Justification: West Adams Heritage Association (WAHA), FRIENDS OF WESTERN HEIGHTS NEIGHBORHOOD ASSOCIATION, LAURA MEYERS, CEQA APPPEAL:
ENV-2020-2116-CE
CPC-2020-2115-DB (HCA) 1848 S Gramercy

On behalf of the West Adams Heritage Association, Friends of Western Heights Neighborhood Association, Laura Meyers, numerous neighbors in Angelus Vista and Western Heights, and other stakeholders who are aggrieved parties, we object to the City Planning Commission's approval of a Categorical Exemption in this matter. This action is in violation of CEQA. Even though the City Planning Commission stated that its hands were tied due to changes in state law regarding the approval of this grossly incompatible housing project (we disagree), its hands were NOT tied regarding the California Environmental Quality Act.

The CPC made clear in its comments that this project will not enhance the built environment, will be materially detrimental to the surrounding community, actually removes affordable housing, and it does not create a healthy community. Indeed, many CPC comments indicated a shared belief that the project is disrespectful to the community, and that it in many ways raises social equity issues. The comments by these Commissioners add to the already substantial evidence in the record (testimony and written remarks) that there are severe and adverse impacts if this project moves forward in its present form. It should not be CEQA exempt.

The project does NOT provide an appropriate development that enhances the character of the community; it does not provide quality housing (given the extreme lack of open space and specifically the waiver of the size of the passageway from the required 20 feet to 3 feet, a major safety issue). It does not serve as an economic catalyst helping to revitalize this community's commercial corridors, even though that is a requirement of its underlying redevelopment zone.

The most recent proposal, with updated plans, that was approved by the CPC requests so many variations from the underlying zoning that is has become, at core, a **C4-D2 level project** (specifically equivalent to the zoning of the Figueroa Corridor south of Downtown, which is zoned to allow an FAR of 6:1 and building heights of 8 stories).

However, the Applicant is now requesting that that C4-D2 project be built in the C1.5-1VL-CPIO zone (plus the specific plan overlay, the Mid City Redevelopment Plan).

*Based on the whole of the administrative record, it is clear the CPC erred in finding that the Project is exempt from the California Environmental Quality Act {CEQA); the ZA cites CEQA Guidelines Section 15061, pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32. The CPC failed to recognize that there is substantial evidence demonstrating that an **exception** to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.*

We ask that the City Council require environmental review and deny the CE for the reasons below.

1. ***The Project Falls within an Exception to an Exemption.***

2. ***Substantial Evidence in the Record argues for environmental review.***

3. ***Decisions must be fact-based; instead the CPC Determination was based on a degree of misinformation regarding new State laws, which do NOT remove CEQA from consideration.***

4. ***Cumulative Impacts of multiple demolitions in a neighborhood that is protected by CPIO overlay zones.***

5. ***The project is not compliant with local zoning nor the City's General Plan; importantly, it makes no effort to demonstrate conformance with the requirements of either the CPIO overlay nor the redevelopment plan, as is required.***

Item 1: The Project Falls within an Exception to an Exemption

The Class 32 "Infill" Categorical Exemption (CEQA Guideline Section 15332 exempts infill development within urbanized areas if it meets certain criteria. The class consists of environmentally benign infill projects that are consistent with the General Plan, Zoning requirements and specific plans (the CPIO and the Redevelopment Plan). This class is not intended for projects that would result in any significant impacts. And, it is not intended for projects where there unique or unusual circumstances or are in sensitive locations.

The exemption pursuant to CEQA Guidelines 15332 does not apply because the project will have a demonstrable significant effect and falls within the exception under Section 15300.2. When one examines the whole of the administrative record, a CE is not the appropriate level of environmental review for a project that is highly discretionary, and fails to meet the objective requirements of the South Community Plan.

Numerous commentators – in written remarks and oral testimony over more than a year at multiple public hearings have all provided factual comment that the project will have serious impacts. This is not a "benign" project.

