Communication from Public

Name: Representative of the Applicant
Date Submitted: 11/04/2024 08:29 AM
Council File No: 24-1136
Comments for Public Posting: Please see attached responses to appeals filed.

Shelley Rothschild Appeal Response

JUSTIFICATIONS/REASONS/SPECIFIC POINTS AT ISSUE/HOW WE ARE AGGRIEVED:

We live at 1908 South Preuss Road, a single-family home that is adjacent to, contiguous with, and directly next to the Project Site at 1906 South Preuss Road, the site of the intended construction. As noted below, we are aggrieved by the LETTER.
-THE LETTER FLAGRANTLY DISREGARDS THE REJECTION OF THIS DEVELOPMENT BY THE SORO NEIGHBORHOOD COUNCIL, WHICH IS UNIQUELY QUALIFIED AND CHARGED WITH ITS ASSESSMENT.

The South Robertson Neighborhoods Council (SORO NC) is the Neighborhood Council that covers the Project Site. The NC system was created in 1999 to allow those who live, work, volunteer, learn, or worship in a particular neighborhood—stakeholders—an opportunity to have a voice in community and city decisions. Neighborhood Councils are part of the Los Angeles City government. The Neighborhood Council system was established as a way of ensuring that the City government remains responsive to the needs of Los Angeles' communities.
In this regard, when this development was brought before the South Robertson Neighborhood Council for review, SORO NC not only rejected it but also opposed any further approvals. The LETTER therefore totally disregards the voice of the stakeholders in our community, the only ones uniquely qualified to assess this development, and absolutely fails to be responsive to our community and its governing council.

-THE LETTER IGNORES THE LIE THAT THIS DEVELOPMENT WILL INCREASE AFFORDABLE HOUSING. TWO -MILLION -DOLLAR APARTMENTS ARE NOT AFFORDABLE HOUSING FOR LOS ANGELES.

The development will contain 12 apartments, only one of which may be affordable. It is estimated that each of the 11 other units will be sold for $2,000,000.00 or more. The affordable housing shortage in LA is not for the luxury homes with hot tubs that the Applicant is building.

In doing so, he is destroying two existing homes. That negates any benefit; it is a wash. The purpose of this development is to create luxury housing to be sold for multiple millions each, not affordable housing for LA residents.

The proposed project is a 12-unit small lot home development, including one unit reserved for Very Low Income households. According to the Small Lot Ordinance (Ordinance No. 176,354 enacted on 2005) the small lot housing typology was created in order to encourage the development of homes on much smaller parcels than the quarter-acre lots predominantly seen throughout the City. With the price of land being an enormous factor in the overall cost of new housing, the Small Lot typology aims to create homeownership opportunities at a price point lower than that of new construction on traditionally-sized lots. Although the sale price of the units in the Proposed Development has not yet been determined, it will certainly be much lower than that of new construction on larger parcels in the area.

-THE LETTER VIOLATES THE COMMUNITY PLAN: Per LA regulations: "Each Planning Case approved must contain a finding that it conforms to both the General,

Community, and Specific Plans." Here, no such finding can be made because the LETTER abrogates the goals, standards, requirements, and policies of the COMMUNITY PLAN.
-CONTRARY TO THE CP, THE LETTER DOES NOT MAINTAIN THE EXISTING RELATIONSHIP TO OUR ADJACENT HOME: Per CP G4, all development must maintain the existing relationship to adjacent buildings – "Houses should be designed in a manner which is sensitive to the massing and siting of adjacent structures. In particular, the taller portions of new houses should be kept to a minimum and should endeavor not to "broadside" the outdoor spaces of adjacent properties." All this will be destroyed by the Letter. We live in an adjacent building at 1908 Preuss Road and have lived there for over 37 years. During this time, the houses next to us at the Project Site were low level single-family residences. As such, the approval by the LETTER of building four (4) immense towers of 4 stories each, that will impinge upon and drastically overshadow our single-family house, does NOT maintain the relationship to our adjacent home, in violation of the Community Plan.

The Applicant has made considerable changes to the design of the project in the months since first discussing it with the Appellant, including lowering the overall maximum height to the zoning-compliant 45 feet, adding new and larger windows to the facade, increasing the setbacks around the roof decks, adding new landscaping for additional privacy, and changing the color and materials of the buildings.

Additionally, most of the buildings in the area immediately surrounding the subject property, an area zoned for multifamily housing, were built 60 to 100 years ago when demand for housing was much lower. In this current redevelopment cycle, it is likely that areas zoned for multifamily housing will see two-story single-family homes replaced with taller, denser housing typologies. As demonstrated by newer developments on the block, such as the small lot project at 1973 Preuss Rd, the Project is in line with the development trend of the neighborhood.

The appellant is quoting a goal contained in the Single Family Residential Design Guidelines of the Community Plan while the area including and surrounding the project site is zoned for multifamily development.

-CONTRARY TO THE CP, THE LETTER DESTROYS THE VIEWS LONG ENJOYED BY OUR HOME AND AREA: A key goal of the COMMUNITY PLAN is to preserve and maintain existing views: See CP LU2-5; CP LU4-3. This is violated by the huge development of 4 towers of 4 stories each approved by the LETTER that will block the views we have enjoyed in our home and area, a key reason for which we chose to buy our home 37 years ago, and it also will destroy a key element of our home's value, to our detriment.

The appellant is quoting a goal contained in the Single Family Residential Design Guidelines of the Community Plan while the area including and surrounding the project site is zoned for multifamily development.

