



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT

City Planning Commission

Date: February 14, 2019
Time: After 8:30 a.m.*
Place: Los Angeles City Hall
Council Chamber
200 North Spring Street, Room 340
Los Angeles, CA 90012

Public Hearing: December 5, 2018
Appeal Status: Appealable to City Council.
Expiration Date: February 14, 2019

Case No.: VTT-74193-CN-1A
CEQA No.: ENV-2016-1892-EIR
SCH. 2016071049
Related Cases: VTT-74193-CN, CPC-2016-2658-
VZC-HD-CU-MCUP-ZAD-SPR
Council No.: 9 - Price
Plan Area: *At time of filing:*
Southeast Los Angeles
Existing:
South Los Angeles
Plan Overlay: South Los Angeles Alcohol Sales
Specific Plan
North University Park - Exposition
Park - West Adams Neighborhood
Stabilization Overlay
Certified NC: Empowerment Congress North Area
Neighborhood Development Council
Land Use: Community Commercial
Zone: *At time of filing:* C2-1L & R4-1L
Existing: C2-1L & RD1.5-1
Proposed: (T)(Q)C2-2D
Applicant: Ventus Group,
Representative: William F. Delvac,
Armbruster Goldsmith & Delvac LLP
Appellants: Jim Childs, West Adams Heritage
Association (WAHA)
Mitchell M. Tsai, SAJE

PROJECT LOCATION: 3900 South Figueroa Street
(3900-3972 South Figueroa Street; 3901-3969 South Flower Drive; 450 West 39th Street)

PROPOSED PROJECT: The Project involves a Vesting Tentative Tract for the merger and resubdivision of an approximately 4.4-acre (191,047 square foot) site into one ground lot and eight commercial condominium lots for a mixed-use development and to vacate a portion of the existing right of way along Flower Drive, and a Haul Route for the export of 60,800 cubic yards of soil.

REQUESTED ACTIONS:

Appeal of the entire December 7, 2018 Advisory Agency determination that:

1. Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Advisory Agency reviewed and considered the information contained in the **Environmental Impact Report** prepared for this project, which includes the Draft EIR, No. ENV-2016-1892-EIR (SCH No. 2016071049), dated October 2017, the Final EIR, dated October 2018, and Erratas, dated November 2018 (the Fig Project EIR), as well as the whole of the administrative record, and

CERTIFIED the following:

- 1) The Fig Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- 2) The Fig Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
- 3) The Fig Project EIR reflects the independent judgment and analysis of the lead agency.

ADOPTED the following:

- 1) The related and prepared Fig Project Environmental Findings;
 - 2) The Statement of Overriding Considerations; and
 - 3) The Mitigation Monitoring Program prepared for the Fig Project EIR.
2. Pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC), the Advisory Agency APPROVED: **Vesting Tentative Tract Map No. 74193-CN** for the merger and resubdivision of an approximately 4.4-acre (191,047 square foot) site into **one ground lot and eight commercial condominium lots** for a mixed-use development and to vacate a portion of the existing right of way along Flower Drive as shown on map stamp-dated August 30, 2018, and a Haul Route for the export of 60,800 cubic yards of soil; and
3. Pursuant to Section 17.03.A of the Municipal Code, the Advisory Agency DENIED WITHOUT PREJUDICE: An **Adjustment** to reduce the minimum width of passageways between buildings required pursuant to Section 12.21 C.2(b) of the Municipal Code from ten feet to five feet.

RECOMMENDED ACTIONS:

Deny the appeal, and sustain the following modified actions of the Advisory Agency in approving the project:

1. Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, Find the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, No. ENV-2016-1892-EIR (SCH No. 2016071049), dated October 2017, the Final EIR, dated October 2018, and Erratas, dated November 2018 and January 2019 (the Fig Project EIR), as well as the whole of the administrative record, and

CERTIFY the following:

- 1) The Fig Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- 2) The Fig Project EIR was presented to the City Planning Commission as a decision-making body of the lead agency; and
- 3) The Fig Project EIR reflects the independent judgment and analysis of the lead agency.

ADOPT the following:

- 1) The related and prepared Fig Project Environmental Findings;
 - 2) The Statement of Overriding Considerations; and
 - 3) The Mitigation Monitoring Program prepared for the Fig Project EIR.
2. Pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC), APPROVE: **Vesting Tentative Tract Map No. 74193-CN** for the merger and resubdivision of an approximately 4.4-acre (191,047 square foot) site into **one ground lot and eight commercial condominium lots** for a mixed-use development and to vacate a portion of the existing right of way along Flower Drive as shown on map stamp-dated August 30, 2018, and a Haul Route for the export of 60,800 cubic yards of soil; and

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3. Pursuant to Section 17.03.A of the Municipal Code, DISMISS WITHOUT PREJUDICE: An **Adjustment** to reduce the minimum width of passageways between buildings required pursuant to Section 12.21 C.2(b) of the Municipal Code from ten feet to five feet.

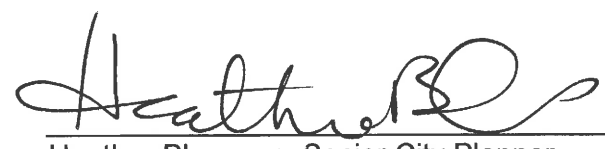
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ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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Environmental Impact Report link:

<https://planning.lacity.org/eir/TheFigProject/ThefigCoverPg.html>

PROJECT ANALYSIS

Project Background

On December 7, 2018, the Advisory Agency approved a Vesting Tentative Tract Map in connection with The Fig project proposal. The proposal involves an integrated seven-story residential, hotel, and commercial development consisting of a mix of uses totaling 620,687 square feet of floor area, including: 298 hotel guest rooms, 222 student housing units, 186 mixed-income housing units (82 units reserved for Low Income households), and approximately 96,500 square-feet of commercial uses, comprised of retail establishments, restaurants, hotel amenities, meeting spaces, and office uses; a central parking structure; and public and private recreational amenities located throughout the site and on the roof deck of the parking structure. The development would remove eight multi-family residential buildings, containing 32 residential units, within the Flower Drive Historic District as well as surface parking areas currently occupying the site. In order to develop the project, the applicant has requested several land use entitlements from the City, including a subdivision request to: merge and resubdivide the property into one ground lot and eight commercial condominium lots, to vacate a portion of Flower Drive, and a Haul Route for the export of 60,800 cubic yards of soil.

The Advisory Agency took the following actions in regard to the Vesting Tentative Tract Map for the project:

- Certified the Environmental Impact Report prepared for this project, which includes the Draft EIR, Final EIR, and Errata: ENV-2016-1892-EIR (SCH No. 2016071049), as well as the whole of the administrative record;
- Adopted Environmental Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring Program; and
- Approved a Vesting Tentative Tract Map for the merger and resubdivision of the approximately 4.4-acre site into one ground lot and eight commercial condominium lots for a mixed-use development, as well as a vacation of a portion of Flower Drive, and a Haul Route for soil export.
- Denied without Prejudice an Adjustment to reduce the minimum width of passageways between buildings.

On December 14, 2018, the entirety of the Advisory Agency action was appealed by Jim Childs, West Adams Heritage Association (WAHA) claiming to be aggrieved by the action. The appeal claims that the Advisory Agency abused its discretion in approving the tract map and certifying the Environmental Impact Report (EIR) because:

- The proposed tract map does not meet the required findings of the Subdivision Map Act.
- The EIR fails to provide adequate evidence and analysis to support the Project.
- Fails to adopt a feasible alternative that would avoid significant environmental impacts.

On December 17, 2018, a second appeal to the entirety of the Advisory Agency action was filed by Mitchell M. Tsai, SAJE, claiming to be aggrieved by the action. The appeal states:

- The proposed tract map does not meet Municipal Code standards and the required findings of the Subdivision Map Act.
- The Project is in conflict with land use regulations and design guidelines.
- The Errata to the EIR includes significant new information requiring EIR recirculation.

EIR Background

The following is a summary of the environmental review process and final impacts resulting from the proposed project. The City initiated the environmental review process for the Project in 2016, and published a Notice of Preparation (NOP) on July 18, 2016 and held a Public Scoping Meeting on August 10, 2016. The purpose of the notice and meeting were to formally convey that the City was preparing a Draft EIR for the proposed Project and to solicit public input. The Draft EIR was then circulated starting on October 12, 2017 and ending on November 27, 2017. Comments received in response to the Draft EIR, as well as revisions, clarifications, and corrections, were then published in the Final EIR and distributed on October 12, 2018. An Errata was prepared and published on November 28, 2018.

On November 7, 2018, a hearing regarding the City Planning Commission entitlement requests was held by the Hearing Officer. On December 5, 2018, a hearing regarding the Vesting Tract Map subdivision and Haul Route requests was held by the Deputy Advisory Agency. The Deputy Advisory Agency certified the EIR on December 7, 2018 in connection with its approval of the vesting tentative tract map No. VTT-74193 for the project. A second Errata was prepared and published on the City's website hosting the EIR on January 31, 2019 to clarify the conclusions of the aesthetic impacts of the project as they relate to historic resources, in the context of Senate Bill 743. The Environmental Impact Report identified impacts that would have 1) no impacts or less than significant impacts, 2) potential significant impacts that could be mitigated to less than significant, and 3) significant and unavoidable impacts. Impacts are summarized below.

Impacts found to be less than significant after mitigation include impacts to:

- Cultural Resources (Paleontological Resources)
- Noise (Construction Vibration, Project-level Increase in Ambient Noise Levels)
- Transportation/Traffic (Intersection LOS Impact at four intersections)
 - Figueroa Street & Jefferson Boulevard (A.M. peak period)
 - Figueroa Street & Exposition Boulevard (A.M. peak period)
 - I-110 SB Ramps & Martin Luther King Jr. Boulevard (A.M. peak period)
 - I-110 NB Ramps/Hill Street/Martin Luther King Jr. Boulevard (P.M. peak period)

Even with the implementation of all feasible mitigation, the project would still result in significant and unavoidable impacts to:

- Aesthetics (Operation and Views)
- Cultural Resources (Historic Resources)
- Noise (Cumulative Increase in Ambient Noise Levels)
- Transportation/Traffic (Intersection LOS at eight intersections)
 - Figueroa Street & Jefferson Boulevard (P.M. peak period)
 - Vermont Avenue & Exposition Boulevard (A.M. peak period)
 - Figueroa Street & Exposition Boulevard (P.M. peak period)
 - Figueroa Street & 39th Street/Exposition Park Drive (A.M. peak period)
 - Figueroa Street & Martin Luther King Jr. Boulevard (A.M. and P.M. peak periods, and USC Pre-Game Peak Hour)
 - Broadway & Martin Luther King Jr. Boulevard (P.M. peak period)
 - Figueroa Street & 30th Street (P.M. peak period)
 - Figueroa Street & Adams Boulevard (A.M. and P.M. peak periods).

Impacts to all other impact categories analyzed in the EIR would otherwise result in less than significant or no impacts.

The following discussion addresses the appeal points presented in the two appeals submitted. In addition to the discussion in this Staff Report, supplemental responses and documentation in response to the appeals, as well as responses to other public comments made following the release of the Final EIR, are presented and incorporated herein as *Exhibit D - Supplemental Responses to Public Comments following Release of Final EIR* of this Report.

APPELLANT 1:
JIM CHILDS, WEST ADAMS HERITAGE ASSOCIATION (WAHA)

Appeal Point 1-1

The appellant alleges that the Advisory Agency ignored the substantial public testimony by WAHA and others at the public hearing, including testimony regarding the displacement of families, removal of affordable housing, and the destruction of historic resources. The Advisory Agency's decision letter lacks acknowledgment of the testimony or facts presented.

Response to Appeal Point 1-1

PUBLIC HEARING TESTIMONY

The Staff Report for the Tract Map, which was presented to and reviewed by the Advisory Agency, includes a summary of all public testimony, including oral testimony from the related City Planning Commission entitlement case, submitted written testimony, and reports received from City agencies, and additionally references the public comments from the environmental review process. The Advisory Agency met all legal noticing requirements for a public hearing and considered public testimony, including comments on the environmental review documents, prior to the issuance of the tract map determination. Therefore, the appeal point should be dismissed.

AFFORDABLE HOUSING AND TENANT DISPLACEMENT

The appellant correctly states that the public testimony included concerns regarding tenant displacement, affordable housing, and the removal of historic resources. The Advisory Agency decision letter, Staff Report to the Advisory Agency, and the Environmental Impact Report address these concerns.

Specifically, the Staff Report and EIR both disclose that the existing eight multi-family residential buildings on-site are subject to the Rent Stabilization Ordinance (RSO). Page 8 of the Staff Report states, "the RSO is intended to protect existing tenants from excessive rent increases, while at the same time allowing landlords to increase rent each year by a fair amount. Once a tenant leaves an RSO unit, the landlord may charge market-rate rent for the next tenant, although the new rate is again protected from excessive rent increases". The project would replace 32 units subject to the RSO with 82 affordable housing units. RSO units are different from an "affordable housing unit" as defined by the Municipal Code. Affordable housing units are set at an affordable rental rate based on a percentage of Area Median Income (AMI) for a period of 55 years by a covenant and agreement. Affordable housing units can only be increased to a market-rate rent after 55 years. Affordable housing units thereby guarantee a long period of affordability; whereas RSO units can be increased to a market-rate rent at any time a tenant vacates the unit. Currently at the project site, the existing 32 apartment units are subject to the RSO, and no affordable housing units as defined by the Municipal Code are provided.

The Staff Report also states that "In addition, the Ellis Act Provisions provide other rental protections, which, among other things, require landlords to provide all tenants with 120 days' notice, or one year if the tenants lived in the accommodations for at least one year and are more

than 62 years of age or disabled, when rental units subject to the RSO are to be withdrawn from the rental market.” The project residents will receive all applicable legal protections during the removal of the Project Site’s existing units from the rental market. In addition, Condition No. 27 on page 10 of the Advisory Agency’s tract map determination explicitly reiterates existing Municipal Code regulations related to the RSO, which require tenant relocation assistance and the establishment of a relocation program in a manner consistent with Section 47.07 of the Los Angeles Municipal Code should the units be removed. Condition No. 27 also requires compliance with any tenant relocation requirements established by the Los Angeles Housing and Community Investment Department (HCIDLA).

Overall, the Project would result in a net increase in the total number of housing units on the site (from 32 units to 408 units) and would include 82 new deed-restricted affordable housing units. Concerns about the loss of rent-stabilized housing, the relocation of renters, and the direct impacts to these residents and families should not be dismissed or diminished; however, consideration of these impacts has been balanced with a consideration of the project’s potential to provide a significant amount of long-term affordable housing to benefit City residents. The provision of new housing and new affordable housing units within the Project is supported and specifically incentivized by various City plans, policies, and regulations, and the Project would help deliver the amount and type of housing desired by the City to support citywide housing goals and affordable housing needs.

While issues of affordable housing and tenant displacement are addressed overall in City plans and policies, as well as in the Staff Report for the related City Planning Commission entitlement case, the Advisory Agency’s tract map action is more narrowly focused on land use issues specifically related to the merger of lots on the site into a master lot and condominium lots. The tract map action to merge the land into a single ground lot is irrespective of whether affordable housing is provided within any structures on the site, as the physical placement of lot lines is not dictated or dependent on the economic level of tenant housing. The Subdivision Map Act findings of the Tract Map approval substantiate the fact that the tract map design is in conformance with applicable general and specific plans, as well as all technical requirements of the Municipal Code. In addition, the EIR analyzed the environmental impacts of the displacement of residents, and the environmental impacts were found to be less than significant due to the resulting net increase of housing and affordable housing. Therefore, the Advisory Agency did not err or abuse its discretion in approving the merger of the lots on site and the certification of the EIR, and the appeal point should be denied.

REMOVAL OF HISTORIC RESOURCES

The appellant also contends that historic resources were not properly considered. As fully disclosed in the Advisory Agency decision letter, Staff Report to the Advisory Agency, and the Environmental Impact Report, the eight multi-family residential buildings within the northeastern portion of the Project Site are located within the Flower Drive Historic District. The remaining 11 structures comprising the District are located off-site to the north of the Project Site, across 39th Street and on the west side of Flower Drive. The Flower Drive Historic District was determined eligible for the California Register of Historical Resources under associations with events that have made a significant contribution of the broad patterns of Los Angeles’ history and for embodying the Mediterranean Revival Style.

The Project proposes the removal of all structures and parking areas for development of the site. Although mitigation measures are included as part of the project to address this impact, the relocation of some of the structures and the demolition of the remaining buildings would nonetheless result in significant and unavoidable impacts to these historic resources.

Similarly, while issues of historic preservation are addressed overall in City plans and policies, the Advisory Agency's tract map action is more narrowly focused on land use issues specifically related to the merger of lots on the site into a master lot and condominium lots. The tract map action to merge lots does not itself result in any physical changes to the historic structures. The Subdivision Map Act findings of the Tract Map approval substantiate the fact that the tract map design is in conformance with applicable general and specific plans, as well as all technical requirements of the Municipal Code.

In addition, the proposed project and impacts to historic cultural resources were fully analyzed and disclosed in the EIR and found to be significant and unavoidable, and a Statement of Overriding Considerations was adopted as part of the Advisory Agency's action. The Advisory Agency also considered mitigations and alternatives to lessen the project's impacts, including partial-preservation and full-preservation alternatives. However, as detailed in the EIR, these alternatives that would preserve some or all of the Project Site's historic resources would also not meet some or all of the Project objectives, due to the reduction or elimination of various Project components made necessary by the reduced development footprint available. Accordingly, these alternatives were rejected as infeasible in the EIR, and substantiated with rationale and findings in the CEQA Findings (pages 81 through 90 of the tract map determination letter).

Therefore, as the Advisory Agency did not err and abuse its discretion in approving the merger of the lots on site and the certification of the EIR, the appeal point should be denied.

SUBDIVISION FINDINGS

The appellant asserts that the Tract Map does not meet the Findings of the Subdivision Map Act, and elaborates on each finding:

Appeal Point 1-2

The appellant states that the tract map does not meet the finding (a) of the Subdivision Map Act: "The proposed map is consistent with applicable general and specific plans", by lacking to recognize a number of goals from the Southeast Los Angeles Community Plan and Community Redevelopment Agency (CRA)'s Exposition University Park Redevelopment Project Area plan, including goals for the protection of low-density residential areas from encroachment of higher-density development, architectural compatibility, and historic preservation. In addition, the appellant states that the findings fail to address the newly adopted Community Plan.

Response to Appeal Point 1-2

The Southeast Los Angeles Community Plan lists a variety of goals, policies, and objectives that apply to the project. A project is considered consistent if it is consistent with the overall intent of the plans and would not preclude the attainment of its primary goals and is not required to meet every goal and objective established. The Community Plan includes goals for historic preservation and land use compatibility, as stated by the appellant, as well as other relevant goals, such as: providing greater choice and diversity in housing; locating higher density and mixed-income housing near commercial centers, transit, and services; and conserving and strengthening commercial development and the local economy. Similarly, the Community Redevelopment Agency (CRA)'s Exposition University Park Redevelopment Project Area plan lists both goals for historic preservation, as well as other goals that support the project. As stated in the Tract Map decision, Staff Report, and EIR, the tract map and project are consistent with the Community Plan and Redevelopment Plan. In addition, Condition No. 26 on page 10 of the tract map determination reiterates that the project will be subject to a regulatory review process for compliance with Community Redevelopment Agency (CRA)'s Exposition University

Park Redevelopment Project Area plan. The tract map approval is contingent upon this approval.

Specifically, as stated in the Tract Map findings, the proposed tract map is consistent with applicable general and specific plans. The Subdivision Map Act establishes that local agencies regulate and control the design of subdivisions, and the subdivision and merger of land is regulated by the Municipal Code. As the tract map meets the technical requirements of the Code, including standards for the maximum permitted density, height, and subdivision of land, the proposed map therefore demonstrates compliance with the Municipal Code as well as the intent and purpose of the General Plan with regard to density and use.

The General Plan identifies the site as within a Regional Center, typically characterized with Floor Area Ratios ranging from 1.5:1 to 6.0:1 and building heights of 6- to 20-stories (or higher), and the Community Plan designates the site for Community Commercial land uses. In addition, the final tract map is contingent on the approval of the corresponding entitlement case which includes a zone change for a uniform C2-2D commercial zoning over the entire site, which is directly in line with the Community Plan's Footnote 14 to incentivize mixed-use developments with affordable housing and student housing. The General Plan, Community Plan, and proposed zoning identify the site for high-density development, and the tract map would allow these densities and uses. In the event that the corresponding entitlement case is not approved, the project has been conditioned to apply for a map modification.

Regarding the appellant's comments that the findings do not address architectural compatibility, The Tract Map decision letter's findings on page 98 reference Sections 66418 and 66427 of the Subdivision Map Act, and expressly state:

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Section 66418 of the Subdivision Map Act defines the term "design" as follows: "Design" means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. Further, Section 66427 of the Subdivision Map Act expressly states that the "Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects".

The appellant's contention that the tract map needs be analyzed in accordance with the recently updated Community Plan is also incorrect. The tract map was deemed complete and vested on September 8, 2016, and the project is subject to regulations and standards in effect at that time. Therefore, the Map Act findings do not reference the latest update to the Southeast or South Los Angeles Community Plans, which became effective December 28, 2018. Although the appellant cites Government Code Section 66474.2(b) as reasoning for applying the new policies of the Community Plan, the section is clear in that the local agency shall only apply those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete. Although the Community Plan update was initiated before the tract map was deemed complete, a public hearing for the update with sufficient information and details relating to proposed changes to the site was not held until December 3rd and 6th of 2016, and therefore, pursuant to Section 66474.2(b)(2), the updated Community Plan does not apply. In addition, the same section provides discretion to the Advisory Agency in when it "may" apply any updated standards.

Therefore, as the Tract Map decision letter findings adequately evidence and substantiate the tract map's consistency with the general and specific plans, the appeal point should not be granted.

Appeal Point 1-3

The appellant states that the tract map does not meet finding (c) of the Subdivision Map Act: "The site is physically suitable for the proposed type of development", as the merger of the project site's lots ignores the suitability of eliminating the physical tracts comprising the Flower Drive Historic District.

Response to Appeal Point 1-3

See *Response to Appeal Point 1-1* regarding tract map impacts on the Flower Drive Historic District.

Contrary to the appellant's statement, the adopted Subdivision Map Act findings for the tract map fully substantiate the fact that the site is physically suitable for the proposed type of development. As stated in the findings, the subject site is not located in a hazardous zone, does not contain any known hazards, and the Project will be required to meet all state and local hazard design and code standards. In addition, the environmental analysis conducted for the project found that the tract map and development of the project would not result in any significant impacts in terms of geological or seismic impacts, hazards and hazardous materials, and police and fire safety. The appellant has failed to provide evidence to the contrary regarding the unsuitability of the site for development, and the appeal point should be denied.

Appeal Point 1-4

The appellant states that the tract map does not meet finding (d) of the Subdivision Map Act: "The site is physically suitable for the proposed density of development", as the findings ignore the existing R4 residential zoning of the site, the proposed RD1.5 zoning of the site, and the intent of the North University Park - Exposition Park - West Adams Neighborhood Stabilization Overlay (NSO) District.

Response to Appeal Point 1-4

The Tract Map letter of determination provides analysis and evidence in support of finding (d) of the Subdivision Map Act. As stated in the findings, the Project includes a Vesting Zone Change and Height District change to the C2-2D Zone. Approval and recordation of the final tract map is contingent upon the approval of the C2-2D Zone, as stated in Conditions No. 16 and 25 of the letter of determination. The findings address this proposed zoning of the site. The findings do not address inapplicable or hypothetical zones (such as the R4 or RD1.5 zones). If the zone change is ultimately disapproved, then a Tract Map modification or new Tract Map would be necessary, with required findings for the applicable zone.

In addition, the Tract Map findings do not require an analysis of the North University Park - Exposition Park - West Adams Neighborhood Stabilization Overlay (NSO) District, as the site is exempt from the regulations of the NSO District. As stated in the Staff Report and EIR for the project, although the Project Site is located within the boundaries of the NSO District, pursuant to Section 1 of the District Ordinance (Ordinance No. 180,218), the Project is exempt from the development regulations of the Overlay District due to its frontage along Figueroa Street. The Tract Map creates a single ground lot along Figueroa Street. Therefore, the entire site, including the unified development project established on the site, is exempt from the regulations of the NSO District.

The appellant further contends that statements within the finding which posit that “the site and the proposed density of development are generally consistent... with the surrounding community” are misleading and incorrect. The findings state, “surrounding uses are within the C2-1L, R4-1L, R4-2, and OS-1XL zones and are generally developed with commercial, multi-family residential, institutional, sports and events venue, open space uses, and surface parking lots. The Project’s floor area, density, and massing is appropriately scaled and situated given the uses in the surrounding area and along the Figueroa Corridor. The subject site is a relatively flat, in-fill lot, in a substantially developed urban area with adequate infrastructure. The area is easily accessible via improved streets, highways, and transit systems” and concludes that the site is physically suitable for the proposed density of development. The appellant does not provide evidence that the site could not physically accommodate the proposed density.

As the Advisory Agency did not err and abuse its discretion regarding the physical suitability of the site, the appeal point should not be granted.

Appeal Point 1-5

The appellant states that the tract map does not meet finding (e) of the Subdivision Map Act: “The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife in their habitat”, as the project will impact the human beings residing at the 3900 block of Flower Drive.

Response to Appeal Point 1-5

The Tract Map decision letter adequately substantiates this finding, by noting that the project is an in-fill development within an urban center, and that no biological impacts or impacts to fish, wildlife, or habitat will occur. The appellant also states concern regarding impacts to humans, which are adequately disclosed and addressed in both the Project EIR and finding (f) of the determination letter, which concludes that the design of the subdivision and the proposed improvements are not likely to cause serious public health problems. As the appeal point lacks merit, it should be denied.

Appeal Point 1-6

The appellant asserts that the negative impacts on housing resources and the Flower Drive Historic District, including cumulative analyses, were not sufficiently analyzed or mitigated. The appellant suggests that impacts to historic resources are avoidable through a 21-story hotel tower design and/or underground parking, which would provide for greater flexibility in site design and the retention of the historic district.

Response to Appeal Point 1-6

21-STORY TOWER ALTERNATIVE

Contrary to the appellant’s statement, the proposed project and impacts to historic cultural resources were fully analyzed in the EIR and found to be significant and unavoidable, and a Statement of Overriding Considerations was adopted as part of the Advisory Agency’s action. The Advisory Agency also considered mitigations and alternatives to lessen the project’s impacts, including partial-preservation and full-preservation alternatives. The Advisory Agency determined that the range of alternatives in the EIR was reasonable and met CEQA requirements. An EIR is only required to consider a reasonable range of alternatives, and is not required to analyze all iterations of alternatives suggested. The appellant’s suggestion for a 21-story alternative was addressed in the Final EIR’s Response to Comments. The 21-story alternative, which fully preserves the existing district, would be most similar to Alternative 2 analyzed in the EIR, which would similarly fully preserve the district and would result in a

reduced development footprint. The primary difference between the appellant's suggested alternative and Alternative 2 would be the height of the hotel tower. However, as detailed in the EIR, these alternatives that would preserve some or all of the Project Site's historic resources would also not meet some or all of the Project objectives, due to the reduction or elimination of various Project components made necessary by the reduced development footprint available. A 21-story alternative would also be subject to similar constraints made by the reduced development footprint available. Accordingly, these alternatives were rejected as infeasible in the EIR, and substantiated with rationale and findings in the CEQA Findings. Therefore, as the EIR adequately addressed these impacts, the appeal point should not be granted.

ORIGINAL 21-STORY TOWER DESIGN

The appellant also notes that the City's rejection of a 21-story tower design is unsubstantiated. The following provides background regarding the project's original 21-story design. The Fig Project was originally submitted to the Department of City Planning in July 2016. The initial submittal proposed a mixed-use development comprised of three components: a 21-story Hotel Component, a seven-story Student Housing Component, and a seven-story Mixed-Income Housing Component, with commercial and office uses spread throughout the ground-floor and lower levels of the three buildings. The proposal also included a central eight-story parking structure with rooftop amenities to serve the three building components, and also included the full removal of the historic resources on-site.

In the context of the surrounding low-rise neighborhood, the 21-story hotel tower proposal would have been much taller than any of the existing or proposed buildings in the area. The immediate vicinity of the site is low-rise and primarily consists of one- and two-stories buildings. A half-mile to the north, the USC campus is principally developed with six to eight story buildings, including a small number of mid-rise structures with 10 to 15 stories. The nearest tower with comparable height to the proposal (with 20 or more stories) is located near downtown Los Angeles, approximately two miles north of the site. The existing zoning (Height District 1L) along the Figueroa Street Corridor and vicinity of the site also generally limits building height to about six stories, unless permitted through a height district change in accordance with Footnote 1. In consideration of the existing low-rise neighborhood context and limits on mid-rise buildings, the hotel tower design was revised to a lower profile to create better compatibility within the neighborhood context.

The appellant did not demonstrate how a 21-story tower alternative would be compatible with the surrounding neighborhood or with the adjacent low- and mid-rise developments, including the two-story Historic District. The Advisory Agency did not err and abuse its discretion in approving the project, and the appeal point should not be granted.

HISTORIC CUMULATIVE IMPACTS

Appeal Point 1-7

The appellant alleges that the EIR fails to address cumulative impacts by not including a project proposal located at 3800 S. Figueroa Street in its cumulative analysis, and inadequately considering impacts to the northern half of the Historic District. In addition, the EIR did not address cumulative impacts to historic affordable housing within the neighborhood.

Response to Appeal Point 1-7

The EIR properly analyzed potential cumulative impacts for all environmental impact areas, including impacts to historical resources. The Draft EIR adequately analyzed and fully disclosed cumulative impacts based on assumptions of ambient growth rates and all other closely related

past, present, and reasonably foreseeable future projects known at the time of the issuance of the Notice of Preparation (NOP) on July 18, 2016, which established the baseline condition and environmental setting. The project at 3800 S. Figueroa Street had not yet been proposed at that time and was not reasonably foreseeable and was therefore not included in the analysis. On May 1, 2018, after the publication of the Draft EIR, and two years after the NOP, an application was filed for the property located at 3800 S. Figueroa Street, for a seven-story mixed-use development. Moreover, in conformance with CEQA Guidelines sections 15063(d)(2) and 15125(a), the City, as Lead Agency, has set the issuance of the NOP as the applicable cut-off date to determine baseline conditions, and CEQA does not require a lead agency to continuously update these baseline conditions or a list of related projects.

