

GENERAL INFORMATION ABOUT THE CONTENTS OF THIS FILE

Submissions by the public in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3, are distributed to the Commission and uploaded online. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. Please review the Commission ROPs to ensure that you meet the submission requirements. The ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

All compliant submissions may be accessed as follows:

- **“Initial Submissions”**: Compliant submissions received no later than by end of day Monday of the week prior to the meeting, which are not integrated by reference or exhibit in the Staff Report, will be appended at the end of the Staff Report. The Staff Report is linked to the case number on the specific meeting agenda.
- **“Secondary Submissions”**: Submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting are contained in this file and bookmarked by the case number.
- **“Day of Hearing Submissions”**: Submissions after the Secondary Submission deadline up to and including the day of the Commission meeting will be uploaded to this file within two business days after the Commission meeting.

Material which does not comply with the submission rules is not distributed to the Commission.

ENABLE BOOKMARS ONLINE:

**If you are using Explorer, you need will need to enable the Acrobat  toolbar to see the bookmarks on the left side of the screen.

If you are using Chrome, the bookmarks are on the upper right-side of the screen. If you do not want to use the bookmarks, simply scroll through the file.

If you have any questions, please contact the Commission Office at (213) 978-1300.

SECONDARY SUBMISSIONS



9410 Topanga Canyon Boulevard, Suite 101
Chatsworth, CA 91311
Phone 310-469-6700

September 9, 2021

Los Angeles Department of City Planning
Central Los Angeles Area Planning Commission
c/o Etta Armstrong, Commission Executive Assistant
Email: apccentral@lacity.org

Technical Responses to Administrative Appeal re: 3020 Wilshire Project (Project)

Introduction

On June 22, 2021, the City of Los Angeles (City) Director of Planning (Director) adopted a Categorical Exemption (CE) in case no. ENV-2020-3262-CE (Related Case No. DIR-2020-3261-SPR-VHCA) for a new mixed-use development pursuant to the California Environmental Quality Act (Pub. Res. Code § 21000 *et seq.*) (CEQA), CEQA Guidelines (Article 19, Section 15332, Class 32 Urban Infill Development)¹ and the City's environmental review procedures.

The Project is located at 654, 660, 664, 666, 670, S. Wilshire Place, 3016, 3018, 3020 W. Wilshire Boulevard, 2915, 2921 W. Sunset Place, Los Angeles, CA 90005/90010 (Project Site).

The Project would construct a mixed-use development with 262 residential units and 9,998 square feet of retail commercial uses in an 8-story, 253,771 square foot floor area building. 369 vehicle parking spaces would be provided on the ground level, Level 2, and one subterranean level (the Project).

A Letter of Determination (LOD) was issued on June 22, 2021. An appeal to the Director's approval of the Project to the Central Area Planning Commission was filed by Enrique Velasquez on behalf of Coalition for an Equitable Westlake Macarthur Park on July 7, 2021 (Appeal). The Appeal includes claims that the Director's adoption of the CE for the Project violated CEQA. This technical response addresses the CEQA-related arguments presented in the Appeal.

Analysis

In summary, based on our technical review, the Appeal does not raise any new CEQA issues and does not warrant reversal or any further or revised CEQA analysis as presented in the October 2020 CE Report ("CE Report") and the CE adopted by the Director. The Appeal does not provide substantial evidence that further review under CEQA is required, or that the Project may cause a significant environmental impact. As analyzed in the CE Report, the whole of the record supports the conclusion that the Project qualifies for a CE as determined by the Director.

Seth Wulkan
Project Manager

1 Reference to CEQA Guidelines in the Response to Comments shall mean 14 C.C.R. § 15000 *et seq.*

CAJA Environmental Services, LLC
9410 Topanga Canyon Boulevard, Suite 101, Chatsworth, CA 91311
Seth@ceqa-nepa.com
310-469-6704 (direct)
310-469-6700 (office)

CAJA is an environmental consulting firm that specializes in environmental planning, research, and documentation for public and private sector clients. For over 34 years, CAJA and its predecessor company Christopher A. Joseph & Associates have offered a broad range of environmental consulting services with a particular emphasis on CEQA and NEPA documentation.