-CONTRARY TO THE CP, THE LETTER DESTROYS THE COMMUNITY PLAN GOAL OF ALLOWING EXISTING RESIDENTS TO AGE IN PLACE:

The COMMUNITY PLAN guarantees existing residents like us the ability to "age in place." See CP LU6-2: Planning must "support healthy aging in place," and per CP LU6-3, must "promote housing practices that support aging in place." I am 75 years old, and my husband is 78. We are seniors who planned on aging in place at 1908 Preuss Road, directly next to the Project Site, a goal that was assured by the Community Plan. We are disabled, unemployed, elderly, sick, and battling cancer. Under the Community Plan, our right of "aging in place" will be destroyed by

the LETTER, which surreptitiously will put into effect “urban removal” of elderly residents like us by destroying views that give value to our property, and by imposing intolerable living conditions endangering our home, privacy, safety, making us endure trespass, theft, traffic, parking, open toilets, noise, shaking, danger of subsidence, floods and methane, heavy equipment blocking streets, dust and pollution, loss of our utilities and crucial internet access, all of which will serve to force us to leave our homes, so a greedy developer can sell multimillion dollar apartments as “affordable housing.”

The Applicant has no wish to create any displacement with the development. In fact, increasing the supply of housing in desirable neighborhoods such as South Robertson is key to preventing displacement. As the Applicant acknowledges that it can be inconvenient to live next to a construction site, the Appellant has been offered a week’s stay at the nearby Marriott Hotel during the most intensive phase of construction.

Additionally, the Applicant has contacted local internet service providers, and confirmed that internet service will not be interrupted during construction, nor will the net addition of 10 customers diminish the internet speeds for neighboring properties.

The appellant is quoting a goal contained in the Single Family Residential Design Guidelines of the Community Plan while the area including and surrounding the project site is zoned for multifamily development.

-CONTRARY TO THE CP, THE LETTER DESTROYS THE NEIGHBORHOOD CHARACTER AND SCALE ESTABLISHED BY THE COMMUNITY PLAN. The COMMUNITY PLAN requires that all development must maintain the existing character of our street. See CP LU2-3: Architectural Compatibility: must protect the character and scale of existing single-family residential neighborhoods; CP LU2-4: must consider factors such as neighborhood character; CP LU6-1: must be designed to complement neighborhood character. In this regard, the COMMUNITY PLAN establishes that our neighborhood “is characterized by single story and two-story main dwelling structures with a detached garage, featuring generous front and back yards. Most of these neighborhoods were designed and constructed in the late Nineteenth and early Twentieth centuries.” The LETTER will destroy this established character by knocking down existing low-level single-family houses, and instead, installing directly next to us a mammoth development project, consisting of 4 new towers, each with 4 floors. The new construction looks more like a prison than a single-family residence. It will destroy the CP’s above-established character and scale of our neighborhood.

(Answered Previously)

-SAFETY/NO PROTECTION FROM TRESPASS/NO PROTECTION OF PRIVACY//NO ACCESS TO INTERNET/REMOVAL OF TREES: Contrary to other construction on the other side of Preuss, the Project Site is being built on a hillside, where there are no other huge multistory towers. There are unique earthquake, methane, flooding, and utility issues on our little street, such as the recent increase in earthquakes, which the LETTER disregards, based on flawed or outdated reports. In addition, our freedom from trespass, right to privacy, and our essential internet access also may be egregiously impacted by this huge development. Plus, 13 living trees that help combat LA air pollution will be uprooted. In addition, we will be injured by constant noise, dust, pollution, shaking, trespass by workers and residents, a multitude of heavy equipment blocking our streets, toilets fouling our air, and rooftop parties overlooking our homes, with no means of escape. Thus, the Community Plan’s goals for maintaining the safety and quality of life on our block will be nullified by the LETTER.

The Baseline Hills Ordinance (BHO) aims to regulate and manage development in the city's hillside areas, to among other things, promote safety and mitigate the risks of landslides and other hazards associated with building on steep terrain. Whether or not a property is subject to the BHO can be assessed on the Planning and Zoning tab in ZIMAS, however, the ordinance generally applies to areas with a slope of 15% or more. The property at 1904-1906 Preuss Rd does not meet this standard and is not considered a Hillside Area by the City of Los Angeles Bureau of Engineering (BOE). Additionally, the property is considered as "Outside Flood Zone" and therefore not generally subject to risk from flooding.

The Applicant submitted a geotechnical report which was prepared in 2021 by Schick Geotechnical, Inc (SGI) and that report was accepted by the city. The report concludes that the project's design can be safely accommodated by the project site, saying "Based upon the referenced exploration, it is the finding of SGI that the proposed structures is feasible from a soils engineering standpoint provided the advice and recommendations contained in this report are included in the plans and are properly implemented during construction." These recommendations include implementing proper foundation design, retaining walls, shoring piles, floor slabs, grading, drainage, waterproofing, and site observation during construction. These recommendations will be adhered to during construction and the developer will abide by the conditions set in the entitlement determination as well as all LADBS standards, working hand-in-hand with the city to ensure safety for neighboring houses as well as the proposed development. An updated geology and soils report reflecting the current project description was prepared by Schick Geotechnical, Inc (SGI) and submitted to the City. The updated report was approved via a letter issued from the City of Los Angeles Department of Building and Safety on May 5, 2023.

There is no reason to expect the new development would result in trespassing on the Appellant's property by construction workers or future residents. The Appellant has been assured access to contact information for contractors once those contractors have been hired.

Nearby property owners, including the eventual owners of the small lot homes proposed for the project site have the right to full enjoyment of their properties, including their roof decks and other open space areas, within the bounds of the law. However, the rooftop decks have been designed in such a way that the roof access structures and mechanical will completely block the views to the north and south from each deck. Thus, it will be impossible for any individual standing on a roof deck to look into the Appellant's yard or home.

