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January 13, 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:

1840-1848 WEST ADAMS BOULEVARD; CF 22-1055-S1, ENV-2020-3308-CE-1A

On April 5, 2022 pursuant to Section 17.03 of the Los Angeles Municipal Code, the Advisory Agency issued a determination approving a Vesting Tentative Tract Map No. 83081-SL-HCA to subdivide two (2) 7,062 square foot lots, totaling 14,142 square feet, into ten (10) new lots for the construction, use, and maintenance of ten (10) small lot homes in the C2-1VL-O-CPIO zone and determined, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32 (Infill Development) and City CEQA Guidelines, Section 1, Class 15 (Minor Land Divisions) and approved the Tentative Tract map, as shown on map stamp-dated March 18, 2020 in the South Los Angeles Community Plan.

On April 15, 2022, an appeal was filed by Tanisha B. Thomas on behalf of the West Adams Neighborhood Association. On July 19, 2022, the South Los Angeles Area Planning Commission denied the appeal and sustained the Deputy Advisory Agency's determination dated April 5, 2022, and upheld its CEQA determination.

On August 31, 2022, a 2nd level appeal was filed by Felipe Caceres on behalf of USC Forward, appealing the Tract Map and CEQA determination for the project. On September 2, 2022, a second appeal was filed by Tanisha B. Thomas of the West Adams Neighborhood Association, appealing the Tract Map and CEQA determination for the project. The Planning and Land Use Management (PLUM) Committee granted the appeal(s) (Council File: 22-1055) on October 11, 2022, thereby overturning the South Los Angeles Area Planning Commission determination. Both appeals were scheduled for a PLUM committee meeting on October 12, but continued to October 14, 2022. The full Council did not consider the appeal items within the required time limit, thus lost jurisdiction of the matters on October 14th, and the appeals were deemed denied (Memorandum to File for CF 22-1055, October 14, 2022).

On November 23, 2022, two CEQA appeals were filed, one by Tanisha B. Thomas on behalf of the West Adams Neighborhood Association and another by Felipe Caceres on behalf of USC Forward. Documents supporting the appeals were submitted to the Council file on December 13, 2022.

As discussed below, upon careful consideration of the appellants' points, planning staff has determined that the appellants have failed to establish, or present new substantial evidence, that the project is not exempt from CEQA pursuant CEQA Guidelines, Section 15332, and there is no substantial evidence demonstrating that any of the exceptions to a categorical exemption set forth in CEQA Guidelines, Section 15300.2 applies. The appeal in its entirety is located within Council File No. 22-1055-S1. Below is a summary of the appeal points with a staff response to each point.

APPEAL ANALYSIS

The main points raised for the first appeal were related to the following: 1) Environmental Effects; 2) Overall Case Approval:

1) Exception for a Class 32 Categorical Exemption (WANA)

Appeal Point 1 (Environmental Effects):

The design and over dense development will result in environmental issues creating a negative effect on the historic residential neighborhood adjacent (officially recognized in the CPIO of the South Community Plan), on the adjacent historic Greater Page Temple COGIC, and the concern is not only regarding the proposed development to be located at 1840-1848 W. Adams Blvd., but the cumulative effects of having multiple high-density barrack style co-living developments within a ¼ mile radius.

- The concern is not only regarding the proposed development to be located at 1840-1848 W. Adams Blvd., but the cumulative effects of having multiple high-density barrack style co-living developments within a ¼ mile radius. These developments have already and will continue to increase traffic, create more trash/refuse, and increase noise in the area...
- Activities at the Greater Page Temple Church of God in Christ... will be affected adversely due to increased traffic through the alleyway that will provide the main vehicle access to the proposed development...
- The community has health concerns because the number of bedrooms filled by tenants at the existing Tripalink structures and other increased density, oversized apartment and/or co-living structures has created access issues..."

Staff Response 1:

The Appellants have failed to support their claim that the project would result in any significant effects relating to traffic, noise, air quality or water quality. The project is beneath the threshold criteria established by the Los Angeles Department of Transportation (LADOT) for preparing a traffic study, as verified by staff correspondence with LADOT in July 8, 2022. Therefore, the project will not have any significant impacts to traffic. The project will not result in significant impacts related to air quality because it falls below interim air threshold established by Department of City Planning (DCP) staff. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with Air Quality Management District (AQMD) staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established Southern California Air Quality Management District (SCAQMD) construction and operational thresholds.

The project is consistent with the type of development permitted for the areas zoned C2-1VL-O-CPIO and designated for Neighborhood Commercial land uses. The project site is currently developed with a single-story commercial storefront building, parking lot, and rear storage shed, to be demolished. Given the proposed project is for 10 dwelling units, that equates to a net increase of ten (10) dwelling units. No other subdivision has been developed within a 500-foot radius of the subject site within the last thirteen years. As such, the addition of ten (10) small lot homes will not significantly impact the area. Therefore, no foreseeable cumulative impacts from small-lot developments are expected.

Furthermore the project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff.