Seth Wulkan has over 14 years of experience and is responsible for all aspects of preparation of environmental review documents. He began his career with CAJA in 2007. Mr. Wulkan is proficient in drafting all sections of environmental review documents; incorporating technical reports into documents; and personally corresponding with public and private sector clients. Mr. Wulkan regularly participates in team strategy meetings from the beginning of the environmental review process through the final project hearings. Mr. Wulkan graduated with college honors from UCLA and completed a Certificate Program in Sustainability at UCLA Extension.

Appeal Coalition for an Equitable Westlake Macarthur Park

Appeal Point 1

The city fails to evaluate the indirect displacement of low-income residents caused by the influx of market rate units. The project fails to provide any affordable units that would be accessible to low-income individuals.

Response to Appeal Point 1

The comment is unsubstantiated opinion and discusses potential economic impacts. The commenter does not provide substantial evidence that the Project would result in physical changes to the environment. Under Public Resources Code (PRC) Section 21082.2(c), “[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” In addition, CEQA only addresses physical changes to the environment; “[e]conomic and social changes resulting from a project shall not be treated as significant effects on the environment.” (CEQA Guidelines Sections 15064(e) and 15382.)

As demonstrated on pages 2-3 through 2-18 of the CE Report, the Project is consistent with the General Plan and Community Plan.

The Project would support the needs of existing and future residents by providing 262 dwelling units, with a unit mix of studios, one-bedroom units, one-bedroom units with a den, and two-bedroom units. The new residents would be located within a designated Transit Priority Area and a Tier 4 Transit Oriented Communities project area that will offer easy access to numerous transit options to the employment center of downtown Los Angeles as well other areas of the City. The commercial retail space to be located on the project’s ground floor would serve the neighborhood’s retail needs. The Project is proper in relation to its location within the Regional Center Commercial land use designation, and its proximity to local and regional transit services, including the Metro B (Red) and D (Purple) subway lines at the Wilshire and Vermont Metro Station located two (2) blocks to the west of the project site along Wilshire Boulevard. The Project is consistent with the Distribution of Land Use goals, objectives and policies of the General Plan Framework Element.

The proposed mixed-use Project ensures this portion of Wilshire Boulevard would include a ground floor commercial component and not be redeveloped with stand-alone residential development, and thus creates new economic opportunities that would serve the needs of the community for new housing production and jobs. The neighborhood oriented commercial retail space provided by the project on the ground floor fronts Wilshire Boulevard and the southeast corner of Wilshire Boulevard and Wilshire Place, thereby directing the Project’s commercial use toward the major commercial corridor of Wilshire Boulevard and away from the more neighborhood-oriented streets of Sunset Place and Wilshire Place. Therefore, the Project is in substantial conformance with the purposes, intent and provisions of the Wilshire Community Plan as found by the Director. The Appeal fails to demonstrate that these findings were in error.

Appeal Point 2

The Project does not qualify for an exemption due to the cumulative effects of surrounding past, current and future projects. Because the cumulative effect of the succession of known projects of the same type and in the same place as the subject property, the Project fails to qualify for the Class 32 exemption. As such the environmental findings upon which the Site Plan Review approval is based on are flawed.

Below the Coalition submits a list of past projects, current projects and future projects spanning back to January 1, 2017, that contribute towards the cumulative impacts of the Project that must be considered.

Response to Appeal Point 2

As set forth on pages 2-91 through 2-96 of the CE Report, substantial evidence in the record in the form of expert technical analysis demonstrates that the Project would not result in any significant cumulative impacts relevant to the CE, as cumulative impacts are defined in CEQA Guidelines Section 15300.2(b). This includes expert technical analysis demonstrating that the Project is compliant with the Southern California Association of Governments (SCAG) 2016-2040 Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) and the 2020-2045 Connect SoCal (RTP/SCS), and as a result would not result in cumulative transportation impacts under LADOT's Transportation Assessment Guidelines (TAG),² and that the Project would not result in significant cumulative construction or operational impacts relative to noise, air quality, water quality, or utilities and public services. (CE Report, at pp. 2-91 – 2-96.)

