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- **"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.

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SECONDARY SUBMISSIONS

Jul 18, 2024

City of Los Angeles
City Planning Commission
Los Angeles City Hall
200 North Spring Street, Los Angeles, CA 90012

Re: Proposed Housing Development Project at 1610–1638 N Las Palmas Ave
CPC-2022-3935-DB-SPR-WDI-HCA

By email: cpc@lacity.org

Cc: Michelle Carter, City Planner, michelle.carter@lacity.org; City Clerk's Office, clerk.cps@lacity.org; City Attorney's Office, cityatty.help@lacity.org

Dear Los Angeles City Planning Commission,

The California Housing Defense Fund ("CalHDF") submits this letter to remind the Commission of its obligation to abide by all relevant state laws when evaluating the proposed 393-unit housing development project at 1610–1638 N Las Palmas Ave , which includes 44 units for very low-income households. Such laws include the Housing Accountability Act (Gov. Code, § 65589.5; the "HAA") and the Density Bonus Law (Gov. Code, § 65915; the "DBL").

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would reduce the project's density unless, again, such written findings are made. (*Ibid.*) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA's ambit, and it complies with local zoning code and the City's general plan. Of note, increased density, concessions, and waivers that a project is entitled to under the DBL do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA. (Gov. Code, § 65589.5, subd. (j)(3).) The proposed development complies with local land use rules, including the City's zoning and General Plan. The HAA's protections therefore apply, and the City must not reject the project, except based on health and safety standards, as outlined above.

CalHDF also writes to emphasize that the DBL offers the proposed development certain protections. The Commission must respect these protections. In addition to granting the increase in residential units allowed by the DBL, the Commission must not deny the project the proposed concessions and waivers with respect to FAR, building to building separation, and side yards, unless it makes written findings as required by Gov. Code, § 65915, subd. (e)(1) that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Of note, the DBL specifically allows for a reduction in required accessory parking in addition to the allowable waivers and concessions. (*Id*. at subd. (p).)

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by providing affordable housing, it will mitigate the state's homelessness crisis; it will bring new customers to local businesses; it will grow the City's tax base; and it will reduce displacement of existing residents by reducing competition for existing housing. It will also help cut down on transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the Commission to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

Dylan Casey
CalHDF Executive Director

James M. Lloyd
CalHDF Director of Planning and Investigations

Gonzales Law Group, APC
707 Wilshire Blvd., Suite 4350 | Los Angeles, CA 90017
Telephone: 213.279.6965 | Fax: 213.402.2638
www.gonzaleslawgroup.com

Michael Gonzales
E-mail: mike@gonzaleslawgroup.com

July 22, 2024

VIA Email Only
Los Angeles City Planning Commission
200 North Spring Street, Room 340
Los Angeles, California 90012
cpc@lacity.org

Re: Hollywood Central Project (CPC-2022-3935-DB-SPR-WDI-HCA/CPC-2022-3867-DB-MCUPSPR-WDI-HCA); Sustainable Communities Environmental Assessment (CEQA Case Number: ENV-2022-3868-SCEA)

Dear Commission President Lawshe and Commissioners:

My office represents J&J Hollywood, LLC, the applicant for the above-referenced Hollywood Central Project (the "Project"). The City of Los Angeles Planning Commission ("CPC") will consider the Project at a public hearing on Thursday, July 25, 2024.
The Project indisputably constitutes a "transit priority project" (a "TPP") as that term is defined in Public Resources Code ("PRC") §21155. Consequently, the CPC will consider at the hearing, among other things, adopting the Project's Sustainable Communities Environmental Assessment ("SCEA") pursuant to PRC §21155.2.

On or about July 15, 2024, the Western States Regional Council of Carpenters ("WSRCC"), through the Law Firm of Mitchell M. Tsai, submitted a voluminous comment letter to the CPC regarding the Project (the "WSRCC Letter"). In particular, the WSRCC Letter argues that the Project does not meet the necessary criteria to validly use a SCEA to meet its obligations pursuant to the California Environmental Quality Act ("CEQA"). This letter is intended to respond, in part, to the WSRCC Letter.[1]

[1] Additional materials responding to the WSRCC Letter will be submitted by Meridian Consulting LLC on behalf of the Project prior to the July 25, 2024 CPC hearing.

I. Background

The availability of a SCEA to facilitate a TPP's CEQA compliance requirements was adopted into law in 2008 (SB 375).[2] Among other things, SB 375 required that the State's 18 metropolitan planning organizations incorporate a "sustainable communities strategy" (SCS) into their regional transportation plans in order to achieve their respective region's greenhouse gas emission reduction targets set by the California Air Resources Board (CARB). Correspondingly, SB 375 enacted various CEQA streamlining provisions that are consistent with an adopted SCS and meet certain objective criteria.

One such CEQA streamlining tool is the SCEA, as authorized by PRC §21155.2. Per PRC §21155.2(a), a TPP that that has "incorporated all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports and adopted in findings" by the approving agency, may choose to prepare a SCEA as its CEQA compliance pathway.

The Southern California Association of Governments (SCAG) is the metropolitan planning organization for the County of Los Angeles (along with the Counties of Imperial, San Bernardino, Riverside, Orange, and Ventura). On September 3, 2020, the SCAG's Regional Council formally adopted an update to the 2016-2040 RTP/SCS; entitled "2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (SCAG 2020–2045 RTP/SCS) also known as the Connect SoCal."[3] As part of the Connect SoCal project, SCAG adopted a Program Environmental Impact Report (the "Connect SoCal EIR"). Among other things, the Connect SoCal EIR enumerated an enormous number and variety of specific mitigation measures that might potentially be applicable at the project level through the approximately 38,000 square mile SCAG region.

For purposes of the Project and its compliance with PRC §21155.2(a), the Connect SoCal EIR constitutes the relevant "prior applicable environmental report". Thus, the SCEA, which was prepared for the Department of City Planning by Meridian Consultants, LLC ("Meridian") (issued in January 2024), must demonstrate that the Project (as a TPP) has incorporated "all feasible mitigation measures" set forth in the Connect SoCal EIR.