-TRAFFIC: The LETTER is based on traffic conditions generally in LA on main streets, and a traffic study of cities that do not include Los Angeles, ignoring the particular and specific conditions on our block. The Project Site is located on a block that is very narrow and has parking on both sides. As a result, it already has a huge traffic problem: Two cars cannot pass each other at the same time. To avoid major streets, cars speed down our block. Our car recently was rammed by a speeding truck while our car was parked outside our house, causing major damage that could have killed my husband sitting inside. The traffic danger is exacerbated by the fact that pedestrians use our street to walk to nearby places of worship, the elderly and children use it to cross the street, and residents use it to enjoy a stroll past our hillside homes. The LETTER totally disregards the unique character of our block and the impact the Project Site will have on traffic. Not only will the Project Site include numerous new units, but due to the millions each will cost, many units may be rented to large groups of renters, greatly increasing the traffic on our block and impairing our safety and living conditions.
-PARKING: Our little block has an immense parking problem: there are no places to park many

times during the day and night. This prevents us from having guests, creates difficulty for service personnel, and other invitees. The LETTER will exacerbate this problem: there are only two spaces for each of 12 units, and no parking for their guests, groups of renters, service personnel, or invitees. This further will worsen an already intolerable situation but is completely disregarded by the Letter.

As stated, the proposed project includes twelve small lot homes and twenty-four parking spaces planned for two contiguous lots. The number of proposed parking spaces is consistent with the requirements of the Los Angeles Municipal Code Section 12.21. A.4. as well as the Small Lot Design Guidelines and, therefore, meets the City's anticipated need for motor vehicle parking demand generated by a project of its type.

Furthermore, the City of Los Angeles has established guidelines for measuring the severity of potential traffic impacts in the Los Angeles Department of Transportation's (LADOT) "Transportation Assessment Guidelines" published in August of 2022. According to the document, a project is considered to have a potentially significant transportation impact if it is expected to generate a net increase of 250 or more daily vehicle trips per day.

In order to determine whether the project might have a potentially significant traffic impact, a basic run of the City of Los Angeles VMT Calculator was performed. The VMT Calculator (included as Attachment A to the document titled "Assessment of 1904-1906 Preuss Road Project Eligibility for a Categorical Exemption as a Class 32 In-Fill Development" and dated April 25, 2024) determined that the Project's 12 new townhouse uses would generate 53 daily trips. Additionally, the Project would remove the two existing single-family residences, which currently generate a combined total of 15 daily trips. Therefore, the Project would result in a project-related net increase of 38 daily trips. A net increase of 38 daily trips is not considered a potentially significant traffic impact by the CEQA guidelines established by the City of Los Angeles.

Furthermore, it is well-documented across Traffic Engineering and Urban Planning studies that narrower roadways are safer and more effective at preventing speeding and cut-through traffic. In fact, current policy initiatives at the City and State level reinforce this idea.

In 2023, the Los Angeles City Council Planning and Land Use Management (PLUM) committee unanimously approved a measure to end automatic road widenings triggered by new development, in part to create safer streets. That measure is being discussed by the Public Works Committee in September of 2024.

Additionally, a State bill to end roadway widening for vehicular traffic mitigation for new housing developments, AB 3177, was passed by in September of 2024.

-VIOLATION OF FIRST AMENDMENT RIGHTS: Our block uniquely contains many religious residents and establishments, including those of Jews like us, and a Chabad, which follow the Jewish Sabbath on Friday nights and Saturdays, and Jewish Holy Days. The Applicant is well-aware of this but has refused our request not to desecrate our religion by conducting work next door to us on these religious times. He easily could insert provisions in his contracts with those working on his site that control the hours and days of work, a reasonable religious accommodation, but will not do so. This is yet another surreptitious attempt to force us to move from our homes by making it impossible to practice our religion in peace, as

guaranteed by the First Amendment to the US Constitution. The LETTER violates this right by not requiring any religious accommodation.

Permitted construction and demolition hours within the City of Los Angeles are restricted to Monday through Friday between 8:00 A.M. and 6:00 P.M. Exterior construction is prohibited at any other time; however, interior construction is permitted on Saturday between the hours of 8:00 A.M. and 6:00 P.M. Excess exterior illumination of the work site (i.e. floodlights and similar devices) is prohibited after 6:00 PM on any day of the week. The proposed project construction will comply with the laws and regulations set forth by the Department of Building and Safety.

-THE LETTER IS WHOLLY SPECULATIVE, UNFOUNDED, AND ILLUSORY, PREMISED ON CONDITIONS THAT MAY NEVER BE SATISFIED: The LETTER is based on an approval that is premised on over ONE HUNDRED AND TWO (102) CONDITIONS, ALL WITH MULTIPLE SUBCONDITIONS, PLUS ADDITIONAL CONDITIONS UNDER SL-1-2/S-1, 2, AND 3, SET FORTH OVER NINETEEN (19) PAGES.

