

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

CAROLINE CHOE
VICE-PRESIDENT

HELEN LEUNG
KAREN MACK

DANA M. PERLMAN
YVETTE LOPEZ-LEDESMA
JENNA HORNSTOCK
RENEE DAKE WILSON
VACANT

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER
DEPUTY DIRECTOR

August 26, 2021

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:

CEQA APPEAL SUMMARY, 6555 Franklin Avenue; CF No. 21-0627

Project Background

On March 17, 2021 the Director of Planning issued a Class 32 Categorical Exemption (City Planning Case No. ENV-2020-7353-CE) for a project (City Planning Case No. DIR-2020-7352-TOC-HCA) for the construction of a new 5-story, 28-unit apartment building on one parcel comprised of two lots, under the Transit Oriented Communities (TOC) Affordable Housing Incentive program. Pursuant to the TOC Guidelines, the applicant is proposing to utilize Base Incentives for density, floor area ratio (FAR), and parking and three Additional Incentives for (1) a 30% reduction in two side yard setbacks; (2) a 30% reduction in rear yard setback; and (3) a 22-foot increase in height. The building is proposed to be 65 feet 9 inches, built to six stories and a roof deck. Of the 28 units proposed, 8 will be loft units, 4 will be one-bedroom units and 16 will be two-bedroom units. Three (3) of the units will be set aside as Extremely Low Income (ELI) units. The project proposes one level of at-grade parking containing 17 automobile parking spaces and 31 bicycle stalls.

On May 20, 2021, a California Environmental Quality Act (CEQA) appeal was filed by Susan Guralnik, Franklin Corridor Communities, on the Categorical Exemption, for consideration by the Planning and Land Use Management (PLUM) Committee.

The appeal challenges the Director of Planning's determination that the project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332 (Class 32, Infill Development) and that none of the exceptions to a categorical exemption apply to the project. The CEQA Guidelines provide that a Class 32 CE may not be used if any of five (5) exceptions apply: (a) cumulative impacts; (b) significant effect; (c) scenic highways; (d) hazardous waste sites; and (e) historical resources. Specifically, the Appellant states that the Project does not qualify for an exemption due to the cumulative effects of surrounding past, current and future projects.

Staff Recommendation

Staff recommends that the PLUM Committee recommend for Council Action to deny the submitted appeal and sustain the Director's determination, based on the whole of the administrative record, that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Article 19 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies, with staff's proposed amendments.

Appeal Summary

The following statements have been compiled and summarized from the submitted appeal and responded to below.

APPEAL POINT 1:

There will be significant impacts to traffic.

STAFF RESPONSE:

On May 18, 2020 the Los Angeles Department of Transportation clarified over electronic mail that the daily trips generated by this project would not meet the threshold to require any transportation analysis. Additionally, based on Los Angeles Department of Transportation's (LADOT) traffic impact criteria, the proposed development would not impose a significant level of impact. Furthermore, the appellant has not provided any evidence of traffic impacts to the record. Therefore, the project's traffic impacts are determined to be less than significant.

APPEAL POINT 2:

Noise from activities taking place on the rooftop deck, parties, music, etc. will negatively impact residents in neighboring buildings; amplified to unacceptable levels by the hillside's natural acoustics.

STAFF RESPONSE:

As stated in the CE32 Rincon Consultants prepared a Noise Analysis for the project in August, 2020. The purpose of the study is to analyze the project's noise impacts related to both temporary construction activity and long-term operation of the project. Developments within the vicinity consist primarily of multi-family dwellings and commercial uses. The nearest sensitive receptors to the project site are the adjacent multi-family residential uses to the north, south, east and west of the project site.

As part of the analyses, Rincon took short-term noise measurements near the project site to determine the ambient noise conditions of the neighborhood near sensitive receptors. Noise levels are consistent with General Plan Noise Element guidelines for residential neighborhoods. Residents of the project will be subject to compliance with noise regulations in the same way that existing residents of the area are. As such, the project will not generate permanent significant operational noise impacts. Thus, the project will not result in any significant permanent effects relating to noise. Appellants have not provided substantial evidence to support their arguments that significant operational noise impacts will result.

APPEAL POINT 3:

The cumulative impacts from projects on Highland, Franklin, Cherokee, and Whitley Avenues will increase congestion and make emergency access more difficult.