II. PRC §21155.2(a) Requires Project Applicability as Well as Feasibility

While we risk stating the obvious, in light of the unreasonable position taken in the WSRCC Letter (see below), it is necessary to qualify the requirement prescribed by PRC §21155.2(a): Only those mitigation measures that are applicable need be incorporated into a TPP. In other words, a

[2] SB 375, codified at PRC §§21155-21155.4, is also known as "The Sustainable Communities and Climate Protection Act of 2008," outlined growth strategies for the State that better integrated regional land use and transportation planning allowing the State's to meet its greenhouse gas (GHG) emissions reduction mandates.
[3] For the SCAG region, CARB has revised its long-range GHG emissions reduction target at 19 percent below 2005 per capita emissions levels by 2035, which the 2020-2045 RTP/SCS intends to meet or exceed. On October 30, 2020, CARB officially determined that the 2020-2045 RTP/SCS would achieve CARB's 2035 GHG emission reduction target.

TPP is required to incorporate only those mitigation measures enumerated in the underlying program EIR (here the Connect SoCal EIR) that are both applicable to the specific project in question and are found to be feasible to implement.

Any other interpretation of PRC §21155.2(a) would lead to an overly burdensome mandate that would serve to economically undermine an otherwise viable TPP. Here, the WSRCC Letter sets forth 70 full pages of specific project-level mitigation measures that it claims the Project must substantively evaluate incorporating. However, many of these specific mitigation measures are, on their face, completely inapplicable to the Project.

Further, it would also be infeasible for a TPP to incorporate measures that would only mitigate a minor (i.e., not significant) impact. CEQA defines the word "feasible" as meaning "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." PRC §21061.1. Applying this definition to the present discussion, it would clearly not qualify as "feasible" to require a TPP to actively consider incorporating mitigation measures that are either completely inapplicable or that only mitigate minor (i.e., less than significant) impacts.[4]

By way of example only, the series of measures enumerated in PMM AES-1 (Section 3.1, Aesthetics) are expressly intended for the mitigation of impacts to "scenic vistas." Given its highly urban location, and, due to the fact that PRC §21099 (as well as the City's Zoning Information File No. 2452) states that "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment" it is clear that the PMM AES-1 series are inapplicable to the Project. Therefore, the Project has neither an obligation to incorporate these mitigation measures, nor an obligation to undertake any further evaluative steps pursuant to PRC §21155.2(a).

Likewise, the series of measures set forth in PMM AG-1 (Section 3.2, Agriculture and Forestry Service) are expressly intended to mitigate impacts to "agricultural lands." It is patently obvious, given the Project's central Hollywood location, that agricultural land will not be impacted by development of the Project. Consequently, the PMM AG-1 mitigation measures are patently not applicable to the Project, and, therefore, no further obligation pursuant to PRC §21155.2(a) is implicated.

The vast majority of project-level mitigation measures set forth in the Connect SoCal EIR fall into this same category – i.e., they are clearly inapplicable to the Project and, therefore, require no additional analysis. Therefore, it can be authoritatively stated that only those measures that are both applicable to the Project and determined to be feasible need be incorporated in order to comply with §21155.2(a).

[4] PRC §21068 defines a "Significant effect on the environment" as meaning "a substantial, or potentially substantial, adverse change in the environment."

III. SCEA Complies with the Requirement of PRC §21155.2(a)

In light of this commonsense interpretation of PRC §21155.2(a), it becomes readily apparent that the SCEA prepared for the Project complies with the mandate set forth in PRC §21155.2(a). Additionally, it is clear that the SCEA constitutes substantial evidence sufficient to support this position.

Specifically, the SCEA evaluated the vast array of mitigation measures enumerated in the Connect SoCal EIR, and categorized these into two categories: (1) Mitigation measures to be implemented by SCAG in its role as the Metropolitan Planning Organization (MPO) for the SCAG Region; and (2) mitigation measures that may be considered by CEQA Lead Agencies in conjunction with evaluation and consideration of individual projects. The results of Meridian's evaluation are described in two tables incorporated into the SCEA:

- Table 4.0-1: Mitigation Measures from Connect SoCal EIR Incorporated into the Project; and
- Table 4.0-2: Mitigation Measures from the Connect SoCal EIR Not Incorporated into the Project.

Each Table lists specific Mitigation Measures enumerated in the Connect SoCal EIR and indicates/describes their respective applicability to the Project. Some, like the PMM AES-1 series, are expressly described as being inapplicable due to statutory or other pertinent authority. Others, such as the PMM AG-1 series (intended to protect agricultural land) are discussed briefly in the SCEA but are readily classified as being inapplicable (due to location and other factors).

Additionally, some measures are deemed inapplicable due to the fact that the impacts they would purportedly mitigate are not significant. "The general rule under CEQA is that an EIR is required to provide the information needed to alert the public and the decision makers of the significant problems a project would create and to discuss currently feasible mitigation measures." Sierra Club v. County of Fresno, (2018) 6 Cal. 5th 502, 523 (emphasis added). Accordingly, a project EIR identifying only minor impacts is not required by CEQA to discuss/evaluate the incorporation of mitigation measures. Only "significant problems a project would create" warrant a discussion of mitigation measures, including the feasibility of such measures. Id.

IV. WSRCC Letter Makes Untenable Arguments Regarding the Mandate of PRC §21155.2(a)

Notwithstanding the obvious and common-sense requirement of PRC §21155.2(a) - namely that the Project is required to only incorporate mitigation measures enumerated in the Connect SoCal EIR that are both applicable and feasible, the WSRCC Letter implausibly contends that the "Project is required to incorporate all of SCAG's feasible mitigation measures, regardless of whether the SCEA itself identifies a potentially significant impact." (WSCRR Letter, p. 27).