Yet another condition was added by the LETTER. Unless and until these conditions have been met in full, the LETTER currently violates the COMMUNITY PLAN; lacks any verifiable and certain basis and foundation, and is illusory, as many or none of these conditions have been satisfied and many never be achieved. If this Project does not complete each and every one of this fantasy lists of conditions, it will violate the Plan, destroy a heritage hillside neighborhood, and egregiously injure the health, safety, privacy, and property of existing residents. The LETTER should not have been granted based solely on speculative promises of conditions that may never be fulfilled, especially as they are being made by a developer who has been sued for building violations before; as having only one unbuilt asset, may not have sufficient assets to satisfy any damages and/or remediation if these conditions are not met; and currently is violating Los Angeles laws by running an illegal Airbnb at the Project Site. Moreover, the LETTER and this approval do not discuss whether the Project violates the Los Angeles Character Residential CPIO Development Regulations; and/or the City's Baseline Mansionization and Hillside Ordinance Guidelines and Standards; and/or the Complete Streets Guide requirement to identify how it will provide for the accommodation of all users of the roadway including motorists, pedestrians, individuals with disabilities, and seniors.

The proposed project site is not within a Community Plan Implementation Overlay District (CPIO) and, therefore, is not subject to the development regulations of one.

The City's development standards for single-family zones are referred to as the Baseline Mansionization and Baseline Hillside Ordinances, or BMO and BHO. These regulations were established to address out-of-scale development in single-family zones throughout the City and related construction impacts in Hillside Areas. The purpose of the BMO/BHO Code amendment is to update and refine the current rules relating to the size and bulk of new and enlarged homes, as well as grading of hillside lots. The subject property is not in a single-family zone, nor does it abut a single family zone. The subject property is not in a designated hillside area as identified by the Department of City Planning. Therefore, the City's Baseline Mansionization and Hillside Ordinance Guidelines and Standards do not apply to the subject site.

The project complies with the City's Transportation and Mobility Element - Mobility Plan 2035 - as designed. As recommended by the Bureau of Engineering and in accordance with Mobility

Plan 2035, the project will dedicate and improve a 5-foot wide strip of land along Preuss Road adjoining the tract to complete a 30-foot wide half right-of-way in accordance with Local Street standards. The project will also dedicate and improve a 2.5-foot wide strip of land along the alley adjoining the tract to complete 10-foot wide half alley in accordance with alleyway standards. Therefore, the project complies with the City's Transportation and Mobility Element including its Complete Streets Guide requirements.

TENS OF THOUSANDS OF RESIDENTS ARE LEAVING LOS ANGELES DUE TO LUDICROUS DECISIONS LIKE THE LETTER. BILLIONS HAVE BEEN SPENT WITH NO BENEFIT TO THOSE WHO LIVE HERE, AS EXEMPLIFIED BY THE LETTER. AS RECOGNIZED BY SORO NC, THIS SHOULD STOP NOW.

According to the think tank Public Policy Institute of California, "Improving housing affordability through residential construction will be crucial to stemming outmigration." The proposed project at 1904-1906 Preuss Road amounts to a drop in the bucket of the residential construction that's needed to slow the growth of housing costs in Los Angeles. However, infill development and densification in high resource areas such as South Robertson will be essential to slowing the growth of housing costs, fighting climate change, and ensuring that Los Angeles remains a desirable place to live in the future

We reserve the right to assert additional and new grounds for this appeal, include additional evidence, make corrections, and to join in appeals made by other appellants.
END OF SEPARATE STATEMENT

Arielle Mandell / Concerned Citizen's Appeal Response

Cover:
Cumulative impacts: cases referenced

Justification for Appeal:
1. The Findings of Fact Cannot be Made in the Affirmative with Substantial Supporting Evidence
a. The Proposed Map and the Design and Improvement of the Subdivision will not be Consistent with the West Adams-Baldwin Hills-Leimert Community Plan, including the Design Guidelines.
The West Adams-Baldwin Hills-Leimert Community Plan ("Community Plan") sets forth the following goals and policies:
- Ensure that new construction maintains the consistent two-story character of the existing neighborhood.

The Appellant is citing Policy LU13-1, which refers to Goal LU13: "A community that promotes efforts to conserve desirable neighborhood form and character as well as enhance the quality of life for residents within the Baldwin Village neighborhood."

The subject project is located several miles from the Baldwin Village neighborhood and therefore this policy does not apply.

- Preserve, conserve and enhance the positive characteristics of existing neighborhoods that are the foundation for community identity.
- Strive to protect existing single-family and low-density residential neighborhoods from encroachment by higher density residential and other incompatible uses.

The subject property is not located within a single family residential area, therefore this policy does not apply.

The subject property has a General Plan Land Use designation "Multi-Family Neighborhood - Low Medium II" with corresponding zone RD1.5., which has the corresponding Policy LU7-1 "Address Diverse Resident Needs. Strive for the conservation/preservation of existing assisted affordable and non-assisted housing stock and in particular rent-stabilized units, and for the development of new housing, including restricted affordable housing, to address the diverse economic and physical needs of the existing residents and project population of the Community Plan Area to the year 2030."

- Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential, including multi-family residential densities, are proposed.

- Strive to maintain neighborhood continuity by targeting new proposed affordable housing to serve existing residents and be designed to complement established neighborhood character.

The Project is largely surrounded by single family homes and modest two-story multi-family residential housing which is in line with the described two story character of the area. As proposed, the Project, at its height and bulk completely fails to maintain this very important identity of the area.

Maxing out the envelope and proposing access through a hazardous alley to the detriment of adjacent property owners, the Project fails to protect the existing residential neighborhood from encroachment by higher density residential and other incompatible uses; fails to adequately consider neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels; and fails to maintain neighborhood continuity. The design of the Project, striving for cookie cutter, least affordable option, completely fails to comply with the residential design guidelines of the Community Plan.

The proposed project is a small lot subdivision, which is a single-family housing typology that is allowed only in multi-family zones.

The City of Los Angeles adopted the Small Lot Subdivision Ordinance in 2005. The ordinance aims to encourage the construction of smaller, more affordable infill housing to target first-time home buyers in an increasingly unaffordable market.