The EIR also addressed impacts to the remaining portion of the Historic District. The EIR found that impacts to the on-site historic resources would be significant and unavoidable, even after mitigation. The project does not involve any physical changes to the off-site northern portion of the district and it does not propose removal of the historic designation of the buildings on the north side of 39th Street. Other impacts to these adjacent properties, such as those from construction dust and noise and traffic levels on the adjacent streets, were also adequately disclosed and analyzed in the EIR. Therefore, the EIR's analysis was accurate regarding the consideration of the off-site portion of the Historic District.

The commenter is correct that the EIR did not include an analysis addressing cumulative impacts to the specific loss of *affordable* historic housing within the neighborhood. As explained in *Response to Appeal Point 1-1*, the on-site buildings are rent-stabilized and can be set to market-rates once a tenant vacates the unit. The project would replace the rent-stabilized units with 82 affordable housing units within a new building. An EIR is intended to analyze physical impacts to the environment, and it is unclear how the loss of a specific economic subset of historic resources would be relevant to the environmental review. In addition, the eligibility of the Historic District as a historic resource is not related to the rent-stabilized protections of the units. The EIR adequately disclosed and analyzed impacts to historic resources and impacts on population and housing displacement, and the appellant did not provide substantial evidence to contradict those analyses.

Therefore, the Project's potential cumulative impacts to historical resources were properly analyzed and the appeal point should be dismissed.

INADEQUATE MITIGATION FOR HISTORIC RESOURCES

Appeal Point 1-8

The appellant states that the EIR's mitigation measures for the relocation of historic buildings are inadequate, as the Historic District relies on it context.

Response to Appeal Point 1-8

The EIR concluded that the mitigation measures would not reduce significant unavoidable impacts to historical resources. As described in the EIR, and pursuant to CEQA, all feasible mitigation measures are to be identified and implemented, even if they do not reduce a significant impact to a less-than-significant level. Therefore, despite not being able to eliminate the Project's significant and unavoidable impacts to historical resources, mitigation measures have been identified and are required to be implemented as part of the Project. As specified in Mitigation Monitoring Program (Mitigation Measures C-1, C-2, and C-3), the Project Applicant would be required to complete historical documentation of the District, create a salvage and reuse plan, and would be required to relocate a minimum of three contributing buildings of the Historic District to a site or sites within five miles of the Project Site and make all remaining structures available to third parties for relocation and/or salvage. Nonetheless, the removal of

the structures would result in significant and unavoidable direct impacts to historic cultural resources.

Furthermore, the California State Historical Resources Commission formally determined the Flower Drive Historic District eligible for the California Register of Historical Resources under Criterion 1 for associations with events that have made a significant contribution of the broad patterns of Los Angeles' history and under Criterion 3 for embodying the distinctive characteristics of a type and period of construction; namely, the Mediterranean Revival Style. Location and setting were not the basis for the designation of the historic resource.

As the applicant has not provided any substantial evidence to contradict the EIR's conclusions regarding the significant and unavoidable impacts to historic resources and mitigations, the appeal point should be denied.

INADEQUATE ALTERNATIVES TO ADDRESS SEVERE IMPACTS

Appeal Point 1-9

The appellant contends that the EIR's range of alternatives is unreasonable and should have included a 21-story hotel tower alternative and a two-tower alternative, and an alternative that offers substantial environmental advantages and meet all of the project objectives is feasible. A lead agency is required to adopt any feasible alternatives or mitigations which substantially lessen impacts.

Response to Appeal Point 1-9

See *Response to Appeal Point 1-6* regarding feasible alternatives.

The EIR presented a reasonable range of alternatives, with findings and rationale to support the project as well as the conclusions that the alternatives are infeasible. The appellant does not provide any substantial evidence to contradict the conclusions presented in the EIR or findings, and therefore the appeal point should be dismissed.

DEVELOPER IS USING PUBLIC MONIES

Appeal Point 1-10

The appellant states that when the developer purchased the properties, he had to be aware of the historic district and their obligation to become stewards of these historic resources. In addition, public monies are being expended to finance the project, and impacts to historic and housing resources should not be subsidized.

Response to Appeal Point 1-10

The appellant's comments do not relate to the tract map entitlements or EIR and therefore the appeal point should be denied.

STATEMENT OF OVERRIDING CONSIDERATIONS

Appeal Point 1-10

The appellant argues that there is no justification for a statement of overriding considerations when an alternative exists to reduce severe impacts, and that there is no factual basis that a seven-story development is more compatible than a 21-story alternative.

Response to Appeal Point 1-10

See *Response to Appeal Point 1-6* regarding a 21-story tower design and alternative.

The proposed project and impacts to historic cultural resources were fully analyzed in the EIR and found to be significant and unavoidable, and a Statement of Overriding Considerations was adopted as part of the Advisory Agency's action. The Advisory Agency adopted the Statement of Overriding Considerations based on evidence presented in the EIR and administrative record regarding the Project's benefits, goals, and basic objectives, which have been fully considered and determined to outweigh the significant unavoidable impacts of the Project and justify the approval, adoption or issuance of all of the required permits, approvals and other entitlements for the Project and the certification of the completed Final EIR.

The Advisory Agency also considered mitigations and a reasonable range of alternatives to lessen the project's impacts, which include historic impacts, as well as traffic and noise-related impacts. The EIR also analyzed the alternatives' ability to achieve the Project's basic objectives. However, as detailed in the EIR, these alternatives that would preserve some or all of the Project Site's historic resources would also not meet some or all of the Project objectives, due to the reduction or elimination of various Project components made necessary by the reduced development footprint available. Accordingly, these alternatives were rejected as infeasible in the EIR, and substantiated with rationale and findings in the CEQA Findings. Therefore, the appeal point lacks merit.

**APPELLANT 2:
MITCHELL M. TSAI, SAJE**

SUBDIVISION FINDINGS

Appeal Point 2-1

The appellant states that the project violates the Subdivision Map Act since it is inconsistent with the Southeast Los Angeles Community Plan, the General Plan, North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay District, and the Citywide Design Guidelines. The appellant cites policies and objectives for the preservation of historic resources, neighborhood preservation, and height limits of pedestrian-oriented districts.

Response to Appeal Point 2-1

See *Response to Appeal Point 1-2* regarding the project's consistency with the general plan and specific plan.

See *Response to Appeal Point 1-4* regarding how the project site is exempt from the NSO District regulations.

Regarding the appellant's comments that the findings do not address the Citywide Design Guidelines, which govern architectural compatibility, the Tract Map decision letter's findings reference Section 66427 of the Subdivision Map Act, which expressly states that the "Design and location of buildings are not part of the map review process of condominium, community apartment or stock cooperative projects". The tract map review process is separate from issues of architectural design or compatibility, as the creation of new lots only deals with legal separation of ground or air spaces and does not subscribe or necessitate a specific architectural design.

The appellant also states that the project violates the 30-foot height limit identified by the Community Plan for pedestrian-oriented districts. Although the project is designed with pedestrian-oriented features, the Project Site is not located within a designated Pedestrian Oriented District.

As the appellant has failed to provide evidence to contradict the findings of the Tract Map or that the Advisory Agency erred or abused its discretion in approving the tract map, the appeal point should be denied.

Appeal Point 2-2

The appellant asserts that the tract map fails to comply with Code standards for maps, including failing to indicate which existing structures are to be removed, and inaccurate information about Floor Area Ratios (FAR) and zoning.

Response to Appeal Point 2-2

The submitted tentative tract map was reviewed by various City agencies for compliance with tract map standards and found to be adequate for filing. In addition, the tract map was circulated for comment from various City agencies, and recommendations for approval of the tract map with conditions were provided in all of the submitted department correspondence. The tract map determination letter includes conditions of approval from these agencies for the submittal and recordation of a final tract map. Included in the conditions of approval is Condition No. 16, which acknowledges the demolition or removal of existing on-site structures. In addition, the tract map cover page references the project components as those described in the City Planning

Commission case, which also describes the removal of the structures. Furthermore, the City has discretion in the acceptance of appropriate documents for its review.

The appellant also cites an alleged discrepancy between the identified “up to 3.3 FAR” on the tract map and the 3.24 FAR as shown on project plans and applications. If approved by the City Planning Commission at a 3.24 FAR, then the tract map is still consistent with this description, as 3.24 is “up to 3.3”. The approved zone will determine allowable FAR on the site.

The appellant further states that the C2 zoning identified over the entire site on the tract map is incorrect. The appellant accurately identified this error on the map. As clarified in the November 2018 Errata, several of the project’s application materials and City documents stated that the entire site was zoned C2-1L, relying on the zoning listed on the City’s Zone Information and Map Access System (ZIMAS). However, based on further research into City records, including records from the previous 2000 Community Plan Update (Subarea 270) and Ordinance 167,449 (Subarea 692), the eastern half of the Project Site, which includes properties in the Flower Drive Historic District, was erroneously shown on ZIMAS as C2-1L. The correct zoning should have been shown as R4-1L. The site was intended to be updated from the R4 Zone to the C2 Zone in the previous 2000 Community Plan update, but the change was never officially completed through ordinance. Nonetheless, the current Zone Change request to the C2 Zone over the entire site would bring the site into conformance with the previous and current Community Commercial land use designation. The existing site zoning is clearly set forth in the tract map approval letter, staff reports, and adopted findings. Moreover, as set forth in the Errata, the identification of R4 zoning upon a portion of the Project Site did not change any of the Project’s requested entitlements or the EIR’s determinations or impact conclusions.

None of the appellant’s assertions regarding minor errors in the tentative tract map exhibits qualify as failing to “provide materially significant information”. These also do not render the Advisory Agency decision, analysis, or findings invalid. This also does not qualify as significant new information which would require recirculation of the environmental documents under CEQA. In addition, these issues will all be corrected and remedied during the City’s review of the final tract map. Therefore, the appeal point should be denied.

ADDITIONAL REVIEW FOR MITIGATION MEASURE

Appeal Point 2-3

The mitigation measure to relocate three of the existing buildings to another site would also result in environmental impacts, requiring additional environmental review.

Response to Appeal Point 2-3

Section IV. Other CEQA Considerations of the Draft EIR included a section titled “Potentially Secondary Effects of Mitigation Measures”, which included information regarding potential impacts from implementation of Mitigation Measure C-3 for the relocation of the three buildings. Due to the minimal number of structures that are to be relocated, as well as mandated compliance with all applicable regulatory requirements, including compliance with existing zoning and development standards applicable to the relocation sites, and the presumption that the relocation would occur on infill lots that are between 0.5 and 1 acre in size, it is anticipated the relocation would qualify for a categorical exemption or Mitigated Negative Declaration under CEQA Guidelines Section 15301 or 15332. Relocation of the structures would also likely occur during off-peak traffic hours. Accordingly, the implementation of this mitigation measure is not anticipated to result in any significant secondary impacts. The appellant has also failed to provide any evidence that this mitigation measure would result in a new impact and therefore the appeal point should therefore be denied.

21-STORY TOWER ALTERNATIVE

Appeal Point 2-4

The appellant states that impacts to historic resources can be avoided through the adoption of an alternative, such as the 21-story tower alternative.

Response to Appeal Point 2-4

See Response to Appeal Point 1-6 regarding a 21-story alternative.

The EIR presented a reasonable range of alternatives, with findings and rationale to support the project as well as the conclusions that the alternatives are infeasible. The appellant does not provide any substantial evidence to contradict the conclusions presented in the EIR or findings, and therefore the appeal point should be dismissed.

CHANGES FROM ERRATA REQUIRING RECIRCULATION

Appeal Point 2-5

The appellant claims that the November 2018 Errata to the EIR presents significant new information, including revisions to the project zoning, height, and new mitigation measures, thereby requiring revision and recirculation of the EIR.

Response to Appeal Point 2-5

See Response to Appeal Point 2-2 regarding revisions to zoning and conclusions of the Errata.

Regarding the revised project height identified in the November 2018 Errata, the Project's requested vesting zone and height district change included an increase in allowable height to a maximum of 90 feet. Based on iterative review of the project plans, the building heights in the Errata were slightly modified according to Municipal Code definitions. For example, the roof level of the structure is improved with various hotel and residential amenity areas, including enclosed fitness center and lounge spaces, which constitute floor area. Since these occupied roof-level areas constitute a story under the LAMC, the parking structure is required to be considered under the LAMC as eight stories in height, although only seven above-ground levels of parking are provided. No changes were made to the proposed physical height of any of the proposed Project structures, including the Project's hotel, residential, or parking structure components, or to the proposed use of any of the Project's structures. In addition, no new impacts would result from this reclassification of previously identified roof areas to an additional story. Accordingly, revisions to the EIR to reflect the LAMC-measured building heights and an eight-story parking structure do not require any new or revised analysis of the Project or any change in the EIR's impact determinations.

The appellant's claim that the November 2018 Errata presents new mitigation measures requiring recirculation is incorrect. As specifically explained in the Errata, the Errata included a modification to a Project Design Feature. PDF-J.1, which required that a Construction Traffic Management Plan be implemented, and listed several suggested measures for inclusion in the Plan. A letter from an LAUSD school was received after the release of the Final EIR, requesting that specific consideration be provided for the school in the PDF. The Errata modified the PDF to include language specifying that the developer contact and coordinate with the LAUSD during construction activities. The Errata further substantiated that the EIR's conclusions regarding project impacts as they relate to the school, would remain unchanged and less-than-significant with the implementation of this feature.

In accordance with CEQA, and as substantiated in the Errata, these clarifications and changes do not require recirculation of the environmental documents. The appellant failed to demonstrate otherwise and the appeal point should be denied.

Conclusion

Upon careful consideration of the appellants' points, the appellants have failed to adequately disclose how the City erred or abused its agency discretion. In addition, no new substantial evidence was presented that City has erred in its actions relative to the EIR and the associated entitlements. The appellants have raised no new information to dispute the Findings of the EIR or the Advisory Agency's actions on this matter. Therefore, it is recommended that the appeals be denied.

In addition to denial of the appeal, Staff recommends the following two modifications to the Advisory Agency's action in certifying the EIR and approving the Vesting Tentative Tract Map. The first modification would correct the language of the Advisory Agency's action in dismissing the Adjustment request as part of the Tract Map, and the second modification would include the January 2019 Errata as part of the environmental documentation.

Adjustment for Building Passageways Clarification

As part of the applicant's entitlement request for a tract map, the applicant also requested approval an Adjustment to reduce the width of passageways between buildings to no less than five feet under the authority of the Advisory Agency, pursuant to Los Angeles Municipal Code Section 17.03. As stated in the Tract Map Staff Report, "Planning staff recommends dismissing without prejudice the request for reduced passageways between buildings, as the Project's design identifies contiguous buildings without separated areas necessitating the request". At the December 5, 2018 public hearing, the Advisory Agency agreed with the recommended actions outlined in the Staff Report, including dismissal of the Adjustment request. However, the Advisory Agency letter of determination for the tract map erroneously stated that the request was "denied without prejudice", rather than "dismissed without prejudice", and therefore, it is recommended to correct the grant language as follows:

Pursuant to Section 17.03 of the Municipal Code, the Advisory Agency **DENIED DISMISSED** WITHOUT PREJUDICE: An Adjustment to reduce the width of passageways between buildings required pursuant to Section 12.21. C.2(b) of the Municipal Code from ten feet to five feet.

Errata to the Environmental Impact Report

In addition, the CEQA-related actions should be modified to include the January 2019 Errata as part of the Environmental Impact Report, as follows:

Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, Find the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, No. ENV-2016-1892-EIR (SCH No. 2016071049), dated October 2017, the Final EIR, dated October 2018, and Erratas, dated November 2018 **and January 2019** (the Fig Project EIR), as well as the whole of the administrative record, and...

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

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PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

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Mailing Date: December 7, 2018

Appeal Period Ends: December 17, 2018

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Cast Real Estate Holdings, LP (Owner)
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Los Angeles, CA 90014

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Armbruster Goldsmith & Delvac LLP
William Delvac / Todd Nelson (Representative)
12100 Wilshire Boulevard
Los Angeles, CA 90025

Vesting Tentative Tract Map No. 74193-CN

Address: **3900 S. Figueroa Street**
(3900-3972 South Figueroa Street; 3901-
3969 South Flower Drive; 450 West 39th
Street)

Council District: 9 - Price

Existing Zone: C2-1L and R4-1L

Proposed Zone: (T)(Q)C2-2D

Community Plan: Southeast Los Angeles

Related Case: CPC-2016-2658-VZC-HD-CU-MCUP-
ZAD-SPR

Environmental Case: ENV-2016-1892-EIR
(SCH. 2016071049)

Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, No. ENV-2016-1892-EIR (SCH No. 2016071049), dated October 2017, the Final EIR, dated October 2018, and Errata, dated November 2018 (the Fig Project EIR), as well as the whole of the administrative record, and

**VTT-74193-CN-1A : EXHIBIT A
VTTM Determination**

CERTIFIED the following:

- 1) The Fig Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- 2) The Fig Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
- 3) The Fig Project EIR reflects the independent judgment and analysis of the lead agency.

ADOPTED the following:

- 1) The related and prepared the Fig Project Environmental Findings;
- 2) The Statement of Overriding Considerations; and
- 3) The Mitigation Monitoring Program prepared for the Fig Project EIR (Exhibit B).

Pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC), the Advisory Agency **APPROVED**:

Vesting Tentative Tract Map No. 74193-CN for the merger and resubdivision of an approximately 4.4-acre (191,047 square foot) site into **one ground lot and eight commercial condominiums lots** for a mixed-use development and to vacate a portion of the existing right of way along Flower Drive as shown on map stamp-dated August 30, 2018 (Exhibit A), and **a Haul Route** for the export of 60,800 cubic yards of soil; and

Pursuant to Section 17.03.A of the Municipal Code, the Advisory Agency **DENIED WITHOUT PREJUDICE**:

An Adjustment to reduce the minimum width of passageways between buildings required pursuant to Section 12.21 C.2(b) of the Municipal Code from ten feet to five feet.

The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property. For an appointment with the Development Services Center call (213) 482-7077, (818) 374-5050, or (310) 231-2901.

The Advisory Agency's approval is subject to the following conditions:

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

NOTE on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

(Additional BOE Improvement Conditions are listed in "Standard Condition" section on page 14)

1. That a 5-foot wide strip of land be dedicated along 39th Street to complete a 15-foot wide sidewalk area in accordance with **Avenue I of the LA Mobility Plan** including 20-foot radius property line returns or 15-foot by 15-foot cut corners at the intersections with Figueroa Street and with Flower Drive.
2. That a variable width strip of land in the vicinity of lots 8, 9 and 10 of Block 15 of Zobelein's Grand Avenue and Figueroa Street Tract be dedicated along portion of the Flower Drive to complete a 25-foot half public street right-of-way.
3. That the City Department of Transportation in a letter to City Engineer after approval by Planning department shall determine that the excess public street merger along Flower Drive is not necessary for future public street and has no objection to the merger.
4. That Department of the City Planning in a letter to the City Engineer shall also determine that the proposed merger area along Flower Drive is consistent with all applicable General Plan Elements of Highway and Circulation Elements for LA Mobility Plan.
5. In the event City Department of Transportation and Department of Planning in letters to City Engineer **(after the approval of the Advisory Agency)** state that they have no objections to the street area merger then that portion of the Flower Drive and as shown on the revised tentative map stamp dated August 30, 2018, then any excess public right-of-way beyond 25-foot wide measured from the Center line of Flower Drive under City jurisdiction be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
 - a. That consents to the street area being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
 - b. That satisfactory arrangements be made with all utility agencies maintaining existing facilities within the area being merged.
6. That suitable evidence be submitted prior to the recordation of the final map showing that the relinquishment of the existing cul-de-sac area owned by the State of California and adjoining the tract under Council File No.17-1002 to the City of Los Angeles be completed in a manner satisfactory to the City Engineer. If this relinquishment is not granted to the City as a public right-of-way then the subdivider shall purchase the property satisfactory to the City Engineer prior to the recordation of the final map. **Above relinquishment shall be completed prior to the recordation of the final map.**
7. In the event that the **existing cul-de-sac** owned by the State of California has been relinquished to the City of Los Angeles as a public right-of-way under Council File No.17-1002 then this right-of-way be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
 - a. That consents to the street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
 - b. That satisfactory arrangements be made with all utility agencies maintaining existing facilities within the area being merged.

8. That an approximately 45-foot wide and variable width strip of land be dedicated in the vicinity of lots 12, 13 and 14 of Block 15 of Zobelein's Grand Avenue and Figueroa Street Tract for the southerly extension of the Flower Drive within the tract property ownership in accordance with Local Limited Standards on an alignment satisfactory to the City Engineer.
9. That an approximately 45-foot wide **off-site** public right-of-way be dedicated over lots 15, 16, 17 and 18 Block 15 of Zobelein's Grand Avenue and Figueroa Street Tract for the southerly extension of the Flower Drive to join the existing Flower Drive improvements before the intersection with Martin Luther King Jr. Boulevard all in an alignment satisfactory to the City Engineer. **Above off-site public street dedication shall be completed by a separate instrument prior to the recordation of the final map.**
10. That in the event the off-site dedications for the southerly extension of Flower Drive to Martin Luther King Jr. Boulevard cannot be obtained prior to the recordation of the final map, then a revised be map submitted for Advisory Agency approval showing revised tract and street layout.
11. That the subdivider make a request to the central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
12. That all existing public easements including State of California easements if applicable shall be shown on the final map.
13. That any surcharge fee in conjunction with the street merger requests be paid.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

14. Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.
15. The Tract Map recorded with the County Recorder shall contain the following statement; "The approval of this Tract Map shall not be construed as having been based upon geological investigation such as will authorize the issuance of building permits on the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits."

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

16. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site, apart from any such violations that may exist in connection with the existing structures on the subject site that will be demolished or removed prior to project construction. In addition, the following items shall be satisfied:
 - a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
 - b. Specify on the map the proposed uses and the number of units of the project and density shall comply with the proposed **(T)(Q)C2-2D** zone or obtain approval from the Department of City Planning.
 - c. Provide a copy of (T), (Q) and D condition(s). Show compliance with the above condition(s) as applicable or Department of City Planning approval is required.

- d. Provide a copy of affidavit AFF-9982, AFF-10934, and AFF-20680. Show compliance with all the conditions/requirements of the above affidavit(s) as applicable. Termination of above affidavit(s) may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
- e. Provide a copy of CPC case CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR. Show compliance with all the conditions/requirements of the CPC case(s) as applicable.
- f. Hotel uses are not allowed within 500 ft. of an R Zone. Revise the Map to show compliance with the above requirement or obtain condition use permit approval from the Department of City Planning.
- g. The proposed map shall comply with the Transitional Height per LAMC Sec. 12.21.1 A.1 (10) or obtain approval from the Department of City Planning.
- h. Zone Change must be recorded prior to obtaining Zoning clearance.
- i. The submitted Map dimensions do not agree with ZIMAS. Provide survey and Map documents establishing current property lines and lot dimensions.
- j. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).

Notes:

The submitted Map may not comply with the number of parking spaces required by Section 12.21 A4 (a) based on number of habitable rooms in each unit. If there are insufficient numbers of parking spaces, obtain approval from the Department of City Planning.

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

The existing or proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

Backup space for parking space with less than 26'-8" shall provide sufficient parking stall width and garage door opening width to comply with the current Zoning Code requirement.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Eric Wong at (213) 482-6876 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

17. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
- a. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line when driveway is serving less than 100 parking spaces. A minimum of 40-foot reservoir space be provided between any security gates(s) and the property line when driveways serve more than 100 parking spaces. A minimum of 60-foot reservoir space be provided between any security gates(s) and the property line when driveways serves more than 300 parking spaces, or to the satisfaction of the Department of Transportation.
 - b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
 - c. Nonresidential Parking will be provided in a central above ground parking garage on Flower Drive. Vehicle access to and from the hotel will be provided by a porte cochere on 39th Street and a driveway on Flower Drive to the parking garage.
 - d. Vehicle access for the housing component will be via a single driveway on Figueroa Street with all movements except for left turn out, and two driveways on Flower Drive. A loading area will be off Flower Drive.
 - e. The Project shall comply with mitigation measures described in the traffic assessment letter (DOT Case No. CEN 18-47228 and CEN 16-44396) dated June 17, 2018 to the attention of Luciralia Ibarra, Senior City Planner Department of City Planning.
 - f. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street, Room 550. For an appointment, call (213) 482-7024.
 - g. That a fee in the amount of \$205 be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

FIRE DEPARTMENT

18. Prior to the recordation of the final map, plot plans shall be submitted for Fire Department approval and review, including:
- a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
 - b. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field inspector (Refer to FRB Req #75).
 - c. 505.1 Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
 - d. The entrance to a Residence lobby must be within 50 feet of the desired street address curb face.
 - e. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire

lane to the main entrance of individual units.

- f. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- g. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- h. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
- i. **2014 City of Los Angeles Fire Code 503.1.4 (Exception):**
 - When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.
 - It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
 - This policy does not apply to single-family dwellings or to non-residential buildings.
- j. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150 ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend unto the roof.
- k. Entrance to the main lobby shall be located off the address side of the building.
- l. Any required Fire Annunciator panel or Fire Control Room shall be located within 50 ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- m. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- n. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- o. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- p. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
- q. Submit plot plans indicating access road and turning area for Fire Department approval.

- r. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- s. Standard cut-corners will be used on all turns.
- t. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.
- u. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- v. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- w. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- x. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communications systems.
- y. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing pads are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full FAA-approved helicopter landing pad.
- z. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.

Note: The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6543. You should advise any consultant representing you of this requirement as well.

DEPARTMENT OF RECREATION AND PARKS

- 19. That the Quimby Fee be based on the **C2 zone**. (The application for the Vesting Tentative Tract Map was deemed complete on September 8, 2016.)

DEPARTMENT OF WATER AND POWER

- 20. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1(c).)

- a. Prior to receiving water service, the developer must arrange for the Department to install fire hydrants.
- b. Conditions under which water service will be rendered: Pressure regulators will be required in accordance with Los Angeles City Plumbing Code for the following lot(s) where pressures exceed 80 psi at the building pad elevation: Min 71 psi, Max: 89 psi.
- c. Existing water mains are located in or adjacent to this tract as follows:
 - i. 16-inch water main in Figueroa Street
 - ii. 8-inch water main in 39th Street
 - iii. 6" water main in Flower Dr. (N)
- d. Los Angeles Fire Department Requirements: New fire hydrants and/or updates to existing fire hydrants are required in accordance with the Los Angeles Fire Code.
 - i. Install one 2½-inch x 4-inch D.F.H. on the east side of Figueroa Street, approximately 300 feet SS 39th Street.
 - ii. Install one 2½-inch x 4-inch D.F.H. on the east side of Figueroa Street. Approximately 590 feet SS 39th Street.

BUREAU OF STREET LIGHTING

Note: See Condition S-3(c) for Street Lighting Improvement conditions.

BUREAU OF SANITATION

21. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

INFORMATION TECHNOLOGY AGENCY

22. To assure that cable television facilities will be installed in the same manner as other required improvements, please email cabletv.ita@lacity.org that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of 3 people in case the applicant/owner has any additional questions.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

23. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards and the MyFigueroa standards, as applicable.

Replacement by a minimum of 24-inch box trees in the parkway and on the site of to be removed, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Advisory Agency. **Note:** Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Urban Forestry Division at: (213) 485-5675. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

24. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- a. Limit the proposed development to up to 298 guest rooms, 222 student housing units, 186 dwelling units, 55,326 square feet of retail/restaurant uses, 20,364 square feet of office, and 7,203 square feet of meeting rooms, totaling up to 620,687 square feet of floor area.
 - b. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
25. Prior to the issuance of the building permit or the recordation of the final map, a copy of the CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR is not approved, the subdivider shall submit a tract modification.
26. That the subdivider shall make suitable arrangements for clearance with the CRA/LA for the Exposition / University Park Redevelopment Project area.
27. Rent Stabilization Ordinance
- a. The project shall comply with any tenant relocation requirements established by HCIDLA. Enforcement shall be the responsibility of HCIDLA.
 - b. The applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to provide tenant relocation assistance and establish a relocation program in a manner consistent with Section 47.07 of the Los Angeles Municipal Code relating to demolition, as required by the Housing Community Investment Department. The covenant and agreement shall be executed and recorded within 10 days after the expiration of the appeal period (and final action thereon) and a copy provided to each eligible tenant within five days of recordation of the covenant and agreement.
 - c. Within 10 days after the time to appeal has expired, the applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to the affirmative duty to abide by all provisions of the Rental Stabilization Ordinance.
28. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider to the following haul route conditions:

Haul Route General Conditions

- a. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times shall provide reasonable control of dust caused by wind, at the sole discretion of the grading inspector.
- b. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.

- c. The Emergency Operations Division, Specialized Enforcement Section of the Los Angeles Police Department shall be notified at least 24 hours prior to the start of hauling, (213) 486-0777.
- d. Loads shall be secured by trimming or watering or may be covered to prevent the spilling or blowing of the earth material. If the load, where it contacts the sides, front, and back of the truck cargo container area, remains six inches from the upper edge of the container area, and if the load does not extend, at its peak, above any part of the upper edge of the cargo container area, the load is not required to be covered, pursuant to California Vehicle Code Section 23114 (e) (4).
- e. Trucks and loads are to be watered at the import site to prevent blowing dirt and are to be cleaned of loose earth at the import site to prevent spilling.
- f. Streets shall be cleaned of spilled materials during grading and hauling, and at the termination of each workday.
- g. The owner/contractor shall be in conformance with the State of California, Department of Transportation policy regarding movements of reducible loads.
- h. The owner/contractor shall comply with all regulations set forth by the State of California Department of Motor Vehicles pertaining to the hauling of earth.
- i. A copy of the approval letter from the City, the approved haul route and the approved grading plans shall be available on the job site at all times.
- j. The owner/contractor shall notify the Street Services Investigation and Enforcement Division, (213) 847-6000, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations. Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division prior to effecting any change.
- k. Hauling vehicles shall not stage on any streets adjacent to the project, unless specifically approved as a special condition in this report.
- l. Hauling vehicles shall be spaced so as to discourage a convoy affect.
- m. This approval pertains only to the City of Los Angeles streets. Those segments of the haul route outside the jurisdiction of the City of Los Angeles may be subject to permit requirements and to the approval of other municipal or governmental agencies and appropriate clearances or permits is the responsibility of the contractor.