Item 2: There Is Substantial Evidence in the Record that Supports Environmental Review. ***Substantial evidence is defined in the CEQA statute to mean "facts, reasonable assumptions predicated on facts, and expert opinion supported by facts" (14 CCR Section 15064.7(b)).***[1]

(a) "Substantial evidence" as used in these (CEQA) guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.[2]

[1] *Thresholds of Significance Topic Paper, Emily Bacchini, Sacramento Municipal Utility District, March 23, 2016*
[2] *14 CCR § 15384, § 15384. Substantial Evidence.*

In the record of this project there is more than what is required to constitute substantial evidence in the record and yet the City continues to look the other way and not look at the facts.

"15300.2 Classes 3, 4, 5, 6, and 11 are qualified by consideration of **where the project is to be located** – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. "[3]

The proposed project with its excessive height, elimination of nearly all open space and elimination of front, side and most of the rear-yard setbacks; its lack of trees; and its ignorance of basic safety standards in the finals design will have a specific adverse impact on public health and safety and the physical environment. The health and safety issues also impact the potential residents, as the elimination of safe passageways and the improper vehicle emissions venting will create hazardous conditions.

The South Community Plan

The South Community Plan recognizes that the West Adams District area (such as Angelus Vista and Western heights) includes neighborhoods that are unique and historically significant in character; and the Plan includes provisions specifically to address compatibility of new development with the existing neighborhood character. Clearly this Project is inconsistent with existing neighborhood character.

The Project is also inconsistent with policies and goals set forth in the South Los Angeles Community Plan. The Community Plan sets forth that "Projects should contribute to reinforcing the distinctive and historical character of the corridors and the residential neighborhoods they serve." (South LA Community Plan. p. 3-6.) The proposed Project is incompatible with the historic character of the surrounding neighborhood making it inconsistent with Community Plan policy LU 4.1. The Project is also inconsistent with the Community Plan design guidelines, in violation of policy LU 4.3, due to its ground level parking.

Item 3: Decisions must be fact-based; instead the CPC Determination was based on a degree of misinformation regarding new State laws, which do NOT remove CEQA from consideration.

There are indeed a variety of new state housing laws that argue, in most cases, that a decision-making body must grant certain incentives in order to allow a smoother path toward the creation of new housing opportunities.

However, in this case the proposed project is <u>ineligible</u> for the long list of requested incentives (based on the number of affordable units, it is only eligible for two incentives); and many of the ten so-called "waivers" requested are in fact defined as incentives in the Planning Department's own application forms. Only a few are actually "waivers from development standards" versus either incentives or for all practical matters actually requests for relief from the actual zoning of C1.5-1VL-CPIO (e.g. a request for a variance or a zone change). Furthermore, the requested

[3] *2019 California Environmental Quality Act (CEQA) Statute and Guidelines*

incentives “do not result in identifiable cost reductions …. to provide for affordable housing costs” -- one letter writer commented, “there is substantial evidence in the record that the Project’s 33 units and incentives to support those solely seek to maximize the Applicant’s profits rather than compensate for the affordable housing costs of 3 units. The Project reduces rather than provides affordable housing.”

The Commission was advised it “must” approve the full volume of requested incentives, and waivers (even when the “waivers” were really incentives). We believe this was an error. In any case, the action of granting the long list of incentives and waivers creates a project which triggers CEQA, because it no longer is remotely consistent with local zoning – not the underlying zone, not the CPIO, and not the redevelopment plan. A project cannot be exempt from CEQA if it varies so completely from the zoning.

Item 4: Cumulative Impacts of multiple demolitions in a neighborhood that is protected by CPIO overlay zones.

There are cumulative impacts in the community (for example, and not considered in the Staff evaluation, the multitude of demolitions of the original 1903-1910 homes in the original Angelus Vista tracts since 2018 – six already, including the oldest residence which was directly across the street from 1848 S. Gramercy, with several more pending, including this 1908 home). The project creates an unusual circumstance of an 8-story building that not only literally towers over everything but also juts out – by 40 feet – in front of all the properties to the north (which currently have a 40-foot building line) and the property to the south, which also sits 40 feet back from Gramercy Place.

The project’s massing, bulk and scale, height, its complete lack of landscaping, its removal of the mature ROW street tree for its driveway onto Gramercy Place, and its lack of true open space, in combination may also lead to adverse effects.