The current planning and zoning policies for the subject property accommodate a base density of 12 units in a single multifamily building, constructed at a height of 45-feet; and an even larger, more dense building may be allowed by accessing density bonus incentives pursuant to California Government Code Section 65915 and LAMC Section 12.22 A 25.

It is the Applicant's view that a small lot subdivision is the appropriate project for this location because a small lot subdivision addresses the City's housing needs and projected population growth while simultaneously acknowledging the single-family character of the existing neighborhood.

b. The Site is Not Physically Suitable for the Development

For all the reasons stated above, the site is not physically suited for the development or the Project. Most egregiously, it proposes access through a hazardous alley to the detriment of adjacent property owners.

c. The Subdivision is Likely to Cause Substantial Environmental Damage
For the reasons stated below, the Categorical Exemption was issued in error. Therefore, the Project is likely to cause substantial environmental damage.

2. The Categorical Exemption was Issued in Error

Under the California Environmental Quality Act ("CEQA"), a lead agency has the initial burden to show that substantial evidence supports its determination that the categorical exemption applies. The City has failed to do so.

A Class 32 only available where "approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality."
Here, the proposed Class 32 is not supported by substantial evidence because

an increase in hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses is assessed. Notably, the provided VMT calculations do not include construction VMT, including the haul route. Under CEQA, the whole of the Project must be assessed.

Furthermore, the Project will increase hazards due to a geometric design feature or incompatible uses due to the ingress/egress at the hazardous alley.

The proposed project includes twelve small lot homes and twenty-four parking spaces planned for two contiguous lots. The number of proposed parking spaces is consistent with the requirements of the Los Angeles Municipal Code Section 12.21. A.4. as well as the Small Lot Design Guidelines and, therefore, meets the City's anticipated need for motor vehicle parking demand generated by a project of its type.

Furthermore, the City of Los Angeles has established guidelines for measuring the severity of potential traffic impacts in the Los Angeles Department of Transportation's (LADOT) "Transportation Assessment Guidelines" published in August of 2022. According to the document, a project is considered to have a potentially significant transportation impact if it is expected to generate a net increase of 250 or more daily vehicle trips per day.

In order to determine whether the project might have a potentially significant traffic impact, a basic run of the City of Los Angeles VMT Calculator was performed. The VMT Calculator (included as Attachment A to the document titled "Assessment of 1904-1906 Preuss Road Project Eligibility for a Categorical Exemption as a Class 32 In-Fill Development" and dated April 25, 2024) determined that the Project's 12 new townhouse uses would generate 53 daily trips. Additionally, the Project would remove the two existing single-family residences, which currently generate a combined total of 15 daily trips. Therefore, the Project would result in a project-related net increase of 38 daily trips. A net increase of 38 daily trips is not considered a potentially significant traffic impact by the CEQA guidelines established by the City of Los Angeles.

Additionally, the project's potential VMT impacts related to its haul route, as well as other phases of construction and operation, were evaluated using the California Emissions Estimator Model (CalEEMod) released by the California Air Pollution Control Officers Association (CAPCOA). According to the model's output, which is included as Attachment C in the "Assessment of 1904-1906 Preuss Road Project Eligibility for a Categorical Exemption as a Class 32 In-Fill Development" dated April 25, 2024 the proposed project is not expected to result in potentially significant air quality impacts due to the movement of earth materials to and from the site. The number of trips generated by earth moving activities is not expected to exceed the City's threshold for determining a potentially significant traffic impact.

In regards to the Appellant's claims about the hazards of ingress and egress, for properties that abut an alley, LADOT typically mandates that vehicular access be provided from the alley rather than from the primary street. This helps to minimize disruptions to pedestrian pathways and reduces conflicts between vehicles and pedestrians on the main street. LADOT has reviewed the proposed project including its circulation plan and has not determined that any unusual hazards exist. As part of its development, the project will widen the existing alley from 15 feet to 17.5 feet in order to complete a 10-foot wide half alley. In order to complete the 20-foot wide full alley, the property located at 1905 Shenandoah Street would need to dedicate a 2.5-foot wide strip of the rear portion of their lot that abuts the alley.

Finally, the Applicant has reached out to LADOT to inquire about the process for installing mirrors on the corners of the alley that meet with Sawyer Street. While LADOT does not install nor allow these mirrors to be installed in the public right of way, private property owners are able to install these mirrors to increase the safety of vehicular and pedestrian travel. The Applicant has offered to work with the Appellant to install said mirrors.

The Categorical Exemption is also not appropriate due to cumulative impacts. One of the basic and vital informational functions required by CEQA is a thorough analysis of whether the impacts of the Project, in connection with other related projects, are cumulatively considerable. Banning Ranch Conservancy v. City of Newport Beach (2012) 211 Cal App.4th 1209. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal.App.4th 1184; CEQA Guidelines

§15355. Proper cumulative impact analysis is vital under CEQA because the full environmental impact of a proposed project cannot be gauged in a vacuum. Indeed, one of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually but assume threatening dimensions when considered collectively with other sources with which they interact. Therefore, cumulative effects analysis requires consideration of "reasonably foreseeable probable future projects, if any." Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal.App.4th 1184; Gentry v City of Murrieta (1995) 36 Cal.App.4th 1359, 1414.

Here, the cumulative impact analysis narrowly focuses on three projects within 500 feet, missing many large multi-family residential projects and their impacts on the area immediately outside such narrow radius.