Further, the WSRCC Letter contends, without any qualification or limitation, that PRC §21155.2(a) "requires that a TPP incorporate all feasible mitigation measures, performance standards, or criteria from prior applicable environmental impact reports." (Id.)

The WSRCC Letter continues this unreasonable line of argumentation by claiming that the Project's SCEA "fails to incorporate many applicable mitigation measures identified in the 2020-2045 RTP/SCS and its respective EIR without making a feasibility determination." (Id.) As support, the WSRCC Letter proceeds to fill 70 full pages of text by listing the entire array of Connect SoCal EIR's project-level mitigation measures, including those (as discussed above) that, on their face, simply have no applicability whatsoever to the Project. (See WSRCC Letter, pgs. 27-86).

To require the Project to extensively analyze and evaluate all the Connect SoCal EIR project-level mitigation measures, including those that are clearly inapplicable and/or infeasible (as well as those that address less than significant impacts), would constitute an unreasonable financial and legal burden that is simply not justifiable under pertinent authority. To do so would run counter to the intent of the Legislature when it enacted SB 375, which was to, among other thing, streamline the environmental assessment of a TPP in order to reduce GHG emissions.

Thus, so as not to frustrate the worthy purpose of SB 375, it is critical that the CPC unambiguously reject the untenable and unreasonable positions expressed in the WSRCC Letter. My client and I appreciate the CPC's careful consideration of this letter. Please do not hesitate to contact me directly with any questions or comments.

Sincerely,

Michael Gonzales
Gonzales Law Group APC

MG/tdm
Cc: Michelle Carter (Michelle.Carter@lacity.org)

Jul 18, 2024

City of Los Angeles
City Planning Commission
Los Angeles City Hall
200 North Spring Street, Los Angeles, CA 90012

Re: Proposed Housing Development Project at 6626 – 6636 West Hollywood Boulevard; CPC-2022-3867-DB-MCUP-SPR-WDI-HCA

By email: cpc@lacity.org

Cc: Michelle Carter, City Planner, michelle.carter@lacity.org; City Clerk's Office, clerk.cps@lacity.org; City Attorney's Office, cityatty.help@lacity.org

Dear Los Angeles City Planning Commission,

The California Housing Defense Fund ("CalHDF") submits this letter to remind the Commission of its obligation to abide by all relevant state laws when evaluating the proposed 240-unit housing development project at 6626 – 6636 West Hollywood Blvd, which includes 27 units for very low-income households. Such laws include the Housing Accountability Act (Gov. Code, § 65589.5; the "HAA") and the Density Bonus Law (Gov. Code, § 65915; the "DBL").

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would reduce the project's density unless, again, such written findings are made. (*Ibid.*) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA's ambit, and it complies with local zoning code and the City's general plan. Of note, increased density, concessions, and waivers that a project is entitled to under the DBL do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA. (Gov. Code, § 65589.5, subd. (j)(3).) The proposed development complies with local land use rules, including the City's zoning and General Plan. The HAA's protections therefore apply, and the City must not reject the project, except based on health and safety standards, as outlined above.

CalHDF also writes to emphasize that the DBL offers the proposed development certain protections. The Commission must respect these protections. In addition to granting the increase in residential units allowed by the DBL, the Commission must not deny the project the proposed concessions and waivers with respect to FAR, height, and side yards, unless it makes written findings as required by Gov. Code, § 65915, subd. (e)(1) that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Of note, the DBL specifically allows for a reduction in required accessory parking in addition to the allowable waivers and concessions. (*Id.* at subd. (p).)

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by providing affordable housing, it will mitigate the state's homelessness crisis; it will bring new customers to local businesses; it will grow the City's tax base; and it will reduce displacement of existing residents by reducing competition for existing housing. It will also help cut down on transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the Commission to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

Dylan Casey
CalHDF Executive Director

James M. Lloyd
CalHDF Director of Planning and Investigations

Gonzales Law Group, APC
707 Wilshire Blvd., Suite 4350 | Los Angeles, CA 90017
Telephone: 213.279.6965 | Fax: 213.402.2638
www.gonzaleslawgroup.com

Michael Gonzales
E-mail: mike@gonzaleslawgroup.com

July 22, 2024

VIA Email Only
Los Angeles City Planning Commission
200 North Spring Street, Room 340
Los Angeles, California 90012
cpc@lacity.org

Re: Hollywood Central Project (CPC-2022-3935-DB-SPR-WDI-HCA/CPC-2022-3867-DB-MCUPSPR-WDI-HCA); Sustainable Communities Environmental Assessment (CEQA Case Number: ENV-2022-3868-SCEA)

Dear Commission President Lawshe and Commissioners:

My office represents J&J Hollywood, LLC, the applicant for the above-referenced Hollywood Central Project (the "Project"). The City of Los Angeles Planning Commission ("CPC") will consider the Project at a public hearing on Thursday, July 25, 2024. The Project indisputably constitutes a "transit priority project" (a "TPP") as that term is defined in Public Resources Code ("PRC") §21155. Consequently, the CPC will consider at the hearing, among other things, adopting the Project's Sustainable Communities Environmental Assessment ("SCEA") pursuant to PRC §21155.2.

On or about July 15, 2024, the Western States Regional Council of Carpenters ("WSRCC"), through the Law Firm of Mitchell M. Tsai, submitted a voluminous comment letter to the CPC regarding the Project (the "WSRCC Letter"). In particular, the WSRCC Letter argues that the Project does not meet the necessary criteria to validly use a SCEA to meet its obligations pursuant to the California Environmental Quality Act ("CEQA"). This letter is intended to respond, in part, to the WSRCC Letter.[1]

[1] Additional materials responding to the WSRCC Letter will be submitted by Meridian Consulting LLC on behalf of the Project prior to the July 25, 2024 CPC hearing.