Haul Route Specific Conditions

- n. The hauling operations are restricted to the hours between 9:00 a.m. and 4:00 p.m. on Monday through Saturday. No hauling is permitted on Sundays or City holidays. Haul vehicles may not arrive at the site before the designated start time.
- o. Loaded haul vehicles travelling from the Project Site shall turn left (south) onto Figueroa Street, turn left (east) on to Martin Luther King Jr. Drive, turn left (north) onto I-110, north on Interstate 5, north on State Route 2 to State Route 134 heading east, and exit at Figueroa Street to arrive at the Scholl Canyon Landfill, 7721 N. Figueroa Street, Los Angeles.
- p. Empty haul vehicles traveling to the Project Site facility shall utilize the same travel path in reverse.
- q. A total of approximately 78 loaded truck trips per day will occur over an estimated 90 days of hauling.
- r. The approved haul vehicles are semi-trailer bottom-dump trucks (10-wheel) or smaller.
- s. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the adjacent residential streets.
- t. The total amount of dirt to be hauled shall not exceed 60,800 cubic yards.
- u. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction
- v. A minimum of two flag attendants, each with two-way radios, will be required during hauling hours to assist with staging and getting trucks in and out of the project area. Additional flag attendants may be required by the LADBS Inspector, LADOT, or BOSS to mitigate a hazardous situation (e.g. blind curves, uncontrolled intersections, narrow portions of roads or where obstacles are present). Flag attendants and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."

- w. A surety or cash bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 100 S. Main St. 9th Floor, Los Angeles, CA, 90012. Further information regarding the bond may be obtained by calling 213-972-4990.

29. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (including the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1454.
- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

30. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but

not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

DEPARTMENT OF CITY PLANNING - ENVIRONMENTAL MITIGATION MEASURES

31. The project shall be in substantial conformance with the mitigation measures in the attached MMP and stamped "Exhibit B" and attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the mitigation measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact.

If the Project is not in substantial conformance to the adopted mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Tract Map Modification unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
- (k) That no public street grade exceeds 15%.
- (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.

S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:

- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
- (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

IMPROVEMENT CONDITION: No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights; nine (9) on Figueroa Street, three (3) on 39th Street and six (6) on Flower Drive.

Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the

reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (213-485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - a. Improve Flower Drive adjoining the subdivision by the construction of the following:
 - (1) A concrete curb, a concrete gutter, and a 5-foot wide concrete sidewalk and landscaping of the parkway or a 10-foot wide sidewalk with tree wells.
 - (2) Suitable surfacing to join the existing pavement and to complete a 15-foot half roadway, if necessary.
 - (3) Any necessary removal and reconstruction of existing improvements.
 - (4) The necessary transitions to join the existing improvement.
 - b. Improve the southerly extension of Flower Drive on-site and off-site by the construction of the following:
 - (1) Concrete curbs, concrete gutters, and a 5-foot wide concrete sidewalk along easterly side and 10-foot wide sidewalk along the westerly side.
 - (2) Suitable surfacing to join the existing pavement and to complete a 30-foot wide total roadway.
 - (3) Any necessary removal and reconstruction of existing improvements.
 - (4) The necessary transitions to join the existing improvement.
 - (5) Reconstruct any off-site driveway if necessary.
 - c. Improve Figueroa Street adjoining the subdivision by the construction of a new full-width concrete sidewalk with tree wells if necessary including any necessary removal and reconstruction of existing improvements.

- d. Improve 39th Street adjoining the subdivision by the removal and reconstruction of the existing sidewalk to provide new full width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvement.
- e. Improve all newly dedicated corner cuts with concrete sidewalks. In addition, provide a 25-foot radius curb return at the corner of Figueroa Street and 39th Street satisfactory to the City Engineer.
- f. Construct 8-off-site curb ramps in 39th Street being relinquished to the City from Caltrans under CF 17-1002 satisfactory to the City Engineer.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units.

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05-N.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

FINDINGS OF FACT (CEQA)

I. INTRODUCTION

This Environmental Impact Report (EIR), consisting of the Draft EIR, Final EIR, and Errata is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and impacts of The Fig Project (Project), located at 3900 South Figueroa Street (Site or Project Site). The Project is a mixed-use development comprised of three components (a Hotel Component, a Student Housing Component, and a Mixed-Income Housing Component) containing a total of 298 hotel rooms, 222 student housing units, and 186 mixed-income dwelling units, as well as retail, restaurant, and office uses, with a maximum floor area of 620,687 square feet, a total floor area ratio (FAR) of 3.25:1, and a commercial FAR of 0.50:1.

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of implementation of The Fig Project by preparing an environmental impact report (EIR) (Case Number ENV-2016-1892-EIR/State Clearinghouse No. 2016071049). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 14, Division 6, Chapter 3 (the "CEQA Guidelines"). The findings discussed in this document are made relative to the conclusions of the EIR.

CEQA Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." CEQA Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See CEQA Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

- 1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final Environmental Impact Report for the project as fully set forth therein. Although Section 15091 of the CEQA Guidelines does not require findings to address

environmental impacts that an EIR identifies as merely “potentially significant”, these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project.

For each significant environmental impact analyzed in the EIR, the following information is provided:

- Description of Significant Effects - A description of the environmental effects identified in the EIR, including a judgment regarding the significance of the impact.
- Project Design Features - A list of the Project Design Features that are included as part of the Project (numbering of the features corresponds to the numbering in the EIR).
- Mitigation Measures - A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts (numbering of the mitigation measures correspond to the Mitigation Monitoring Program, which is included as Section IV of the Final EIR).
- Finding - One or more of the three possible findings set forth above for each of the significant impacts, per Public Resources Section 21081(a) and CEQA Guidelines Section 15091(a).
- Rationale for Finding - A summary of the rationale for the finding(s).
- Reference - A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines §15093, 15043[b]; see also CEQA § 21081[b].)

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR, Final EIR, and Errata are available on the Department of City Planning's website at <http://planning.lacity.org> (to locate the documents click on the “Environmental Review” tab on the left-hand side, then “Final EIR,” and click on the Project title, where the Draft and Final EIR are made available). The Draft and Final EIR are also available at the following four Library Branches:

- Los Angeles Central Library - 630 W. Fifth Street, Los Angeles, CA 90071;
- Junipero Serra Branch Library - 4607 S. Main Street, Los Angeles, CA 90037;
- Exposition Park Regional Branch Library - 3900 S. Western Avenue, Los Angeles, CA 90062

II. ENVIRONMENTAL DOCUMENTATION BACKGROUND

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

Initial Study. The Project was reviewed by the Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of the CEQA (PRC 21000 et seq.). The City prepared an Initial

Study in accordance with Section 15063(a) of the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.).

Notice of Preparation. Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on July 18, 2016, and ending on August 18, 2016. The NOP also provided notice of a Public Scoping Meeting held on August 10, 2016. The purpose of the NOP and Public Scoping Meeting was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. Written comment letters responding to the NOP and the Scoping Meeting were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

Draft EIR. The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of four alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2016071049), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 45-day public comment period beginning on October 12, 2017, and ending on November 27, 2017. A Notice of Availability (NOA) was distributed on October 12, 2017 to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at City Hall, Department of City Planning, and the following local libraries: Los Angeles Central Library, Junipero Serra Branch Library, and Exposition Park Regional Branch Library. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on October 12, 2017.

Notice of Completion. A Notice of Completion was sent with the Draft EIR to the Governor's Office of Planning and Research State Clearinghouse for distribution to State Agencies on October 12, 2017, and notice was provided in newspapers of general and/or regional circulation.

Final EIR. The City released a Final EIR for the Project on October 11, 2018, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section II, Responses to Comments, of the Final EIR. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

Errata. An Errata was completed on November 28, 2018 to make minor corrections and clarifications to the EIR. The Errata addressed corrections to the existing zoning of the Project Site, clarified the Community Plan update boundary changes and the height of the buildings and parking structure, and provided clarifying language regarding LAUSD coordination for the Construction Management Program identified in Project Design Feature J-1 of the Final EIR's Mitigation Monitoring Program (MMP). The Errata states that this information does not represent significant new information that would affect the analysis or conclusions presented in the Final EIR.

Public Hearing. The Hearing Officer on behalf of the City Planning Commission held a duly noticed public hearing for the Project on November 7, 2018 and by the Deputy Advisory Agency on December 5, 2018.

III. DESCRIPTION OF THE PROJECT

The Fig Project (Project) is located at 3900 South Figueroa Street in the Southeast Los Angeles Community Plan area of the City of Los Angeles, just south of downtown Los Angeles. The Project Site is an approximately 4.4-acre site comprised of surface parking areas and residential uses adjacent to Exposition Park and near the University of Southern California's University Park Campus. There are currently eight multi-family residential buildings containing a total of 32 dwelling units within approximately 33,720 square feet of residential floor area located on the northeastern portion of the Project Site fronting Flower Drive. These residential buildings are subject to the City's Rent Stabilization Ordinance (RSO) and are part of the Flower Drive Historic District (Historic District), which includes a grouping of 19 multi-family buildings (two of which are non-contributing) that were constructed between 1920 and 1927. Of the eight residential buildings within the Project Site, seven are contributors to the Historic District. The remainder of the Project Site is developed with surface parking lots that include approximately 385 parking spaces.

The Project would remove the eight existing multi-family residential buildings and surface parking areas from the Project Site in order to construct a new mixed-use development. The Project is comprised of three components: a Hotel Component, a Student Housing Component, and a Mixed-Income Housing Component. The Hotel Component would include 298 guest rooms, 15,335 square feet of retail and restaurant uses, 13,553 square feet of shared guest and public amenities, and 7,203 square feet of public meeting spaces. The Student Housing Component would include 222 student housing units and 32,991 square feet of retail and restaurant uses. The Mixed-Income Housing Component would include 186 dwelling units (82 of which would be restricted to Low Income households earning no more than 80 percent of the Area Median Income), 20,364 square feet of creative office space, and 7,000 square feet of retail and restaurant uses. Each component of the Project would be contained within a separate seven-story building with a maximum building height of 83 feet. The Hotel Component would also include one basement level containing the hotel's meeting facilities and back-of-house uses. All three components would be served by a central eight-story above-ground parking structure, containing one subterranean parking level and a rooftop amenity level, with a maximum building height of 90 feet. Upon completion, the Project would result in up to 620,687 square feet of new floor area, a total maximum floor area ratio (FAR) of 3.25:1, and a commercial FAR of 0.50:1.

The Project will locate new hotel lodging, student housing, and mixed-income housing as well as neighborhood-serving retail and restaurant uses and new office space in close proximity to Exposition Park, the University of Southern California, and the Expo light rail line. Project construction is anticipated to occur over an approximate period of 18 months and would result in approximately 60,800 cubic yards of export material and soil removal from the Project Site. The Project incorporates the principles of smart growth and environmental sustainability, as evidenced by its mixed-use nature, proximity to transit and walkable streets, and the presence of existing infrastructure needed to service the proposed uses. In addition, the Project would incorporate features to support and promote environmental sustainability, including compliance with the City of Los Angeles Green Building Code and California Green Buildings Standards Code, and the inclusion of electric vehicle charging capabilities and electric vehicle charging stations. In so doing, the new buildings would be capable of achieving Leadership in Energy and Environmental Design (LEED) Silver status.

IV. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT PRIOR TO MITIGATION OR LESS THAN SIGNIFICANT

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and regulatory compliance measures) and that require no mitigation are identified below. The City has reviewed the record and has determined that the following environmental impact categories will not result in any significant impacts and that no mitigation measures are needed, and no additional findings are needed. This information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

SB 743

Public Resources Code (PRC) Section 21099 (SB 743), provides 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.” However, impacts to historic or cultural resources are not exempt. As set forth in the EIR, the Project is a mixed-use project on an infill site within a transit priority area. Therefore, pursuant to PRC Section 21099, the Project’s aesthetic impacts (other than those correlating to the Project’s identified impacts on historic resources), are not significant. However, the following provides a description of the Project’s impacts for informational purposes only. The Project’s significant and unavoidable aesthetic impacts on historical resources, are discussed under “significant and unavoidable impacts”

Aesthetics

Scenic Resources

As discussed in Section IV.A, Aesthetics of the Draft EIR, The Project Site is not located with a designated scenic highway. Therefore, the Project would not damage scenic resources, including trees, rock outcroppings, historic buildings, or other natural features within a designated scenic highway. Therefore, no impacts to scenic resources within a scenic highway would occur.

Shade/Shadow

Construction

Construction activities would not result in any shade or shadow impacts. Therefore, aesthetic impacts associated with construction would be less than significant.

Operation

As shown in the shadow diagrams provided in Section IV.A, Aesthetics, Views, Light and Glare, and Shading, of Draft EIR, shadow-sensitive residential uses north of the Project Site, including contributing buildings to the Flower Drive Historic District, would be shaded by the Project’s proposed buildings for more than three hours between the hours of 9:00 A.M. and 3:00 P.M. Pacific Standard Time during the winter solstice (between early November and early March). However, in accordance with SB 743, shading impacts would not be considered significant, and no mitigation measures would be required. Moreover, the Project’s potential shade/shadows cast upon the contributors to the Historic District would not alter their eligibility as contributors, and would therefore not constitute a significant impact to a historic resource. Therefore, impacts related to shading would not be significant.

Light and Glare

Construction Impacts

As described in Section IV.A, Aesthetics, Views, Light and Glare, and Shading, of the Draft EIR, through compliance with LAMC Section 41.40's limitation on hours of construction, as well as with incorporation of Project Design Feature A-3 (limitation of illumination for safety and security purposes only and shielding and/or aiming requirements so that no direct beam illumination is provided outside of the Project Site boundary), light resulting from construction activities would not significantly impact off-site sensitive uses, substantially alter the character of off-site areas surrounding the construction area, adversely impact day or nighttime views in the area, or substantially interfere with the performance of an off-site activity. In addition, there would be a negligible potential for daytime or nighttime glare associated with construction activities to occur. Based on the above, lighting and glare associated with Project construction would not substantially alter the character of off-site areas surrounding the Project Site. Moreover, per SB 743, aesthetic impacts shall not be considered significant impacts on the environment, and no mitigation measures would be required.

Operational Impacts

The Project's proposed lighting sources would be similar to other lighting sources in the Project vicinity and would not generate artificial light levels that are out of character with the surrounding area. As provided in Project Design Feature A-7, all exterior lighting would be shielded and/or directed toward the areas to be lit, interior to the Project Site, to avoid light spillover onto adjacent sensitive uses. Project lighting and signage would also meet all applicable LAMC lighting standards, and lighting to highlight the Project's signage would be shielded or directed toward the areas to be lit to avoid creating off-site glare.

Project Design Feature A-8 requires that glass used in building façades shall be anti-reflective or treated with an anti-reflective coating in order to minimize glare. Thus, daytime glare attributable to the Project would be controlled, and Project development would not incorporate substantial amounts of highly reflective building materials or signage. Based on the above, lighting and glare associated with Project operation would not substantially alter the character of off-site areas surrounding the Project Site. Moreover, per SB 743, aesthetic impacts shall not be considered significant impacts on the environment, and no mitigation measures would be required.

Cumulative Impacts

The Project would remove eight existing buildings from the Project site that are within the boundaries of the Flower Drive Historic District, which would reduce the size of the historic district, potentially altering the integrity of the district or its eligibility as a historic resource. However, the nearest related projects (Related Project Nos 15 and 21) would not affect buildings within the historic district. Thus, while the Project would impact the historic district, cumulative impacts would not occur. Moreover, under SB 743, other aesthetic cumulative impacts shall not be considered significant impacts on the environment. Therefore, Project cumulative aesthetic impacts related to would not be significant.

Project Design Features

The City finds that the Project Design Features A-1 through A-9 are specific design and/or operational characteristics incorporated into the Project that would avoid or reduce its potential environmental effects. The Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

Project Design Feature A-1: Temporary construction fencing shall be placed along the periphery of the active construction areas to screen the construction activity from view at the street level, and to keep unpermitted persons from entering the construction area.

Project Design Feature A-2: The Project Applicant shall ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways that are accessible/visible to the public, and that such temporary barriers and walkways are maintained in a visually attractive manner (i.e., free of trash, graffiti, peeling postings and of uniform paint color or graphic treatment) throughout the construction period.

Project Design Feature A-3: Light sources associated with Project construction shall be shielded and/or aimed so that no direct beam illumination is provided outside of the Project Site boundary. However, construction lighting shall not be so limited as to compromise the safety of construction workers.

Project Design Feature A-4: New on-site utilities that may be required to serve the Project shall be installed underground, where practical.

Project Design Feature A-5: Mechanical, electrical, and roof top equipment, as well as building appurtenances, shall be screened from public view.

Project Design Feature A-6: Trash areas associated with the proposed buildings shall be enclosed or otherwise screened from view from public rights-of-way.

Project Design Feature A-7: All new outdoor lighting required for the Project shall be shielded and directed towards the interior of the Project Site such that the light source does not project directly upon any adjacent property.

Project Design Feature A-8: Glass used in building façades shall be anti-reflective or treated with an anti-reflective coating in order to minimize glare.

Project Design Feature A-9: The Project Applicant shall remove the existing three billboards on-site and shall not include off-site signs.

Conclusion

With the implementation of the Project Design Features identified above and compliance with existing regulations, the Project would not result in significant impacts related to scenic vistas, scenic resources within a state scenic highway, shade/shadow, visual character during construction, views during construction, light and glare, and cumulative impacts. In addition, potential aesthetic impacts associated with the Project, outside of impacts to historic resources, cannot be determined significant impacts by law. Therefore, no mitigation measures were included in the EIR.

Agricultural and Forest Resources

The Project Site is located in an urbanized area of the City. No agricultural uses or operations occur onsite or in the vicinity of the Project Site. In addition, the project site and surrounding area are not mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency Department of Conservation. The project site is also not zoned for agricultural use and no agricultural zoning is present in the surrounding area. Furthermore, the Project Site and surrounding area are not enrolled under a Williamson Act Contract. Additionally, the project site does not include any forest or timberland, is not zoned for forestland, and is not

used as forestland. As such, the project will not convert farmland to a non-agricultural use; will not conflict with any zoning for agricultural uses or a Williamson Act Contract; will not conflict with existing zoning for, or cause rezoning of, forest land or timberland as defined in the applicable sections of the Public Resources Code; will not result in the loss or conversion of forest land; and will not result in the conversion of farmland to non-agricultural use. Therefore, no impacts to agricultural and forest resources will occur. This impact will also be clearly insignificant and unlikely to occur.

Air Quality

Conflict with or Obstruct Implementation of an Applicable Air Quality Plan

The Southern California Air Quality Management District's (SCAQMD) Air Quality Management Plan (AQMP) includes projections for achieving air quality goals. These projections are based on assumptions prepared by the Southern California Association of Governments (SCAG) regarding population, housing, and growth trends, which are provided in the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS). A project is consistent with the AQMP in part if it is consistent with the population, housing, and employment assumptions of the 2016 RTP/SCS that were used in the development of the AQMP. As detailed in Section IV.B, Air Quality, of the Draft EIR, the Project's levels of population and employment growth are consistent with the population and employment forecasts adopted by SCAG, and therefore consistent with the projections in the AQMP.

Additionally, the Project would help achieve a portion of the household growth forecast for the City, while also being consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of vehicle miles traveled (VMT) as called for in the 2016 RTP/SCS. In addition, the Project will comply with all applicable SCAQMD rules and regulations. Therefore, impacts regarding consistency with applicable air quality management plans are less than significant.

Air Quality Standards

Regional Construction Emissions

As shown by Table IV.B-4 of the Draft EIR, construction-related daily maximum regional construction emissions (i.e., combined on-site and off-site emissions) would not exceed the South Coast Air Quality Management District (SCAQMD) significance thresholds. Therefore, regional construction emissions resulting from the Project would result in a less than significant short-term impact.

Localized Construction Emissions

The Project would not produce emissions exceeding SCAQMD's recommended localized standards of significance, as shown by Table IV.B-5 of the Draft EIR. As a result, construction of the Project would not produce any local violation of air quality standards or contribute substantially to an existing or projected air quality violation, and Project impacts would be less than significant.

Regional Operational Emissions

As set forth in Table IV.B-6 of the Draft EIR, the Project's operational emissions would not exceed SCAQMD's regional significance thresholds for VOC, NO_x, CO, PM₁₀, and PM_{2.5} emissions. Therefore, Project impacts related to regional operational emissions would be less than significant.

Localized Operational Emissions

The Project would emit minimal onsite emissions of NO₂, CO, PM₁₀, and PM_{2.5}, which would not exceed any of the SCAQMD's localized significance thresholds, as shown by Table IV.B-7 of the Draft EIR. Therefore, with respect to localized operational emissions, air quality impacts would be less than significant.

Sensitive Receptors

Construction Toxic Air Contaminants (TACs)

Since the Project's construction schedule estimates that the phases which require the most heavy-duty diesel vehicle usage, such as site grading/excavation, would last for a much shorter duration (e.g., approximately 5 months), construction of the Project would not result in a substantial, long-term (i.e., 70-year) source of TAC emissions. In addition, there would be no residual emissions or corresponding individual cancer risk after construction. As such, Project-related TAC impacts during construction would be less than significant.

Operational Toxic Air Contaminants (TACs)

Diesel particulate matter from commercial delivery trucks and the land uses associated with the Project are not considered land uses that generate substantial TAC emissions. Based on SCAQMD guidance, the Project is not considered to be a substantial source of diesel particulate matter warranting a refined. As the Project would not contain substantial TAC sources and is consistent with CARB and SCAQMD guidelines regarding TAC sources in proximity to existing sensitive land uses, potential TAC impacts would be less than significant.

Carbon Monoxide Hotspots

In addition, neither construction nor long-term operations of the Project would result in exceedances of CO air quality standards at roadways in the area. Therefore, the Project does not trigger the need for a detailed CO hotspots model and would not cause any new or exacerbate any existing CO hotspots. As a result, impacts related to localized mobile-source CO emissions are considered less than significant.

Objectionable Odors

No objectionable odors are anticipated as a result of either construction or operation of the Project. Odors associated with Project operation would be limited to those associated with on-site waste generation and disposal and occasional minor odors generated during food preparation activities. Impacts with regard to odors would be less than significant.

Cumulative Impacts

Construction

The Project would comply with regulatory requirements, including SCAQMD Rule 403 requirements. Per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, all construction projects Air Basin-wide would comply with these same requirements and would also implement all feasible mitigation measures when significant impacts are identified.

According to the SCAQMD, individual construction projects that exceed the SCAQMD's recommended daily thresholds for project-specific impacts would cause a cumulatively considerable increase in emissions for those pollutants for which the Air Basin is in non-attainment. Construction-related daily emissions at the

Project Site would not exceed the SCAQMD's regional and localized significance thresholds and would therefore have a less-than-significant impact with regard to regional and localized emissions and impacts would not be cumulatively considerable.

Similar to the Project, the greatest potential for TAC emissions at each related project would generally involve diesel particulate emissions associated with heavy equipment operations during demolition and grading/excavation activities. Construction activities at each related project would not result in a long-term (i.e., 70-year) substantial source of TAC emissions. Additionally, the SCAQMD CEQA guidance does not require a HRA for short-term construction emissions. As such, cumulative TAC emission impacts during construction would be less than significant.

Operation

According to the SCAQMD, if an individual project results in air emissions of criteria pollutants that exceed the SCAQMD's recommended daily thresholds for project-specific impacts, then the project would also result in a cumulatively considerable net increase of these criteria pollutants. Operational emissions from the Project would not exceed any of the SCAQMD's regional or localized significance thresholds during Project build-out and would not be cumulatively considerable.

With respect to TAC emissions, neither the Project nor any of the related projects (which primarily include residential, retail/commercial, office, and hotel uses) would represent a substantial source of TAC emissions. The Project and related projects would be consistent with the recommended screening level siting distances for TAC sources, as set forth in CARB's Land Use Guidelines, and the Project and related projects would not result in a cumulative impact requiring further evaluation. The Project and each of the related projects would likely generate minimal TAC emissions. As such, cumulative TAC emissions during long-term operations would be less than significant. In addition, the Project would not result in any substantial sources of TACs that have been identified by the CARB's Land Use Guidelines, and thus, would not result in a cumulatively considerable impact or a cumulatively significant impact.

Project Design Features

The City finds that the Project Design Features to support and promote environmental sustainability as discussed under Section IV.E, Greenhouse Gas Emissions, of the Draft EIR, while designed primarily to reduce greenhouse gas emissions, will also serve to reduce criteria air pollutants. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

Conclusion

With the implementation of the PDF's identified above and compliance with existing regulations, the Project would not result in significant impacts associated with air quality. Therefore, no mitigation measures are required.

Biological Resources

Candidate, Sensitive, Special Status Species

No species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service are located on the Project Site. In addition, because of the urbanized nature of the Project Site and Project vicinity, the

Project Site does not support habitat for candidate, sensitive, or special status species. Therefore, the Project would have no substantial adverse effects on candidate, sensitive, or special status species.

Riparian Habitat or Federally Protected Wetlands

No riparian or other sensitive natural community exists on the Project Site or in the immediate surrounding area. Therefore, the Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community. No impact to riparian habitat or other sensitive natural community will occur.

Federally Protected Wetlands

No Federally Protected wetlands exists on the Project Site or in the immediate surrounding area. Therefore, the Project will not have a substantial adverse effect.

Movement of Native Resident, Migratory Fish or Wildlife Species

No water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the project site or in the immediate vicinity of the Project Site. Therefore, the Project would not have an adverse effect on federally protected wetlands.

Local Policies or Ordinances Protecting Biological Resources

No locally protected biological resources, such as oak trees or California walnut woodlands, or other trees protected under the City of Los Angeles Protected Tree Ordinance exist on the Project Site. The Project would be required to replace any significant, non-protected trees through the City's review and permitting process. Therefore, the Project would not conflict with local policies or ordinances protecting biological resources, and impacts are less than significant.

Adopted Habitat Conservation Plans

The Project Site is not located within a habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan. Therefore, the Project would not conflict with the provisions of any adopted conservation plan, and no impact would occur.

Cultural Resources

Historical Resources

The Project Site includes a portion of the Flower Drive Historic District, which is eligible for the California Register and considered a historical resource under CEQA. The Project would result in the demolition of eight out of 19 buildings that currently comprise the Historic District. Seven of the buildings proposed for removal are contributors to the Historic District. The Project would also be located across 39th Street from the remaining portion of the Historic District, and would introduce a new visual element to the setting of the Historic District. Removal of the portion of the Historic District would result in significant impacts to historic cultural resources (see "Significant and Unavoidable Impacts" Section for further discussion on direct impacts).

Indirect Impacts

As discussed in the Appendix C - Historical Resources Report, of the Draft EIR, and Section IV.C Cultural Resources of the Draft EIR, of the seven factors of integrity that could diminish the Historic District's

eligibility, the two most relevant to new construction in the vicinity of a historical resource are setting and feeling. However, when the Historic District was determined eligible for listing in the California Register in 2008, it was already lacking in integrity of setting and feeling. Therefore, the Project would diminish the integrity of setting and feeling of the Historic District, but not to the degree that it would no longer be eligible for listing in the California Register since it was previously determined that setting and feeling were not essential factors of integrity for the Historic District. As such, the Project would have a less than significant indirect impact on the remaining portion of the Historic District. The Historical Resources Report considered impacts to the Los Angeles Memorial Coliseum to the west and the Zobelein Estate to the north. These historical resources are physically and visually separated from the Project Site by other buildings and roadways. Due to their physical and visual distance from the Project Site, the Historical Resources Report concluded that there is no potential for the Project to alter the physical characteristics that convey the significance of these historical resources, or their immediate surroundings. Therefore, the Project would not result in indirect impacts to historical resources in the vicinity of the Project Site and mitigation measures would not be required.

Cumulative Impacts

Although impacts to historic resources tend to be site-specific, cumulative impacts would occur if the Project, related projects, and other future development within the Community Plan area affected local resources with the same level or type of designation or evaluation, affected other structures located within the same historic district, or involved resources that are significant within the same context as the Project. There is one historical resource, the Flower Drive Historic District, located on and adjacent to the Project Site. Since none of the related projects is located within the immediate vicinity of or the boundaries of the Flower Drive Historic District, the related projects would not have the potential result in further impacts to the Flower Drive Historic District.

On May 1, 2018, after the publication of the Draft EIR, an application was filed for the property located at 3800-3818 South Figueroa Street, for a seven-story mixed-use development comprised of approximately 9,800 square feet of ground floor retail space and 79 multi-family residential units. This project site is adjacent to the northern portion of the Flower Drive Historic District. The EIR adequately analyzed cumulative impacts based on assumptions of ambient growth rates and all other closely related past, present, and reasonably foreseeable future projects known at the time of the issuance of the Notice of Preparation (NOP) on July 18, 2016, which established the baseline condition and environmental setting. The project at 3800 South Figueroa Street had not yet been proposed at that time and was not reasonably foreseeable, and was therefore not included in the analysis. Moreover, in conformance with CEQA, the City, as Lead Agency, has set the issuance of the NOP as the applicable cut-off date to determine baseline conditions, and CEQA does not require a lead agency to continuously update these baseline conditions or a list of related projects. Furthermore, all Project development would remain on-site and, as described above, impacts to potential historic resources located within the vicinity of the Project Site would not occur. Therefore, Project impacts to the Flower Drive Historic District and to historic resources within the vicinity of the Project would not be cumulatively considerable, and cumulative impacts would be less than significant.

Archaeological Resources

The results of the archaeological records search indicate that there are no identified archaeological resources within the Project Site and two archaeological resources located within a 0.5-mile radius of the Project Site. While these findings do not preclude the potential for an archaeological site to be identified during construction activities associated with the Project, it is unlikely since the Project Site has previously been graded as part of previous construction activities. Nonetheless, if an archaeological resource were to be discovered during construction of the Project, then work in the area would cease, and deposits would be treated in accordance with federal and state regulatory requirements, including those set forth in California

Public Resources Code Section 21083.2 with respect to any unique archaeological resource. Compliance with all required regulatory measures would ensure that any potential impacts related to archaeological resources would be less than significant.

Human Remains

As previously indicated, the Project Site has been previously graded and developed. Nonetheless, the Project Site would require excavation that would extend into native soils. However, if human remains were discovered during construction of the Project, work in the immediate vicinity would be halted, the County Coroner, construction manager, and other entities would be notified per California Health and Safety Code Section 7050.5, and disposition of the human remains and any associated grave goods would occur in accordance with Public Resources Code Section 5097.91 and 5097.98, as amended. Compliance with all required regulatory measures would ensure that any potential impacts related to human remains would be less than significant.

Geology and Soils

Surface Ground Rupture

As described in Section IV.D, Geology and Soils, of the Draft EIR, as well as the Geotechnical Investigation prepared for the Project, there are no active faults with the potential for surface fault rupture that are known to pass directly beneath the Project Site, and the potential for surface rupture due to faulting occurring beneath the Project Site is considered low. Thus, the Project would not exacerbate existing conditions and impacts associated with surface rupture from a known earthquake fault would be less than significant, and no mitigation measures are required.