The Appellant claims that the Categorical Exemption is not appropriate because the Project's previous assessment of cumulative impacts "narrowly focuses on three projects within 500 feet, missing many large multi-family residential projects and their impacts on the area immediately outside such narrow radius." CEQA Guidelines Section 15300.2(b) states that a categorical exemption is inapplicable "when the cumulative impact of successive projects of the same type in the same place, over time is significant." An agency's determination that a project falls within a categorical exemption includes an implied finding that none of the exceptions identified in the CEQA Guidelines apply. Instead, the burden of proof shifts to the challenging party to produce evidence showing that one of the exceptions applies to take the project out of the exempt category. San Francisco Beautiful v. City and County of San Francisco (2014) 226 Cal.App.4th 1012, 1022-23.

Here, the Appellant has not met its burden, as there is no evidence in the record to conclude that there will be a cumulative adverse impact caused by the proposed project and other projects in the area. Speculation that significant cumulative impacts will occur simply because other projects have been or may be approved in the same area is insufficient to trigger this exception and is not evidence that the proposed project will have adverse impacts or that the impacts are cumulatively considerable. Hines v. California Coastal Comm'n (2010) 186

Cal.App.4th 830, 857. The Appellant also fails to provide any evidence as to why a 500 foot radius may be too narrow, or how projects outside of a 500 foot radius constitute the "same place" for purposes of cumulative analysis under CEQA.

The Appellant has not submitted any substantial evidence that validates its assertions that the cumulative impact exception applies. Moreover, the Appellant does not state which cumulative effects are actually at issue.

Filed with City Planning Application for the Project, the document titled "Assessment of 1904-1906 Preuss Road Project Eligibility for a Categorical Exemption as a Class 32 In-Fill Development" dated April 25, 2024, responds to the question of cumulative impacts.

As demonstrated therein and discussed further below, the proposed project and other projects in the vicinity are subject to Regulatory Compliance Measures (RCMs) related to air quality, noise, hazardous materials, geology, and transportation. Numerous RCMs in the City's Municipal Code and State law provide requirements for construction activities and ensure impacts from construction related air quality, noise, traffic, and parking are less than significant. For example, the South Coast Air Quality Management District (SCAQMD) has District Rules related to dust control during construction, type and emission of construction vehicles, architectural coating, and air pollution. All projects are subject to the City's Noise Ordinance No. 144,331, which regulates construction equipment and maximum noise levels during construction and operation.

Even if Appellant had submitted any evidence in support of its position that the cumulative impact exception applies, which it clearly has not, substantial evidence supports the City's determination that the exception does not apply. According to the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal 2024 or Plan) Demographics & Growth Forecast, the population of the City of Los Angeles in 2019 was 3,907,200 with 1,398,600 households. Based on this data, the City's average household size is approximately three (3) persons per dwelling unit, and therefore, the project's 12 new dwelling units would provide housing for an estimated 36 persons. The proposed removal of the two existing multi-family residential units from the site would result in a net increase of 10 dwelling units and approximately 30 additional persons residing within the site, which would represent an increase of less than 0.003 percent in the City's housing and population totals for that year, 2012.

SCAG projects the City's future population and housing supply for the year 2040 in the 2016 RTP/SCS to increase by 763,900 and 364,800, respectively, over the 2012 estimates. As such, the project's net increase of 30 persons and 10 residential units on the site would represent less than 0.02 percent increase of the projected increases of population and .01 percent of the projected City increases of housing over that time period. The Project's net increases of a small fraction of one percent of the projected growth in housing and population for the City would have a less than cumulatively considerable contribution to projected growth in the City and any associated population related impacts such as increases in demand for municipal services that would arise from other foreseeable development. In addition, the project site is located within an urbanized area and is already developed with existing residential uses, and would not have any significant impacts, as evaluated in this Categorical Exemption analysis.

According to the DOT Transportation Assessment Guidelines, "projects and land use plans that are consistent with [SCAG's RTP/SCS] in terms of development location, density, and intensity, are part of the regional solution for meeting air pollution and GHG reduction goals. Projects and

land use plans that are deemed to be consistent would have a less than significant cumulative impact on VMT. Development in a location where the RTP/SCS does not specify any development may indicate a significant impact on transportation. However, for projects and land use plans that do not demonstrate a project impact by applying an efficiency-based impact threshold (i.e., VMT per capita, VMT per employee, or VMT per service population) in the impact analysis, a less than significant project impact conclusion is sufficient in demonstrating there is no cumulative VMT impact. Projects and land use plans that fall under the City's efficiency-based impact thresholds are already shown to align with the long-term VMT and GHG reduction goals of SCAG's RTP/SCS."

The proposed project is in a High Quality Transit Area, based on maps included in Exhibit 3.4-3.10 of the RTP/SCS. According to the RTP/SCS, "High Quality Transit Areas (HQTAs) are corridor-focused Priority Growth Areas within one half mile of an existing or planned fixed guideway transit stop or a bus transit corridor where buses pick up passengers at a frequency of every 15 minutes (or less) during peak commuting hours…Like Transit Priority Areas, HQTAs are places where vibrant TOD can be realized and are a cornerstone of land use planning best practice in the SCAG region. HQTAs represent under 3 percent of the region's acreage but are projected to be home to over 51 percent of new households between 2016 and 2045. Infrastructure investments that support walkable, compact communities that integrate land use and transportation planning for a better functioning built environment are essential within HQTAs."