Appeal Point 2 (Overall Case Approval):

Because the CEQA clearance cannot be approved, the entire case cannot be approved, and we appeal the decision for these additional reasons:

- Activities at the Greater Page Temple Church of God in Christ, a contributing historic structure to the CPIO as noted in the Normandie 5 Survey, will be affected adversely due to increased traffic through the alleyway that will provide the main vehicle access to the proposed development...
- The community has health concerns because the number of bedrooms filled by tenants at the existing Tripalink structures and other increased density, oversized apartment and/or co-living structures...
- The community has safety concerns due to the proposed increase in residents and vehicles...
- The proposed tract map is not consistent with the South Community Plan which places a high value on infill development being consistent with the community character. The size, scale, excessive room count (96) is contrary to the goals of the South Community Plan...

Staff Response 2:

See Staff Response 1 for findings with respect to environmental effects.

The Appellants have failed to support their assertion that the Tract Map is not consistent with the South Los Angeles Community Plan. In its determination letter, the Deputy Advisory Agency made findings of consistency with the Plan when approving the Project and no new substantial evidence has been raised by the Appellant regarding this analysis. The project site is located within the South Los Angeles Community Plan with a Neighborhood Commercial land use designation with corresponding zones C1, C1.5, CR, C2, C4, R3, and RAS3. The subject property is zoned C2-1VL-O-CPIO. The proposed project is for the subdivision of two (2) lots, totaling 14,142 square-feet into ten (10) lots for the construction, use and maintenance of ten (10) small lot single family homes. Lots 1 through 10 will have two (2) covered parking spaces per lot, which is consistent with the zone and land use designation.

The main points raised for the second appeal were related to the following: 3) Validity of the Categorical Exemption; 4) Abuse of discretion with respect to the Categorical Exemption.

2) Exception for a Class 32 Categorical Exemption (USC Forward)

Appeal Point 3 (Validity of CE):

The Categorical Exemption is invalid because the Project is inconsistent with applicable zoning rules.

- There is substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
- This Project is inconsistent with the LAMC, South Los Angeles Community Plan Implementation Overlay (“CPIO”) Zone, and the South Los Angeles Community Plan because it is out of proportion when analyzed in its proper context....
- There is substantial evidence showing the Project will operate as 96 independent student housing units-which exceeds the objective 35-unit maximum allowed under the LAMC.

Staff Response 3:

See Staff Response 1 for findings with respect to plan consistency.

Appeal Point 4 (Abuse of Discretion):

The Categorical Exemption is an abuse of discretion that lacks substantial evidence:

- If analyzed appropriately, this Project will be above the threshold of traffic noise and air quality.
- The historical character of the homes immediately south of the building, known as the Victor Hall Tract, that has not been properly studied, and there will be significant impacts to historic resources.

Staff Response 4:

See Staff Response 1 for findings with respect to environmental effects.

The appellant failed to provide substantive evidence to support their assertion that the Project is not compatible with the South Los Angeles Community Plan. Staff Response 2 (above) details how the Project is consistent with the zone and land use designation.

The appellant failed to provide substantive evidence to support their assertion that the Categorical Exemption constitutes an abuse of discretion. The project site is not designated a historical resource by local or state agencies, and has not been determined to be eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, and the Los Angeles Historic-Cultural Monuments Register, and/or any local register. In addition, the project site is not listed in HistoricPlacesLA or SurveyLA as a potential historical resource. The proposed project would not cause an adverse change in the significance of a historical resource as defined in Section 15064.5 of the State CEQA Guidelines.

The southern edge of the project site abuts the Charles Victor Hall Character Residential Subarea of the South Los Angeles Community Plan Implementation Overlay (CPIO), which “includes neighborhoods that have an abundance of historically and architecturally significant buildings.” However, this site is not subject to the CPIO development standards for Residential Subareas, as it is in CPIO Subarea A: Neighborhood-Serving Corridor. This subarea “allows for more multi-family housing and a refined range of commercial uses that serve the needs of the surrounding neighborhood,” and the CPIO development standards for Corridors Subarea are in effect here. As designed, the project meets all the requirements of the South Los Angeles CPIO and the appellant failed to provide substantive evidence to support their assertion that there will be significant impacts to historic resources.

CONCLUSION

For the reasons stated herein, and per the findings of the South Los Angeles Area Planning Commission's Determination, the proposed project complies with the applicable provisions of the Vesting Tentative Tract Map Standards, the South Los Angeles Community Plan and CPIO, and the California Environmental Quality Act (CEQA). Planning staff evaluated the proposed project and determined it meets the findings to approve a Small Lot Subdivision and that the project qualifies for a Class 32 Categorical Exemption. Based on the complete plans submitted by the applicant and considering the appellant's arguments for appeal, staff has determined that the project meets the required findings.

Therefore, staff recommends that the Planning and Land Use Committee take the following actions:

DETERMINE that based on the whole of the administrative record, the project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;

DENY the appeal, filed by Tanisha B. Thomas on behalf of the West Adams Neighborhood Association and the Greater Page Temple and Felipe Caceres on behalf of USC Forward, and SUSTAIN the decision of the South Los Angeles Area Planning Commission's decision to approve a Vesting Tentative Tract Map to subdivide two (2) 7,062 square foot lots, totaling 14,142 square feet, into ten (10) new lots for the construction, use, and maintenance of ten (10) small lot homes in the C2-1VL-O-CPIO zone;

ADOPT the attached Findings, and

ADOPT the attached Conditions of Approval.

Respectfully,

VINCENT P. BERTONI, AICP
Director of Planning



Sergio Ibarra
City Planner

VPB:TI:MS:SI:RF