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September 14, 2022

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

Attention: PLUM Committee

Dear Honorable Members:

**SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT FOR DINAH'S
SEPULVEDA PROJECT. STAFF REPORT. 6501-6521 SOUTH SEPULVEDA BOULEVARD,
6502-6520 SOUTH ARIZONA AVENUE; CF 22-0574**

This report includes Environmental Findings, Justification, and supporting documents and technical analyses for the Sustainable Communities Environmental Assessment (SCEA) that was published for public review from April 21, 2022 to May 23, 2022 for the following project:

Project Name:	Dinah's Sepulveda Project
Environmental Case No.:	ENV-2021-4938-SCEA
Project Applicant:	Ed McCoy, FRH Realty, LLC
Project Address:	6501-6521 South Sepulveda Boulevard, 6502-6520 South Arizona Avenue
Community Plan:	Westchester – Playa del Rey
Council District:	11 – Bonin

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

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

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

Background

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

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

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

The evaluation of a SCEA differs from standard MND environmental review in that it requires the following additional analysis: (1) consistency analysis with the SCAG RTP/SCS; and (2) analysis to demonstrate all applicable mitigation measures from applicable EIRs have been incorporated into the Project. The SCEA also has additional procedural requirements from an MND. Under a SCEA, the City is not required to analyze growth inducing impacts or project specific or cumulative impacts from cars and light trucks on global warming or the regional transportation network. The Initial Study should identify any cumulative effects that have been adequately analyzed and mitigated in prior applicable certified EIRs. Projects that use the SCEA provisions will still need to obtain discretionary permits or other approvals from the lead agency.

Project Description

The subject of this SCEA is a Project that proposes the demolition of an existing one-story commercial shopping center, and one-story industrial building, and associated surface parking lots to develop an eight-story mixed-use building with 362 residential units above approximately 3,700 square feet of commercial space on the ground floor fronting Sepulveda Boulevard. An existing one-story restaurant building, currently the location of Dinah's Family Restaurant, will be retained and rehabilitated. The Project proposes to reserve 41 units for Very Low Income households, pursuant to State Density Bonus law. The Project will encompass a total floor area of approximately 365,000 square feet resulting in a Floor Area Ratio (FAR) of 3.85:1, and will have a maximum building height of 96 feet four inches. The Project will provide a total of 520 vehicle parking spaces, including 480 residential parking spaces and 40 commercial parking spaces.

The requested entitlements include:

1. Conditional Use (CU) pursuant to Section 12.24 U.26 of the Los Angeles Municipal Code (LAMC) for a Density Bonus of 50 percent;
2. Density Bonus (DB) pursuant to Section 12.22 A.25 of the LAMC for a Density Bonus project with three Off-Menu Incentives:
 - a. FAR increase from 1.5:1 to 3.85:1;
 - b. Open Space reduction of 26 percent;
 - c. Reduction of Space between Buildings from 32 feet to 0 feet;
3. Site Plan Review (SPR) pursuant to Section 16.05 of the LAMC for a project that results in the creation of greater than 50 net new residential dwelling units;
4. Waiver of Dedication and Improvement (WDI) pursuant to Section 12.37 I.3 of the LAMC to waive the 18-foot dedication requirement and the 8-foot roadway widening improvement requirement along Sepulveda Boulevard, as well as the 1-foot roadway widening improvement requirement along Arizona Avenue.

The Project's environmental clearance is before the Planning and Land Use Management Committee of the City Council; the validity of the requested land use entitlements will be evaluated by the appropriate decision maker at a later date.

Public Comments

The SCEA was released for public comment from April 21, 2022 to May 23, 2022. Planning staff received four written comments from various members of the public and a state agency. In a letter dated May 16, 2022, Caltrans, the State transportation agency, concurred that the project would not have any significant transportation impacts and that no further VMT analysis or mitigation measures are necessary, and requested that any future construction plans be submitted for review. In a letter dated May 23, 2022, the Lozeau Drury LLP law firm on behalf of the Supporters Alliance for Environmental Responsibility (SAFER) states that the SCEA is inadequate, without

providing any further documentation or content. In a letter dated June 3, 2022, the Los Angeles Conservancy commends the project for retaining and rehabilitating the existing Dinah's restaurant building and requests further details about specific timelines for construction and rehabilitation work. In a letter dated September 1, 2022, the Mitchell M. Tsai law firm on behalf of the Southwest Regional Council of Carpenters (SWRCC) contends that the SCEA is inadequate and expresses concerns regarding local hire requirements as well as project eligibility for a SCEA.