Strong Seismic Ground Shaking

The potential impacts related to seismic ground shaking at the Project Site would not be exacerbated by the Project because the Project would not involve mining operations, deep excavation into the earth, or boring of large areas creating unstable seismic conditions that would exacerbate ground shaking. Based on the Geotechnical Investigation, which contains preliminary recommendations for the type of engineering practices that would be used to minimize risks associated with seismic shaking, the Project Site is suitable for development of the Project, and the Project may be constructed using standard, accepted, and proven engineering practices in consideration of the seismic ground shaking potential and geologic conditions at the Project Site. In addition, the Project must demonstrate compliance with the applicable State and City regulatory compliance measures, including the preparation of a final, site-specific geotechnical report subject to LADBS review and approval, pursuant to LAMC Section 91.7006. Therefore, impacts pertaining to strong seismic ground shaking would be less than significant.

Seismic-related Ground Failure and Liquefaction

The Project Site is not located in an area that has been identified by the State as being potentially susceptible to liquefaction. In addition, according to the CGS, the Project Site is not located within a liquefiable area. Furthermore, as noted in the Geotechnical Investigation, local groundwater depths were reported at approximately 80 feet below ground surface and groundwater was not encountered during exploration at the Project Site to a depth of approximately 101.5 feet below ground surface. Therefore, based on these considerations, the Geotechnical Investigation concluded that the potential for liquefaction, lateral spreading, and seismically-induced settlement to occur on the Project Site is low. As such, the Project would not exacerbate existing environmental conditions related to liquefaction and lateral spreading, and impacts associated with liquefaction would be less than significant and no mitigation measures are

required.

Landslides

The Project Site is not located within a City-designated Hillside Grading Area, is not subject to the City's Hillside Ordinance, and is not located in a City-designated Landslide area. Additionally, the Project Site is located in a relatively flat area and is not in close proximity to any mountains or steep slopes. As such, there is no potential for landslides to occur on or near the Project Site. Therefore, the Project would not expose people or structures to potential substantial adverse effects involving landslides and no impact would result.

Soil Erosion or Loss of Topsoil

Construction activities would include ground-disturbing activities (e.g., excavation, grading, soil stockpiling, foundation construction, the installation of utilities) that would temporarily expose soils. However, all grading activities would require grading permits from LADBS, which would include requirements and standards designed to limit potential impacts associated with erosion. Finally, once construction activities are completed, the Project Site would be covered in impervious surfaces, landscaping, and completed with drainage control measures that would reduce the potential for erosion. Once constructed, the proposed development would include drainage control features in accordance with local and regional requirements to ensure that stormwater is managed in a way that minimizes the potential for erosion or sedimentation. Therefore, with adherence to applicable regulations, substantial soil erosion or the loss of topsoil during Project construction and operation would not occur. In addition, the Project would not cause or accelerate natural processes of wind and water erosion. Impacts would be less than significant.

Lateral Spreading, Subsidence, Liquefaction, Collapse

The Project would not be located on a geologic unit or soil that is unstable, or that would become unstable, and the Project would not result in any on- or off-site lateral spreading, subsidence, liquefaction or collapse caused in whole or in part by exacerbation of the existing environmental conditions. Impacts during Project construction or operation would be less than significant.

Expansive and Corrosive Soils

Near-surface soils, which are characterized as silty sand, have very low expansion potential. The Project would not exacerbate existing environmental conditions and increase the expansion potential of the soils. Therefore, impacts related to expansive soils would be less than significant, and no mitigation measures are required.

The on-site near-surface soils underlying the Project Site were found to have a corrosive potential for ferrous metal. Thus, the Geotechnical Investigation recommends that measures be included to address corrosion potential, including the use of non-ferrous pipe or protective measures to separate ferrous pipes from on-site soils, and the retention of a corrosion expert to provide additional potentially required protective measures for underground metal protection. With implementation of the geotechnical report recommendations, as required by City of Los Angeles regulations and LAMC Section 91.7006, the Project would not exacerbate existing conditions related to corrosive soils. Impacts would be less than significant and no mitigations measures are required.

Septic Tanks

The Project Site is located in an urbanized area where wastewater infrastructure is currently in place. The Project would connect to existing infrastructure and would not use septic tanks or alternative wastewater disposal systems. Therefore, no impact would occur.

Landform Alteration

There are no distinct and prominent geologic or topographic features (i.e., hilltops, ridges, hillslopes, canyons, ravines, rock outcrops, water bodies, streambeds, or wetlands) on the Project Site or vicinity. Therefore, the Project would not destroy, permanently cover, or materially and adversely modify any distinct and prominent geologic or topographic features. Impacts associated with landform alteration would not occur and no mitigation measures are required.

Cumulative Impacts

Due to the site-specific nature of geological conditions (i.e., soils, geological features, subsurface features, seismic features, etc.), geology impacts are typically assessed on a project-by-project basis, rather than on a cumulative basis. Nonetheless, cumulative growth (inclusive of the 28 related projects identified in Section III, Environmental Setting, of this Draft EIR) through the Project's anticipated build-out year, would expose a greater number of people to seismic hazards. However, as with the Project, related projects and other future development projects would be subject to established guidelines and regulations pertaining to building design and seismic safety, including those set forth in the California Building Code and Los Angeles Building Code. With adherence to applicable regulations, the Project's impacts with regard to geology and soils would not be cumulatively considerable and cumulative impacts with regard to geology and soils would be less than significant.

Conclusion

Impacts related to geology and soils were determined to be less than significant because adherence to regulatory requirements (including review and approval of the Final Geotechnical Report) and applicable building codes would adequately reduce potential geotechnical impacts. Therefore, no mitigation measures are required.

Greenhouse Gas Emissions

Greenhouse Gas Emissions Generation and Plan Consistency

In the absence of any adopted, quantitative threshold, and consistent with the California Supreme Court's decision in the *Center for Biological Diversity v. California Department of Fish and Wildlife* case, the EIR appropriately utilized the following significance threshold: the Project would not have a significant effect on the environment if it is found to be consistent with the applicable regulatory plans and policies to reduce GHG emissions including the emissions reduction measures discussed within CARB's Climate Change Scoping Plan, SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS); and the City of Los Angeles' LA Green Plan.

The Draft EIR included a comparison of Project emissions to the "no implementation of emission reduction measures" (NIERM) scenario but did not use this comparison as a significance threshold. Instead, the reduction in GHG emissions in comparison to the NIERM scenario reflect the measures set forth in the applicable GHG reduction plans and policies and demonstrate the efficacy of these measures.

As set forth in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR, construction and operation of the Project would result in GHG emissions from area and mobile sources, as well as emissions associated with

energy generation and utility provision. When taking into consideration implementation of Project Design Features identified in the EIR, (Project Design Feature E-1 for specific mandatory requirements of achieving LEED Silver Rating, Project Design Feature E-2 for prohibition of natural gas fireplaces installed in the residences, and Project Design Features E-3 and E-4 regarding electric vehicle (EV) parking), as well as the requirements set forth in the City of Los Angeles Green Building Code and the full implementation of current state mandates, the GHG emissions for the Project would equal 78 MTCO₂e per year during construction and 6,745 MTCO₂e per year during operation of the Project with a combined net total of 6,824 MTCO₂e per year. Overall, the Project would result in GHG emissions that represent an approximate 57-percent reduction from the NIERM scenario, demonstrating the efficacy of those GHG reduction measures in applicable plans and policies.

In addition, Tables IV.E-14, IV.E-15, and IV.E-16 of the Draft EIR provide an evaluation of applicable reduction actions/strategies by emissions source category to determine how the Project complies with or exceeds the reduction actions/strategies outlined in the Climate Change Scoping Plan, the 2016-2040 RTP/SCS, and the LA Green Plan. The Project would also comply with performance-based standards included in the Green Building Code.

The Project's consistency with these applicable regulatory plans and policies to reduce GHG emissions, along with implementation of project design features would minimize the Project's GHG emissions and render GHG impacts less than significant.

Cumulative Impacts

In the case of global climate change, a cumulative impact analysis differs from other environmental issues areas. The proximity of the Project to other related projects or other GHG emission generating activities is not directly relevant to the determination of a cumulative impact because climate change is a global condition. According to CAPCOA, "GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective." Moreover, although the State requires MPOs and other planning agencies to consider how region-wide planning decisions can impact global climate change, there is currently no established non-speculative method to assess the cumulative impact of proposed independent private-party development projects.

The State CEQA Guidelines specify that compliance with a GHG emissions reduction program renders a cumulative impact insignificant. Per State CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project will comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project.

As discussed above, the Project would be consistent with applicable GHG emissions reduction plans and policies discussed within CARB's Climate Change Scoping Plan, SCAG's 2016 RTP/SCS, and the City's LA Green Plan, and Green Building Code. As a result, the Project would be consistent with the State's goals and result in a GHG emissions profile that is consistent with State GHG reduction plans. In accordance with CEQA requirements, related projects would be required to demonstrate consistency with applicable GHG emissions reduction plans and policies and provide appropriate mitigation in accordance with CEQA requirements to mitigate significant impacts. The Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. In the absence of adopted numerical significance thresholds, and given this consistency, it is concluded that the Project's impacts are not cumulatively considerable.

Project Design Features

The City finds that Project Design Features E-1 through E-4 are specific design and/or operational characteristics incorporated into the Project that would avoid or reduce its potential environmental effects. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

Project Design Feature E-1: The design of the new buildings shall incorporate features to be capable of achieving at least Silver certification under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED)-NC® v2009. Such LEED® features shall include energy-efficient buildings, a pedestrian- and bicycle-friendly site design, and water conservation measures, among others.

Project Design Feature E-2: No natural gas fueled fireplaces shall be installed in the residences.

Project Design Feature E-3: A minimum of 20 percent of the total code-required parking spaces for the project shall be capable of supporting future electric vehicle supply equipment (EVSE). Project plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles (EVs) at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Only raceways and related components are required to be installed at the time of construction. When the application of the 20 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

Project Design Feature E-4: A minimum of 5 percent of the total code-required parking spaces shall be equipped with EV charging stations. Project plans shall indicate the proposed type and location(s) of charging stations. Plan design shall be based on Level 2 or greater EVSE at its maximum operating capacity. When the application of the 5 percent requirement results in a fractional space, round up to the next whole number.

Conclusion

With the implementation of PDFs E-1 through E-4, Project and cumulative impacts related to greenhouse gas emissions are less than significant and no mitigation measures are required.

Hazards and Hazardous Materials

Routine Transport, Use or Disposal of Hazardous Materials

Construction

Construction activities required for the Project would involve trenching, excavation, grading, and other ground-disturbing activities. The construction activities would temporarily require the use of equipment and would use potentially hazardous materials such as fuels, lubricants, glues, solvents, paints, thinners, or other chemicals. Such materials would be used only in quantities typically associated with the construction of a commercial development and would be transported, handled, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Construction in conformance with standard regulatory compliance measures is adequate to reduce the potential risk hazards associated with construction activities. Accordingly, the Project would not increase the probable frequency or severity of consequences to people or property from the potential exposure to hazardous substances. Therefore,

construction of the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant.

Operation

Operations of the Project would consist of typical and common activities associated with operation of mixed-use hotel, residential, and commercial development. No hazardous materials would be utilized during day-to-day operation of the Project other than typical housekeeping, restaurant, vehicle, pool, and landscape maintenance materials such as cleaning supplies, paints, oil, grease, pesticides, herbicides, water disinfectants, fertilizers. The use of these materials would be in small quantities and in accordance with the manufacturers' instructions for transport, use, storage, and disposal. Compliance with these standard practices avoids substantial exposure hazards. Therefore, operation of the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant.

Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials in the Environment

Construction

Although a former gas station operated on the northwest corner of the Project Site from 1954 to 1969, there are no underground storage tanks or significant buried objects within the Project Site. In addition, there is no evidence of aboveground storage tanks on-site. Furthermore, VOCs were not detected above the laboratory reporting limits in the soil samples, and the levels of total petroleum hydrocarbons (TPH) and semi-volatile organic compounds (SVOC) detected do not pose a threat to human health or the environment. Two pole-mounted transformers are located in the center of the Project Site. No leaks or stains were observed on the ground beneath the transformers during the site reconnaissance. Thus, the transformers are unlikely to represent an environmental concern. Based on the age of the on-site buildings (constructed in 1920s), asbestos-containing materials may be present on-site. Furthermore, in accordance with SCAQMD Rule 1403, the Project Applicant would be required to conduct a comprehensive asbestos survey prior to demolition, subject to approval by LADBS. In the event that asbestos-containing materials are found within areas proposed for demolition (e.g., the residential buildings), suspect materials would be removed by a certified asbestos abatement contractor in accordance with applicable regulations. Based on the age of the on-site buildings (constructed in 1920s), it is also likely that lead-based paint is present on-site. In the event that lead-based paint is found within areas proposed for demolition, suspect materials would be removed in accordance with procedural requirements and regulations for the proper removal and disposal of lead-based paint prior to demolition activities. Any hazardous materials encountered would be removed in accordance with all applicable federal, state, and local regulations. Therefore, with compliance with applicable regulations, impacts related be less than significant and no mitigation measures are required.

Operation

Operations of the Project would consist of the typical and common activities associated with operation of a mixed-use residential, hotel, and commercial development. No hazardous materials would be utilized during day-to-day operation of the Project other than typical housekeeping, restaurant, vehicle, pool, and landscape maintenance materials such as cleaning supplies, paints, oil, grease, pesticides, herbicides, water disinfectants, fertilizers. The use of these materials would be in small quantities and in accordance with the manufacturers' instructions for transport, use, storage, and disposal of such products. Therefore, operation of the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Hazardous Emissions or Materials within One-Quarter Mile of a School

The EIR identified the nearby Dr. Theodore T. Alexander Science Center School (located approximately 0.25 mile north of the Project Site) as a sensitive receptor for purposes of assessing potential significant impacts. Construction and operation of the Project would not result in significant hazardous emissions or materials. As such, it is concluded that the Project would result in no impacts related to hazardous materials at any existing or proposed schools within a one-quarter mile radius of the Project Site. This impact will also be less than significant.

List of Hazardous Materials Sites under Government Code Section 65962.5

The Project Site is not considered a hazardous materials site. The Project Site is not on the Cortese list (compiled pursuant to Government Code Section 65962.5). The historical use of the site has not resulted in a significant threat to human health. Therefore, the Project would not be located on a site which is included on a list of hazardous materials sites and would not, as a result, create a significant hazard to the public or the environment. Impacts are less than significant.

Public and Private Airport Safety Hazards

The Project Site is not within an airport land use plan and it is not within two miles of a public use airport or private airstrip. As a result, the Project would not result in a safety hazard to people residing or working within an airport land use plan or within two miles of an airport, and no impact would result.

Impair Implementation or Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan

The Project Site is located in an established urban area that is well served by the surrounding roadway network. While it is expected that the majority of construction activities for the Project would be confined on-site, short-term construction activities may temporarily affect access on portions of adjacent streets during certain periods of the day. In these instances, the Project would implement traffic control measures (e.g., construction flagmen, signage, etc.) to maintain flow and access. Furthermore, in accordance with City requirements, the Project would develop a Construction Management Plan (PDF J-1), which includes designation of a haul route, to ensure that adequate emergency access is maintained during construction. Therefore, construction is not expected to result in inadequate emergency access. In addition, operation of the Project would generate traffic in the Project vicinity and would result in some modifications to access from the streets that surround the Project Site. Nonetheless, the Project is required to provide adequate emergency access and to comply with Los Angeles Fire Department (LAFD) access requirements. Subject to review and approval of site access and circulation plans by the LAFD, the Project would not impair implementation or physically interfere with adopted emergency response or emergency evacuation plans. Since the Project would not cause an impediment along the City's designated emergency evacuation route, nor would the proposed uses impair the implementation of the City's emergency response plan, the Project would have a less than significant impact with respect to these issues. This impact will also be less than significant.

Wildland Fires

The Project Site is located in the highly urbanized downtown area of Los Angeles. No wildlands are present on the Project Site or surrounding area. Therefore, the Project would not expose people or structures to a significant risk involving wildland fires.

Cumulative Impacts

Development of the Project in combination with the related projects has the potential to increase the risk for an accidental release of hazardous materials. Each of the related projects would require evaluation for potential threats to public safety, including those associated with the use, storage, and/or disposal of hazardous materials, asbestos-containing materials, lead-based paint, PCBs, and oil and gas and would be required to comply with all applicable local, state, and federal laws, rules and regulations. Since environmental safety issues are largely site-specific, this evaluation would occur on a case-by-case basis for each individual project affected, in conjunction with development proposals on these properties. Therefore, with full compliance with all applicable local, state, and federal laws, rules and regulations, as well as implementation of site-specific recommendations for the related projects, cumulative impacts related to hazards and hazardous materials would be less than significant.

Hydrology and Water Quality

Violate Water Quality Standards or Waste Discharge Requirements or Otherwise Degrade Water Quality

Stormwater Runoff

Construction activities could contribute to pollutant loading in stormwater runoff and thereby impact water quality standards. However, construction contractors disturbing greater than 1 acre of soil would be required to obtain coverage under the NPDES General Construction Activity Permit (order No. 2012-0006-DWQ). In accordance with the requirements of the permit, the Project Applicants would prepare and implement a site-specific Stormwater Pollution Prevention Plan (SWPPP) adhering to the California Stormwater Quality Association BMP Handbook. With the implementation of site-specific BMPs included as part of the SWPPP, the Project would reduce or eliminate the discharge of potential pollutants from the stormwater runoff. In addition, the Project would be required to comply with City grading permit regulations. Therefore, temporary construction-related impacts on surface water quality would be less than significant.

Additionally, as there are currently no existing on-site BMPs, stormwater run-off during post-Project conditions would result in improved surface water quality conditions during operation of the Project. Thus, operation of the Project would not result in discharges that would alter the quality to a degree that unreasonably affects beneficial uses of the waters or creates a hazard to the public health. Therefore, the construction and operational impacts of the Project on surface water quality would be less than significant.

Groundwater Quality

Compliance with all applicable federal, state, and local requirements concerning the handling, storage and disposal of hazardous waste would reduce the potential for the construction and operation of the Project to release contaminants into groundwater that could affect existing contaminants, expand the area or increase the level of groundwater contamination, or cause a violation of regulatory water quality standards at an existing groundwater production well. The Project would also comply with mandatory SWPPP measures and implement appropriate BMPs during construction and operation to reduce discharge potential to any groundwater sources.

Deplete Groundwater Supplies or Interfere with Groundwater Recharge

The Project does not propose groundwater withdrawal and, with respect to groundwater recharge, would replace one set of impervious surfaces (i.e., residential uses and surface parking areas) with another (i.e.,

mixed-use hotel, residential, and commercial development). Thus, impacts to groundwater recharge on the Project Site would be less than significant. No mitigation measures are required.

Permanently or Substantially Alter the Existing Drainage Pattern of the Site

Construction activities would have the potential to temporarily alter existing drainage patterns and flows within the Project Site by exposing the underlying soils and making the Project Site temporarily more permeable. However, the Project would be required to obtain coverage under the NPDES General Construction stormwater permit. In accordance with the requirements of this permit, the Project would implement a SWPPP that specifies BMPs and erosion control measures to be used during construction to manage runoff flows and prevent pollution. BMPs would be designed to reduce runoff and pollutant levels in runoff during construction. Once the Project is operational, the Project Site will be impervious and erosion and siltation would not occur. Therefore, the Project would not substantially alter the existing drainage patterns of the Project Site or area, including through alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site. Impacts would be less than significant.

Alter the Existing Drainage Pattern of the Site or Substantially Increase the Rate or Amount of Surface Runoff in a Manner that would Result in Flooding On or Off-Site

Compliance with the LID requirements for the Project Site would ensure stormwater treatment with post-construction BMPs per the City's Stormwater Program. Therefore, Project would not substantially alter the existing drainage pattern of the Project Site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Impacts would be less than significant.

Create or Contribute Runoff Water Which Would Exceed the Capacity of Existing or Planned Stormwater Drainage Systems

The Project would not create runoff that would exceed the capacity of existing or planned drainage systems because the current drainage infrastructure is sufficient to handle existing and post-project peak flows, and would not require construction of new stormwater drainage facilities or expansion of existing facilities because there is no material change in pre- and post-project stormwater runoff volumes or flow rates. Therefore, the Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

Degrade Water Quality

The Project would implement a site-specific SWPPP adhering to the California Stormwater Quality Association BMP Handbook. In addition, the Project would implement infiltration for stormwater runoff in accordance with current LID requirements, and generally improve the water quality conditions during operation of the Project. Finally, Project does not propose any activities or land uses that would otherwise create water quality pollutants that are atypical of most urban existing uses and proposed developments. Therefore, the Project would not otherwise substantially degrade water quality. Impacts would be less than significant.

Housing or Structures within a 100-year Flood Plain

The Project Site is not located within a flood zone, including the 100-year flood zone designated by the Federal Emergency Management Agency (FEMA). Thus, no flood zone impacts would occur and no mitigation measures would be required.

Levee or Dam

The Project Site is not located within a designated floodplain. Further, the Project Site is not located with a potential inundation area. Additionally, there are no levees or dams in the Project vicinity. Therefore, no impact associated with flooding, including flooding due to the failure of a levee or dam, would occur.

Inundation by Seiche, Tsunami, or Mudflow

With respect to tsunami hazards, the Project Site would not be subject to a tsunami, and is not located in a City-designated tsunami hazard area. The Project Site is located in an area of relatively flat topography and urban development, with no enclosed bodies of water nearby, and as such, there is no potential for inundation resulting from a seiche or mudflows. Therefore, no impacts would occur due to inundation by tsunami or mudflow.

Cumulative

In accordance with City requirements, related projects and other future development projects would be required to implement BMPs to manage stormwater in accordance with LID guidelines. Furthermore, the City Department of Public Works would review each future development project on a case-by-case basis to ensure sufficient local and regional infrastructure is available to accommodate stormwater runoff. Construction and operation of future projects would be subject to NPDES requirements for water quality and Los Angeles Regional Water Quality Control Board (LARWQCB) requirements governing groundwater quality. As such, the Project's contribution to cumulatively significant impacts on surface water hydrology, surface water quality or groundwater quality, considered together with the related projects, would be less than significant.

Land Use and Planning

Physically Divide an Established Community

The Project Site is located within the boundaries of the Southeast Los Angeles Community Plan in the highly urbanized area of Los Angeles. The Project vicinity is generally built out with a variety of institutional, entertainment/sports venues, open space park areas, residential, and commercial uses, as well as surface parking. Development generally consists of low- and mid-rise structures. As shown by the number and type of related projects listed in Section III, Environmental Settings, of this Draft EIR, and anticipated future projects in the area will continue to transform this portion of the city into a pedestrian-oriented community. The Project would represent infill development and would introduce new residential, hotel, and commercial uses to the Project Site compatible to adjacent and nearby land uses. Therefore, the Project would not physically divide an established community and related impacts would be less than significant.

Conflict with Applicable Plans and Policies

The Project would develop a mixed-use hotel, residential, and commercial development with ground-floor retail/restaurant uses, and streetscape improvements including landscaping, enhanced sidewalks and pedestrian plazas, and street lighting. The Project would increase the intensity of development on the

Project Site, but would be compatible in scale and height with the adjacent developments and uses. The Project would also be compatible with applicable plans and policies, including SCAG 2016 RTP/SCS, General Plan Framework, Conservation Element, Housing Element, Health and Wellness Element (Plan for a Healthy Los Angeles), Mobility 2035 (Transportation Element), Southeast Los Angeles Community Plan, Community Redevelopment Agency of Los Angeles (CRA/LA) Exposition/University Park Redevelopment Plan, and the Municipal Code. Therefore, impacts related to land use compatibility would be less than significant. The Project would not conflict with any applicable plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Conflict with Habitat Conservation Plans

The Project Site is located in the highly urbanized downtown area of Los Angeles and is developed with eight two-story residential buildings and surface parking. The Project Site is not located within a habitat conservation plan or natural community conservation plan. Therefore, the Project would not conflict with the provisions of any adopted applicable conservation plan and impacts are not significant.

Cumulative Impacts

The related projects in the vicinity of the Project Site generally consist of infill development and redevelopment of existing uses, and the related project uses include residential, retail, restaurant, commercial, office, institutional, and hotel uses, and combinations thereof, as well as the Southeast Los Angeles Community Plan Update. The closest related projects to the Project Site are Related Project No. 15, the California African American Museum, and Related Project No. 21, the Los Angeles Football Club stadium. As with the Project, the related projects would be required to comply with relevant land use policies and regulations. These related projects are also not expected to fundamentally alter the existing land use relationships in the Community Plan, but rather, would develop uses similar to the existing uses on the project sites. Moreover, the Southeast Los Angeles Community Plan Update would guide future development in accordance with both existing and desired future land use patterns. Therefore, the Project and the related projects would not have cumulatively significant land use impacts. In addition, as the Project would generally be consistent with applicable land use plans and zoning standards, the Project would not incrementally contribute to cumulative inconsistencies with respect to land use plans and zoning standards. Therefore, cumulative impacts with regard to regulatory framework would not be cumulatively considerable and cumulative impacts would be less than significant.

Mineral Resources

Although the Project Site is classified by the City of Los Angeles as being located in a Mineral Resource Zone Area (MRZ-2), this zone correlates to the presence of sand and gravel aggregate along the current and ancestral course of the Los Angeles River. No sand or gravel extractions currently occur at the Project Site, or could feasibly occur in the future. Furthermore, the Project Site is not designated as an existing mineral resource extraction area by the State of California or the U.S. Geological Survey. Project implementation would not result in the loss of availability of a known mineral resource of value to the region and residents of the State, nor of a locally important mineral resource recovery site. No impacts to mineral resources would occur.

Noise

Operational Noise

The Project would comply with regulatory compliance measures of the LAMC regulating operational noise. These include regulations which prevent mechanical equipment from exceeding the ambient noise levels on

the premises of other occupied properties by more than 5 dBA, and necessary noise insulation features, such as insulated glass windows and doors. In addition, as provided in Project Design Feature H-3, all outdoor mounted mechanical equipment would be enclosed or screened from off-site noise-sensitive receptors. As set forth in Project Design Feature H-4, the amplified sound system used in outdoor areas would be designed so as not to exceed the maximum noise levels of 80 to 95 dBA Leq, thereby ensuring that the amplified sound system would not exceed the significance threshold (i.e., an increase of 5 dBA Leq) at any off-site noise-sensitive receptor location. As discussed in detail in Section IV.H, Noise, of the Draft EIR, the estimated noise levels from mechanical equipment, outdoor spaces, parking facilities, loading dock and trash collection areas would be below significance threshold of 5 dBA (Leq) above ambient noise levels at all off-site sensitive receptors. As such, on-site noise impacts would be less than significant.

As discussed in detail in Section IV.H, Noise, of the Draft EIR, the Project would not result in a measurable increase in noise levels at most of the analyzed roadway segments, with the exception of 39th Street under Future Plus Project conditions. The Project is estimated to result in a maximum increase of up to 1.0 dBA (CNEL) in traffic-related noise levels along 39th Street between Figueroa Street and Grand Avenue. This increase in traffic noise levels would be well below the relevant 3-dBA CNEL significance threshold. Therefore, traffic noise impacts under Existing Plus Project conditions and Future Plus Project conditions would be less than significant.

Operational Vibration

The Project does not include land uses that would generate high levels of vibration. In addition, ground-borne vibration attenuates rapidly as a function of distance from the vibration source. Therefore, operation of the Project would not increase the existing vibration levels in the immediate vicinity of the Project Site, and, as such, vibration impacts associated with operation of the Project would be less than significant.

Public and Private Airport Noise

The Project Site is not located within an airport land use plan or within two miles of an airport. Therefore, the Project would not expose its future residents or residents within the Project vicinity to excessive noise levels from airport use, and impacts would not be significant.

Cumulative Impacts

Construction Vibration

The Draft EIR noted that due to the rapid attenuation characteristics of ground-borne vibration and given the distance of the nearest related project (Related Project No. 21) to the Project Site, there is no potential for a cumulative construction vibration impact with respect to building damage associated with ground-borne vibration from on-site sources. Moreover, Related Project No. 21 has been fully constructed and is operational, and there is no longer the possibility of concurrent construction with the Project. Therefore, cumulative construction vibration impacts pursuant to the threshold for human annoyance would be less than significant. Vibration levels generated from off-site construction trucks associated with the Project and other related projects along the anticipated haul route would be well below the building damage threshold of 0.2 PPV for non-engineered buildings. As such, potential cumulative vibration impacts with respect to building damage from off-site construction would be less than significant. Potential vibration impacts associated with temporary and intermittent vibration from project-related construction trucks traveling along the Project's anticipated haul route would be less than significant with respect to human annoyance and below the 72 VdB significance threshold. Therefore, the vibration impacts from construction associated with the Project would not be cumulatively considerable.

Population and Housing

Induce Substantial Population Growth

The Project would not have indirect effects on growth through such mechanisms as the extension of roads and infrastructure, since the infill Project would utilize the existing transportation and utility infrastructure to serve the Project. The Project would provide approximately hotel rooms, residential units, and commercial space. The increase in growth is consistent with Southern California Association of Government's (SCAG) growth projections, and therefore impacts regarding consistency with the projections would be less than significant.

Displace Existing Housing or Persons

The Project would result in the replacement of 32 residential units with 186 mixed-income units, which includes 82 units designated for affordable housing. These units would provide replacement housing exceeding the number of existing residents that would be displaced. Therefore, the Project would not displace substantial numbers of people necessitating the construction of replacement housing elsewhere. Impacts would be less than significant and no mitigation measures would be required.

Public Services

Consistent with *City of Hayward v. Trustees of California State University* (2015) 242 Cal.App.4th 833, significant impacts under CEQA consist of adverse changes in any of the physical conditions within the area of a project, and potential impacts on public safety services are not an environmental impact that CEQA requires a project applicant to mitigate: "[T]he obligation to provide adequate fire and emergency medical services is the responsibility of the city. (Cal. Const., art. XIII, § 35, subd. (a)(2) ["The protection of the public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services."].) The need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate." Although that case specifically addressed fire services, its holding also applies to other public services.

Fire Protection

Construction

Regulatory requirements regarding training for emergency response and management of hazards would effectively reduce the potential for Project construction activities to expose people to the risk of fire or explosion related to hazardous materials and non-hazardous combustible materials. Project construction activities could temporarily impact access for LAFD emergency vehicles along South Figueroa Boulevard, adjacent to the Project Site, and other main connectors surrounding the Project Site due to travel time delays caused by construction traffic. However, construction worker trips would occur outside the typical weekday commuter morning and afternoon peak periods, thereby reducing the potential for traffic-related conflicts. In addition, the Project Applicant would also prepare and submit a Construction Traffic Management Plan to LADOT prior to the start of construction pursuant to Project Design Feature J-1 included in Section IV.J, Traffic and Access, of the Draft EIR, to ensure that adequate and safe access remains available within and near the Project Site during construction activities. Furthermore, the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic. Since emergency access to the Project Site would remain unobstructed during construction of the Project, impacts related to LAFD emergency access would be less than significant. Based on the above, temporary construction activities associated with the Project would not require the addition of a new fire station or the expansion, consolidation, or relocation of an

existing facility in order to maintain service. Therefore, impacts to fire protection and emergency medical services during construction of the Project would be less than significant, and no mitigation measures are required.