Furthermore, cumulative transportation impacts would not result from the project or similar projects based on the cumulative impact guidelines contained within the City of Los Angeles' Transportation Assessment Guidelines (August 2022). According to the City of Los Angeles' Transportation Assessment Guidelines, "Related projects considered in the cumulative analysis should include known development projects within a one-half mile (2,640 foot) radius of the project site." Even when the cumulative impact radius is expanded to 2,640 feet from the project site (including likely developments proposed before the date on which the subject project was approved by the City Planning Commission only), four small projects are included that were not analyzed within the document titled "Assessment of 1904-1906 Preuss Road Project Eligibility for a Categorical Exemption as a Class 32 In-Fill Development" dated April 25, 2024. Of those four projects, one is another small lot subdivision replacing a single-family home with five single-family homes. One is a 15-unit apartment building (including 3 units reserved for Very Low Income households) replacing a four-unit apartment building. One is a 7-unit, mixed-use apartment building replacing an automobile repair shop. And one is four apartment units replacing a single-family home. That constitutes a net gain of twenty-two new apartment units within the cumulative impact radius recommended by the Transportation Assessment Guidelines. A net gain of 22 residential units in an area identified for growth in the RTP/SCS does not constitute a potentially significant impact according to the City's Transportation Assessment Guidelines and, in fact, align with the long-term VMT and GHG reduction goals of SCAG's RTP/SCS. Moreover, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, cannot constitute a significant environmental impact for purposes of CEQA. Pub. Res. Code § 21099.

A 500-foot radius for noise impacts is appropriate based on the way sound travels. For instance, a source with a 100 dBA sound pressure level at a distance of 3.3 feet from the source is reduced to sound pressure level of 56.4 dBA at a 500-foot distance from the source. Furthermore, of the four projects included within the wider cumulative impact radius of 2,640 feet, three have already completed the noisiest phases of construction - grading and demolition. The one remaining project whose demolition and/or grading phases could possibly overlap with

those of the proposed project is located at 2502 S Robertson Blvd approximately 0.38 miles (2,006 feet) away from the subject property. Any cumulative noise impacts, from this distance, would be negligible given the distance and barriers between these two sites.

The SCAQMD uses the same significance thresholds for project specific and cumulative impacts. Projects that exceed the Project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. The Project would result in the emission of criteria pollutants during construction and operation for which the region is in non-attainment. Based on the Project specific level of emissions, the Project's cumulative impacts would be less than significant because its construction and operational emissions, including emissions of non-attainment pollutants of ozone precursors and particulate matter, would be less than significant, as shown in the document titled "Assessment of 1904-1906 Preuss Road Project Eligibility for a Categorical Exemption as a Class 32 In-Fill Development" dated April 25, 2024. The significance thresholds adopted by the SCAQMD are designed to assist the region in attaining the applicable NAAQS and CAAQS. These standards apply to both primary (criteria and precursor) and secondary pollutants (ozone). Although the Project Site is located in a region that is in non-attainment for ozone, PM10, and PM2.5 under federal and/or state standards, because emissions would fall below SCAQMD daily significance thresholds, the Project's construction-related and operational emissions would not be cumulatively considerable or contribute to cumulatively significant air quality impacts.

Alternatively, the SCAQMD recommended assessing project's cumulative impacts based on whether it is consistent with the AQMP. The Project has incorporated strategies, as applicable, consistent with the AQMP. Construction of the Project would comply with SCAQMD Rule 403 requirements and the ATCM to limit heavy duty diesel motor vehicle idling to no more than five minutes at any given time. In addition, the Project would utilize a construction contractor(s) that complies with required and applicable BACT and the In-Use Off-Road Diesel Vehicle Regulation. Per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, these same requirements (i.e., Rule 403 compliance, the implementation of all feasible mitigation measures, and compliance with adopted AQMP emissions control measures) would also be imposed on other construction projects in the Air Basin as required. As such, the Project's cumulative construction impacts to air quality would be less than significant.

The Project's location, design, and land uses also render it consistent with the AQMP. The AQMP includes Transportation Control Measures that are intended to reduce regional mobile source emissions. The Project would locate residential uses within a mile or less of multiple public transportation options, including Metro Bus Line 617 at Robertson Blvd and Sawyer St approximately 375 feet away, providing direct linkages to multiple major employment and commerce centers including downtown Culver City, the Culver City E Line Station, Beverly Grove, Cedar Sinai, as well as other lines within the Metro Rail system. The Project would be located within a mile of Metro Bus Line 17 with service to West Los Angeles VA Medical Center and UCLA and within a mile and a half of the future Metro Purple Line Station. The Project's proximity to public transit allows the Project's projected population growth to be accommodated by the City's transportation resources and decreases the time and cost of traveling as well as

vehicular demand and associated pollutants. The proposed Project would provide housing to an estimated 36 people. When added to the other likely projects within half a mile of the project site, all of the proposed projects would provide housing on to an additional estimated 369 people. As discussed above, according to the 2024 RTP/SCS, the population of the City of Los Angeles in 2019 was 3,907,200 with 1,398,600 households. The projected 2035 population growth for the area is 1,699,400 households (approximately 5,098,200 people). Collectively, the projects within half a mile of the 1904-1906 Preuss Road (including the subject project) would increase the number of households by 135 (.04% of the total projected household growth) and the number of people by 405 (.008% of the total projected population growth). Increases in population therefore would provide a small contribution to anticipated growth within the City as a whole. The anticipated increase in population is consistent with SCAG's growth projections. Because these same projections form the basis of the AQMP, it is concluded that the Project would be consistent with the projections in the AQMP. Since the Project's population growth would occur in a SCAG-designated HQTA, the Project would result in highly transportation-efficient growth, which would minimize potential growth in transportation-related emissions. As such, the Project's cumulative operational impacts to air quality would be less than significant.