Mitigation Measures

As described in the SCEA, PRC Section 21151.2(a) requires that a TPP such as the Project incorporate all feasible mitigation measures, performance standards, or criteria from prior applicable EIRs. As a new predominantly residential project to be developed at an urban infill site that is within a SCAG-identified high-quality transit area and transit priority area, the most relevant prior EIR for the Project is the program EIR (PEIR) prepared for SCAG's 2020-2045 RTP/SCS, which was adopted by SCAG on September 3, 2020 and certified by the California Air Quality Board (CARB) on October 30, 2020. An analysis of the SCAG mitigation measures that are applicable to the Project is provided in Section IV, Mitigation Measures From Prior EIRs, of the SCEA.

Where appropriate, the SCEA has identified Project design features, regulatory compliance measures, or potential mitigation measures to avoid or to reduce potentially significant environmental impacts of the proposed Project. The following mitigation measures were identified for the Project:

Cultural Resources

CULT-1: Inadvertent Discovery of Archaeological Resources

- If any archaeological materials are encountered during the course of Project development, all further development activity in the vicinity of the materials shall halt and:
 - The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study, or report evaluating the impact;
 - The archaeologist's survey, study, or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource; and
 - The Project Applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study, or report.
- Project development activities may resume once copies of the archaeological survey, study, or report are submitted to: SCCIC Department of Anthropology, McCarthy Hall 477, CSU Fullerton, 800 North State College Boulevard, Fullerton, CA 92834

- Prior to the issuance of any building permit, the Project Applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.
- A covenant and agreement binding the Project Applicant to this condition shall be recorded prior to the issuance of a grading permit.

Noise

NOISE-1

- The Project shall incorporate the following applicable measures from the 2020-2045 RTP/SCS Mitigation Measure “PMM NOISE-1” (as amended to address Project-specific impacts) to reduce the impact of construction-related noise on the Extended Stay America Hotel and the Sepulveda Boulevard Residences:
 - a. Install temporary noise barriers during construction. Temporary noise barriers shall be installed along the southern perimeter of the Project Site where the existing parking lot abuts the Extended Stay America Hotel Property. The noise barrier shall be at least 20 feet in height and rated for a transmission loss that is no less than 25 dBA. The noise barrier shall not have any gaps or holes between the panels or at the bottom that may compromise its effectiveness. The supporting structure shall be engineered and erected in order to comply with LAMC noise requirements, including those set forth in Chapter XI, Article 2 of the LAMC.
 - b. Schedule construction activities consistent with the allowable hours pursuant to the City of Los Angeles general plan noise element or noise ordinance.
 - c. Post procedures and phone numbers at the construction site for notifying the Lead Agency staff, local Police Department, and construction contractor (during regular construction hours and off hours), along with permitted construction days and hours, complain procedures, and who to notify in the event of a problem.
 - d. Notify neighbors and occupants within 300 feet of the Project construction area at least 30 days in advance of anticipated times when noise levels are expected to exceed limits established in the noise element of the general plan or noise ordinance.
 - e. Designate an on-site construction complaint and enforcement manager for the Project.
 - f. Ensure that construction equipment is properly maintained per manufacturers’ specifications and fitted with the best available noise suppression devices (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds silencers, wraps). All intake and exhaust ports on power equipment shall be muffled or shielded. Construction equipment shall comply with noise limits in LAMC Section 112.05.
 - g. Use hydraulically or electrically powered tools (e.g., jack hammers, pavement breakers, and rock drills) for project construction to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of

pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust should be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves should be used, if such jackets are commercially available, and this could achieve a further reduction of 5 dBA. Quieter procedures should be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures. Construction equipment shall comply with noise limits in LAMC Section 112.05.

- h. Use equipment and trucks with the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible) for project construction. Construction equipment shall comply with noise limits in LAMC Section 112.05.
- i. Stationary noise sources can and should be located as far from adjacent sensitive receptors as possible and they should be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the Lead Agency (or other appropriate government agency) to provide equivalent noise reduction. Construction equipment shall comply with noise limits in LAMC Section 112.05.