I. Background

The availability of a SCEA to facilitate a TPP's CEQA compliance requirements was adopted into law in 2008 (SB 375).[2] Among other things, SB 375 required that the State's 18 metropolitan planning organizations incorporate a "sustainable communities strategy" (SCS) into their regional transportation plans in order to achieve their respective region's greenhouse gas emission reduction targets set by the California Air Resources Board (CARB). Correspondingly, SB 375 enacted various CEQA streamlining provisions that are consistent with an adopted SCS and meet certain objective criteria.

One such CEQA streamlining tool is the SCEA, as authorized by PRC §21155.2. Per PRC §21155.2(a), a TPP that that has "incorporated all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports and adopted in findings" by the approving agency, may choose to prepare a SCEA as its CEQA compliance pathway.

The Southern California Association of Governments (SCAG) is the metropolitan planning organization for the County of Los Angeles (along with the Counties of Imperial, San Bernardino, Riverside, Orange, and Ventura). On September 3, 2020, the SCAG's Regional Council formally adopted an update to the 2016-2040 RTP/SCS; entitled "2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (SCAG 2020–2045 RTP/SCS) also known as the Connect SoCal."[3] As part of the Connect SoCal project, SCAG adopted a Program Environmental Impact Report (the "Connect SoCal EIR"). Among other things, the Connect SoCal EIR enumerated an enormous number and variety of specific mitigation measures that might potentially be applicable at the project level through the approximately 38,000 square mile SCAG region.

For purposes of the Project and its compliance with PRC §21155.2(a), the Connect SoCal EIR constitutes the relevant "prior applicable environmental report". Thus, the SCEA, which was prepared for the Department of City Planning by Meridian Consultants, LLC ("Meridian") (issued in January 2024), must demonstrate that the Project (as a TPP) has incorporated "all feasible mitigation measures" set forth in the Connect SoCal EIR.

II. PRC §21155.2(a) Requires Project Applicability as Well as Feasibility

While we risk stating the obvious, in light of the unreasonable position taken in the WSRCC Letter (see below), it is necessary to qualify the requirement prescribed by PRC §21155.2(a): Only those mitigation measures that are applicable need be incorporated into a TPP. In other words, a

[2] SB 375, codified at PRC §§21155-21155.4, is also known as "The Sustainable Communities and Climate Protection Act of 2008," outlined growth strategies for the State that better integrated regional land use and transportation planning allowing the State's to meet its greenhouse gas (GHG) emissions reduction mandates.
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TPP is required to incorporate only those mitigation measures enumerated in the underlying program EIR (here the Connect SoCal EIR) that are both applicable to the specific project in question and are found to be feasible to implement.

Any other interpretation of PRC §21155.2(a) would lead to an overly burdensome mandate that would serve to economically undermine an otherwise viable TPP. Here, the WSRCC Letter sets forth 70 full pages of specific project-level mitigation measures that it claims the Project must substantively evaluate incorporating. However, many of these specific mitigation measures are, on their face, completely inapplicable to the Project.

Further, it would also be infeasible for a TPP to incorporate measures that would only mitigate a minor (i.e., not significant) impact. CEQA defines the word "feasible" as meaning "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." PRC §21061.1. Applying this definition to the present discussion, it would clearly not qualify as "feasible" to require a TPP to actively consider incorporating mitigation measures that are either completely inapplicable or that only mitigate minor (i.e., less than significant) impacts.[4]

By way of example only, the series of measures enumerated in PMM AES-1 (Section 3.1, Aesthetics) are expressly intended for the mitigation of impacts to "scenic vistas." Given its highly urban location, and, due to the fact that PRC §21099 (as well as the City's Zoning Information File No. 2452) states that "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment" it is clear that the PMM AES-1 series are inapplicable to the Project. Therefore, the Project has neither an obligation to incorporate these mitigation measures, nor an obligation to undertake any further evaluative steps pursuant to PRC §21155.2(a).

Likewise, the series of measures set forth in PMM AG-1 (Section 3.2, Agriculture and Forestry Service) are expressly intended to mitigate impacts to "agricultural lands." It is patently obvious, given the Project's central Hollywood location, that agricultural land will not be impacted by development of the Project. Consequently, the PMM AG-1 mitigation measures are patently not applicable to the Project, and, therefore, no further obligation pursuant to PRC §21155.2(a) is implicated.

The vast majority of project-level mitigation measures set forth in the Connect SoCal EIR fall into this same category – i.e., they are clearly inapplicable to the Project and, therefore, require no additional analysis. Therefore, it can be authoritatively stated that only those measures that are both applicable to the Project and determined to be feasible need be incorporated in order to comply with §21155.2(a).

[4] PRC §21068 defines a "Significant effect on the environment" as meaning "a substantial, or potentially substantial, adverse change in the environment."

III. SCEA Complies with the Requirement of PRC §21155.2(a)

In light of this commonsense interpretation of PRC §21155.2(a), it becomes readily apparent that the SCEA prepared for the Project complies with the mandate set forth in PRC §21155.2(a). Additionally, it is clear that the SCEA constitutes substantial evidence sufficient to support this position.

Specifically, the SCEA evaluated the vast array of mitigation measures enumerated in the Connect SoCal EIR, and categorized these into two categories: (1) Mitigation measures to be implemented by SCAG in its role as the Metropolitan Planning Organization (MPO) for the SCAG Region; and (2) mitigation measures that may be considered by CEQA Lead Agencies in conjunction with evaluation and consideration of individual projects. The results of Meridian's evaluation are described in two tables incorporated into the SCEA:

- Table 4.0-1: Mitigation Measures from Connect SoCal EIR Incorporated into the Project; and
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Each Table lists specific Mitigation Measures enumerated in the Connect SoCal EIR and indicates/describes their respective applicability to the Project. Some, like the PMM AES-1 series, are expressly described as being inapplicable due to statutory or other pertinent authority. Others, such as the PMM AG-1 series (intended to protect agricultural land) are discussed briefly in the SCEA but are readily classified as being inapplicable (due to location and other factors).

