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June 26, 2020

Honorable Council Members
City of Los Angeles
City Hall, Room 350
Los Angeles, CA 90012

**SUPPLEMENTAL CEQA FINDINGS FOR THE 2110 BAY STREET PROJECT; CF 20-0105
and 20-0105-S1**

An appeal of the City Planning Commission's actions relative to the 2110 Bay Street Project cases VTT-74564-1A and CPC-2016-3479-GPA-VZC-HD-SPR were filed by Blue Arch Investments on January 21, 2020. On May 26, 2020, Department of City Planning staff submitted a response to the Council File addressing the appeal points and recommending a denial of the appeals.

On June 8th, 2020, prior to the scheduled June 9th, 2020 Appeal Hearing at City Council for VTT-74564-1A, by letter dated June 5, 2020, the Appellant provided additional support for its appeal. Planning Staff has reviewed the new submission and stands by its prior recommendation, the Appeals should be denied.

The Appellant submitted a letter from its counsel Fred Gaines which attached a memo from Kinsinger Environmental Consulting which included a Bat Habitat Assessment dated October 2019 (Updated February 2020) by Stephanie Remington. Appellant claims in its new submission that it has submitted evidence of bat habitat at the Project Site and requests an on-site bat habitat assessment as well as a survey for nesting birds. Appellant also requests that the Project EIR be recirculated to include the results of these surveys.

The Appellant does not provide substantial evidence of potential impacts to Bat Habitat at the project site nor has any new significant information been presented to warrant recirculation of the Environmental Impact Report. Of note, the Appellant's Bat Habitat Assessment did not take place on the Project Site. Planning Staff reviewed the Applicant's June 4, 2020 submission by its counsel, Damon Mamalakis, of Armbruster Goldsmith and Delvac. That submission contained a Habitat Assessment and Focused Surveys for Roosting Bats report (Report) prepared by expert biologist Tony Bomkamp of Glenn Lukos Associates (GLA). As described in the GLA Report, the Project Site was subject to a thorough habitat assessment and surveyed for bats at the beginning of June, 2020. As reported, "the results of the daytime surveys and passive detector are consistent in leading to the conclusion that the subject site does not presently support roosting bats, including common and special status species." Furthermore, on June 26th, 2020, the Applicant submitted to the Council File an updated Habitat Assessment by Biologist Bomkamp to

add the results of a nighttime survey conducted on June 22, 2020. As reported, “No emerging bats were detected emerging during the dusk into night-time survey on June 22, 2020 and acoustic data were consistent with the passive data collected on June 2 and 3, 2020.” As such, after thorough onsite bat surveys, there is no merit to the comment about impacts to bat roosts and there is substantial evidence to support the no impact determination to Biological Resources.

The multiple onsite assessments confirms the Initial Study’s No Impact determination to Biological resources. Planning staff has reviewed the Applicant’s supplemental letters and study submitted to the Council File on June 4, 2020 and June 26th, 2020 and concurs with their conclusions.

Based on the above, Planning Staff has determined that none of the additional information regarding Biological Resources, including bat habitats, and the lack of any new substantial evidence of impacts, require recirculation of the EIR. Planning Staff recommends that the CEQA/Environmental Findings be revised to incorporate the following language to affirm the Department of City Planning’s evaluation of all information presented during the Project’s hearings and appeals:

3. The Planning Department evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Planning Department prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. **In addition, the Planning Department evaluated all comments submitted for and presented at the various project hearings, including the appeals of certain project entitlements.** The Planning Department reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR as defined under CEQA **(CEQA Guidelines Section 15088.5).** **Specifically, the City has determined, based on the substantial evidence presented to it, that (1) no new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented; (2) no substantial increase in the severity of an environmental impact would result from the Project; (3) no feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project; and (4) the Draft EIR is not so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. None of the information submitted after publication of the Draft EIR, including testimony at the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City further finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record include or constitute substantial evidence that would require recirculation of the EIR prior to its certification and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the EIR prior to its certification, and that the EIR need not be recirculated prior to its certification.** The lead agency has based actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the Final EIR.

Respectfully,

A handwritten signature in black ink, appearing to be 'Sergio Ibarra', written in a cursive style.

Sergio Ibarra
City Planner
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