal and sustain the Director of Planning's determination that the project is categorically exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines, and that there is no substantial evidence demonstrating that any exceptions to categorical exemptions apply.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

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

NICHOLAS HENDRICKS
Senior City Planner

VPB:NH:CS:LR