Moreover, although the residence is not listed in the National Register and is not designated as a City of Los Angeles HCM, the Cultural Heritage Commission in fact did not consider and did not vote to say that it was not a Contributor to the local historic district identified in the Planning Department’s own original historic survey of the Tract. That survey, completed by a well-regarded Historic Consultant, Richard Starzak of the firm Myra Frank/Jones & Stokes, in fact does indicate that 1848 South Gramercy Place is a Contributor to the identified “18th Street District” (Angelus Vista). The full documentation including photos is in your files. And to provide further clarity, while it is true that this property is not included in SurveyLA as a part of a district, that is because it was NOT SURVEYED with the adjacent residential properties because at the time it was zoned industrial. Long story, but for purposes of CEQA, as other letter writers have commented, another reason the project is not eligible for a Categorical Exemption is because it does involve the demolition of a potentially historical property. (A proper new evaluation of whether or not it is eligible as a Contributor to a local district is required).

Item 5: The project is not compliant with local zoning nor the City's General Plan; importantly, it makes no effort to demonstrate conformance with the requirements of either the CPIO overlay nor the redevelopment plan, as is required.

As referenced above, the Project as currently configured is the equivalent of a **C4-D2** level project (specifically equivalent to the zoning of the Figueroa Corridor south of Downtown, which is zoned to allow an FAR of 6:1 and building heights of 8 stories).

Neither Planning Staff nor the CPC required that the Project demonstrate conformance with either the adopted CPIO nor the adopted Redevelopment Plan (because it cannot do so).

It is important to note that the required FAR of 1.5:5 and the maximum height of 45 feet and four stories are imbedded in the ZONE of C1.5-1VL, even if the Planning Department then defined the "CPIO" as merely a development standard and not zoning that was adopted by ordinance. (This notion may come as a surprise to those who went through the zoning and South Los Angeles Community Plan adoption process).

Regarding the sheer number of "incentives and waivers" requested, the applicant mis-identifies "incentives" versus "waivers."

Even though the form (staff report page 85, form page 10) under "B. Project Zoning Compliance & Incentives" lists 10 specific incentives that Project Applicant is asking for (yard setbacks, 4 sides; overall height, number of stories, transitional height; FAR and open space), Applicant only checked one of these -- FAR, "off menu" -- likely because this Project is only eligible for two incentives. "Low Impact Development" was added as the second Incentive. All the other incentives were redefined as "waivers from development standards" -- along with a list of other requests (no trees or landscaping; reduced passageway; Zero open-to-sky Open Space; reduced commercial frontage; and reduced commercial height).

Rather than requesting this multitude of waivers, the Applicant should have requested other relief which he is eligible to request, e.g. a Zone Change OR a Variance from the current zoning requirements. Clearly all of these requests combine to create a SPOT ZONING situation, allowing a C4-D2 project within a much lower zone. It is a privilege that is unlikely to be granted to anyone else. And therefore is not CEQA exempt.

In addition to the above, the proposed project would create both health and safety concerns (e.g., fire safety due to the reduction of the required passageway from 20 feet to 3 feet – one wonders how fire fighters would successfully evacuate residents and fight smoke & flames in this setting; and the venting of the vehicle exhaust fumes directly onto the adjacent residential structure's residents, as a result of the eliminated required side yard setback on the north side of the property).

Certainly a Project that creates a potential unhealthy and unsafe housing community should not be exempt from CEQA.

Lastly, the displacement of the long-term tenants (at one time there were more than 20 residents, and there appears to still be at least seven occupants, with the location of the other prior tenants unknown) has not been properly handled and is of grave concern. As has been noted multiple times, the tenants, current and former, are low income and in need of continuing supportive care, and the proposed replacement housing is not equivalent to the current 4-plus bedrooms, 3,600-square-foot residence.

The case that this is an Exception pursuant to CEQA Guidelines, Section 15300.2 has been made.

This appeal is supported by the facts. We ask City Council and its Planning Committee to rescind the Categorical Exemption and direct Planning to commence environmental review. The City Council has the authority to require environmental review when there are negative impacts as described above, and when there are uninvestigated health and safety impacts.