Operation

The LAFD has determined that existing fire protection resources are adequate to serve the Project, fire flow and demand is adequate, and that adherence to LAFD recommendations would reduce potential impacts to an acceptable level. In addition, response distances to the Project Site from the closest fire stations are within standards. The Project would comply with the applicable Building Code, Fire Code, and other LAMC and LAFD requirements. Emergency access to the Project Site and surrounding uses would be maintained and Project-related traffic is not anticipated to impair the LAFD from responding to emergencies at the Project Site or the surrounding area. The Project would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility in order to maintain service. Therefore, operation of the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable fire protection emergency services. Impacts would be less than significant, and no mitigation measures are required.

Cumulative Impacts

The increase in development and residential service populations from the Project and related projects would result in a cumulative increase in the demand for LAFD services. However, similar to the Project, the related projects would be reviewed by the LAFD and would be required to comply with regulatory requirements related to fire protection and emergency medical services. The Project and related projects would also generate revenues to the City's Municipal Fund (in the form of property taxes, sales revenue, etc.) and through the City's regular budgeting efforts that could be applied toward the provision of new fire station facilities and related staffing, as deemed appropriate. Based on the above, the Project's contribution to cumulative impacts to fire protection and emergency medical services would not be cumulatively considerable. As such, cumulative impacts on fire protection and emergency medical services would be less than significant.

Project Design Features

The City finds that Project Design Features I.1-1 through I.1-7, identified below in Police Protection, are specific design and/or operational characteristics incorporated into the Project that would avoid or reduce its potential environmental effects. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

Police Protection Services

Construction

Project construction would not generate a permanent population on the Project Site that would substantially increase the police service population of the area. However, construction sites can be sources of nuisances and hazards and invite theft and vandalism, and can contribute to a temporary increased demand for police protection services. Pursuant to Project Design Feature I.1-1, the Project Applicant would implement temporary security measures including security fencing, lighting, and locked entry to secure the Project Site during construction, and potential impacts associated with theft and vandalism during construction activities would be less than significant.

Project construction activities could also potentially impact Los Angeles Police Department (LAPD) police protection services and emergency response within the Southwest Area due to construction impacts on the surrounding roadways. In addition, a construction management plan would be implemented during Project construction pursuant to Project Design Feature J-1, to ensure that adequate and safe access is available within and near the Project Site during construction activities. Furthermore, emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic.

Based on the above, construction of the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain LAPD's capability to serve the Project Site. Impacts on police protection services during Project construction would be less than significant.

Operation

As described in Section IV.I.1, Police Protection, of the Draft EIR, the Project would not cause a significant change to the officer-per-resident ratio for the LAPD's Southwest Area. Moreover, as provided in Project Design Features I.1-2 through I.1-7, the Project would include numerous operational design features to enhance safety within and immediately surrounding the Project Site. In addition to the implementation of these project design features, the Project would generate revenues to the City's Municipal Fund (in the form of property taxes, sales revenue, etc.) that could be applied toward the provision of new police facilities and related staffing in the community, as deemed appropriate. The features and contributions would help offset the Project-related increase in demand for police services, and impacts would be less than significant.

Project-related traffic would have the potential to increase emergency vehicle response to the Project Site and surrounding properties due to travel time delays caused by the additional traffic. However, drivers of police emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens and flashing lights to clear a path of travel or driving in the lanes of opposing traffic. Accordingly, Project operation, including traffic generated by the Project, would not cause a substantial impact to LAPD access and emergency response due to traffic congestion, and the Project's impact on emergency response would be less than significant.

Based on the above analysis, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain LAPD's capability to serve the Project Site.

Cumulative Impacts

In general, impacts to LAPD services and facilities during the construction of each related project would be addressed as part of each related project's development review process conducted by the City. In addition, construction-related traffic generated by the Project and the related projects would not significantly impact LAPD access and emergency response within the Project Site vicinity as drivers of police vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic. Therefore, the Project's contribution to cumulative impacts on either police protection services or emergency response during construction would not be cumulatively considerable.

The increase in police service population resulting from the Project and the related projects would decrease the officer-to-resident ratio for the Southwest Area and could generate additional crimes per year. As previously discussed, the Project would implement Project Design Features I.1-2 through I.1-7 and is not

anticipated to generate a demand for additional police protection services that could exceed the LAPD's capacity to serve the Project Site. Similar to the Project, each related project would be subject to the City's routine permitting process. Through the City's regular budgeting efforts, the LAPD's resource needs would be identified and monies allocated according to the priorities at the time. In addition, it is anticipated that the related projects would implement project design features similar to the Project, which would reduce cumulative impacts to police protection services. Furthermore, like the Project, related projects would generate revenues to the City's Municipal Fund (in the form of property taxes, sales revenue, etc.) that could be applied toward the provision of new facilities and related staffing, as deemed appropriate.

Based on the above, the Project's contribution to cumulative operational impacts to police protection services would not be cumulatively considerable. The Project would not result in cumulative adverse impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain LAPD's capability to serve the Project Site. As such, cumulative impacts on police protection services would be less than significant.

Project Design Features

The City finds that Project Design Features I.1-1 through I.1-7 are specific design and/or operational characteristics incorporated into the Project that would avoid or reduce its potential environmental effects. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

Project Design Feature I.1-1: During construction, the Project shall implement temporary security measures including security fencing, lighting, and locked entry.

Project Design Feature I.1-2: During operation, the Project shall include private on site security, a closed circuit security camera system, and keycard entry for the residential buildings and the residential parking areas.

Project Design Feature I.1-3: The Project shall provide sufficient lighting of building entries and walkways to provide for pedestrian orientation and clearly identify a secure route between parking areas and points of entry into buildings.

Project Design Feature I.1-4: The Project shall provide sufficient lighting of parking areas to maximize visibility and reduce areas of concealment.

Project Design Feature I.1-5: The Project shall design entrances to, and exits from buildings, open spaces around buildings, and pedestrian walkways to be open and in view of surrounding sites.

Project Design Feature I.1-6: Prior to the issuance of a building permit, the Project Applicant shall consult with LAPD's Crime Prevention Unit regarding the incorporation of crime prevention features appropriate for the design of the Project, including applicable features in LAPD's Design Out Crime Guidelines.

Project Design Feature I.1-7: Prior to the issuance of a certificate of occupancy, the Project Applicant shall submit a diagram of the Project Site to the LAPD South Bureau Commanding Officer that includes access routes and any additional information that might facilitate police response.

Schools

Construction

The Project would generate part-time and full-time jobs associated with construction of the Project between the start of construction and Project buildout. However, due to the employment patterns of construction workers in Southern California, and the operation of the market for construction labor, construction workers are not likely to relocate their households as a consequence of the construction job opportunities presented by the Project. Therefore, the construction employment generated by the Project would not result in a notable increase in the resident population or a corresponding demand for schools in the vicinity of the Project Site. Impacts on school facilities during Project construction would be less than significant.

The EIR identified the nearby Dr. Theodore T. Alexander Science Center School (located approximately 0.25 mile north of the Project Site) as a sensitive receptor for purposes of assessing potential significant impacts. As analyzed in Sections IV.B, Air Quality, IV.H, Noise, and IV.J, Traffic and Access, of the Draft EIR, and through inclusion of Project Design Feature J-1, requiring preparation of a Construction Management Plan that includes notification to the school of anticipated construction start and ending dates, as well as maintenance of safe and convenient pedestrian routes to schools, the Project would not result in any significant construction-related impacts pertaining to air quality, noise, or traffic/access at this school.

Operation

The Project would directly generate students through the construction of dwelling units, hotel rooms, and commercial uses. Pursuant to Senate Bill 50, the Project Applicant would be required to pay development fees for schools to the LAUSD prior to the issuance of the Project's building permit. Pursuant to Government Code Section 65995, the payment of these fees is considered full and complete mitigation of Project-related school impacts. Therefore, payment of the applicable development school fees to the LAUSD would offset the potential impact of additional student enrollment at schools serving the Project Site, and impacts on schools would be less than significant.

Cumulative Impacts

The 14 related projects located within the attendance boundaries of the same schools that would serve the Project. However, as with the Project, future development, including the related projects, would be required to pay development fees for schools to the LAUSD prior to the issuance of building permits pursuant to Senate Bill 50. Pursuant to Government Code Section 65995, the payment of these fees would be considered full and complete mitigation of school impacts generated by the related projects. Therefore, the Project's incremental contribution towards school impacts would not be cumulatively considerable.

Libraries

Construction

Construction of the Project would result in a temporary increase of construction workers on the Project Site. However, construction workers are not likely to relocate their households as a consequence of project construction. Therefore, any increase in usage of the libraries by construction workers is anticipated to be negligible. As such, impacts on library facilities during Project construction would be less than significant, and no mitigation measures are required.

Operation

The Project Site is located within the service areas of the Exposition Park Regional Branch Library, the Junipero Serra Branch Library, the Vermont Square Branch Library, and the Vernon Branch Library. As described in Section IV.I.4, Libraries, of the Draft EIR, none of the four libraries would meet the

recommended building size standard for their projected service populations with or without the Project. However, the Project's residential units would be equipped to receive individual Internet service, which provides information and research capabilities that studies have shown to reduce demand at physical library locations. The Project would also generate revenues for the City's General Fund (in the form of property taxes, sales revenue, etc.) that could be applied toward the provision of library facilities, staffing, and materials, as deemed appropriate. Based on the above, and pursuant to the library sizing standards recommended in the 2007 Branch Facilities Plan, operation of the Project would not create any new exceedance of the capacity of local libraries to adequately serve the existing residential population based on target service populations or as defined by the LAPL. In addition, the Project Applicant would pay a per capita fee to the LAPL as stated in Project Design Feature I.4-1. Therefore, the Project would not generate demand for library facilities or services that would require new or physically altered library facilities in order to maintain acceptable service ratios. Project impacts to library services and facilities would be less than significant.

Cumulative Impacts

Similar to the Project, each related project would generate revenues to the City's General Fund (in the form of property taxes, sales tax, business tax, etc.) that could be applied toward the provision of new library facilities, staffing, and materials for any one of the libraries serving the Project area, as deemed appropriate. These revenues to the General Fund would help offset the increase in demand for library services as a result of the Project and the related projects. Furthermore, the Project Applicant would pay a per capita fee to the LAPL as stated in Project Design Feature I.4-1. Therefore, the Project's contribution to cumulative impacts on libraries would not be cumulatively considerable, and cumulative impacts on libraries would be less than significant.

Project Design Features

The City finds that Project Design Feature I.4-1 are specific design and/or operational characteristics incorporated into the Project that would avoid or reduce its potential environmental effects. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

Project Design Feature I.4-1: The Project Applicant shall pay a fee of \$200 per capita to the LAPL prior to the issuance of a building permit. The estimated residential population shall be calculated by multiplying the number of dwelling units within the Mixed-Income Housing Component by the average household size of 2.44 persons per household.

Parks and Recreation

Construction

The construction workers associated with the Project would not result in a notable increase in the residential population of the Project vicinity, or a corresponding permanent demand for parks and recreational facilities in the vicinity of the Project Site. Thus, Project construction would not generate a demand for park or recreational facilities that cannot be adequately accommodated by existing or planned facilities and services, nor would Project construction interfere with existing park usage in a manner that would substantially reduce the service quality of the existing parks in the Project vicinity. Therefore, impacts on parks and recreational facilities during Project construction would be less than significant, and mitigation measures would not be required.

Operation

The Project's new residential units and commercial uses would introduce an estimated 375 net new residents and 858 net new employees that would increase demand for parks and recreational facilities in the Project vicinity. Due to the amount, variety, and availability of the proposed open space and recreational amenities, it is anticipated that Project residents and employees would generally utilize the 44,930 square feet of proposed on-site outdoor open space and recreational amenities to meet their recreational needs. Thus, while the Project's new residents would be expected to utilize off-site public parks and recreational facilities to some degree, the Project would not be expected to cause or accelerate substantial physical deterioration of off-site public parks or recreational facilities given the provision of on-site open space and recreational amenities. Furthermore, the Project would pay in-lieu parkland fees in accordance with Sections 17.12 and 12.33 of the LAMC. Therefore, the Project would not substantially increase the demand for off-site public parks and recreational facilities.

New or Required Construction of Recreational Facilities

The Project would provide both publicly accessible and private open space and recreational amenities, which have been incorporated into the overall Project design. Therefore, the construction of these recreational facilities as part of the Project would take place at the same time as the rest of the construction processes and would have no additional adverse physical effects on the environment. Therefore, there would be a less than significant impact in regards to construction or expansion of recreational facilities which may have adverse physical effects on the environment.

Cumulative Impacts

While it is anticipated that the Project's provision of on-site open space would meet the recreational needs of Project residents and employees, the Project would increase residents utilizing existing neighborhood and regional parks. Development of the related projects would exacerbate the Community Plan Area's deficiency in parkland per the Public Recreation Plan's guidelines. However, as previously indicated, the guidelines set forth in the Public Recreation Plan are citywide goals and are not intended to be requirements for individual development projects. Furthermore, as with the Project, the related projects would undergo discretionary review on a case-by-case basis and would be expected to coordinate with the City of Los Angeles Department of Recreation and Parks. Future development projects would also be required to comply with the park and recreation requirements of Sections 12.21, 17.12, 12.33, and 21.10.3(a)(1) of the LAMC, as applicable. As such, cumulative impacts to parks and recreational facilities would be less than significant.

Transportation/Traffic

Circulation System Impacts

Construction

As described in Section IV.J, Traffic and Access of the Draft EIR, although daily haul truck activity would typically be completed prior to the afternoon peak hour, truck trips could occur during the morning peak hour, and would represent less than 2 percent of the a.m. peak-hour traffic volumes on Figueroa Street. Moreover, with the implementation of the Construction Management Plan required by Project Design Feature J-1, any potential impacts during the excavation and hauling phase of construction would not be expected to be significant. Other phases of construction would typically generate fewer truckloads, and therefore, construction truck trip impacts during other phases of construction would be expected to be less

than significant. In addition, construction worker trips would not contribute a substantial amount of traffic during the weekday morning and afternoon peak periods and would also be less than significant.

Transit

The Project Site is well served by public transit, including one rail line and 21 regular buses. The Project would generate approximately 106 net new transit trips (45 inbound trips and 61 outbound trips) during the A.M. peak hour and 124 net new transit trips (72 inbound and 52 outbound) during the P.M. peak hour. The peak capacity of the transit system serving the Project Site is approximately 7,610 persons each direction. The highest directional volume of peak-hour trips added by the Project would be 72 trips, which would be only approximately one percent of the total transit capacity during the peak hour. Therefore, Project impacts to the existing transit system in the study area would be less than significant.

Congestion Management Program

An initial evaluation determined that the Project would not meet the freeway mainline criteria for requiring a freeway impact analysis, but would meet the freeway off-ramp criteria at two locations. Specifically, the freeway segment analysis indicated that the increase in traffic volumes on the four identified freeway segments due to Project-generated trips would range from 0.2 percent to 1.0 percent during the A.M. peak hour, and from 0.2 to 1.2 percent during the P.M. peak hour. None of the freeway segments would exceed the thresholds for a significant impact to occur. A freeway off-ramp analysis was also conducted for seven freeway off-ramps located along the I-110 and I-10 that were on direct or convenient access routes to the Project Site, and were accordingly assumed to carry Project traffic. Based on the results of the freeway off-ramp analysis, the Project would add between one and 87 trips to the off-ramps during the A.M. peak hour, and between two and 69 trips during the P.M. peak hour. The Project would not substantially increase the queue lengths or cause storage capacities to be exceeded at any of the off-ramps during the morning and afternoon peak periods. The Project's CMP mainline and arterial intersection impacts are therefore less than significant.

Air Traffic Patterns

The two nearest airports are the Santa Monica Municipal Airport and the Los Angeles International Airport. The Project is within an area of low- to mid-rise buildings south of the downtown area of Los Angeles. As such, the Project is not anticipated to alter air traffic patterns or affect the utilization of navigable air space. As such, the Project would not result in a change in air traffic patterns including, increases in traffic levels or changes in location that would result in substantial safety risks. No impact will occur.

Increased Hazards Due to a Design Features or Incompatible Use

Vehicular access would be provided via driveways along S. Flower Drive and S. Figueroa Street. Hotel pick-up/drop-off areas would be primarily accessed via a porte-cochere along 39th Street. LADOT reviewed and approved the Traffic Study and driveway locations. The driveways would be designed based on LADOT standards. The relocation of existing transit stops would be completed in coordination with the appropriate agencies, per Project Design Feature J-1, and would be designed and configured to avoid potential conflicts with transit services and pedestrian traffic. Pedestrian access to the development would be primarily provided along South Figueroa Street and 39th Street. The Project access locations would be designed to City standards and would provide adequate sight distance, sidewalks, crosswalks, and pedestrian movement controls that meet the City's requirements to protect pedestrian safety. All roadways and driveways intersect at right angles, and street trees and other potential impediments to adequate driver and pedestrian visibility would be minimal. With respect to access and compatibility with neighboring land uses, the Project Site is bordered by institutional, entertainment/sports venue, commercial, residential, and park

uses. The ingress/egress driveways do not conflict with nearby circulation or uses. Therefore, the Project would not create or substantially increase hazards due to a design feature or incompatible uses and impacts are less than significant.

Emergency Access

Construction

All existing traffic lanes would remain open during the construction of the Project, and as provided in Project Design Feature J-2, a minimum of one lane of Flower Drive would remain open at all times during construction to provide access to those properties. In accordance with the Construction Traffic Management Plan and Worksite Traffic Control Plan required by Project Design Feature J-1, flagmen would be used to control traffic movement during the ingress and egress of trucks and heavy equipment. Furthermore, any such closures would need to be coordinated with and approved by LADOT prior to being implemented. Because any partial lane closures would be temporary in nature, and existing traffic lanes on adjacent through streets would remain open during construction weekday peak periods, Project construction is not expected to cause significant traffic impacts.

In addition, pursuant to Project Design Feature J-1, the Construction Traffic Management Plan and Worksite Traffic Control Plan prepared for the Project Site would identify any required sidewalk closures in advance, and would provide signage for alternate safe routes for pedestrians. With the implementation of Project Design Feature J-1, there would be no loss of access to the surrounding land uses in the vicinity of the Project Site, and no significant impacts to pedestrian circulation would occur.

Based on the above, the Project would not require substantial roadway and/or sidewalk closures to the extent that a hazard to roadway travelers and/or pedestrians would occur. Therefore, access and safety impacts during Project construction would be less than significant.

Operation

With respect to Project operations, the Project Site is bordered by three streets and would provide adequate access to the site, in accordance with regulatory standards. The final design of emergency access features would be subject to the review and approval of the LAFD for compliance with emergency access requirements, prior to the issuance of building permits. According to an analysis of the Figueroa Street driveway, which would be unsignalized, the outbound right-turn at the Figueroa Street driveway would operate at LOS F in the A.M. peak hour, and at LOS D in the P.M. peak hour. However, the delays to exiting Project traffic would be internal to the Project and would not impact roadway operations on Figueroa Street. The driveway on Flower Drive would be located on a local street with minimal traffic except for traffic generated by the Project. Thus, no operational issues are anticipated for the driveway located on Flower Drive. All driveways would be designed according to LADOT standards. Therefore, operational impacts on emergency access would be adequate and impacts would be less than significant.

Conflict with Adopted Policies, Plans or Program Regarding Public Transit, Bicycle, or Pedestrian Facilities

The Project would be consistent with policies, plans, and programs that support alternative transportation, including the Mobility Plan and 2010 Bicycle Plan, Southeast Los Angeles Community Plan, and the MyFigueroa project. The Project would support alternative transportation by enhancing the pedestrian experience through the provisions of wide sidewalks and landscaping, providing a mixed use development near public transit; supporting bicycle and pedestrian uses along Figueroa Street consistent with MyFigueroa project, and providing bicycle parking in compliance with LAMC requirements. Therefore, the

Project would not conflict with policies, plans, and programs that support alternative transportation, and impacts would be less than significant.

Cumulative Impacts

Circulation System

Construction

The City's established review process would take into consideration overlapping construction projects and would balance haul routes to minimize the impacts of cumulative hauling on any particular roadway. Moreover, it is anticipated that the related projects would be required to prepare a Construction Traffic Management Plan to ensure that potential construction-related impacts are reduced. Therefore, cumulative traffic impacts during construction would be less than significant.

Neighborhood Intrusion/Residential Street Segments

The Project is located within a commercial corridor that is developed with commercial, entertainment, and institutional uses, and is not proximate to a network of residential streets that facilitate access to and from the Project Site. Therefore, the Project and the related projects would not result in any cumulative significant residential street segments impacts.

Congestion Management Plan

The Project would add less than 150 trips along the freeway monitoring station closest to the Project Site. In addition, the Project would not add more than 50 vehicle trips during the A.M. and P.M. peak hours at the CMP arterial monitoring station nearest to the Project Site. Thus, no CMP impacts would occur under the Project and, as a result, the Project's contribution to cumulative impacts would not be cumulatively considerable. Thus, the Project's cumulative impacts with regard to the CMP would be less than significant.

Emergency Access

The Project would not require substantial roadway and/or sidewalk closures to the extent that a hazard to roadway travelers and/or pedestrians would occur. With regard to cumulative impacts to access and safety, bus/transit, and on-street parking, none of the related projects would share the same access points or have the potential to affect the same bus stops. Therefore, the Project's impact to access and safety, and to transit during construction, would not be cumulatively considerable and would be less than significant.

Increased Hazards Due to a Design Features or Incompatible Use

The Project would result in less-than-significant impacts related to access and circulation. Therefore, the Project's cumulative impacts would not be cumulatively considerable and impacts to access and circulation would be less than significant.

Conflict with Adopted Policies, Plans or Program Regarding Public Transit, Bicycle, or Pedestrian Facilities

Project impacts related to bicycle, pedestrian, and vehicular safety would be less than significant. In addition, as with the Project, it is anticipated that future related projects would be subject to City review to ensure that they are designed with adequate access/circulation, including standards for sight distance, sidewalks, crosswalks, and pedestrian movement controls. Thus, Project impacts with regard to bicycle,

pedestrian, and vehicular safety would not be cumulatively considerable, and cumulative impacts would be less than significant.

Project Design Features

The City finds that Project Design Features J-1 and J-2 are specific design and/or operational characteristics incorporated into the Project that would avoid or reduce its potential environmental effects. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

Project Design Feature J-1: Prior to the start of construction, the Project shall prepare a Construction Traffic Management Plan and submit it to LADOT for review and approval. The Construction Traffic Management Plan shall include a Worksite Traffic Control Plan which shall facilitate traffic and pedestrian movement and minimize the potential conflicts between construction activities, street traffic, bicyclists, and pedestrians. The plan shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. Furthermore, the Construction Traffic Management Plan and Worksite Traffic Control Plan shall include, but not be limited to, the following measures:

- Maintain access for land uses in the vicinity of the Project Site during construction;
- Schedule construction material deliveries during off-peak periods to the extent practical;
- Minimize obstruction of traffic lanes on Figueroa Street and 39th Street adjacent to the Project Site;
- Organize Project Site deliveries and the staging of all equipment and materials in the most efficient manner possible, and on-site where possible, to avoid an impact to the surrounding roadways;
- Coordinate truck activity and deliveries to ensure trucks do not wait to unload or load at the Project Site and impact roadway traffic, and if needed, utilize an organized off-site staging area;
- Control truck and vehicle access to the Project Site with flagmen;
- Designate travel routes for trucks on Figueroa Street, Martin Luther King Jr. Boulevard, and other arterial roadways, to prevent trucks from using residential streets;
- Limit sidewalk and lane closures, and avoid peak hours to the extent possible. Where such closures are necessary, the Project's Worksite Traffic Control Plan shall identify the location of any sidewalk or lane closures and identify all traffic control measures, signs, delineators, and work instructions to be implemented by the construction contractor through the duration of demolition and construction activity;
- Identify alternative sites for bus stops that must be relocated and undertake any required relocation in coordination with LADOT and Metro; and
- Parking for construction workers shall be provided either on-site or at off-site, off-street locations. Parking shall not be allowed on residential streets in the vicinity of the Project.
- The contractor or its designee shall notify the LAUSD Transportation Branch and the site administrator of the Dr. Theodore T. Alexander Science Center School of the expected start and ending dates of construction. In addition, the contractor must coordinate with LAUSD site administrators and/or designated representatives to ensure that effective measures are employed to reduce construction-related effects related to existing pedestrian and school bus routes, and school drop off/pick up areas on the proximate LAUSD facilities. In addition, throughout the duration of construction, the contractor must maintain safe and convenient pedestrian routes to schools (refer to the map provided for the Alexander Science Center at <https://achieve.lausd.net/Page/3990> or as may be updated by LAUSD). The contractor must also notify workers of the provision of the California Vehicle Code that requires vehicles to stop when encountering school buses using red-flashing-lights must-stop indicators and that no staging or parking of construction-related vehicles,

including worker-transport vehicles, shall occur on or adjacent to a school property.

Project Design Feature J-2: During construction of the Project, a minimum of one lane of Flower Drive shall remain open to provide access to the properties located immediately south of the Project Site, at the northeast corner of Figueroa Street and Martin Luther King Jr. Boulevard.

Tribal Cultural Resources

As described in Section IV.K, Tribal Cultural Resources, of the Draft EIR, the SLF search conducted for the Project did not discover any recorded tribal cultural resources on the Project Site. Following consultation with the Gabrieleño Band of Mission Indians—Kizh Nation pursuant to AB 52, the City, after reasonable effort and lack of response from the tribe, determined that mutual agreement cannot be reached for the purposes of AB 52 and that consultation had been now concluded. Given the absence of any evidence of identified tribal resources or specific information on potential resources, the Kizh Gabrieleño Band's request to have a Native American monitor present during all ground disturbing activities does not appear warranted. Therefore, as impacts are less than significant, the City has no basis under CEQA to impose any mitigation measures, but will add a condition of approval to protect against inadvertent discovery of tribal cultural resources.

The Project and the related projects are located within an urbanized area that has been disturbed and developed over time. In the event that tribal cultural resources are uncovered, each related project would be required to comply with the applicable regulatory requirements in the event of inadvertent discovery. In addition, related projects would be required to comply with the consultation requirements of AB 52 to determine and mitigate any potential impacts to tribal cultural resources. Therefore, cumulative impacts to tribal cultural resources would be less than significant and would not be cumulatively considerable.

Utilities and Service Systems

Exceed Wastewater Treatment Requirements of Los Angeles Regional Water Quality Control Board

Construction

Construction activities would produce nominal amounts of wastewater from construction workers on the Project Site. The resultant waste would be disposed of off-site by licensed waste haulers and would not be directed to the City's sewer system. Therefore, construction activities would not create wastewater that would exceed the treatment requirements of the applicable RWQCB.

Operation

Operationally, the Project would increase the amount of wastewater generated at the Project Site. Similar to existing conditions, the effluent from the Project would be conveyed to Hyperion Water Reclamation Plant (HWRP) and the HWRP continually monitors all effluent to ensure it meets applicable water quality standards of the RWQCB. These standards are more stringent than those required under the operable NPDES permit. Therefore, the Project would comply with the wastewater treatment requirements of the RWQCB. Impacts would be less than significant.

Require Construction of New Wastewater Treatment Facilities or Expansion of Existing Facilities and Adequate Capacity

Construction

Construction workers would typically utilize portable restrooms, which would not contribute to wastewater flows to the City's wastewater conveyance system. As such, wastewater generation from Project construction activities is not anticipated to cause a measurable increase in wastewater flows that would exceed the capacity of the sewer system or the future scheduled capacity of any one treatment plant. Moreover, activities related to the installation of any required wastewater infrastructure would be coordinated through the City of Los Angeles Bureau of Sanitation (LASAN) so as not to interrupt existing service to other users. Therefore, Project construction impacts to the wastewater conveyance or treatment system would be less than significant.

Operation

As described in Section IV.L.2, Wastewater, of the Draft EIR, the Project's net increase in average daily wastewater generation of 0.1 mgd would represent approximately 0.06 percent of the current 175 mgd remaining available capacity of the HWRP, approximately 0.02 percent of HWRP's design capacity of 450 mgd, and approximately 0.02 percent of the Hyperion Service Area's estimated future capacity of 550 mgd. In addition, the Project's net increase in average daily wastewater plus the current flows represent approximately 61.1 percent of the HWRP's assumed future capacity of 450 mgd and approximately 61.5 percent of the Hyperion Service Area's estimated future capacity of 550 mgd. Therefore, the Project-generated wastewater would be accommodated by the existing capacity of the HWRP and would not substantially or incrementally exceed the future scheduled capacity of the HWRP or the Hyperion Service Area. Impacts with respect to wastewater treatment capacity would be less than significant and mitigation measures are not required.

The City determined that the existing capacity of the 12-inch line on South Figueroa Street, and the 8-inch sewer line on Flower Drive would be adequate to accommodate the additional wastewater infrastructure demand created by the Project. Further detailed gauging and evaluation, as required by LAMC Section 64.14, would be conducted to obtain final approval of sewer capacity and connection permit for the Project during the Project's permitting process. All Project-related sanitary sewer connections and on-site infrastructure would be designed and constructed in accordance with applicable LASAN and California Plumbing Code standards. Therefore, the Project would not cause a measurable increase in wastewater flows at a point where, and at a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained. Thus, impacts with regards to wastewater generation and infrastructure capacity would be less than significant.

Cumulative Wastewater Impacts

Development of the Project, in conjunction with the related projects located in the Project vicinity, would result in an increase in the demand for sanitary sewer service in LASAN's Hyperion Service Area. Based on the Hyperion Service Area's estimated future capacity of approximately 550 mgd, the Hyperion Service Area is expected to have adequate capacity to accommodate the cumulative wastewater flow of approximately 375.86 mgd from the Project, related projects, and forecasted growth. The 1.96 mgd of cumulative wastewater would represent approximately 0.34 percent of the Hyperion Service Area's existing design capacity of 550 mgd. Therefore, Project impacts on the wastewater treatment systems would not be cumulatively considerable, and cumulative impacts would be less than significant.