Additionally, some measures are deemed inapplicable due to the fact that the impacts they would purportedly mitigate are not significant. "The general rule under CEQA is that an EIR is required to provide the information needed to alert the public and the decision makers of the significant problems a project would create and to discuss currently feasible mitigation measures." Sierra Club v. County of Fresno, (2018) 6 Cal. 5th 502, 523 (emphasis added). Accordingly, a project EIR identifying only minor impacts is not required by CEQA to discuss/evaluate the incorporation of mitigation measures. Only "significant problems a project would create" warrant a discussion of mitigation measures, including the feasibility of such measures. Id.

IV. WSRCC Letter Makes Untenable Arguments Regarding the Mandate of PRC §21155.2(a)

Notwithstanding the obvious and common-sense requirement of PRC §21155.2(a) - namely that the Project is required to only incorporate mitigation measures enumerated in the Connect SoCal EIR that are both applicable and feasible, the WSRCC Letter implausibly contends that the "Project is required to incorporate all of SCAG's feasible mitigation measures, regardless of whether the SCEA itself identifies a potentially significant impact." (WSCRR Letter, p. 27).

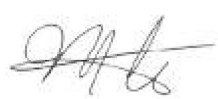
Further, the WSRCC Letter contends, without any qualification or limitation, that PRC §21155.2(a) "requires that a TPP incorporate all feasible mitigation measures, performance standards, or criteria from prior applicable environmental impact reports." (Id.)

The WSRCC Letter continues this unreasonable line of argumentation by claiming that the Project's SCEA "fails to incorporate many applicable mitigation measures identified in the 2020-2045 RTP/SCS and its respective EIR without making a feasibility determination." (Id.) As support, the WSRCC Letter proceeds to fill 70 full pages of text by listing the entire array of Connect SoCal EIR's project-level mitigation measures, including those (as discussed above) that, on their face, simply have no applicability whatsoever to the Project. (See WSRCC Letter, pgs. 27-86).

To require the Project to extensively analyze and evaluate all the Connect SoCal EIR project-level mitigation measures, including those that are clearly inapplicable and/or infeasible (as well as those that address less than significant impacts), would constitute an unreasonable financial and legal burden that is simply not justifiable under pertinent authority. To do so would run counter to the intent of the Legislature when it enacted SB 375, which was to, among other thing, streamline the environmental assessment of a TPP in order to reduce GHG emissions.

Thus, so as not to frustrate the worthy purpose of SB 375, it is critical that the CPC unambiguously reject the untenable and unreasonable positions expressed in the WSRCC Letter. My client and I appreciate the CPC's careful consideration of this letter. Please do not hesitate to contact me directly with any questions or comments.

Sincerely,



Michael Gonzales
Gonzales Law Group APC

MG/tdm
Cc: Michelle Carter (Michelle.Carter@lacity.org)

July 22, 2024

City Planning Commission
Department of City Planning
Los Angeles City Hall
200 N. Spring St.
Los Angeles, CA 90012

Re: Amendments to Zoning Code
CPC Agenda July 25, 2024, Item 8
CPC-2016-3182-CA-AMDT3; ENV-2024-2777-CE

Members of the City Planning Commission,

I'm writing to express my confusion and frustration at the City's ongoing process of amending the Zoning Code. The Recommendation Report that accompanies Item 8 on the CPC agenda claims that the City's goal is clarity and consistency, but I have to say that these are not words that I would use to describe the City's multiple zoning initiatives over the past several years. The Recommendation Report says:

> *These maintenance amendments are intended to address technical, non-substantive text changes such as corrections, clarifications, and compliance with state law, so readers can easily understand and navigate the Zoning Code.*

If the City's goal is to enable the average citizen to "easily understand and navigate the Zoning Code," I'm sorry to say that I think the City has fallen far short of the mark.

When the Processes & Procedures Ordinance was first published, we were told that it was going to create a simpler and more consistent code that would be easier for citizens to understand and City staff to implement. In fact, Processes & Procedures turned out to be an absurdly complicated proposal which seems to have been designed to restrict public participation and to enable by-right approvals of much larger projects than was previously possible.

Beyond that, the New Zoning Code was only adopted for the Downtown Community Plan. A different Zoning Code was proposed for Boyle Heights. And since the City plans to only implement the New Zoning Code as community plan updates are adopted, at the moment we have three different zoning codes governing different parts of Los Angeles. Because the process of updating community plans appears to be moving rather slowly, it seems we will be dealing with (at least) three separate versions of the Zoning Code for years to come.

Consistency is also a problem. Years ago the City modified the Zoning Code to make it consistent with State density bonus law, allowing the approval of increased density in exchange for a number of affordable units. This could be accomplished through a conditional use permit, which required public notice and allowed members of the public to appeal. However, since then the City has adopted the TOC Guidelines, which also allow increased density in exchange for affordable units, but there is no public notice requirement and appeals are restricted to those who reside on adjacent properties. Again, the goal seems to be to accelerate approvals by restricting public participation.

A more specific complaint I have about the current proposed amendments is related to Section 6, which says:

> *Subdivision 2 of Subsection X. of Section 12.24 of Article 2. of Chapter 1 of the Los Angeles Municipal Code is hereby deleted.*

The deleted sections appear to contain a number of restrictions on alcohol service which apparently will now be erased from the Zoning Code. While it's difficult for me to assess what specifics impacts this will have, as someone who is already impacted by extremely high alcohol density in the Hollywood area, I'm concerned that the City seems to be further lowering its standards.

Honestly, I feel that the City's zoning laws, far from becoming more consistent and easier to understand, are becoming more complex and opaque. The only thing that appears to me to be consistent is the ongoing effort to reduce public participation in the planning process. City Planning has been telling us for over a decade that they're working to update the Zoning Code to create a better, more livable city. Yet we're seeing rampant displacement of tenants, surging levels of alcohol density, transit ridership that's dropped more than 20% since 2014, decreasing levels of green space and open space, and a frightening loss of tree canopy as developers are ever more empowered by updates to the Zoning Code.