The comment provides no substantial evidence contrary to the well-founded conclusions of the CE Report. To the contrary, the Appeal merely provides a list of alleged related projects with no information or analysis regarding how and what significant cumulative impacts may occur as a result of those projects. Merely listing nearby projects in this manner does not meet the burden of demonstrating substantial evidence of a significant cumulative impact under CEQA. (*Sierra Club v. West Side Irrigation Dist.* (2005) 128 Cal.App.4th 690, 701-702; *Hines v California Coastal Comm'n* (2010) 186 Cal.App.4th 830, 857.)

In fact, the alleged related projects listed in the Appeal have been terminated, are on hold, or have already completed construction, and as a result these projects' construction would not overlap with or cause cumulative impacts in conjunction with the Project in light of the proposed future construction start date of the proposed Project. The status of each of the identified alleged related projects is as follows:

No.	Address	Case No.	Status	Citation
1	3100 W 8th St.	VTT-74783-CN	Case terminated	https://planning.lacity.org/pdiscaseinfo/document/MzQ0Nw0/1823a02c-5d95-4003-95c4-258347c32f18/pdd
2	2649 W San Marino	DIR-2017-243-DB	Case expired	https://planning.lacity.org/pdiscaseinfo/document/MTgzMzc50/03b6cd7a-61f3-4d27-

² Transportation Assessment Guidelines. July 2020. Available: https://ladot.lacity.org/sites/default/files/documents/2020-transportation-assessment-guidelines_final_2020.07.27.pdf. Accessed: September 8, 2021.

				8bc5-9bb6e20119bc/pdd
3	689 Catalina St.	ZA-2017-4204-ZAA-SPR	Construction started	https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PcisPermitDetail?id1=18010&id2=10000&id3=02473
4	The appeal did not include #4			
5	2972 W 7th St. (duplicate with #11)	ENV-2015-1705-MND-REC1	Construction exterior work completed	https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/CofODetail/200658
6	2842 W James M Wood Blvd.	DIR-2018-309-TOC-SPR	Certificate of Occupancy issued (construction completed)	https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PcisPermitDetail?id1=18010&id2=10000&id3=02075
7	The appeal did not include #7			
8	The appeal did not include #8			
9	2847 W Leeward Ave.	ENV-2009-3402-EAF	Environmental action terminated	https://planning.lacity.org/pdiscaseinfo/search/encoded/MTc2MjI40
10	2837 W San Marino St.	DIR-2018-5664-TOC	Plan check pending	https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PermitResultsbyPin?pin=132B197%20%20%20903
11	2972 W 7th St. (duplicate with #7)	DIR-2018-5945-TOC	Construction exterior work completed	https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/CofODetail/200658
12	904 S New Hampshire Ave.	DIR-2019-1200-TOC	Building permit issued 7/2021	https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PermitResultsbyPin?pin=132B197%20%20%20835
13	2766 W James M Wood Blvd	DIR-2019-4023-TOC	Case on hold	https://planning.lacity.org/pdiscaseinfo/search/encoded/MjMwNjk50
14	2954 W 8th St.	ENV-2020-1275-EAF	Plan check pending	https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PermitResultsbyPin?pin=132B197%20%20%20482
15	3150 W Wilshire Blvd.	ENV-2005-8703-EIR-ADD1	Construction completed	https://planning.lacity.org/pdiscaseinfo/search/encoded/MTQzODEx0
16	2700 W 7th St.	DIR-2020-5151-TOC-HCA	Case on hold	https://planning.lacity.org/pdiscaseinfo/search/encoded/MjQwMTcx0
17	2716 W James M Wood	DIR-2020-5300-TOC-HCA	Case on hold	https://planning.lacity.org/pdiscaseinfo/search/encoded/MjQwMzI40

Appeal Point 3

Additionally, any environmental impacts based on pre-Covid levels of public transit ridership that do not take into account declining public ridership, which is expected to further decline after Covid. <https://caltransit.org/news-publications/publications/transit-california/transitcalifornia-archives/2019-editions/may/ridership-study-revisited>; <https://www.latimes.com/opinion/story/2021-04-07/los-angeles-public-transit-crisis>

Response to Appeal Point 3

The comment only makes a generalized statement that certain sources of information have speculated that pre-COVID transit ridership levels will continue to decrease once the pandemic is over. The comment does not identify what those changes in ridership would be and how they would be expected to affect the transit options available to future Project residents. The comment

also does not state a specific concern or identify an alleged flaw in the adequacy of the CE's analysis of the potential environmental impacts of the Project. Nor does the comment even attempt to demonstrate that any alleged decreased transit ridership – even if it would occur – would cause the Project to result in any significant environmental impacts that would render the adoption of the CE invalid. Rather, the Appeal only provides incomplete speculation that is not substantial evidence. As such, the Appeal fails to meet its burden to demonstrate that the Director's adoption of the CE for the Project was invalid.