As with the Project, new development projects occurring in the Project vicinity would be required to coordinate with LASAN via a sewer capacity availability request to determine adequate sewer capacity. Furthermore, similar to the Project, each related project would be required to comply with applicable sewer permit approvals, water conservation programs, including the City of Los Angeles Green Building Code. Therefore, Project impacts on the City's wastewater infrastructure would not be cumulatively considerable, and cumulative impacts would be less than significant.

Construction of New Water Facility or Expansion of New Water Facilities

Construction

Construction activities associated with the Project would not require or result in the construction of new water facilities or expansion of existing facilities that could have a significant impact on the environment. However, the Project would require a new water distribution system that would connect to the existing water mainlines adjacent to the Project Site. The design and installation of new service connections would be required to meet applicable City standards, and the limited off-site connection activities would not significantly affect access in adjacent rights-of-way due to the Work Site Traffic Control Plan to be implemented during Project construction pursuant to Project Design Feature J-1. As such, construction-related impacts to water infrastructure would be less than significant.

Operation

Based on the Information of Fire Flow Availability Request results, the Project would comply with flow standards specified in Section 57.507.3.1 of the LAMC. Furthermore, as provided in Project Design Feature I.2-5 in Section IV.I.2, Public Services—Fire Protection, of the Draft EIR, the Project would include the installation of automatic fire sprinklers in all proposed buildings, which would reduce or eliminate the public hydrant demands. Accordingly, the Project would not exceed the available capacity within the water distribution infrastructure that would serve the Project Site, and the Project would not require or result in the construction of new off-site water facilities or expansion of existing facilities. Therefore, the Project's operational impacts on water infrastructure would be less than significant.

Cumulative Water Supply Infrastructure Impacts

As with the Project, other new development projects would be subject to LADWP review to assure that the existing public infrastructure would be adequate to meet the domestic and fire water demands of each project, and individual projects would be subject to LADWP and City requirements regarding infrastructure improvements needed to meet respective water demands, flow and pressure requirements, etc. Therefore, Project impacts on water infrastructure would not be cumulatively considerable, and cumulative impacts on the water infrastructure system would be less than significant.

Project Design Features

The City finds that Project Design Feature L.1-1 is a specific design and/or operational characteristic incorporated into the Project that would avoid or reduce its potential environmental effects. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

Project Design Feature L.1-1: The Project design shall incorporate the following design features to support water conservation:

- High-efficiency toilets with flush volume of 1.06 gallons of water per flush or less throughout the Project Site.
- Waterless urinals (for all public restrooms throughout the Project Site).
- Showerheads with flow rate of 1.5 gallons per minute or less.
- Install a meter on the pool make-up line so water use can be monitored and leaks can be identified and repaired
- Leak detection system for swimming pools and Jacuzzi, or other comparable spa equipment introduced on-site.
- Water-saving pool filter.
- Pool/spa recirculating filtration equipment.
- Drip/subsurface irrigation (micro irrigation).
- Micro-spray.
- Domestic Water Heating System to be located in close proximity to point(s) of use.
- Proper hydro-zoning (group plants with similar water requirements together).
- Zoned irrigation.
- Landscape contouring to minimize precipitation runoff
- Drought-tolerant plants—23 percent of total landscaping.
- Infiltration using a drywell and detention system to capture, store, and treat stormwater for a drainage area of approximately 4.42 acres.

Water Supply

Construction

Given the temporary nature of construction activities, the short-term and intermittent water use during construction of the Project would be significantly less than the demand created by the existing uses, as well as the net new water consumption at Project buildout, both of which may be accommodated by LADWP's available supplies. As such, construction-related impacts to water supply would be less than significant.

Operation

The Fig Water Supply Assessment (WSA) concluded that the projected water supplies for normal, single-dry, and multiple-dry years reported in LADWP's 2015 UWMP would be sufficient to meet the Project's estimated water demand of 95.24 AFY, in addition to the existing and planned future water demands within LADWP's service area through the year 2040. Therefore, the Project's operation-related impacts on water supply would be less than significant.

Cumulative Impacts

The 28 identified related projects would generate a total average water demand of approximately 2,164,260 gpd (or approximately 2,424 AFY). Based on the water demand projections in the 2015 UWMP, LADWP determined that it will be able to reliably provide water to its customers through the year 2040, as well as the intervening years (i.e., 2020, the project buildout year). In addition, compliance of the Project and other future development projects with the numerous regulatory requirements that promote water conservation would also reduce water demand on a cumulative basis. Therefore, cumulative significant impacts with respect to water supply are not anticipated from the development of the Project and the related projects. Project impacts to water supply would not be cumulatively considerable, and would be less than significant.

Solid Waste

Construction

In accordance with Project Design Feature L.3-2, the Project's construction contractor would be required to implement a construction waste management plan to achieve a minimum 75 percent diversion from landfills. Furthermore, pursuant to Sections 66.32–66.32.5 of the Los Angeles Municipal Code (Ordinance No. 181,519), the Project's construction contractor would be required to deliver all remaining construction and demolition waste generated by the Project to a Certified Construction and Demolition Waste Processing Facility. The Project's estimated amount of construction and debris waste would represent approximately 0.006 percent of the Azusa Land Reclamation Landfill's existing remaining disposal capacity of 59.83 million tons. Since the County's unclassified landfill generally does not face capacity shortages, and the County's unclassified landfill would be able to accommodate Project-generated waste, construction of the Project would not result in the need for an additional disposal facility to adequately handle Project-generated construction-related waste. Therefore, construction impacts to solid waste facilities would be less than significant.

On-site recycling containers, the use of a Certified Construction and Demolition Waste Processing Facility, waste reduction measures outlined in Project Design Features L.3-1 and L.3-2 (recycling of construction and demolition debris, and using recycled building materials for new construction) would promote source reduction and recycling, consistent with AB 939 and the City's Solid Waste Integrated Resources Plan, General Plan Framework Element, RENEW LA Plan, and Green LA Plan. Therefore, construction of the Project would not conflict with any applicable state or City solid waste regulations and impacts would be less than significant.

In the event that hazardous materials are found in the buildings proposed for demolition, suspect materials would be removed in accordance with all applicable local, state, and federal regulations prior to demolition activities. Compliance with such requirements would reduce the potential for a Project impact associated with disposal of construction-related hazardous waste to a less-than-significant level.

Operation

Assuming a minimum diversion rate of approximately 50 percent, based on implementation of Project Design Feature L.3-3, the net increase in solid waste disposal associated with the Project would be approximately 932 tons per year (2.55 tons per day). This net increase in solid waste disposal associated with the Project would represent an approximately 0.037-percent increase in the City's annual solid waste disposal quantity, based on the 2015 disposal of approximately 2.54 million tons, and approximately 0.001 percent of the estimated remaining Class III landfill capacity available to the City of Los Angeles. Thus, based on the existing available capacities of landfills that serve the City of Los Angeles, the Project's solid waste disposal demands could be met without the need for additional landfill capacity. Therefore, the Project would not result in the need for an additional recycling or disposal facility to adequately handle Project-generated waste.

The Project would provide recycling containers and associated storage areas on-site and would not conflict with solid waste policies and objectives in the City of Los Angeles Source Reduction and Recycling Element or its updates, City of Los Angeles Solid Waste Management Policy Plan, the City of Los Angeles General Plan Framework Element or the Curbside Recycling Program, nor would it conflict with solid waste policies and objectives in the County Integrated Waste Management Plan. Based on the above, Project-level impacts with regard to solid waste would be less than significant during operation, and no mitigation measures are required.

Cumulative Impacts

The Project would dispose of approximately 3,505 tons of construction and demolition waste in the County's unclassified landfill after accounting for recycling pursuant to Project Design Feature L.3-2. Given regulatory requirements, it is anticipated that future cumulative development would also implement similar measures to divert construction and demolition waste from landfills. Furthermore, the unclassified landfill does not face capacity issues. Therefore, cumulative impacts on the unclassified landfill would be less than significant. In addition, the Project's contribution to the County's estimated cumulative waste stream would not be cumulatively considerable.

The Project's and each related project's construction contractor would deliver all construction and demolition waste generated to a Certified Construction and Demolition Waste Processing Facility and would implement waste reduction measures. Thus, the Project and each of the related projects would promote source reduction and recycling, consistent with AB 939 and the City's Solid Waste Integrated Resources Plan, General Plan Framework Element, RENEW LA Plan, and Green LA Plan. Therefore, construction of the Project and each of the related projects would not conflict with any applicable state or City solid waste regulations and cumulative impacts would be less than significant.

Project Design Features

The City finds that Project Design Features L.3-1 through L.3-3 are specific design and/or operational characteristics incorporated into the Project that would avoid or reduce its potential environmental effects. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

Project Design Feature L.3-1: Building materials with a minimum of 10 percent recycled-content shall be used for the construction of the Project.

Project Design Feature L.3-2: During construction, the Project shall implement a construction waste management plan to recycle and/or salvage a minimum of 75 percent of non-hazardous construction debris or minimize the generation of construction waste to 2.5 pounds per square foot of building floor area.

Project Design Feature L.3-3: During operation, the Project shall have a solid waste diversion rate of at least 50 percent, pursuant to the City of Los Angeles Solid Waste Management Policy Plan, which was adopted by the City to comply with AB 939. The Project shall adopt current available recycling practices, including off-site sorting of waste by third-party vendors, permitted by the LAMC to achieve a minimum diversion of 50 percent.

Energy Conservation and Infrastructure

Construction

Electricity

The electricity demand at any given time would vary throughout the construction period based on the construction activities being performed, and would cease upon completion of construction. When not in use, electric equipment would be powered off so as to avoid unnecessary energy consumption. Therefore, the use of electricity during Project construction would not be wasteful, inefficient, or unnecessary.

Construction of the Project's electrical infrastructure would primarily occur within the Project Site although some off-site construction activities to connect the Project's electrical infrastructure with primary electrical distribution lines could occur. All required infrastructure improvements will comply with applicable LADWP

requirements, which would avoid potential impacts to existing energy systems and adjacent properties. As such, construction of the Project's electrical infrastructure is not anticipated to adversely affect the electrical infrastructure serving the surrounding uses or utility system capacity.

The estimated construction electricity usage represents approximately 0.1 percent of the estimated net operational demand which would be within the supply and infrastructure service capabilities of LADWP. Therefore, construction of the Project would not result in an increase in demand for electricity that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Therefore, based on the above, construction-related impacts to electricity supply and infrastructure would be less than significant.

Natural Gas

Construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. Accordingly, natural gas would not be supplied to support Project construction activities; thus, there would be no demand generated by construction.

The Project would involve installation of new natural gas connections to serve the Project Site. Since the Project Site is located in an area already served by existing natural gas infrastructure, it is anticipated that the Project would not require extensive off-site infrastructure improvements to serve the Project Site. Therefore, construction of the Project would not result in an increase in demand for natural gas to affect available supply or distribution infrastructure capabilities and would not result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Construction-related impacts to natural gas supply and infrastructure would be less than significant.

Transportation Energy

The City has adopted several plans and regulations, including the City of Los Angeles Solid Waste Management Policy Plan, the RENEW LA Plan, and the Exclusive Franchise System Ordinance (Ordinance No. 182,986), to promote the reduction, reuse, recycling, and conversion of solid waste going to disposal systems. These solid waste reduction programs and ordinances help to reduce the number of trips to haul solid waste, thereby reducing the amount of petroleum-based fuel consumed. In addition, recycling efforts indirectly reduce the energy necessary to create new products made of raw material, which is an energy-intensive process. The Project includes several design features, such as Project Design Feature L.3-2, which would require building materials with a minimum of 10 percent recycled-content to be used for the construction of the Project, and Project Design Feature L.3-3, which requires the Project to implement a construction waste management plan to recycle and/or salvage a minimum of 75 percent of non-hazardous construction debris or minimize the generation of construction waste to 2.5 pounds per square foot of building floor area. Thus, through compliance with the City's construction-related solid waste recycling programs and Project Design Features, the Project would contribute to reduced energy consumption. Based on the above, Project construction would not result in the wasteful, inefficient, and unnecessary consumption of transportation-related energy resources.

Operation

Electricity Demand

In addition to complying with CALGreen, the Project Applicant would also implement Project Design Feature E-1, Project Design Feature L.1-1 and Project Design Feature L.3-4, which would further reduce the

Project's energy demand. Furthermore, the Project would comply with Section 110.10 of Title 24, which includes mandatory requirements for solar-ready buildings. Therefore, the Project would not cause wasteful, inefficient, and unnecessary consumption of electricity during operation.

The Project-related net increase in annual electricity consumption of 6,070 MWh per year would represent approximately 0.03 percent of LADWP's projected sales. In addition, LADWP has confirmed that the Project's electricity demand can be served by the facilities in the Project area. Furthermore, the Project would incorporate a variety of energy conservation measures to reduce energy usage, and would implement any necessary connections and upgrades required by LADWP to ensure that LADWP would be able to adequately serve the Project. Therefore, it is anticipated that LADWP's existing and planned electricity capacity and supplies would be sufficient to support the Project's electricity demand. Accordingly, operation of the Project would not result in an increase in demand for electricity that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Operational impacts to electricity supply and infrastructure would be less than significant.

Natural Gas Demand

In addition to complying with applicable regulatory requirements regarding energy conservation (e.g., California Building Energy Efficiency Standards and CALGreen), the Project would implement Project Design Feature E-1 to further reduce energy use. Therefore, the Project would not cause wasteful, inefficient, and unnecessary consumption of natural gas during operation.

The Project's natural gas demand of approximately 40,327 cf per day would account for approximately 0.002 percent of the 2020 forecasted consumption in SoCalGas' planning area. In addition, SoCalGas has confirmed that the Project's natural gas demand can be served by the facilities in the Project area. Furthermore, as previously described, the Project would incorporate a variety of energy conservation measures to reduce energy usage. Additionally, the Project would implement any necessary connections and upgrades required by SoCalGas to ensure that SoCalGas would be able to adequately serve the Project. Therefore, it is anticipated that SoCalGas' existing and planned natural gas supplies would be sufficient to support the Project's net increase in demand for natural gas. As such, operation of the Project would not result in an increase in demand for natural gas that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Operational impacts to natural gas supply and infrastructure would be less than significant.

Transportation Energy

Pursuant to Mitigation Measure J-1, the Project would include vehicular trip reduction measures as part of a TDM Program. Implementation of the TDM Program to promote the use of public transportation would serve to reduce VMT and would result in a corresponding reduction in the consumption of petroleum-based fuels. Additionally, bicycle amenities, such as racks and personal lockers, would be expanded at various locations within and around the Project Site pursuant to the TDM program. Furthermore, various Project characteristics are consistent with the California Air Pollution Control Officers Association (CAPCOA) guidance document, Quantifying Greenhouse Gas Mitigation Measures, which provides quantified emission reduction values for recommended mitigation measures, and would reduce VMT and vehicle trips to the Project Site. As such, the Project's siting would minimize transportation fuel consumption through the reduction of VMT. Based on the above, the Project would not cause wasteful, inefficient, and unnecessary consumption of petroleum-based fuel during operation. Impacts associated with operational transportation-related energy use would be less than significant.

Regulatory Consistency

The Project would comply with applicable regulatory requirements for the design of new buildings, including the provisions set forth in the CALGreen Code and California's Building Energy Efficiency Standards, which have been incorporated into the City of Los Angeles Green Building Code. Furthermore, the Project would be consistent with regional planning strategies that address energy conservation, including energy efficiency policies emphasized in SCAG's 2016 RTP/SCS. In addition, the Project would comply with state energy efficiency requirements, would be capable of achieving current LEED® Certified status, and would use electricity from LADWP, which has a current renewable energy mix of 20 percent. All of these features would serve to reduce the consumption of electricity, natural gas, and transportation fuel associated with VMT. Therefore, the Project would not conflict with adopted energy conservation plans, or violate state or federal energy standards. Impacts associated with regulatory consistency would be less than significant.

Cumulative Impacts

Electricity

Although Project development would result in the use of renewable and non-renewable electricity resources during construction and operation, which could limit future availability, the use of such resources would be on a relatively small scale, would be reduced by measures rendering the Project more energy-efficient, and would be consistent with growth expectations for LADWP's service area. Accordingly, the Project's contribution to cumulative impacts related to electricity consumption would be less than significant and would not be cumulatively considerable. Furthermore, as with the Project, during construction and operation, other future development projects would be expected to incorporate energy conservation features, comply with applicable regulations including CALGreen and state energy standards under Title 24, and incorporate mitigation measures, as necessary.

LADWP would continue to expand electricity infrastructure and delivery capacity as needed to meet demand increases within its service area at the lowest cost and risk consistent with LADWP's environmental priorities and reliability standards. Development projects within the LADWP service area would also be anticipated to incorporate site-specific infrastructure improvements, as necessary. Each of the related projects would be reviewed by LADWP to identify necessary power facilities and service connections to meet the needs of their respective projects. Project applicants would be required to provide for the needs of their individual projects, thereby contributing to the electrical infrastructure in the Project area. As such, the Project's contribution to cumulative impacts with respect to electricity infrastructure would not be cumulatively considerable and, thus, would be less than significant.

Natural Gas

Although Project development would result in the use of natural gas resources, which could limit future availability, the use of such resources would be on a relatively small scale, would be reduced by measures rendering the Project more energy-efficient, and would be consistent with regional and local growth expectations for SoCalGas' service area. Furthermore, future development projects would be expected to incorporate energy conservation features, comply with applicable regulations including CALGreen and state energy standards under Title 24, and incorporate mitigation measures, as necessary. Accordingly, the Project's contribution to cumulative impacts related to natural gas consumption would not be cumulatively considerable and, thus, would be less than significant.

SoCalGas would continue to expand natural gas infrastructure and delivery capacity as necessary to meet demand increases within its service area. Development projects within its service area would also be anticipated to incorporate site-specific infrastructure improvements, as appropriate. As such, the Project's

contribution to cumulative impacts with respect to natural gas infrastructure would not be cumulatively considerable and, thus, would be less than significant.

Transportation Energy

According to the California Energy Commission (CEC) demand forecasts, gasoline consumption has declined by 6 percent since 2008, and the CEC predicts that the demand for gasoline will continue to decline over the next 10 years and that there will be an increase in the use of alternative fuels, such as natural gas, biofuels, and electricity. As with the Project, other future development projects would be expected to reduce VMT by encouraging the use of alternative modes of transportation and other design features that promote VMT reductions. Furthermore, the Project would be consistent with the energy efficiency policies emphasized by the 2016 RTP/SCS. The Project would provide greater proximity to neighborhood services, jobs, and residences and would be well-served by existing public transportation, including Metro and LADOT bus lines and rail line. The Project also would introduce new housing and job opportunities within a HQT, which is consistent with numerous policies in the 2016 RTP/SCS related to locating new jobs near transit. These features would serve to reduce VMT and associated transportation fuel consumption. By its very nature, the 2016 RTP/SCS is a regional planning tool that addresses cumulative growth and resulting environmental effects. Since the Project is consistent with the 2016 RTP/SCS, its contribution to cumulative transportation energy use is not cumulatively considerable, and is, therefore, less than significant.

VII. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

The following impact areas were concluded by the EIR to be less than significant with the implementation of mitigation measures described in the Final EIR. Based on that analysis and other evidence in the administrative record relating to the project, the City finds and determines that mitigation measures described in the Final EIR reduce potentially significant impacts identified for the following environmental impact categories to below the level of significance. Pursuant to Public Resources Code Section 21081, the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid each of the following significant effects on the environment.

Cultural Resources

Paleontological Resources

Impact Summary

A records search conducted for the Project Site indicates there are no previously encountered fossil vertebrate localities located within the Project Site. The closest identified locality in proximity to the Project Site is LACM 7758, collected at a depth of 16 feet below the surface area. While the Project Site has been subject to grading and development in the past, grading for Project would consist of excavation to a maximum a depth of approximately 50 feet below the existing ground surface. Thus, the possibility exists that paleontological artifacts that were not recovered during prior construction or other human activity may be present. Should such paleontological resources be encountered during construction, a potentially significant impact could result.

Project Design Features

No specific project design features are proposed with regard to paleontological resources.

Mitigation Measures

Mitigation Measure C-4: A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities and the materials being excavated. If paleontological materials are encountered, the paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Project Applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum.

Finding

Pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding paleontological resources.

Rationale for Finding

As set forth in Mitigation Measure C-4, a qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities of the Project Site. In the event paleontological materials are encountered, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. Therefore, implementation of Mitigation Measure C-4 would ensure that any potential impacts related to paleontological resources would be less than significant.

With regard to potential cumulative impacts related to paleontological resources, the Project vicinity and Community Plan area are urbanized and have been disturbed and developed over time. In the event that paleontological resources are uncovered, all related projects and other future development within the Community Plan area would be required to comply with applicable regulatory requirements. In addition, as part of the environmental review processes for the related projects, it is expected that mitigation measures would be established as necessary to address the potential for uncovering paleontological resources. Therefore, cumulative impacts to paleontological resources would be less than significant and would not be cumulatively considerable.

Reference

Section IV.C, Cultural Resources, of the Draft EIR, as well as paleontological records search results included as Appendix C to the Draft EIR.

Noise

Impact Summary

Construction Noise

Noise impacts from Project-related construction activities occurring within or adjacent to the Project Site would be a function of the noise generated by construction equipment, the location of the equipment, the timing and duration of the noise-generating construction activities, and the relative distance to noise-sensitive receptors. As discussed in detail in Section IV.H, Noise, of the Draft EIR, the maximum estimated noise levels associated with construction of the Project would be below the significance threshold at the off-site receptor locations R3, R5, R7, R8, and R9. However, the estimated construction levels would exceed

the significance threshold by 9.5 dBA at receptor R4 and 1.5 dBA at receptor R6. Therefore, under the most conservative impact assessment, temporary noise impacts associated with the Project's on-site construction would be significant at receptor locations R4 and R6.

As discussed in detail in Section IV.H, Noise, of the Draft EIR, Project-related off-site construction trucks are estimated to generate noise levels of approximately 56.5 dB (Leq) and 56.4 dBA (Leq) at receptor locations R7 and R8, respectively. These noise levels would be below the existing daytime ambient noise level of 65.8 dBA (Leq) and 68.0 dBA (Leq), as measured at receptor locations R7 and R8 and would be below the 5-dBA significance threshold. During other construction phases, the number of construction trucks would be lower, which would result in lower noise levels. Therefore, temporary noise impacts from offsite construction traffic would be below the 5-dBA significance threshold and noise impacts would be less than significant.

Construction Vibration

As discussed in detail in Section IV.H, Noise, of the Draft EIR, the estimated vibration velocity levels from all construction equipment would be below the building damage significance threshold of 0.12 PPV for the residential building structures to the north. The estimated vibration levels at the commercial building structure adjacent to the Project's south property line would exceed the 0.2 PPV significance threshold. Therefore, vibration impacts associated with potential building damage would be significant without mitigation measures.

As discussed in detail in Section IV.H, Noise, of this Draft EIR, the estimated ground-borne vibration levels from construction equipment would be below the significance thresholds for human annoyance at all off-site sensitive receptor locations. Therefore, vibration impacts during construction of the Project would be less than significant, pursuant to the threshold of significance for human annoyance.

As discussed in detail in Section IV.H, Noise, of the Draft EIR, there are existing buildings along the Project's anticipated haul route that are situated approximately 20 feet from the right-of-way and would be exposed to ground-borne vibration levels of approximately 0.022 PPV. This estimated vibration generated by construction trucks traveling along the anticipated haul route would be well below the most stringent building damage threshold of 0.12 PPV for buildings extremely susceptible to vibration. Therefore, vibration impacts (pursuant to the threshold of significance for building damage) from off-site construction activities (i.e., construction trucks traveling on public roadways) would be less than significant.

As discussed in detail in Section IV.H, Noise, of this Draft EIR, the estimated vibration levels at receptor location R7 would be approximately 45 VdB periodically as trucks pass sensitive receptors along the anticipated haul route. The estimated vibration levels from the construction truck at receptor location R7 would be well below the perception threshold and well below the 72 VdB significance threshold from the construction trucks. Therefore, potential vibration impacts with respect to human annoyance that would result from temporary and intermittent vibration from construction trucks traveling along the anticipated haul route would be less than significant.

Project Design Features

Project Design Feature H-1: Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

Project Design Feature H-2: Project construction shall not include the use of driven (impact) pile systems.

Mitigation Measures

Mitigation Measure H-1: A temporary and impermeable sound barrier shall be erected as follows:

- Along the Project Site's northern property line. The temporary sound barrier shall be designed to provide a 10-dBA (for the residential use on 39th Street) noise reduction at the ground level of the adjacent noise-sensitive receptors.
- Along the Project Site's western property line. The temporary sound barrier shall be designed to provide a 5-dBA noise reduction at Christmas Tree Lane within Exposition Park.

Mitigation Measure H-2: The Project Applicant shall retain the services of a qualified vibration consultant to monitor ground-borne vibration at the adjacent building to the south of the Project Site during site excavation when the use of heavy construction equipment, such as a large bulldozer, drill rig, or loaded truck occurs) within 15 feet of the building. The vibration monitoring system shall be able to:

- Measure and continuously store the peak particle velocity (PPV) in inch/second. Vibration data shall be stored on a one-second interval.
- Provide real-time alert (via text message and/or email to on-site personnel) when the vibration levels exceed 0.2 inch/second (PPV).

The measured vibration data shall be documented within a report that shall include: a description of the measurement location, the measurement time, and the recorded values (maximum, minimum and mean levels on an hourly basis).

If the measured ground-borne vibration levels exceed 0.2 inch/second (PPV) at the adjacent offsite structure to the south, the Project contractor shall immediately employ alternative construction methods, so that the ground-borne vibration levels do not exceed 0.2 inch/second (PPV).

Finding

Pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding construction noise and vibration.

Rationale for Finding

Construction Noise

Implementation of Mitigation Measure H-1 (installation of temporary sound barriers) would reduce the noise generated by on-site construction activities at the off-site sensitive uses, by a minimum of 5 dBA at Christmas Tree Lane (receptor location R6) and by 10 dBA at the residential uses on the north side of 39th Street (receptor location R4). As presented in Table IV.H 23 on page IV.H-64 of the Draft EIR, the estimated construction-related noise levels at off-site sensitive receptor locations R3 through R9 would be reduced to below a level of significance with implementation of Mitigation Measure H-1. Therefore, Project-level construction noise impacts associated with on-site noise sources would be less than significant with implementation of mitigation.

As described above, Project-level noise impacts from off-site construction activities would be less than significant.

Construction Vibration

The estimated vibration levels from Project construction equipment would be below the building damage significance threshold of 0.12 PPV for the off-site building structures to the north. However, the vibration levels from construction equipment would exceed the 0.2 PPV for the off-site building adjacent to the Project Site to the south and vibration impacts (pursuant to the threshold of significance for building damage) during construction of the Project would be significant without mitigation. Implementation of Mitigation Measure H-2 would reduce the Project's on-site construction vibration impacts at the off-site commercial building adjacent to the Project Site to the south to less than significant levels.

As described above, Project-level and cumulative vibration impacts from on-site construction activities with respect to human annoyance would be less than significant.

Off-site vibration levels generated by construction trucks (i.e., haul, delivery, and concrete trucks) along the Project's haul route (i.e., Martin Luther King Jr. Boulevard) would be well below the significance threshold for building damage. Therefore, both Project and cumulative vibration impacts with respect to building damage would be less than significant.

Off-site vibration levels from construction trucks would also be well below the significance threshold for human annoyance at the nearest vibration sensitive receptors along the haul route, Martin Luther King Jr. Boulevard, resulting in a less than significant impact. Therefore, both Project and cumulative vibration impacts from off-site construction with respect to human annoyance would be less than significant.

Reference

Section IV.H, Noise, and noise calculation worksheets contained in Appendix F, of the Draft EIR; Supplemental Noise Analysis contained in Appendix FEIR-5 of the Final EIR.

VIII. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT EVEN AFTER MITIGATION

The following impact areas were concluded by the Draft EIR to remain significant and unavoidable following implementation of all feasible mitigation measures described in the Final EIR. Consequently, in accordance with CEQA Guidelines Section 15093, a Statement of Overriding Considerations has been prepared (see Section XI of these Findings).

Aesthetics

Impact Summary - Visual Character and Views

During construction activities for the Project, the visual appearance of the Project Site would be altered due to the removal of the existing buildings, surface parking areas, and associated utility and lighting poles and signage. Other construction activities including site preparation, grading, and excavation; the staging of construction equipment and materials; and the construction of the building foundation and proposed structures would also alter the visual quality of the Project Site and adjacent roadways. These construction activities would be visible to pedestrians and motorists on adjacent streets, as well as to viewers within nearby buildings.

The Project would remove the surface parking lots and the eight existing multi-family residential buildings located on the northeastern portion of the Project Site and construct a seven-story hotel building with ground-level commercial uses, two mixed-use seven-story buildings comprised of neighborhood-serving commercial uses on the ground-floor level and residential uses on the upper levels, and an eight-story above-ground parking structure with rooftop amenities. As previously described, the eight existing residential buildings on the Project Site are located within the Flower Drive Historic District, and seven of the

eight buildings proposed for removal are contributors to the Historic District. Therefore, these buildings are considered valued visual resources that contribute to the visual character of the Project Site and surrounding area. Off-site visual resources that may be viewed within the same viewshed as the Project Site from nearby or distant vantage points include the remaining ten contributing buildings to the Flower Drive Historic District located on the west side of the 3800 block of Flower Drive, to the north of the Project Site; the Los Angeles Memorial Coliseum; the Zobelein Estate; the DC-8 aircraft in Exposition Park; the California Science Center; the Exposition Park Rose Garden; the new Los Angeles Football Club (LAFC) soccer stadium; the Downtown Los Angeles skyline; and the distant Hollywood Hills. The development of the hotel and residential buildings on the Project Site would result in changes to the visual character of the area, including short-range focal views and long-range distant views of the Project Site.

Project Design Features

Project Design Feature A-1: Temporary construction fencing shall be placed along the periphery of the active construction areas to screen the construction activity from view at the street level, and to keep unpermitted persons from entering the construction area.

Project Design Feature A-2: The Project Applicant shall ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways that are accessible/visible to the public, and that such temporary barriers and walkways are maintained in a visually attractive manner (i.e., free of trash, graffiti, peeling postings and of uniform paint color or graphic treatment) throughout the construction period.

Project Design Feature A-4: New on-site utilities that may be required to serve the Project shall be installed underground, where practical.

Project Design Feature A-5: Mechanical, electrical, and roof top equipment, as well as building appurtenances, shall be screened from public view.

Project Design Feature A-6: Trash areas associated with the proposed buildings shall be enclosed or otherwise screened from view from public rights-of-way.

Project Design Feature A-9: The Project shall remove the existing three billboards on-site and shall not include off-site signs.