Does City Planning call this progress?

Casey Maddren
2141 Cahuenga Blvd., Apt. 17
Los Angeles, CA 90068

Jul 18, 2024

City of Los Angeles
City Planning Commission
Los Angeles City Hall
200 North Spring Street, Los Angeles, CA 90012

Re: Proposed Housing Development Project at 1115 North Berendo Street; DIR-2021-1538-TOC-SPP-HCA-1A

By email: cpc@lacity.org

Cc: Danalynn Dominguez, City Planner, danalynn.dominguez@lacity.org; City Clerk's Office, clerk.cps@lacity.org; City Attorney's Office, cityatty.help@lacity.org

Dear Los Angeles City Planning Commission,

The California Housing Defense Fund ("CalHDF") submits this letter to remind the Commission of its obligation to abide by all relevant state laws when evaluating the appeal against the proposed 30-unit housing development project at 1115 North Berendo Street which includes four units for extremely low-income households. Such laws include the Housing Accountability Act (Gov. Code, § 65589.5; the "HAA") and CEQA Guidelines.

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would reduce the project's density unless, again, such written findings are made. (*Ibid.*) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA's ambit, and it complies with local zoning code and the City's general plan. The proposed development complies with local land use rules, including the City's zoning and General Plan. The HAA's protections therefore apply, and the City must not reject the project, except based on health and safety standards, as outlined above.

Additionally, the project is exempt from state environmental review under the Class 32 CEQA categorical exemption (In-Fill Development Projects) pursuant to § 15332 of the CEQA Guidelines, as the project is consistent with the applicable general plan designation and all applicable general plan policies as well as the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. And recent caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by providing affordable housing, it will mitigate the state's homelessness crisis; it will bring new customers to local businesses; it will grow the City's tax base; and it will reduce displacement of existing residents by reducing competition for existing housing. It will also help cut down on transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the Commission to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

Dylan Casey
CalHDF Executive Director

James M. Lloyd
CalHDF Director of Planning and Investigations

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July 22, 2024

VIA E-MAIL

City Planning Commission
200 N. Spring Street
Los Angeles, CA 90012
cpc@lacity.org
danalynn.dominguez@lacity.org

Re: Response to the Appeal Recommendation Report; 1115 North Berendo Street; Case Nos. DIR-2021-1538-TOC-SPP-HCA-1A; ENV-2021-1539-CE

Dear President Lawshe and Honorable Members of the City Planning Commission:

This firm represents Linoleum City ("Appellant") with regard to the appeal of the entitlements for the proposed development project located at 1115 North Berendo Street. We are in receipt of the Department of City Planning's ("City") Appeal Recommendation Report ("Report"), which attempts to avoid environmental review and regulation by strategically separating one housing project into two distinct projects.

As explained in more detail below, 1115 North Berendo Street and 1114 North Heliotrope Drive do not comply with the Vermont/Western Station Neighborhood Area Plan ("SNAP") Specific Plan or the Transit Oriented Communities ("TOC") Affordable Housing Incentive Program because the two developments are ineligible for exceptions when combined. The "project" at issue is both the developments at 1115 North Berendo Street and 1114 North Heliotrope Drive ("Project"). But for the City's piecemealing, a practice expressly prohibited by the California Environmental Quality Act ("CEQA"), the Project would trigger a Site Plan Review under LAMC Section 16.05. The Commission should grant the appeal.

//

I. Even if the Brendo Street and North Heliotrope Drive Developments Comply with SNAP and the TOC Incentive Program Individually, the Project Embodies One Combined Initiative.

The overall Project consists of two nearly identical developments. One is a 30-unit, five-level, 66-foot tall, 15,450 sq. ft. development on a 6,750 sq. ft. lot located at 1114 N. Heliotrope Dr. Another is a 30-unit, five-story, 66-foot tall, 15,479 sq. ft. development on a 6,750 sq. ft. lot, located at 1115 N. Berendo St., which is immediately adjacent to the Heliotrope Dr. project. The City's recommendation considers the Berendo and Heliotrope developments separate in analyzing compliance with SNAP and TOC Incentives:

> Applicant is seeking an 80 percent increase in the maximum allowable density permitted in the SNAP to allow 30 dwelling units, in exchange for setting aside 11 percent, or four (4) units, of the total 30 dwelling units for Extremely Low Income Households per the TOC Affordable Housing Incentive Program. The project has been conditioned to record a covenant with the Los Angeles Housing Department (LAHD) to make four (4) units available for Extremely Low Income Households to ensure the Applicant sets aside the required number of affordable housing to be eligible for an 80 percent increase from the total density permitted by the Vermont/Western SNAP Specific Plan.

Appeal Recommendations Report at p. 3.

Notably, the Department of City Planning has conducted an almost identical analysis in two separate Planning Appeal Recommendation Reports - without even attempting distinguish them. The quote above, and the vast majority of the Report is reproduced *verbatim* in both the Berendo and Heliotrope versions. This displays a lack of attention to detail and implies an admission that the Berendo and Heliotrope projects are really one large development. The two projects have identical visual character, identical Owners of Record (ILM Property Investments, Inc.), and even request identical exemptions:

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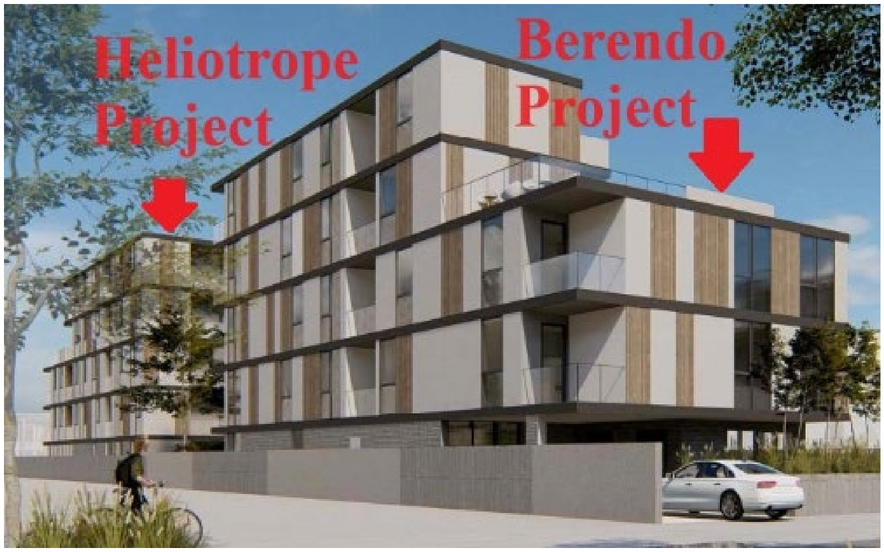

The Department of City Planning has avoided conducting a Site Plan Review by splitting up the “project” (which cumulatively consists of 60 total units). LAMC Section 16.05 requires a Site Plan Review for net increase of 50 or more dwelling units and/or guest rooms. The City failed to consider the two buildings as one “project,” allowing the developer to avoid otherwise applicable regulations. If the City had considered the two buildings as one project, a Site Plan Review would require mitigation of any significant environmental impacts and ensure development projects are appropriate to their sites, surrounding properties, and traffic needs. It would also control development projects that are likely to have a significant adverse effect on the environment.

The City has avoided environmental review and analysis through using a tactic called “piecemealing.” An abundance of case law prohibits this practice, which entails separating a project into smaller parts in order to avoid environmental review that would otherwise apply to a larger development. The prohibition against piecemealing under CEQA is primarily articulated in Cal. Code Regs., tit. 14, § 15378, subd. (a), and is supported by various court rulings that emphasize the need for comprehensive environmental review to prevent cumulative environmental impacts from being overlooked. For example, “CEQA mandates ‘that environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.’” *McCann v. City of San Diego* (2021) 70 Cal. App. 5th 51 (quoting *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 98). Ultimately, the Project constitutes piecemealing because both developments are owned by the same entity, are almost identical in design, are located next to one another, and serve the same purpose. The City has hastily approved the Project - without conducting the required analysis or making the required findings for Site Plan Review – and has attempted to shield itself by creating an arbitrary dividing line that conveniently insulates the developer from further scrutiny.

II. The City Overlooks Practical Concerns Raised by Petitioner on Behalf of the Community

Department of City Planning has also failed to consider the Project's true impacts on the neighborhood taking. The Department has assesed the Project based on a nonexistent hypothetical scenario in which incentives/exceptions for density increases *do not exist.* But they do. The Planning Appeal Recommendation Report blindly follows a provision of the TOC Guidelines that states as follows:

> "[p]er Section V (2)(b) of the TOC Guidelines, 'the threshold for a project triggering the Site Plan Review requirements of LAMC 16.05 shall be based on the number of units that would be permitted prior to any density increase from Section VI 1(a) of these guidelines.'"

Appeal Recommendations Report at p. 5-6.

Notwithstanding the piecemealing issue, this approach works much better for developments that slightly exceed guidelines after taking incentives/exceptions into account. By contrast, when a development seeks to increase its otherwise permissible density by 80%, this rule allows a developer to avoid discretionary review on a drastically larger project than before incentives/exceptions were factored in. Put simply, the City cannot determine whether review is necessary by squinting their eyes and imagining the Project 80% smaller than its current proposal would suggest. Neither the City Planning Commission nor the Director of Planning has the authority to adopt any guidelines that contradict with the plain language of Section 16.05 of the Los Angeles Municipal Code. As applied to Appellant, the TOC Guidelines are unlawful.

In any event, reasonable concerns remain with the Project. The City asks for Appellant to "produce evidence showing that one of the exceptions applies to take the project out of the exempt category." Appeal Recommendations Report at p. 6. However, the City asks for evidence that does not and cannot exist without further environmental review. Petitioner has no choice but to voice concerns about the future and analogize to similar developments because the Project has not yet been constructed. The whole point of an environmental review prior to construction is to predict and adequately assess potential negative outcomes. "Speculation," as the City frames it, is simply an attempt to ensure due diligence. If the City interprets analysis comparing other development projects in the same area as "speculation," then what exactly should Appellant do? Should Appellant conduct its own Site Plan Review out of pocket, hiring planners and scientific and engineering experts to perform a detailed analysis? The answer is obviously no. The City has the burden to *avoid* piecemealing and to proceed in the manner required by law. Any trial court will rule on whether the City has engaged in piecemealing *as a matter of law* and will not grant the City any deference on this topic.

More broadly, the Project impacts the entire Hollywood community as a whole. First, the project would significantly alter the skyline and character of the neighborhood, potentially overshadowing existing businesses like Linoleum City. This could affect visibility, customer traffic, and overall viability, especially if parking exceptions apply. Second, the proposed height and massing of the development are incompatible with the surrounding neighborhood. This raises concerns about how the new construction would fit into the existing urban fabric and affect the local community's sense of place. Finally, Appellant has questions about whether the incentives granted under TOC Guidelines are actually necessary to provide the required affordable housing units, as no showing of need has been made thus far. The lack of evidence supporting this necessity adds to the concerns about the project's approval process.

III. The City Should Require Additional Review

The objections raised in response to the City's Appeal Recommendation Report highlight fundamental issues with the proposed housing project at 1115 North Berendo Street and 1114 North Heliotrope Drive. By segmenting what is essentially one development into two parts, the City attempts to circumvent comprehensive environmental review and regulation under both CEQA and local law. In addition to technical arguments, practical concerns persist regarding the cumulative impact on the Hollywood community. The project's scale and design dramatically alter the neighborhood's skyline and character, overshadowing local businesses like Linoleum City. Moreover, the City's failure to assess whether density incentives are truly necessary raises questions about the thoroughness of the approval process. Therefore, we urge the City to reconsider its approach, conduct a full environmental and site plan review, and ensure that any development aligns with the area's specific plan and community needs. This comprehensive evaluation is essential to safeguarding the neighborhood's integrity and addressing the broader impacts of the proposed project.