NOISE-2

- The Project Applicant shall retain the services of a qualified acoustical/vibration consultant or engineer to review the existing conditions, the proposed construction equipment, and construction plan, including proposed locations of demolition, grading, and construction activities, and to develop and implement a vibration monitoring program capable of documenting and assessing construction-related ground or structure vibration levels in relation to Dinah's Family Restaurant. Pre-construction surveys shall be performed to document the conditions of the Dinah's Family Restaurant building. The vibration monitoring program shall be implemented and recorded during the Project's non-sewer relocation-related demolition, grading, and building construction phases, and shall include the following:
 - Documentation, consisting of video and/or photographic documentation of damage-prone areas (i.e., any deteriorated stucco or stone accent cladding) and other character-defining features of historical interest that may reasonably be damaged by construction-related vibrations.
 - During non-sewer relocation-related demolition, grading, and building construction phases, a vibration monitoring system shall continuously measure and store the vibration levels in inches per second PPV. The system may measure vibration from a location immediately adjacent to Dinah's Family Restaurant or via sensors located directly on character-defining features of Dinah's Family Restaurant itself. The system shall provide real-time alerts to the designated acoustical/vibration consultant or engineer, or to a construction representative, immediately when a vibration level of 0.2 inches per second PPV is measured.

- In the event the 0.2 inches per second PPV threshold is triggered, or if noticeable architectural damage becomes evident to the Project contractor, work shall immediately stop in the area of the Dinah's Family Restaurant building until the source of vibration generation has been identified and measures have been taken to prevent vibration-related damage to the building. An inspection of the Dinah's Family Restaurant building for potential architectural damage shall be conducted, the results of which shall be logged. Construction activities may then resume if the acoustical/vibration consultant or engineer and the Project contractor confirm that no vibration-induced damages have occurred. If damage is apparent, the acoustical/vibration consultant or engineer and the Project contractor shall take measures to reduce construction-related vibration levels and ensure that no further damage occurs.

Tribal Cultural Resources

TCR-1

- A qualified and certified indigenous tribal member of the Gabrieleño Tongva Indians of California shall provide professional Native American Monitoring for ground-disturbing activities associated with the Project. Ground disturbances including but not limited to the removal of asphalt/cement/slurry, trenching, boring, excavation, auguring, grubbing, tree removal, grading and drilling shall be monitored. The Tribal Monitor will only be required on-site when these ground-disturbing activities occur.
- The Tribal Monitor will be responsible for observing all mechanical and hand-labor excavations including paddle scrapers, blade machines, frontend loaders, backhoe, boring, and drill operations, as well as hydraulic and electric chisels. Associated work using tools such as picks and other nonelectric or gasoline tools that are not regarded as mechanical will be monitored for their soil disturbances.
- Soils that are removed from the work site shall be considered culturally sensitive and shall be subject to inspection. The Tribal Monitor will temporarily hold excavations until a determination is made on the sensitivity of the soil. If the soils are sensitive, a Tribal Monitor will verify the find and notify the Project Applicant.
- The Tribal Monitor may make recommendations during the course of the activities when a cultural area has been impacted. The Tribal Monitor will be authorized to halt or redirect excavation activities to another area as an assessment is made.
- The Tribal Monitor will provide the Project Applicant a written daily field report that includes photos of his/her accounting of the soil disturbances of the daily activities. The daily report will include observations the Tribal Monitor visually observed at the Project Site at the beginning of each workday (i.e., weather conditions, overnight disturbances).

Environmental Findings

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

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

- a. The Project is consistent with the general use designation, density, building intensity, and applicable policies specified in the project area in the current SCAG RTP/SCS.
- b. The Project contains at least 50 percent residential use, based on total building square footage, and if the project contains between 26 percent and 50 percent non-residential uses, a floor area ratio of not less than 0.75;
- c. The Project provides a minimum net density of at least 20 dwelling units per acre;
- d. The Project is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan, consistent with PRC Section 21155(b). A major transit stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

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

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

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

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

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

Conclusion and Actions for the City Council

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

FIND, pursuant to Public Resources Code (PRC) Section 21155.2, after consideration of the whole of the administrative record, including the SB 375 Sustainable Communities Environmental

Assessment, No. ENV-2021-4938-SCEA ("SCEA"), and all comments received, after imposition of all mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment;

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

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

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

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

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

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

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in black ink, appearing to read 'V. Bertoni', with a stylized flourish at the end.

MORE SONG
City Planner

VPB:HB:MS