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February 13, 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 RESPONSE: Council file Nos. 20-0087

On December 19, 2019, the Director of Planning determined that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332 (In-Fill Development Project) Class 32, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies. The Director of Planning approved Case No. DIR-2019-929-TOC 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 project and CEQA determination was not appealed to the City Planning Commission.

On January 21, 2020, Carolyn Zanelli filed a CEQA appeal for Case No. ENV-2019-930-CE. The appeals pertained primarily on the impacts of the proposed project to a historic resource. The appellant asserted that the proposed project conflicts with the uniformity and consistency of existing buildings in the neighborhood, and the 7-story project would permanently alter a historic resource and cause substantial environmental damage.

Historic

The project site is currently developed with a surface parking lot, a non-contributing property located in the Normandie-Mariposa Apartment Historic District. The Normandie-Mariposa Apartment Historic District was formally determined eligible for listing in the National Register of Historic Places in 1994, and thus was subsequently automatically listed in the California Register

of Historical Resources. Per the Historic Resources Assessment Report prepared by Historic Resources Group dated March 28, 2019, the proposed new construction will be designed to meet the Secretary of the Interior's Standards for Rehabilitation, and specifically Standards 9 and 10 which address new construction related to a historical resource. In addition, the proposed project will not demolish designated historic resources on site. Therefore, the project will not result in a significant adverse impact to the Normandie-Mariposa Apartment Historic District, and the district will remain eligible for listing in the National Register of Historic Places and the California Register of Historical Resources. Furthermore, the Office of Historic Resources reviewed the proposed project plans and approved the design. Subsequently, a revised Historic Resources Assessment Report dated November 18, 2019 was submitted. The Office of Historic Resources reviewed and concurred with the revised report and findings that the new construction will not negatively impact the eligibility of the historic district.

Revised Justification to the Categorical Exemption.

Previously, the justification prepared for the Categorical Exemption which stated the following:

At the preparation of this report, there are no known discretionary projects of the same multi-family residential development type within 500 feet of the subject site. The proposed project may create environmental impacts on the surrounding area. However, the project is subject to Regulatory compliance Measures (RCMs) in the City of Los Angeles that regulate impacts related to air quality and construction and operational noise as previously mentioned. According to the Department of Transportation Referral Form signed and dated February 21, 2019, the project is not located within a Transportation Specific Plan Area and traffic study is not required for the proposed 50-unit apartment building. As such, the proposed project is not expected to result in cumulative impacts.

At the preparation of this memorandum, staff is aware of only one application for a discretionary Transit Oriented Communities ("TOC") project of the same multi-family residential development type within 500 feet of the subject site. This application for a 44-unit apartment was filed on January 8, 2020 and has not been approved. In addition, there was one application filed in 2016 for a 640-unit multi-family mixed-use development which has not been approved. The proposed 640-unit entitlement is not located in the historic district. Within 500 feet of the subject site there have been no other discretionary Density Bonus and TOC projects approved, aside from the project located at 738 S. Normandie Avenue.

The Appellant has not provided any substantial evidence demonstrating how the project falls within the exceptions under Section 15300.2 of the CEQA Guidelines. There is no substantial evidence that shows that the project meets the exceptions to a categorical exemption shown in the State CEQA Guidelines. All exemptions for classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The proposed project as well as the (2) proposed developments may create environmental impacts on the surrounding area. However, all of these projects are subject to Regulatory Compliance Measures that regulate impacts related to air quality, construction, and operational noise. According to the Department of Transportation Referral Form signed and dated February 21, 2019, the project is not located within a Transportation Specific Plan Area and traffic study is not required for the proposed 50-unit apartment building. As such, the proposed project is not expected to result in cumulative impacts.

Conclusion

The appeal and referenced comment letter address specific concerns and focus on the impacts to the historic district. Upon consideration of the Appellant's points, no new substantial evidence was presented that the City has erred in its actions relative to the Categorical Exemption. Therefore, the CEQA appeal should be denied and the actions of the Director of Planning should be sustained.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Iris Wan
City Planner

VPB:CTL:IW

c: Deron Williams, Chief of Staff, Council District 10