Mitigation Measures

Implementation of Mitigation Measures C-1, C-2 and C-3 identified below would not reduce Project aesthetic and view impacts on the Historic District to a less than significant level and impacts would remain significant and unavoidable. These mitigation measures were taken into account in the analysis. The City further finds that there are no additional feasible mitigation measures the Project could implement to avoid its significant impacts.

(See Cultural Resources – Historic Resources - Mitigation Measures C-1 through C-3 below)

Finding

The City finds, pursuant to Public Resources Code section 21081(a)(1), that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment. However, these impacts have not been reduced to less than significant.

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or Project alternatives identified in the EIR to reduce the Project's historic-related aesthetic and view impacts to be less than significant.

Rationale for Finding

Visual Character

SB 743 states that aesthetic impacts, which are not considered significant for projects within a transit priority area, do not exclude impacts on historical or cultural resources. Therefore, the Project's significant and unavoidable impacts on historical resources, as analyzed in Section IV.C, Cultural Resources, of the Draft EIR, are treated as visual resource-related aesthetic impacts. Accordingly, the Project's aesthetics- and view-related impacts pertaining to the removal of the Project's historical resources are determined to be significant and unavoidable as well.

Based on a review of the existing and proposed views included in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR, the Project would make a positive contribution to the aesthetic value of the Project Site and improve the visual character of the surrounding area by replacing the older existing residential uses and large, visually unappealing surface parking lots with a mixed-use development that would be generally compatible with, and would complement, existing and future development in the Project area. Development of the proposed buildings and associated landscaping would visually "fill in" the existing underutilized Project Site and would represent an extension and reflection of the surrounding urban environment, thus creating a visual connection between the Project Site and the Project vicinity. Since the buildings in the vicinity of the Project Site exhibit a high degree of variation in architectural style, height, massing, scale, and material, especially structures located within the adjacent Exposition Park, the Project would contribute to the eclectic visual character of the area. Implementation of the Project would also remove unattractive visual elements currently on the Project Site that detract from the visual quality and character of the Project area, such as chain link and metal fencing, utility and light poles, large panel and post signs, and billboard signs. In addition, the Project would improve the visual cohesiveness of the area by converting the underutilized site into an active component of the community, and integrating the existing commercial uses adjacent to the Project Site through streetscape enhancements. The Project would enhance the pedestrian experience adjacent to the Project Site by increasing the amount and quality of landscape and streetscape on and adjacent to the Project Site, which currently has minimal landscaping.

However, as the Project includes the removal of historic cultural resources from the Flower Drive Historic District, aesthetic impacts to the resources would be significant and unavoidable. As discussed in Section IV.C, Cultural Resources, to seek to avoid or significantly lessen significant impacts to historic resources, the Project includes Mitigation Measure C-1, which requires the Project Applicant to document the architectural and historical significance of the Historic District; Mitigation Measure C-2, which requires the Project Applicant to create a salvage and reuse plan for any elements and materials that may be saved prior to the issuance of a demolition permit; and Mitigation Measure C-3, which requires the Project Applicant to relocate a minimum of three contributing buildings of the Historic District to a site or sites within 5 miles of the Project Site, and make all remaining structures available to third parties for relocation and/or salvage. However, implementation of Mitigation Measures C-1, C-2 and C-3 would not reduce those impacts to a level of insignificance, and impacts would remain significant and unavoidable.

In accordance with SB 743, the Project's other potential impacts to the existing visual character of the Project area (outside of the impacts to the Project Site's historical resources) would not be considered significant, and no additional mitigation measures would be required.

Views

Public viewing locations or vantage points of the Project Site include public streets and sidewalks adjacent to the Project Site and in the surrounding area, and other public areas surrounding the Project Site offering elevated views of the Project area. Under existing conditions, short-range views of the Project Site are obstructed from most public vantages and are generally only available to viewers at adjacent locations including pedestrians and motorists along Figueroa Street, Martin Luther King Jr. Boulevard, 39th Street, Flower Drive, motorists elevated above the Project Site on Harbor Freeway, visitors to Exposition Park, and patrons of the commercial businesses immediately adjacent to the Project Site. Due to the height and massing of the proposed buildings, the changes to short-range views, particularly along the immediately adjacent Figueroa Street and 39th Street, would be more substantial than changes to long-range views. Within short-range views from street-level vantage points adjacent to the Project Site, the Project would be prominently visible, taller, and would have more perceived bulk than the existing commercial and residential structures.

Public views of the identified off-site visual resources are limited due to the predominantly flat terrain of the Project area and the dense, intervening development that blocks long-range, expansive views. Public views of the Flower Drive Historic District, the Los Angeles Memorial Coliseum, the Zobelein Estate, the DC-8 aircraft, the California Science Center, the Exposition Park Rose Garden, and the new LAFC soccer stadium are usually substantially blocked by adjacent development unless the viewer is positioned directly adjacent to the resource. With the exception of the Flower Drive Historic District, the Project would not eliminate or substantially obscure public focal views of these visual resources due to the distance and location of the Project Site from these resources. In addition, public views of scenic vistas such as the Downtown Los Angeles skyline and the more distant Hollywood Hills are limited, partial, distant, and/or non-existent.

Based on the view simulations provided in Section IV.A, Aesthetics, Views, Light and Glare, and Shading, of the Draft EIR, the Project would eliminate and obstruct existing views of the Flower Drive Historic District. As noted above, SB 743 states that aesthetic impacts, which are not considered significant for projects within a transit priority area, do not include impacts on historical or cultural resources. Therefore, the Project's impacts on historical resources, as analyzed in Section IV.D, Cultural Resources, of the Draft EIR, are being treated as view-related aesthetic impacts. As those historic impacts are significant and unavoidable, the Project's view impacts pertaining to the removal of a portion of the Flower Drive Historic District are determined to be significant and unavoidable as well. Even with implementation of Mitigation Measures C-1 through C-3 as identified above, impacts would remain significant. No other valued views of identified visual resources would be substantially obstructed by the Project.

As reported in Table V-2, Summary of Comparison of Impacts Associated with the Alternatives and Impacts of the Project, and discussed at pages V-26 through V-54 of Section V, Alternatives, of the Draft EIR, Alternative 2: Community Plan Update Compliant/Historic Preservation Alternative will avoid these significant and unavoidable impacts by retaining all of the historical resources at the Project Site in their existing conditions at the Project Site. However, the City concluded that Alternative 2 is infeasible because it will not meet or meet as well as the Project will, many of the Project Objectives or the Project's underlying purpose, as described in greater detail in Section IX, Alternatives to the Project, subsection Alternative 2, below. In addition, Alternative 2 will worsen the environmental impacts caused by the Project with respect to archaeological resources, paleontological resource, and tribal cultural resources as compared to those of the Project.

As such, the Project results in significant and unavoidable impacts with regard to historic-related aesthetic and view impacts. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section XI, Statement of Overriding Considerations, the City finds that specific

economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

Reference

Section IV.A, Aesthetics, of the Draft EIR, as well as Section IV.C, Cultural Resources, of the Draft EIR.

Cultural Resources

Impact Summary - Historic Resources

The Project Site includes a portion of the Flower Drive Historic District, which is eligible for the California Register and considered a historical resource under CEQA. The Project would result in the demolition of eight out of 19 buildings that currently comprise the Historic District. Seven of the buildings proposed for removal are contributors to the Historic District. The Project would also be located across 39th Street from the remaining portion of the Historic District, and would introduce a new visual element to the setting of the Historic District. Removal of the portion of the Historic District would result in direct significant impacts to historic cultural resources.

Project Design Features

Project Design Feature C-1: The Project Applicant shall retain a relocation consultant to assist current Project Site residents by providing services including, but not limited to, identification of available replacement dwellings, transportation to view potential replacement housing, coordination of movers, and establishment/oversight of relocation fee escrow accounts.

Mitigation Measures

Implementation of Mitigation Measures C-1, C-2 and C-3 identified below would not reduce Project impacts on the Historic District to a less than significant level and impacts would remain significant and unavoidable. These mitigation measures were taken into account in the analysis. The City further finds that there are no additional feasible mitigation measures the Project could implement to avoid its significant impacts due to demolition of historic resources.

Mitigation Measure C-1: Prior to the issuance of a demolition permit, a report documenting the architectural and historical significance of the Flower Drive Historic District shall be prepared. One original copy of the report in both digital and hard copy format shall be assembled and offered to the Southern California Information Center at California State University Fullerton, the Los Angeles Conservancy, the Los Angeles Central Library, and the City of Los Angeles Office of Historic Resources. The report shall be created by a historic preservation professional meeting the Secretary of the Interior's Professional Qualifications Standards for history or architectural history. The report shall include:

- a. A written report according to the Historic American Building Survey (HABS) narrative format, which includes historical and descriptive information, index to photographs, and photo key plan.
- b. Duplicates of historic photographs, if available.
- c. Duplicates of original drawings, if available.
- d. 35 mm black and white photographs (or digital images for the digital copies of the report). The photographs shall be keyed to a site plan to show the location of each photograph taken. Views shall include the setting of the District and exterior views of all of the contributing buildings.

Mitigation Measure C-2: A salvage and reuse plan shall be created, identifying elements and materials that can be saved prior to the issuance of a demolition permit. The plan shall be prepared by a historic preservation professional meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history or historic architecture with demonstrated experience in developing salvage and reuse plans. The plan shall be submitted to the City of Los Angeles Office of Historic Resources. Elements and materials that may be salvageable include: windows, doors, roof tiles, decorative elements, framing members, light fixtures, plumbing fixtures, and flooring materials such as tiles and hardwood. The salvageable items shall be removed in the gentlest, least destructive manner possible. The plan shall identify the recipient(s) for the items.

Mitigation Measure C-3: Seven of the eight multifamily residential buildings currently located on the Project Site are designated contributors to the Flower Drive Historic District. At least three of the seven contributors shall be relocated to a suitable and appropriately zoned site or sites within 5 miles of the Project Site, to the satisfaction of the Planning Department. The relocation of at least three contributors shall be completed prior to the issuance of a final certificate of occupancy for the Project.

All buildings that are not to be relocated shall be made available to third parties for relocation and/or salvage in accordance with the salvage and reuse plan prepared pursuant to Mitigation Measure C-2. The Project Applicant shall publicize the availability of any such buildings for relocation and/or salvage by publishing a notice in a newspaper of general circulation and by directly informing potentially interested parties at least 180 days prior to the application for any demolition permit ("Notice of Availability"). Any third party interested in pursuing relocation and/or salvage activities shall notify the Applicant of their interest within 30 days of the Notice of Availability being provided. At least 60 days prior to the Project Applicant commencing demolition activities at the Project Site, the Project Applicant shall notify all interested third parties of such impending demolition ("Notice of Demolition"). All proposed relocation and/or salvage activities proposed by third parties shall be completed no later than 30 days after receiving a Notice of Demolition.

Any such buildings made available for relocation and/or salvage shall be made available at no cost for the building itself, but a third party that undertakes relocation and/or salvage activities shall be responsible for costs associated with those activities.

Finding

The City finds, pursuant to Public Resources Code section 21081(a)(1), that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment. However, these impacts have not been reduced to less than significant.

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or Project alternatives identified in the EIR to reduce the Project's historic impacts to be less than significant.

Rationale for Finding

As discussed in Section IV.C, Cultural Resources, of the Draft EIR the Project Site includes a portion of the Flower Drive Historic District, which is eligible for the California Register and considered a historical resource under CEQA. The Project would result in the demolition of eight out of 19 buildings that currently comprise the Historic District. Thus, the Historic District as a whole would be substantially altered. The Historic District consists of 19 buildings (17 contributing and 2 non-contributing) spread along two blocks of Flower Drive, the southerly one of which is part of the Project Site. The Project would result in demolition of seven contributing buildings and one non-contributing building. The block to the north of the Project Site would continue to have 10 contributing buildings and one non-contributing building. In addition, the Project would introduce a seven-story Hotel Component development adjacent to the remaining portion of the

Historic District, separated by 39th Street, which would also further impact the integrity of the Historic District. Given the number of demolished contributors and that one of two blocks would no longer contain contributors, the Project is considered to have a significant adverse impact on a historical resource and mitigation measures are required. Although the Project incorporates three mitigation measures provided above to reduce these impacts, the Project's impacts due to demolition of historical resources cannot be mitigated to a less-than-significant level.

As reported in Table V-2, Summary of Comparison of Impacts Associated with the Alternatives and Impacts of the Project, and discussed at pages V-26 through V-54 of Section V, Alternatives, of the Draft EIR, Alternative 2: Community Plan Update Compliant/Historic Preservation Alternative will avoid these significant and unavoidable impacts by retaining all of the historical resources at the Project Site in their existing conditions at the Project Site. However, the City concluded that Alternative 2 is infeasible because it will not meet or meet as well as the Project will, many of the Project Objectives or the Project's underlying purpose, as described in greater detail in Section IX, Alternatives to the Project, subsection Alternative 2, below. In addition, Alternative 2 will worsen the environmental impacts caused by the Project with respect to archaeological resources, paleontological resource, and tribal cultural resources as compared to those of the Project.

As such, the Project results in significant and unavoidable impacts with regard to demolition of historical resources. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section XI, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

Reference

Section IV.C, Cultural Resources, of the Draft EIR; *The Fig, Los Angeles California, Historical Resources Report* (Historical Resources Report) prepared by GPA Consulting (July 2017) included as Appendix C of the Draft EIR; Sections II, Responses to Comments, and III, Revisions, Clarifications, and Corrections, of the Final EIR.

Noise

Impact Summary

Construction Noise (Cumulative)

Noise impacts from Project-related construction activities occurring within or adjacent to the Project Site would be a function of the noise generated by construction equipment, the location of the equipment, the timing and duration of the noise-generating construction activities, and the relative distance to noise-sensitive receptors. As discussed in detail in Section IV.H, Noise, of the Draft EIR, the maximum estimated noise levels associated with construction of the Project would be below the significance threshold at the off-site receptor locations R3, R5, R7, R8, and R9. However, the estimated construction levels would exceed the significance threshold by 9.5 dBA at receptor R4 and 1.5 dBA at receptor R6. Therefore, under the most conservative impact assessment, temporary noise impacts associated with the Project's on-site construction would be significant at receptor locations R4 and R6.

While the majority of the related projects are located a substantial distance (greater than 1,000 feet) from the Project Site, Related Project No. 15 and Related Project No. 21 are located within 1,000 feet of the Project Site. Therefore, as discussed in the Draft EIR, cumulative noise impacts at the nearby sensitive

uses (e.g., residential uses and park) located in proximity to the Project Site, could occur if Related Project No. 15 and/or Related Project No. 21 were constructed concurrently with the Project. Since the publication of the EIR, Related Project No. 21 has been fully constructed and its operational. Nonetheless, if nearby Related Project No. 15 was to be constructed concurrently with the Project, significant cumulative construction noise impacts could result.

As discussed in detail in Section IV.H, Noise, of the Draft EIR, Project-related off-site construction trucks are estimated to generate noise levels of approximately 56.5 dB (Leq) and 56.4 dBA (Leq) at receptor locations R7 and R8, respectively. These noise levels would be below the existing daytime ambient noise level of 65.8 dBA (Leq) and 68.0 dBA (Leq), as measured at receptor locations R7 and R8 and would be below the 5-dBA significance threshold. During other construction phases, the number of construction trucks would be lower, which would result in lower noise levels. Therefore, temporary noise impacts from offsite construction traffic would be below the 5 dBA significance threshold and noise impacts would be less than significant.

Based on the existing daytime ambient noise level of 65.8 dBA (Leq) measured along Martin Luther King Jr. Boulevard at receptor location R7, it is estimated that up to 537 truck trips per hour could occur along Martin Luther King Jr. Boulevard without exceeding the significance thresholds of 5 dBA above ambient noise levels (i.e., 70.8 dBA Leq). Therefore, if the total number of trucks from the Project and related projects were to add up to 538 truck trips per hour along Martin Luther King Jr. Boulevard, the estimated noise level from 538 truck trips per hour would be 70.8 dBA at receptor location R7, which would exceed the ambient noise levels by 5 dBA and exceed the significance thresholds. Since the Project would generate up to 20 truck trips per hour during peak construction period (site excavation), it is unlikely that truck traffic related to construction of the Project and other related projects would cumulatively add up to 538 or more hourly truck trips along Martin Luther King Jr. Boulevard. As such, the Project's contribution to cumulative noise impacts would not be cumulatively considerable and cumulative noise impacts from off-site construction would be less than significant.

Operational Noise (Cumulative)

Due to provisions set forth in the LAMC that limit stationary source noise from items, such as rooftop mechanical equipment, noise levels would be less than significant at the property line for each related project. Noise impacts associated with operations within the Project Site would be less than significant. However, the noise levels associated with the stadium use at the Related Project No. 21 would result in significant impacts at the nearby noise-sensitive uses (i.e., receptor locations R4 and R7).

The Project and related projects in the area would produce traffic volumes (off-site mobile sources) that would generate roadway noise. Cumulative noise impacts due to off-site traffic were analyzed by comparing the projected increase in traffic noise levels from "Existing without Project" conditions to "Future Plus Project" conditions to the applicable significance criteria. Future Plus Project conditions include traffic volumes from future ambient growth, related projects, and the Project. Cumulative traffic volumes would result in a maximum increase of 2.4 dBA (CNEL) along the roadway segment of El Centro Avenue (north of Sunset Boulevard), which would be below the relevant 5 dBA significance threshold (applicable when noise levels fall within the conditionally acceptable category). At all other analyzed roadway segments, the increase in cumulative traffic noise would be less than 2.4 dBA (CNEL). Therefore, cumulative noise impacts due to off-site mobile noise sources associated with the Project, future growth, and related projects would be less than significant.

Project Design Features

Project Design Feature H-1: Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with

manufacturers' standards). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

Project Design Feature H-2: Project construction shall not include the use of driven (impact) pile systems.

Project Design Feature H-3: All outdoor mounted mechanical equipment shall be enclosed or screened from off-site noise-sensitive receptors.

Project Design Feature H-4: Outdoor amplified sound systems shall be designed so as not to exceed the maximum noise level of 80 dBA (L_{eq-1hr}) at a distance of 25 feet from the amplified sound systems (i.e., speaker face) at the ground level outdoor dining/plaza, 85 dBA (L_{eq-1hr}) at the Hotel Level 2 courtyards, Student Housing and Mixed Housing Level 2 courtyards and roof level amenities deck, and 95 dBA (L_{eq-1hr}) at the Hotel roof amenities deck.

Mitigation Measures

Mitigation Measure H-1: A temporary and impermeable sound barrier shall be erected as follows:

- Along the Project Site's northern property line. The temporary sound barrier shall be designed to provide a 10-dBA (for the residential use on 39th Street) noise reduction at the ground level of the adjacent noise-sensitive receptors.
- Along the Project Site's western property line. The temporary sound barrier shall be designed to provide a 5-dBA noise reduction at Christmas Tree Lane within Exposition Park.

Finding

The City finds, pursuant to Public Resources Code section 21081(a)(1), that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment. However, these impacts have not been reduced to less than significant.

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or Project alternatives identified in the EIR to reduce the Project's impacts to be less than significant.

Rationale for Finding

Construction Noise

Implementation of Mitigation Measure H-1 (installation of temporary sound barriers) would reduce the noise generated by on-site construction activities at the off-site sensitive uses, by a minimum of 5 dBA at Christmas Tree Lane (receptor location R6) and by 10 dBA at the residential uses on the north side of 39th Street (receptor location R4). As presented in Table IV.H 23 on page IV.H-64 of the Draft EIR, the estimated construction-related noise levels at off-site sensitive receptor locations R3 through R9 would be reduced to below a level of significance with implementation of Mitigation Measure H-1. Therefore, Project-level construction noise impacts associated with on-site noise sources would be less than significant with implementation of mitigation.

However, cumulative construction noise impacts associated with on-site noise sources would remain significant and unavoidable if nearby Related Project No. 15 was to be constructed concurrently with the Project, despite the Project's implementation of all feasible mitigation measures to reduce its own on-site construction noise impacts.

As described above, Project-level noise impacts from off-site construction activities would be less than significant. Moreover, cumulative noise due to construction truck traffic from the Project and other related projects is not likely to exceed the ambient noise levels along the haul route by 5 dBA. As such, cumulative noise impacts from off-site construction would be less than significant without mitigation.

Operational Noise

Project-level operational noise would be less than significant without mitigation. However, cumulative on-site operational noise impacts would be intermittently significant during the operation of the outdoor stadium associated with Related Project 21. Therefore, based on the distance of Related Project No. 21 from the Project Site and the operational noise levels associated with the Project and Related Project No. 21, cumulative stationary source noise impacts associated with operation of the Project and Related Project No. 21 would be significant. As concluded in the environmental document prepared for the Related Project No. 21, there are no feasible mitigation measures identified to reduce the noise level below the significance threshold. Therefore, cumulative operational noise impacts associated with on-site noise sources would remain significant and unavoidable.

As reported in Table V-2, Summary of Comparison of Impacts Associated with the Alternatives and Impacts of the Project, and discussed at pages V-14 through V-25 of Section V, Alternatives, of the Draft EIR, Alternative 1: No Project Alternative will avoid these significant and unavoidable impacts by maintaining the existing conditions at the Project Site and not providing for any new development. However, the City concluded that Alternative 1 is infeasible because it will not meet any of the Project Objectives or the Project's underlying purpose, as described in greater detail in Section IX, Alternatives to the Project, subsection Alternative 1, below.

As such, the Project results in significant and unavoidable cumulative noise impacts with regard to construction and operation. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section XI, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

Reference

Section IV.H, Noise, and noise calculation worksheets contained in Appendix F, of the Draft EIR; Supplemental Noise Analysis contained in Appendix FEIR-5 of the Final EIR.

Traffic and Access (Operation)

Impact Summary – Circulation System (Intersection Levels of Service)

Existing With Project Conditions

Under Existing With Project Conditions, 34 of the 38 signalized intersections are projected to operate at level of service (LOS) D or better during both the morning and afternoon peak periods. The remaining four intersections are projected to operate at LOS E during either the morning or the afternoon peak periods. The addition of Project traffic from the Project to Intersection No. 7: Vermont Avenue & Exposition Boulevard, Intersection No. 16: Figueroa Street & 39th Street/Exposition Park Drive, and Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard would cause a change in the LOS, as well as the volume-to-capacity (V/C) ratio, and result in a significant impact during the A.M. peak period. Furthermore, although the LOS would remain the same, the addition of Project traffic to Intersection No. 9: Figueroa

Street & Exposition Boulevard and Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard would result in a change to the V/C ratio that would exceed the significance thresholds during the P.M. peak period. As such, Project would result in three significant traffic impacts during the A.M. peak period and two significant traffic impacts during the P.M. peak period under Existing With Project Conditions, and mitigation would be required.

Future With Project Conditions

Under Future with Project Conditions, 26 of the 38 signalized study intersections are projected to operate at LOS D or better during both the morning and afternoon peak periods under Future With Project Conditions. The remaining 12 intersections are projected to operate at LOS E or F during at least one of the peak periods under Future With Project Conditions. Although the LOS would remain the same, the addition of Project traffic to Intersection No. 2: Figueroa Street & Jefferson Boulevard, Intersection No. 7: Vermont Avenue & Exposition Boulevard, Intersection No. 9: Figueroa Street & Exposition Boulevard, Intersection No. 16: Figueroa Street & 39th Street/Exposition Park Drive, Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard, Intersection No. 22: I-110 SB Ramps & Martin Luther King Jr. Boulevard, Intersection No. 23: I-110 NB Ramps/Hill Street & Martin Luther King Jr. Boulevard, Intersection No. 24: Broadway & Martin Luther King Jr. Boulevard, Intersection No. 29: Figueroa Street & 30th Street and Intersection No. 30: Figueroa Street & Adams Boulevard would result in a change to the V/C ratio that would exceed the significance thresholds during the A.M. or P.M. peak periods, or both. As such, the Project would result in seven significant traffic impacts during the A.M. peak period and seven significant traffic impacts during the P.M. peak period under Future With Project Conditions, and mitigation would be required.

In addition, the unsignalized intersections of Flower Drive and 39th Street, Grand Avenue and 39th Street, and Hill Street and 39th Street were evaluated to determine the need for the installation of a new traffic signal or other traffic control device through a traffic signal warrant analysis. The Grand Avenue and 39th Street intersection would operate at LOS F during morning peak hour and at LOS E during the afternoon peak hour under Future With Project Conditions. The Hill Street and 39th Street intersection would operate at LOS E during morning peak hour and at LOS F during the afternoon peak hour under Future With Project Conditions. The Flower Drive and 39th Street intersection would operate at LOS D or better during both morning and afternoon peak hours. Thus, a traffic signal warrant analysis was conducted for the Grand Avenue and 39th Street and Hill Street and 39th Street intersections. The analysis shows that the P.M. peak-hour traffic volumes at the Grand Avenue and 39th Street intersection would warrant a traffic signal and the A.M. and P.M. peak-hour volumes at the Hill Street and 39th Street intersection would warrant a signal. However, these intersections would also operate at LOS E in the A.M. and P.M. peak hours in the Future Without Project Conditions, and the traffic volumes under the Future Without Project Conditions would warrant a traffic signal in the P.M. peak hour at both intersections. Therefore, since a traffic signal would already be warranted under the Future Without Project Conditions, the Project would not cause the need for a new traffic signal at the intersections of Grand Avenue and 39th Street and Hill Street and 39th Street.

The satisfaction of LADOT's criteria for installing a traffic signal is not the same as a significance threshold for determining significant impacts. Further, the satisfaction of a traffic signal warrant does not in of itself require the installation of a signal. If the traffic volumes at an unsignalized intersection should surpass the established thresholds to warrant a traffic signal, LADOT will ultimately determine if a signal is feasible and should be installed, after consideration of other factors relative to safety, traffic flow, signal spacing and coordination, and roadway geometrics.

USC Game Day Analysis

USC Game Day analysis considers the first 27 study intersections proposed for the study area, and does not include the 11 additional intersections that were added to the study area due to significant impacts that were identified at the edge of the initial study area. Since significant impacts were not identified at the edge of the initial study area under USC Game Day conditions, the additional 11 intersections were not included in the USC Game Day analysis. Under Future With Project Conditions during USC Game Day, 25 of the 27 signalized study intersections are projected to operate at LOS D or better during both the Pre- and Post-Game Peak Hour. The addition of traffic from the Project to Intersection No. 9: Figueroa Street & Exposition Boulevard would cause an LOS change from B to C and an increase in V/C ratio that would result in a significant impact at that intersection during the USC Game Day Pre-Game Peak Hour. The addition of traffic from the Project to Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard would cause an LOS change from E to F and an increase in V/C ratio that would result in a significant impact at that intersection during the USC Game Day Pre-Game Peak Hour.

Cumulative Impacts

Under cumulative conditions (Future with Project Conditions), the Project would result in seven significant traffic impacts during the A.M. peak period and seven significant traffic impacts during the P.M. peak period under Future With Project Conditions at a total of ten intersections, and mitigation would be required. Therefore, the Project's contribution to impacts under cumulative conditions would be considerable, and cumulative impacts would be significant at those intersections impacted by the Project.

Project Design Features

No specific operational-related traffic and access project design features have been incorporated into the Project.

Mitigation Measures

Mitigation Measure J-1: Transportation Demand Management (TDM) Program—The Project shall prepare and implement a TDM Program that includes strategies to promote non-automobile travel and reduce the use of single-occupant vehicle trips. The TDM Program shall include design features, transportation services, education programs, and incentive programs intended to reduce the amount of single-occupancy vehicles during commute hours. A preliminary TDM program shall be prepared and provided for LADOT review prior to the issuance of the first building permit for this Project and a final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the Project. The TDM Program strategies should include, but not be limited to, the following strategies:

- An on-site Transportation Information Center
- Preferential rideshare loading/unloading or parking location
- Convenient parking and facilities for bicycle riders
- Guaranteed ride home programs for employees
- Allowance for flexible and alternative work schedules
- Administrative support for the formation of carpools/vanpools
- Promotion of transit, walk, or bike to work events
- Project design elements to ensure a bicycle, transit, and pedestrian friendly environment
- Unbundled parking from housing cost
- Parking cash-out programs for Project and uses as appropriate

- A Covenant and Agreement to ensure that the TDM program will be maintained.

The following improvements proposed by the project as part of its transit and mobility improvement program should be part of the TDM program:

- Provide sidewalk bike racks (including near bus stops).
- Participate in the City's Bike Share Program by providing an area for bike share facilities.
- Make a one-time financial contribution of \$150,000 to the City of Los Angeles Department of Transportation, to be used in the implementation of the Mobility Hub in the general area of the Project.
- Participate in a Car-Share Program, and provide a minimum of ten off-street car share parking spaces
- Provide an on-site transportation coordinator to promote alternatives to the car and to facilitate rideshare.
- Facilitate carpools and vanpools for project employees, students, etc. by providing priority locations for carpool and vanpool parking.
- Provide an on-site information facility to make available information on car-sharing, transit, vanpools, taxis, etc. (e.g. kiosk, concierge, or transportation office).
- Encourage implementation of bus shelters in the area of the Project.
- Unbundle parking from housing cost.
- Implement parking cash-out programs for Project land uses
- Facilitate shuttle service from the Project to nearby destinations including the USC campus and nearby transit stations
- In addition, the Project shall enhance existing transit service in the Project vicinity as follows:
Contribution of a fixed fee of \$750,000 to a trust fund to be administered by LADOT for the implementation of alternative transportation modes focused along the Figueroa Street corridor and the DASH F route. The funding may include purchase of one 35-foot zero emission bus, maintenance cost of three years, driver salary for three years, fuel expenses for three years, and route modification to include the Project Site.

Mitigation Measure J-2: Transportation Systems Management (TSM) Improvements—The Project shall contribute up to \$80,000 toward TSM improvements within the Central District to better accommodate intersection operations and increase intersection capacity throughout the study area, to the satisfaction of the LADOT ATSAC Section. The Project shall fund the installation of new closed circuit television (CCTV) cameras (a total of four cameras, including necessary mounting poles, fiber optic and electrical connections) at the following four intersections:

- Intersection No. 2: Figueroa Street & Jefferson Boulevard
- Intersection No. 9: Figueroa Street & Exposition Boulevard
- Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard
- Intersection No. 23: I-110 NB Ramps/Hill Street & Martin Luther King Jr. Boulevard

Prior to the issuance of any building permit, LADOT shall determine whether the CCTV installations shall be implemented by the applicant through the B-permit process of the Bureau of Engineering (BOE), or through payment of a one-time fixed fee of \$80,000 from the Project to LADOT to fund the cost of the upgrades, and LADOT shall design and construct the upgrades. If the installations are implemented by the Project through the B-Permit process, then these improvements shall be guaranteed prior to the issuance of any building

permit and completed prior to the issuance of any certificate of occupancy. Temporary certificates of occupancy may be granted in the events of any delay through no fault of the applicant, provided that, in each case, the applicant has demonstrated reasonable efforts and due diligence to the satisfaction of LADOT.

