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Via Email

City Planning Commission

City of Los Angeles

Attn: Cecilia Lamas, Commission Executive Assistant cpc@lacity.org

Re: CPC-2020-3140-CU-MCUP-DB-SPR-HCA; July 28, 2022 Hearing Date, Agenda Item 9, Case No. ENV-2020-3141-SCPE, 1911-1931 West Sunset Boulevard and 1910-2018 West Reservoir Street

Honorable Commission Members:

On behalf of the Los Angeles Conservancy, we write to reiterate our objections to the City's reliance on a sustainable communities project (SCPE) exemption to environmental review under the California Environmental Quality Act (CEQA) for the proposed mixed-use development at the current site of the historic Taix restaurant. As determined by numerous historic experts, the Taix building is historically significant and it is also significant as a legacy business. Because the proposed mixed-use project would demolish the historic Taix restaurant and provide no guarantee that the Taix business will be included in the new construction, a significant impact to this historic resource would occur and must be assessed in environmental review.

The Los Angeles Conservancy detailed the City's improper reliance on a SCPE in its June 20, 2022 letter to the Planning and Land Use Management Committee and in its July 12, 2021 letter to the City's Planning Department, both of which are included in the file for this Project and are incorporated by reference into this letter. In addition to the improper reliance on a SCPE for a project that would have an adverse impact on the historically significant Taix restaurant, the divided approval process relied upon by the City, where the CEQA determination was considered separately from the project, runs counter to the requirements of CEQA. "[T]he separation of the approval function from the review and consideration of the environmental assessment" fails to serve CEQA's basic public and decision maker purposes. (*POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 731.)

Further, the City is proposing to provide the project many more incentives than provided by the City's Municipal Code. As proposed, the project would be provided **seven** incentives instead of the three incentives provided for in LAMC 12.22.A.25(e), and without a showing that these incentives are required to provide for affordable housing costs. Three of the requested

incentives are in areas covered by on-menu incentives, but the developer is requesting greater incentives than allowed under the Municipal Code.

First, only off-menu waivers of standards not addressed by the on-menu incentives contained in LAMC 12.22.A.25(f) are allowed under section (g)(3)—these waivers are allowed for qualified projects “for which the applicant request a waiver or modification of any development standard(s) **that is not included on the Menu of Incentives.**” Here, the developer’s request for incentives and waivers of standards included on the menu of incentives should not be allowed.

Moreover, the developer seeks incentives not allowed by the Municipal Code. For example:

- LAMC 12.22.A.25(f)(4) limits the percent increase in floor area ratio (FAR) that can be included in an incentive “not to exceed 35%” and “not to exceed 3:1” but the project proposes an increase in FAR from 1.5:1 all the way up to 3.75:1.
- LAMC 12.22.A.25(f)(6) limits incentives for reductions in open space to a 20% reduction, but the project as proposed would include a 25% reduction.
- LAMC 12.22.A.25(f)(1) limits incentives for setbacks to a 20% reduction, but the project proposes a 45% reduction in setbacks.
- The project also includes only .5 parking spaces per unit, regardless of unit size, which far exceeds the allowable parking incentives set forth in LAMC 12.22.A.25(d).

For all of these reasons, we urge the Commission to require a redesign of the proposed project to eliminate impacts to historic resources and require compliance with the City’s Municipal Code.

Thank you for your time and consideration in this matter.

Sincerely,



Amy Minter