

# North University Park Community Association (NUPCA)

August 19, 2013

Los Angeles City Council and the Planning and Land Use (PLUM) Committee

C/O City Clerk (Sharon Gin, [sharon.gin@lacity.org](mailto:sharon.gin@lacity.org))

200 North Spring Street, Room 395

Los Angeles, CA 90012

RE: 1342 West Adams Blvd., Los Angeles CA 90007

Case No. DIR-2012-3128-COA-SPP-1A; ENV 2012-3129-CE, Council File No.  
13-0903

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Honorable Councilmembers Huizar, Cedillo and Englander :

The North University Park Community Association is a non-profit community organization active since 1979 which seeks to preserve and enhance the quality of life in the University Park area including protecting and enhancing its architectural and cultural resources. The proposed project falls within NUPCA's area of interest and concern. NUPCA offers the following comments on the above referenced Certificate of Appropriateness (COA) and Categorical Exemption (CE) and the approvals granted by these actions. We ask that the Commissioners support the appeal for the reasons stated in the appeal and also for the following reasons.

NUPCA finds the issuance of a Categorical Exemption (CE) arbitrary and capricious. Planning has set an arbitrary threshold to allow a CE when there is only one entitlement being asked for. This threshold is not found anywhere in CEQA, or in Article 13 (Categorical Exemptions) or in the State Public Resources Code. The proposed Categorical Exemption (CE) for the project at 1342 West Adams Boulevard is not legally sufficient to meet the requirements of CEQA in protection of our environment.

Categorical exemptions should never be used when there is a historic property involved, and particularly one whose use is being changed.

*Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of CEQA, states a categorical exemption should not be used where the activity would cause a substantial adverse change. Further Section 15300.2 (c), which the preparer cites as the basis for a Categorical Exemption, explains:*

*Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment.*

CEQA sets a very low threshold for not permitting a CE, namely that it should not be used where there is a reasonable possibility of the activity having a significant effect. The appeal by WAHA has met that bar and made a more than reasonable argument that the current plans will have a significant effect with:

destroying historic fabric with no permits and now is asking to be rewarded by approving the project plans and the CE.

In addition, the developer is being allowed to piecemeal elements of the project which hide subsequent discretionary actions, such as lot line adjustments. The whole of a project must be reviewed in order for the decision maker to understand the true impacts of what is being proposed.

The purpose of the environmental quality act includes the establishment of a low threshold for the preparation of an EIR, and the act must be interpreted liberally "to afford the fullest only possible protection of the environment within the reasonable scope of the statutory language." (Friends of Mammoth v. Board of Supervisors, 8 Cal 3d 247, 29 (1972) guidelines Section 15003 (f). The potential significant environmental effects of the proposed project which alters the spatial relationships of the built form, removes historic fabric with the gutting of the Bishop Residence grand hall entry way, "piece meals" the development of the site, along with numerous other changes, demonstrates a significant environmental impact. The California Supreme Court in No Oil v. City of Los Angeles concluded that the interpretation of CEQA, which affords the fullest possible environmental protection, is "one which will impose a low threshold for the preparation of an EIR."

We ask that the Councilmembers support WAHA's Appeal, not certify the environmental clearance, rescind the categorical exemption, and direct the Planning Department to initiate legally sufficient environmental review. To allow a categorical exemption to stand will result in serious and irreparable harm to our historic environment. Planning must undertake fact based environmental review beginning with an initial study and checklist, which would then determine whether an ND, MND or EIR is required.

Sincerely,

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