DAY OF HEARING SUBMISSIONS

Los Angeles City Council
200 N. Spring Street
Los Angeles, CA, 90012

Case No: DIR-2020-5510-TOC-SPR-HCA
CEQA: ENV-2020-5511-CE
Location: 2401-2417 West 8th Street & 729-751 So. Park View Street

Dear Los Angeles City Council

The Director of Planning must substantially redraft the Director's Determination ("LOD"), require that a Environmental Impact Report be mandated for this project proposal, incorporate significant and fundamental planning and land use issues that were not included in the LOD, and require substantial modifications from the project proponent in relation to addressing a range of fundamental land use and zoning issues which they failed to incorporate in the application to the City.

Key Issues the LOD Failed to Address

1. The Westlake Community Plan is currently illegal. In is now years beyond the state's mandatory General Plan law that requires City's to update Community Plan's every 20 years. The Westlake Community Plan was adopted in the 1990s and is hopelessly out of date.

A project of the scope and scale cannot be adopted until the Westlake Community comprehensively addresses the future and a comprehensive range of urban issues for this specific, low-income minority planning zone. Proposed precedent setting development proposals are abusive, potentially destabilizing, unequal and unfair to the residents of the area prior to their ability to address their future through the state mandated community planning process.

2. Open Space. The proponents are demanding a 25% reduction in required open space, but the demand is much greater because the proponents self-define what open space is. The proponents define balconies and a 7th floor terrace as interactive open space, even though the actual amount of open space to active users is far less than what is stated. When taking into consideration the total square footage of the balcony and terrace, the amount of actual open space is less than 50% of the City zoning requirements. This is especially egregious because this project will reduce open space in the Westlake Community, which desperately needs open space. The reduction in normal open space regulations is not the 25% stated in the document; rather, it is over 50% when non-active user space is factored into an analysis of purported 'open space categories' submitted by the proponents application documents. .

3. FAR. In relation to zoning, the C2-2 square footage allows a larger FAR. The proponents, then manipulate this – they use the zoning currently only applicable to 8,987 sq ft, which constitutes only 14.5% of the total projected land and 50% of the alley, to govern FAR for the entire project. In an attempt to extend the illogic of 14.5% of the existing zoned land to supersede 100% of the site, the proponents are claiming a 50% increase in Floor to Area Ratio (FAR). In fact, it is actually far more than what is addressed in the Actual Base Density analysis. The proponents are

demanding a 3.75:1 FAR, far over the 1.5:1. This difference, 2.25:1 is a statistically significant 150% increase in FAR.

The LOD fails to address how less than 19% of the existing zoned land owned by the proponents should govern, essentially overrule the reasonable zoning for the remaining 81%+ of the land. In a realistic and conventional planning and zoning evaluation, the zoning of 81%+ should govern the overall zoning for the entire site. In addition, the massive concession, 75% of the required alley right-of-way, essentially a city give-a-way, serves no public purpose. Yet it contributes to the irrationality of massively expanding the FAR allowance. The project allows for a larger FAR because the 8,987 sq. ft. of the developments only constitutes 14.5% of the total projected land. Consequently, the proponents are falsely only claiming an increase of 50% in FAR when, in actuality the Project requires an excessive increase of 150% in FAR, and thus will be excessive and destabilizing to the immediate and surrounding neighborhood. The LOD states that the Project site is surrounded by buildings that are of significantly less density: to the south and southwest are two story buildings and to the west are one to five story residential buildings, yet the LOD fails to assess how a Project of this scope and density will impact the surrounding neighborhood.

Conclusion

The acute lack of clarity, in comprehensively analyzing how 18% of the land, allows a massive 150% plus increase in FAR, how the loss of 50% of open space, how the loss of 75% of alley right-of-way, is not analyzed within the framework of the LOD or the environmental analysis.