STAFF RESPONSE:

As stated above, on May 18, 2020 the Los Angeles Department of Transportation clarified over electronic mail that the daily trips generated by this project would not meet the threshold to require any transportation analysis. Furthermore, the Appellant has not met its burden of proof as there is no evidence in the record to conclude that there will be a cumulative adverse impact caused by the proposed project and other projects in this area. A list of past, current or future projects, even if found to be accurate, by itself does not represent substantial evidence of any type of cumulative impact. Speculation that significant cumulative impacts will occur simply because other projects may be approved in the same area is insufficient to trigger this exception and is not evidence that the proposed project will have adverse impacts or that the impacts are cumulatively considerable (*Hines v. California Coastal Comm'n (2010) 186 Cal.App.4th 830, 857*). The Appellant has not submitted any substantial evidence that validates the assertions that the cumulative impact exception applies. While congestion that causes secondary impacts to emergency access can result in significant impacts there is no evidence to support an impact to emergency access. California state law requires that drivers yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicles have passed. Generally, multi-lane roadways allow the emergency vehicles to travel at higher speeds and permit other traffic to maneuver out of the path of the emergency vehicle. Around the Project Area, multi-lane roadways running north-south include Western Avenue, Normandie Avenue, Vermont Avenue, Cahuenga Boulevard, Highland Avenue, La Brea Boulevard, Fairfax Avenue and Crescent Heights Boulevard. Roadways running east-west include Franklin Avenue, Hollywood Boulevard, Fountain Avenue, Sunset Boulevard, Santa Monica Boulevard and Melrose Avenue. Additionally, the US-101, SR-134 and I-5 provide emergency access to and from locations within the Project Area. In addition, the LAFD in collaboration with LADOT has developed a Fire Preemption System (FPS), a system that automatically turns traffic lights to green for emergency vehicles travelling on designated streets in the City. The Appellant has provided no substantial evidence to support their argument that the project will have impacts, including cumulative impacts, to emergency access.

APPEAL POINT 4:

The project is at the gateway to the Whitley Heights Historic Preservation Overlay Zone, which is a National Register Historic District, a Historic Resource of National Significance.

STAFF RESPONSE:

As stated in the CE32, SurveyLA conducted a Historic Resources Survey Report for the Hollywood Community Plan Area that identified potential historic residential and commercial properties.

The project site is currently vacant. No historical resource would be demolished as part of the project. The project does not involve the relocation of any historical resources, and the project does not involve conversion, rehabilitation, or alteration of any historical resources. The Appellant does not provide any substantial evidence that the project may or will result in a significant impact to any historical resource, including the Whitley Heights Historic Preservation Overlay Zone. In conclusion, the project does not meet City CEQA thresholds for impacts on historical resources.

APPEAL POINT 5:

The project site is designated as being in a very high fire severity zone and it is also within an Alquist-Priolo zone, and subject to liquefaction.

STAFF RESPONSE:

Staff acknowledges that the project site is designated as being in a very high fire severity zone and it is also within Alquist-Priolo zone, and liquefaction area, according to the Department of City Planning's ZIMAS. Staff has revised the CE32 written justification in the project file. Regarding the discussion of Exception (a) set forth in CEQA Guidelines, section 15300.2, this exception does not apply to the Class 32 exemption. It only applies to the Class 3,4,5,6 and 11 exemptions. Regarding the discussion of Exception (c), the fact that the project is located within the boundaries of a Severe Fire Hazard Zone and within the boundaries of a fault zone does not create an unusual circumstance because large portions of the City are located within these zones and there is no evidence in the record that indicates that this particular project is more susceptible to fire risks than any other building in its vicinity or has any unique circumstances or site or project characteristics that would exacerbate or otherwise cause wildfire risk different than any other existing development in these areas. Furthermore, the project is in a Special Grading Area which will require the project to undergo review and approval by the Los Angeles Bureau of Engineering-Grading. The project is located in an urbanized and long-developed area, and thus will be adequately served by all required public utilities and services. Thus, in conjunction with Regulatory Compliance Measures (RCMs), including the City Fire Code, and compliance with other applicable regulations, the project will not result in a significant impact.

CONCLUSION

Based on the information in the record, and considering the Appellant's arguments for appeal, Staff finds that the project meets the requirements for a Class 32 Categorical Exemption. Therefore, it is recommended that the City Council affirm that the project is categorically exempt from CEQA, deny the appeal of the Director of Planning's Determination, and sustain the Director of Planning's Determination approving the Transit Oriented Communities and Housing Crisis Act case for the proposed apartment building.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning


Kevin Golden
City Planner

HB:KG