Thank you for your consideration of this matter. I may be contacted at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,

Jamie T. Hall

CAL HDF

Jul 18, 2024

City of Los Angeles
City Planning Commission
Los Angeles City Hall
200 North Spring Street, Los Angeles, CA 90012

Re: Proposed Housing Development Project at 1114 North Heliotrope Drive; DIR-2021-1238-TOC-SPP-HCA-1A

By email: cpc@lacity.org

Cc: Danalynn Dominguez, City Planner, danalynn.dominguez@lacity.org; City Clerk's Office, clerk.cps@lacity.org; City Attorney's Office, cityatty.help@lacity.org

Dear Los Angeles City Planning Commission,

The California Housing Defense Fund ("CalHDF") submits this letter to remind the Commission of its obligation to abide by all relevant state laws when evaluating the appeal against the proposed 30-unit housing development project at 1114 North Heliotrope Drive, which includes four units for extremely low-income households. Such laws include the Housing Accountability Act (Gov. Code, § 65589.5; the "HAA") and CEQA Guidelines.

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would reduce the project's density unless, again, such written findings are made. (*Ibid.*) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA's ambit, and it complies with local zoning code and the City's general plan. The proposed development complies with local land use rules, including the City's zoning and General Plan. The HAA's protections therefore apply, and the City must not reject the project, except based on health and safety standards, as outlined above.

Additionally, the project is exempt from state environmental review under the Class 32 CEQA categorical exemption (In-Fill Development Projects) pursuant to § 15332 of the CEQA Guidelines, as the project is consistent with the applicable general plan designation and all applicable general plan policies as well as the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. And recent caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)

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Sincerely,

Dylan Casey
CalHDF Executive Director

James M. Lloyd
CalHDF Director of Planning and Investigations

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July 22, 2024

VIA E-MAIL

City Planning Commission
200 N. Spring Street
Los Angeles, CA 90012
cpc@lacity.org
danalynn.dominguez@lacity.org

Re: Response to the Appeal Recommendation Report;
1114 North Heliotrope Drive; Case No. DIR-2021-1238-TOC-SPP-HCA-1A

Dear President Lawshe and Honorable Members of the City Planning Commission:

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As explained in more detail below, 1115 North Berendo Street and 1114 North Heliotrope Drive do not comply with the Vermont/Western Station Neighborhood Area Plan ("SNAP") Specific Plan or the Transit Oriented Communities ("TOC") Affordable Housing Incentive Program because the two developments are ineligible for exceptions when combined. The "project" at issue is both the developments at 1115 North Berendo Street and 1114 North Heliotrope Drive ("Project"). But for the City's piecemealing, a practice expressly prohibited by the California Environmental Quality Act ("CEQA"), the Project would trigger a Site Plan Review under LAMC Section 16.05. The Commission should grant the appeal.

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Notably, the Department of City Planning has conducted an almost identical analysis in two separate Planning Appeal Recommendation Reports - without even attempting distinguish them. The quote above, and the vast majority of the Report is reproduced *verbatim* in both the Berendo and Heliotrope versions. This displays a lack of attention to detail and implies an admission that the Berendo and Heliotrope projects are really one large development. The two projects have identical visual character, identical Owners of Record (ILM Property Investments, Inc.), and even request identical exemptions:

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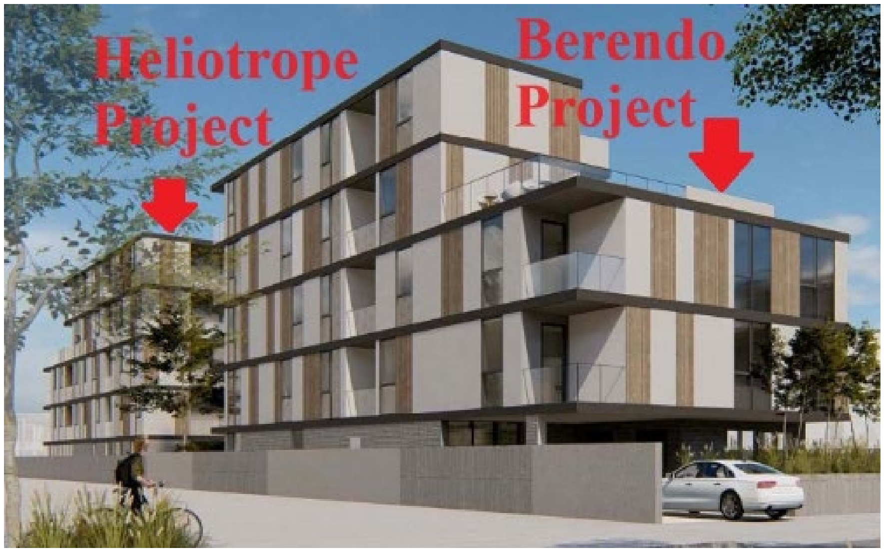

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Department of City Planning has also failed to consider the Project's true impacts on the neighborhood taking. The Department has assesed the Project based on a nonexistent hypothetical scenario in which incentives/exceptions for density increases *do not exist.* But they do. The Planning Appeal Recommendation Report blindly follows a provision of the TOC Guidelines that states as follows:

> "[p]er Section V (2)(b) of the TOC Guidelines, 'the threshold for a project triggering the Site Plan Review requirements of LAMC 16.05 shall be based on the number of units that would be permitted prior to any density increase from Section VI 1(a) of these guidelines.'"

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III. The City Should Require Additional Review

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Thank you for your consideration of this matter. I may be contacted at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,

Jamie T. Hall

DAY OF HEARING SUBMISSIONS