Therefore, the proposed development of a 12-unit small lot subdivision and removal of two single-family homes on the Project site is not expected to result in a cumulatively considerable contribution to impacts involving other past, present, or future projects in the area.

Meyer Schwartzstein/Susan Khan Appeal Response

Dear City Council Members:
We live at 1902 Preuss Road, neighboring 1904 Preuss Road, the site of the intended construction.

Here are the facts:

1. We have solar panels on our roof which will be substantially blocked during several months of the year. The cause of this is twofold -first, the height of the intended structure and, second, the fact that the structure being built closest to our house will be built approximately 8 feet closer to the street than it is now. Our panels face west, and the house next door is to our south. The southern exposure is critical for solar access.
2. The owner acknowledges the fact that we will lose the ability to generate as much electricity as we do now.
3. We appealed to the CPC who, while sympathetic to our situation, are not empowered to decide in our favor. They asked the developer to consider our situation, but the developer has no obligation to comply with their wishes.
4. Given the age of our system, it cannot be added on to - it would need to be replaced. We have a quote of $28,000 which is available today - in the future, it will likely cost more.

We are not appealing because we want to block the development. We understand that the city has a goal to meet - and this will help it create more housing.
But the City of Los Angeles has other goals too:
1. Carbon neutrality by 2050
2. 100% renewable energy by 2045
3. Increasing the share of zero-emission vehicles on the road
4. Improving air quality
5. Enhancing urban biodiversity by increasing green spaces and planting more trees.
Are our two goals- to house our citizens and to provide a sustainable environment - mutually exclusive?
Indeed, some compromises may need to be made but there ought to be one overriding principle that governs the decision-making process:

Do no harm.

Why should citizens like my wife and I who have–invested in renewable energy, share one car, drive an electric car, have planted nearly 30 trees on our property–be forced to shell out $30,000 just to keep producing the same amount of electricity as we did 15 years ago?

Is this the message that the City of Los Angeles wants to promote? We've already accepted various compromises:
over a dozen trees will be destroyed by the development, our trees will receive less sunlight, the developer has not given us any written guarantees regarding the walls between our properties, the likely damage to our driveway gate, access to the construction crew who will likely have a daily impact on our lives

But asking us to pay for a new solar system to replace the one we already bought - that's going too far. We are asking for them to either:
cover the cost of a new solar system be installed on our house by a reputable solar installation company at the beginning of construction
pay us $30,000 in damages
revise the plans for the new build so it has no impact on our ability to produce the amount of energy our solar panels produce now

Furthermore, we suggest that the city's building code require developers to foot the bill to cover damage to investments like ours. If we do this, the City of Los Angeles will put developers on notice that the city's sustainability priorities are as important as creating new housing.

Thank you for your time and attention.
Sincerely,
Meyer Shwarzstein & Susan Kahn 1902 Preuss Road, Los Angeles, CA 90034

The Applicant, having previously commissioned a shade study to determine the effects of the proposed structures' shadows on the Appellant's property, acknowledges that during the winter months, the Appellant's rooftop solar panels may produce less electricity. There is no State or City law that obligates a developer to compensate neighboring property owners for potential effects that a new structure may have on those property owners' ability to generate solar power. However, the Applicant, sensitive to the concerns of the Appellant, offered to purchase the Appellant a battery, valued at over $5,000, in order to mitigate some of the potential lost solar generation capacity. Although this battery would not affect the solar panels' ability to collect sunlight in the winter months, it would allow the Appellant to store excess electricity produced during the daytime year-round, and use that electricity at night–an option that is not currently available with the Appellant's existing solar power equipment.

The Appellant also mentions goals that the City of Los Angeles has related to climate change and carbon neutrality. While trees play a vital role in carbon sequestration and reducing heating and cooling costs in a city, a vast amount of research–including a recent policy white paper published by Sunrise Movement LA and other local organizations–shows that densification of existing developed areas can have an even larger impact.

It states "infill housing is one of the best tools that cities and counties have to fight climate change. Building compact, walkable, and transit-oriented housing greatly reduces greenhouse gas emissions and prevents the low-density sprawl that destroys wild habitat. Denser multifamily housing is so environmentally effective that UC Berkeley's CoolClimate Network emphatically states that " infill housing is probably the single most impactful measure that cities could take to reduce their emissions," and "Compact communities produce less greenhouse gas emissions by allowing people to choose from an abundance of transportation options, including public transit, lessening their dependence on cars. Communities dominated by single-family homes require driving—even for the most mundane daily errand—because destinations are spread far apart. In contrast, location-efficient multifamily housing allows people to live closer to schools, jobs, and places of worship, encouraging walking, biking, or public transit use, drastically reducing their carbon emissions. This isn't theoretical either: research shows that every 1% increase in urban population density cuts per capita CO2 emissions by 0.8%."
From: An environmental policy white paper Infill housing & land use as a tool to fight climate change (Link).

While the Applicant can understand the inconvenience posed by new development, the Applicant has expended considerable effort working with the Appellant over the past nine months to address his concerns, and does not believe it is appropriate to compensate the Appellant beyond what was previously offered.

The Appellant's property, located at 1902 Preuss Road adjacent to the subject project site, contains a fence that is attached to a structure on the subject project site that will be demolished as part of the proposed project (as shown in the figure below). While the Applicant recognizes the inconvenience of removing the Appellant's fence as part of the development process, this removal is not a violation of any laws or regulations as the Appellant's fence clearly encroaches onto the Applicant's property. Furthermore, the Applicant has agreed - in writing to the Appellant - to replace the fence once construction of the new project has been completed.



Additionally, the Applicant has previously offered to share contact information for contractors once building permits are issued and those contractors have been hired.