Finding

The City finds, pursuant to Public Resources Code section 21081(a)(1), that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment. However, these impacts have not been reduced to less than significant.

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or Project alternatives identified in the EIR to reduce the Project's operational traffic impacts to signalized intersections to be less than significant.

Rationale for Finding

Regarding intersection levels of service under Existing With Project Conditions, Future With Project Conditions, and USC Game Day Analysis, while incorporation of Mitigation Measures J-1 and J-2 would fully mitigate some significant intersection impacts, and partially mitigate others, a number of intersection impacts would remain significant and unavoidable.

Mitigation Measure J-1 would be beneficial to traffic flow, transit service, pedestrian circulation, and overall mobility in the Project area. In conjunction with LADOT, it was conservatively estimated that the above combination of trip reduction measures could reduce the overall number of vehicle trips generated by the Project by approximately ten percent.

LADOT has determined that the traffic system management improvements for CCTV cameras required by Mitigation Measure J-2 would increase intersection capacity in the system. Per LADOT procedures a one percent increase in intersection capacity (0.01 improvement in the V/C ratio) has been included in the mitigation analysis for the intersections.

Regarding intersection impacts under Existing With Project Conditions, with incorporation of Mitigation Measures J-1 and J-2, the Project's significant intersection impact at Intersection No. 9: Figueroa Street & Exposition Boulevard would be fully mitigated during the P.M. peak hour. However, while the mitigation measures would partially mitigate traffic impacts at the following three intersections, these impacts would remain significant and unavoidable after mitigation:

- Intersection No. 7: Vermont Avenue & Exposition Boulevard (A.M. peak period)
- Intersection No. 16: Figueroa Street & 39th Street/Exposition Park Drive (A.M. peak period)
- Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard (A.M. and P.M. peak periods)

Regarding intersection levels of service under Future With Project Conditions, with incorporation of Mitigation Measures J-1 and J-2, the Project's significant intersection impacts at the following intersections and time periods would be fully mitigated:

- Intersection No. 2: Figueroa Street & Jefferson Boulevard (A.M. peak period)
- Intersection No. 9: Figueroa Street & Exposition Boulevard (A.M. peak period)
- Intersection No. 22: I-110 SB Ramps & Martin Luther King Jr. Boulevard (A.M. peak period)
- Intersection No. 23: I-110 NB Ramps/Hill Street & Martin Luther King Jr. Boulevard (P.M. peak period)

However, while the mitigation measures would partially mitigate traffic impacts of the Project, impacts at the following eight intersections for the period(s) indicated would remain significant and unavoidable after mitigation:

- Intersection No. 2: Figueroa Street & Jefferson Boulevard (P.M. peak period)
- Intersection No. 7: Vermont Avenue & Exposition Boulevard (A.M. peak period)
- Intersection No. 9: Figueroa Street & Exposition Boulevard (P.M. peak period)
- Intersection No. 16: Figueroa Street & 39th Street/Exposition Park Drive (A.M. peak period)
- Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard (A.M. and P.M. peak periods)
- Intersection No. 24: Broadway & Martin Luther King Jr. Boulevard (P.M. peak period)
- Intersection No. 29: Figueroa Street & 30th Street (P.M. peak period)
- Intersection No. 30: Figueroa Street & Adams Boulevard (A.M. and P.M. peak periods)

Regarding USC Game Day impacts, implementation of Mitigation Measures J-1 and J-2 would fully mitigate traffic impacts at Intersection No. 9: Figueroa Street & Exposition Boulevard. However, impacts at Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard would only be partially mitigated, and would remain significant and unavoidable.

As reported in Table V-2, Summary of Comparison of Impacts Associated with the Alternatives and Impacts of the Project, and discussed at pages V-14 through V-25 of Section V, Alternatives, of the Draft EIR, Alternative 1: No Project Alternative will avoid these significant and unavoidable impacts by maintaining the existing conditions at the Project Site and not providing for any new development. However, the City concluded that Alternative 1 is infeasible because it will not meet any of the Project Objectives or the Project's underlying purpose, as described in greater detail in Section IX, Alternatives to the Project, subsection Alternative 1, below.

As such, the Project results in significant and unavoidable cumulative noise impacts with regard to construction and operation. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section XI, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

Reference

Section IV.J, Traffic and Access of Draft EIR; Traffic Study and Construction Traffic Study included as Appendix L of Draft EIR; LADOT Assessment Letter included as Appendix L of Draft EIR; Supplemental Traffic Analysis included as Appendix FEIR-3 of Final EIR; LADOT Assessment Letter for Supplemental Traffic Analysis included as Appendix FEIR-4 of the Final EIR.

IX. ALTERNATIVES TO THE PROJECT

In addition to the project, the Draft EIR evaluated a reasonable range of four alternatives to the project. These alternatives are: 1) No Project/No Build Alternative; 2) Community Plan Update Compliant/Historic Preservation Alternative; 3) Reduced Density/Partial Historic Preservation Alternative; and (4) Zoning Compliant Alternative. In accordance with CEQA requirements, the alternatives to the Project include a "No Project" alternative and alternatives capable of eliminating the significant adverse impacts of the project. These alternatives and their impacts, which are summarized below, are more fully described in Section V of the Draft EIR.

Summary of Findings

Based upon the following analysis, the City finds, pursuant to Public Resources Code Section 21081, that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible the Project alternatives identified in the EIR.

Project Objectives

An important consideration in the analysis of alternatives to the Project is the degree to which such alternatives would achieve the objectives of the Project. As more thoroughly described in Section II, Project Description, of the Draft EIR, both the City and Project Applicant have established specific objectives concerning the Project, which are incorporated by reference herein and discussed further below.

Project Alternatives Analyzed

Alternative 1 – No Project Alternative

Alternative 1, the No Project Alternative, assumes that the Project would not be approved, no new permanent development would occur within the Project Site, and the existing environment would be maintained. Thus, the physical conditions of the Project Site would generally remain as they are today. Specifically, the eight existing multi-family residential buildings located within the Flower Drive Historic District and containing a total of 32 dwelling units, as well as existing surface parking areas, would remain on the Project Site, and no new construction would occur.

Impact Summary

The No Project Alternative would avoid the Project's significant and unavoidable impacts to aesthetics, views, historic resources, and intersection levels of service during operation. In addition, Alternative 1 would avoid the Project's significant and unavoidable cumulative on-site construction noise impacts that would occur if Related Project No. 15 were to be constructed concurrently with the Project, and the Project's significant and unavoidable cumulative on-site noise impacts associated with operation of the Project and Related Project No. 21. Impacts associated with the remaining environmental issues would be less than those of the Project.

Finding

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible the No Project Alternative described in the Draft EIR.

Rationale for Findings

Alternative 1 would generally reduce all the Project's less than significant environmental impacts and is environmentally superior to the Project. However, Alternative 1 would not meet the Project's underlying purpose, or achieve any of the Project objectives.

No changes to existing land uses or operations on-site would occur under Alternative 1. As such, Alternative 1 would not meet any of the Project objectives or the underlying purpose of the Project. Specifically, Alternative 1 would not provide new market-rate or affordable housing units near multiple transit opportunities in the Southeast Community Plan Area. Alternative 1 would also not develop new student housing along the Figueroa Corridor, in close proximity to the University of Southern California's campus, or develop new short-term and extended-stay lodging opportunities that are easily accessible to Exposition Park, the USC campus, and the Los Angeles Convention Center, as well as other museum and cultural facilities in the surrounding area.

Alternative 1 would not develop new retail, restaurant, commercial office, and hospitality uses within the Southeast Los Angeles Community Plan Area that provide short- and long-term employment opportunities and maximize sales and transient occupancy tax revenue for the City. Alternative 1 would not create an environmentally sensitive development by incorporating sustainable and green building design and construction to promote resource conservation, including waste reduction, efficient water management techniques, and conservation of energy to achieve LEED equivalency. Alternative 1 would not improve the visual character and pedestrian environment along Figueroa Street by removing a surface parking lot, providing active ground-level retail and commercial uses, and creating a buffer from the freeway by locating the parking structure on the eastern portion of the site. Furthermore, Alternative 1 would not reduce vehicle miles traveled (VMT) and pollutant emissions and maximize the public investment in transit by developing an under-utilized site adjacent to the newly expanded Metro Expo Line, Blue Line, and several bus lines.

Overall, Alternative 1 would not meet any of the Project objectives or the Project's underlying purpose of creating a new mixed-use infill development that would provide needed housing and lodging; promote fiscal benefits, economic development, and job creation in the City of Los Angeles; and incorporate sustainable and transit-focused planning and construction practices in developing an environmentally sensitive project.

Reference

Section V, Alternatives, of the Draft EIR.

Alternative 2 – Community Plan Update Compliant/Historic Preservation Alternative

Alternative 2, the Community Plan Update Compliant/Historic Preservation Alternative, would be consistent with the zoning and land use standards prescribed by the draft Southeast Los Angeles and South Los Angeles Community Plan Update (Plan Update), which would re-designate the Project Site's eight parcels that are located within the Flower Drive Historic District from their current R4-1L zoning to a RD1.5-1 zoning. The balance of the Project Site, containing approximately 134,000 square feet of lot area, would retain its existing Community Commercial land use designation and C2-1L zoning, and would continue to be subject to a revised version of Footnote 14 of the Community Plan's land use map and the Greater Downtown Housing Incentive Area.

Alternative 2 would preserve the eight existing multi-family residential buildings that are located within the Historic District and construct a mixed-use project containing only a student housing component and a market-rate housing component on the balance of the Project Site. The student housing component would be located on the northern portion of the reduced Project Site, and would contain approximately 150 student housing units and approximately 15,000 square feet of retail and restaurant uses. The market-rate housing component, containing approximately 60 residential units, would be located within the southern, L-shaped portion of the Project Site. Both buildings would be of mid-rise construction, reaching five stories and approximately 55 feet in height. Alternative 2 would also construct a two-level subterranean parking structure within the entire western portion of the Project Site that provide 309 vehicular parking spaces in accordance with LAMC requirements. Access to the subterranean parking structure would be via a driveway off 39th Street and a drive aisle off Figueroa Street. In addition, the Project would provide 247 bicycle parking spaces in accordance with LAMC requirements. Upon completion, Alternative 2 would result in approximately 200,000 square feet of new floor area, including approximately 15,000 square feet of commercial floor area, which equates to a total maximum FAR of approximately 1.5:1.

Under Alternative 2, the amount of demolition would be significantly less than the Project since the Project Site's existing buildings would be preserved. In addition, Alternative 2 would construct only two, five-story buildings on the Project Site, rather than three, seven-story residential and hotel buildings and an eight-story parking structure above one level of subterranean parking. Although the amount of excavation and soil hauling required to construct the two-level subterranean parking garage would be greater than the amount required for the Project, the total amount of construction activities and duration for Alternative 2 would be less than the amount and duration required for the Project, since only 200,000 square feet of new floor area would be constructed.

Unlike the Project, Alternative 2 would not seek a zone and height district change. Upon completion, Alternative 2 would result in approximately 200,000 square feet of new floor area, including approximately 15,000 square feet of commercial floor area, which equates to a total maximum FAR of approximately 1.5:1.

Impact Summary

Alternative 2 is included in this alternatives analysis to demonstrate the feasibility of developing a project in conformance with the draft Southeast Los Angeles Community Plan and that would reduce or eliminate the Project's significant impacts to historic resources. As evaluated in the Draft EIR, Alternative 2 would eliminate the Project's significant environmental impacts related to aesthetics and views impacts on historic resources during operation, and direct impacts to historic resources. However, although Alternative 2 would reduce impacts to intersection levels of service, such impacts would remain significant and unavoidable. In addition, similar to the Project, cumulative on-site construction noise impacts would be significant and unavoidable if Related Project No. 15 was to be constructed concurrently with Alternative 2. Furthermore, although impacts would be less than those of the Project, cumulative on-site noise impacts associated with operation of Alternative 2 and Related Project No. 21 would be significant and unavoidable. Alternative 2 would also result in greater impacts related to archaeological resources, paleontological resource, and tribal cultural resources compared to those of the Project, although such impacts would remain less than significant or less than significant with mitigation. All other impacts would be similar or less under Alternative 2 when compared to the Project.

Finding

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible Alternative 2 described in the Draft EIR.

Rationale for Finding

Although Alternative 2 would reduce eliminate the Project's significant historic and historic-related aesthetic and view impacts, other significant and unavoidable impacts pertaining to operational traffic and construction noise would be similar under this Alternative when compared with the Project. Moreover, Alternative 2 would not meet several of the Project objectives, and would meet other objectives to a lesser extent than the Project.

Alternative 2 would meet the Project's objective of creating an environmentally sensitive development by incorporating sustainable and green building design and construction to promote resource conservation, including waste reduction, efficient water management techniques, and conservation of energy to achieve LEED equivalency. However, Alternative 2 would fail to meet several of the Project's basic objectives, and would meet other objectives to a lesser extent than the Project. Specifically, although Alternative 2 would include a student housing component and a market-rate housing component, it would provide significantly fewer market-rate housing units in the Southeast Los Angeles Community Plan area, which would reduce housing opportunities within an area of the Community Plan that is well served by a diversity of transportation alternatives, including transit, bicycling, and walking. Moreover, retaining the Project Site's existing structures significantly reduces the available development footprint, resulting in a corresponding decrease in achievable residential density, and therefore hindering the ability to provide affordable units. Accordingly, only 60 market-rate units would be constructed under Alternative 2, and no affordable units would be included, thereby failing to meet the affordable housing needs of the community.

In addition, due to the reduced development footprint, Alternative 2 would provide significantly fewer student housing units, which would only partially meet the existing demand for such housing in close proximity to USC. Although Alternative 2 would improve the visual character and pedestrian environment along Figueroa Street by providing ground-level retail and commercial uses, it would not construct a parking structure to create a buffer from the freeway and would locate habitable rooms adjacent to the freeway. Furthermore, the reduced development footprint under Alternative 2 significantly constrains development of a hotel component, which requires distinct and separate access and circulation improvements from an adjoining residential component, and renders the provision of a hotel at the Project Site infeasible. Alternative 2 would thereby not meet the Project's objective of accommodating the short-term and extended stay lodging needs of visiting faculty, parents of students, and other guests. The elimination of the hotel component, coupled with the significant reduction in commercial retail and restaurant floor area, also does not meet the Project's objective of maximizing sales and transit occupancy tax revenue for the City. Therefore, Alternative 2 would fail to meet three of the Project's basic objectives and would not achieve the remaining objectives to the same extent as the Project.

In addition, regarding the City's planning goals and policies, the City supports redevelopment of the Project Site with high density uses and has utilized planning tools such as Community Plan Footnote No. 14 to maximize developable area on the site with incentivizes for both student housing and affordable housing. Alternative 2 would not maximize developable area on the Project Site due to the reduced proposed density of the alternative. Moreover, the City has stated that Regional Centers should contain uses to maximize density on development sites located adjacent to transit and within the transit core areas identified in the City's planning and policy documents. The reduced density associated with Alternative 2 does not meet to the same extent the City's planning goals for density, student housing, and affordable housing, and is less desirable from a policy standpoint.

Furthermore, regarding social and other considerations, the Project Site is located in an area of the City that is undergoing change and densification. The existing conditions and development trends in the vicinity of the Project Site are maximizing density because the area is transit rich and located near amenities of regional significance, such as the adjacent Exposition Park, various museum and institutional uses, regional

entertainment/sports venues, and the University of Southern California campus. Thus, there are several social and other considerations that warrant maximizing the density of development on the Project Site to implement a mixed-use, mixed-income residential and hotel project that can deliver the amount and type of housing, hotel rooms and amenities desired by the City to support citywide housing goals, affordable housing needs, hotel room demand caused by convention business, regional entertainment venues, domestic and international tourism, and the forthcoming Olympic Games.

Reference

Section V, Alternatives, of the Draft EIR.

Alternative 3 – Reduced Density/Partial Historic Preservation Alternative

The Reduced Density/Partial Historic Preservation Alternative would remove four of the eight existing multi-family residential buildings on the Project Site, but would limit demolition of contributing structures to the Flower Drive Historic District to three, in lieu of seven. Specifically, the non-contributing property located at 3911-3913 Flower Drive would be demolished, and the contributing resource located at 3941-3943 Flower Drive would be relocated to the resulting open site at 3911-3913 Flower Drive, resulting in four contributing structures being retained at the northeast portion of the Project Site. The remaining three contributing structures would be relocated pursuant to the Project's Mitigation Measure C 3. On the remaining portion of the Project Site, Alternative 3 would construct a six-story hotel building, a six-story student housing building, a six-story mixed-income housing building, as well as a six-story above-ground parking garage above one subterranean parking level on the Project Site.

The hotel building under Alternative 3 would be located at the corner of 39th Street and Figueroa Street and west of the existing buildings that would remain on-site. The hotel building would contain 224 guest rooms as well as retail and restaurant uses, meeting space, back of house areas, and guest-only and shared guest/public amenities. The proposed commercial floor area within the hotel building would be reduced to approximately 30,000 square feet under Alternative 3. The hotel building would reach approximately 75 feet in height and include a basement level. As with the Project, the student housing building under Alternative 3 would front along Figueroa Street. The number of student housing units would be reduced to 166 units and the proposed ground-floor commercial uses would be reduced to approximately 29,000 square feet. The mixed-income housing building would contain only 140 units (including approximately 62 affordable units) and approximately 24,000 square feet of commercial uses. The student and mixed-income buildings would each be approximately 75 feet in height. Alternative 3 would include a six-story above-ground parking structure above one subterranean parking level containing approximately 875 parking spaces to meet LAMC requirements. The parking structure would be constructed south of the four contributing buildings that would remain on-site. Recreational amenities would be provided on the roof level of the parking garage for residents' use. Under Alternative 3, the amount of excavation, and soil hauling would be similar to that of the Project; however, the construction duration would be shorter due to the reduction in the amount of demolition required (due to the retention of four existing buildings) as well as the reduced total floor area and building heights of the proposed buildings.

As with the Project, Alternative 3 would require a zone and height district change to (T)(Q)C2-2D. Upon completion, Alternative 3 would result in approximately 460,000 square feet of new floor area, including approximately 83,000 square feet of commercial floor area, which equates to a total maximum FAR of 2.75:1 and a commercial FAR of 0.50:1.

Impact Summary

Alternative 3 was included in the alternatives analysis based its potential to reduce the impacts of the Project based upon a reduced scope of development. Alternative 3 would remove only three contributing structures, as compared to the seven contributing structures to be removed by the Project, and would implement similar historic mitigation measures as the Project. However, it is assumed that the impacts to historic resources would remain significant and unavoidable, although they would be substantially lessened as compared to the Project. In addition, cumulative on-site construction noise impacts would be significant and unavoidable if Related Project No. 15 was to be constructed concurrently with Alternative 3. Furthermore, although impacts would be less than those of the Project, cumulative on-site noise impacts associated with operation of Alternative 3 and Related Project No. 21 would be significant and unavoidable. In addition, while Alternative 3 would likely result in one less operational traffic impact during the A.M. peak hour and up to two fewer impacts during the P.M. peak hour at study intersections, impacts at other intersections would remain significant and unavoidable. All other impacts would be similar to or less than those of the Project, and such impacts would be less than significant or less than significant with mitigation.

Finding

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible Alternative 3 as described in the Draft EIR.

Rationale for Findings

Although Alternative 3 would lessen the Project's significant and unavoidable impacts regarding aesthetics, views, historic resources, noise, and intersection levels of service, it would not eliminate these impacts. In addition, Alternative 3 would not meet the Project objectives to the same extent as the Project.

Alternative 3 represents a reduced scope of development compared to the Project due to the reduction of hotel rooms, student housing and mixed income dwelling units, commercial floor area, and building height and overall floor area. Specifically, Alternative 3 would only develop 224 hotel guest rooms (in lieu of 298), 166 student housing units (in lieu of 222 units), 78 market-rate dwelling units (in lieu of 104), and 62 affordable dwelling units (in lieu of 82). Therefore, as compared to the Project, Alternative 3 would not provide the same number of new short-term and extended-stay lodging opportunities that are easily accessible to Exposition Park, the USC campus, and the Los Angeles Convention Center, as well as other museum and cultural facilities in the surrounding area. Moreover, Alternative 3 would not provide new market-rate and affordable housing opportunities within the Southeast Community Plan Area to the same extent as the Project, nor would it provide new student housing along the Figueroa Corridor, in close proximity to USC, to the same extent as the Project. In addition, although Alternative 3 would assist with the revitalization of the Project Site, the reduction in the amount of commercial uses proposed would lower the investment in the Southeast Los Angeles Community Plan area, limit the amount of community-serving retail and restaurant uses at the Project Site, reduce the number of employment opportunities created, and decrease the area's tax base when compared to the Project. Moreover, Alternative 3 would not avoid or substantially lessen any of the Project's significant and unavoidable impacts.

In addition, regarding the City's planning goals and policies, the City supports redevelopment of the Project Site with high density uses and has utilized planning tools such as Community Plan Footnote No. 14 to maximize developable area on the site with incentivizes for both student housing and affordable housing. Alternative 3 would not maximize developable area on the Project Site due to the reduced proposed density of the alternative. Moreover, the City has stated that Regional Centers should contain uses to maximize density on development sites located adjacent to transit and within the transit core areas identified in the City's planning and policy documents. The reduced density associated with Alternative 3 does not meet to

the same extent the City's planning goals for density, student housing, and affordable housing, and is less desirable from a policy standpoint.

Furthermore, regarding social and other considerations, the Project Site is located in an area of the City that is undergoing change and densification. The existing conditions and development trends in the vicinity of the Project Site are maximizing density because the area is transit rich and located near amenities of regional significance, such as the adjacent Exposition Park, various museum and institutional uses, regional entertainment/sports venues, and the University of Southern California campus. Thus, there are several social and other considerations that warrant maximizing the density of development on the Project Site to implement a mixed-use, mixed-income residential and hotel project that can deliver the amount and type of housing, hotel rooms and amenities desired by the City to support citywide housing goals, affordable housing needs, hotel room demand caused by convention business, regional entertainment venues, domestic and international tourism, and the forthcoming Olympic Games.

Reference

Section V, Alternatives, of the Draft EIR.

Alternative 4 – Zoning Compliant Alternative

Alternative 4, the Zoning Compliant Alternative, would construct a mixed-use project with approximately 249,000 square feet of residential uses and a combined total of approximately 40,000 square feet of commercial uses, in accordance with the existing land use designation and City-approved zoning of the Project Site. Specifically, Alternative 4 would include 210 student housing units, 90 mixed-income housing units (including approximately 32 affordable housing units), approximately 30,000 square feet of retail uses, and approximately 10,000 square feet of restaurant uses. In total, the Zoning Compliant Alternative would construct approximately 289,000 square feet of new floor area within three buildings on the Project Site. The new buildings would not exceed the 75 foot/six-story height limited imposed by the existing C2-1L and R4-1L zone. In addition, Alternative 4 would include approximately 600 parking spaces within a five-story above-ground parking garage to support the proposed uses. The Zoning Compliant Alternative would reduce the amount of excavation, soil hauling, and construction since it would not construct the hotel building proposed by the Project, which would include one subterranean level. Accordingly, the construction amount and duration for Alternative 4 would also be reduced compared to the Project. Upon completion, the Zoning Compliant Alternative would result in a maximum FAR of 1.5:1 in compliance with Community Plan Footnote 14.

Impact Summary

The Zoning Compliant Alternative would not eliminate or substantially lessen the Project's significant environmental impacts related to aesthetics and view impacts on historic resources during operation, direct impacts to historic resources, and impacts to intersection levels of service during operation. In addition, cumulative on-site construction noise impacts would be significant and unavoidable if Related Project No. 15 was to be constructed concurrently with Alternative 4. Furthermore, although impacts would be less than those of the Project, cumulative on-site noise impacts associated with operation of Alternative 4 and Related Project No. 21 would be significant and unavoidable. All other impacts would be similar to or less than those of the Project, and such impacts would be less than significant or less than significant with mitigation.

Finding

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these

findings (Statement of Overriding Considerations), make infeasible Alternative 4 as described in the Draft EIR.

Rationale for Findings

Although Alternative 4 would lessen the Project's significant and unavoidable impacts regarding intersection levels of service, it would not eliminate these impacts. In addition, Alternative 4 would not avoid or substantially lessen the Project's significant impacts regarding aesthetics, views, historic resources, and noise. Moreover, Alternative 4 would not meet the Project objectives to the same extent as the Project.

Overall, the Zoning Compliant Alternative represents a reduced scope of development compared to the Project since Alternative 4 would not include any hotel or office uses. In addition, Alternative 4 would reduce the number of student housing units and mixed-income housing units proposed, as well as the amount of commercial uses. As such, although Alternative 4 would result in an infill mixed-use project near transit opportunities, Alternative 4 would not develop any short-term or extended-stay lodging opportunities that are easily accessible to Exposition Park, USC Campus, and the Los Angeles Convention Center, as well as other museum and cultural facilities in the surrounding area; and would not maximize sales and transient occupancy tax revenue for the City. Alternative 4 would also not meet several of the Project's basic objectives to the same extent as the Project. Specifically, due to its significantly reduced residential density, Alternative 4 would not meet existing demand for market-rate and affordable housing units within the Southeast Los Angeles Plan area to the same extent as the Project, nor would it provide a significant amount of new student housing along the Figueroa Corridor in close proximity to USC to the same extent as the Project. In addition, due to the reduction of commercial uses, Alternative 2 would not improve the pedestrian environment along Figueroa Street to the same extent as the Project. Of the Project objectives that Alternative 4 would achieve, many would not be achieved to the same extent as the Project.

In addition, regarding the City's planning goals and policies, the City supports redevelopment of the Project Site with high density uses and has utilized planning tools such as Community Plan Footnote No. 14 to maximize developable area on the site with incentivizes for both student housing and affordable housing. Alternative 4 would not maximize developable area on the Project Site due to the reduced proposed density of the alternative. Moreover, the City has stated that Regional Centers should contain uses to maximize density on development sites located adjacent to transit and within the transit core areas identified in the City's planning and policy documents. The reduced density associated with Alternative 4 does not meet to the same extent the City's planning goals for density, student housing, and affordable housing, and is less desirable from a policy standpoint.

Furthermore, regarding social and other considerations, the Project Site is located in an area of the City that is undergoing change and densification. The existing conditions and development trends in the vicinity of the Project Site are maximizing density because the area is transit rich and located near amenities of regional significance, such as the adjacent Exposition Park, various museum and institutional uses, regional entertainment/sports venues, and the University of Southern California campus. Thus, there are several social and other considerations that warrant maximizing the density of development on the Project Site to implement a mixed-use, mixed-income residential and hotel project that can deliver the amount and type of housing, hotel rooms and amenities desired by the City to support citywide housing goals, affordable housing needs, hotel room demand caused by convention business, regional entertainment venues, domestic and international tourism, and the forthcoming Olympic Games.

Reference

Section V, Alternatives, of the Draft EIR.

Project Alternatives Considered and Rejected

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives to the Project that were considered and rejected as infeasible include the following:

All Office Project

This alternative would construct an all-office project containing up to approximately 290,000 square feet of floor area with a maximum height of 75 feet/six stories and floor area ratio (FAR) of 1.5:1 in compliance with the existing Community Commercial land use designation and predominately commercial zone. This alternative was considered and rejected because it would not meet the Project's basic objectives of providing student housing and market-rate and affordable housing in the Southeast Los Angeles Community Plan area, near the University of Southern California. This alternative would also fail to meet the Project's basic objective of providing short-term and extended stay lodging that is accessible to USC, Exposition Park, and other nearby destinations, and would not provide neighborhood-serving retail and restaurant uses, thereby failing to maximize sales and transient occupancy tax for the City.

Alternative Project Site

The Project Applicant considered the possibility of relocating the Project to avoid significant impacts to the existing historic buildings by 1) utilizing the adjacent parking lot parcels and/or the commercial retail development immediately south of the Project Site; 2) vacating Flower Drive; and/or 3) relocating the Project Site to the Los Angeles Memorial Coliseum parking lots. However, the Project Applicant already owns the Project Site and cannot reasonably be expected to acquire, control, or access an alternative site in a timely fashion. Moreover, these contemplated additional sites are encumbered by long-term leases and/or State agency fee interests that would preclude any timely development of the property. Additionally, development of the Project at an alternative site could potentially produce other environmental impacts that would otherwise not occur at the current Project Site and result in greater environmental impacts when compared with the Project. Therefore, an alternative site is not considered feasible, as the Project Applicant does not own another suitable site that would achieve the underlying purpose and objectives of the Project.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the Project.

Of the alternatives analyzed in the Draft EIR, Alternative 1, the No Project Alternative would avoid all of the Project's significant environmental impacts, including the Project's significant and unavoidable impacts related to aesthetics during operation, views, historic resources, and traffic intersection levels of service during operation. Furthermore, Alternative 1 would avoid the Project's significant cumulative on-site construction noise impacts if Related Project No. 15 were to be constructed concurrently with the Project.

Alternative 1 would also reduce all of the Project's less-than-significant and less-than-significant-with-mitigation impacts. However, the No Project Alternative would not meet any of the Project basic objectives.

In accordance with the CEQA Guidelines requirement to identify an Environmentally Superior Alternative other than the No Project Alternative (Alternative 1 - No Project Alternative), a comparative evaluation of the remaining alternatives indicates that Alternative 2, the Community Plan Update Compliant/Historic Preservation Alternative, would be the Environmentally Superior Alternative. As discussed above, Alternative 2 would eliminate the Project's significant environmental impacts related to aesthetics and view impacts on historic resources and direct impacts to historic resources. However, Alternative 2 would result in greater impacts related to archaeological resources, paleontological resources, and tribal cultural resources during construction compared to those of the Project, although such impacts would remain less than significant or less than significant with mitigation. Impacts to intersection levels of service under Alternative 2 would be reduced compared to the Project but would remain significant and unavoidable. Furthermore, cumulative on-site construction noise impacts would be significant and unavoidable if Related Project No. 15 was to be constructed concurrently with Alternative 2. In addition to eliminating some of the Project's significant and unavoidable impacts, Alternative 2 would also reduce many of the Project's less-than-significant and less-than-significant-with-mitigation impacts. Thus, of the range of alternatives analyzed, Alternative 2 would be the Environmentally Superior Alternative. However, as discussed in detail in Subsection V.B.4 of the Draft EIR, although Alternative 2 would meet one of the Project's basic objectives, it would fail to meet three of the Project's basic objectives and would not achieve the remaining objectives to the same extent as the Project.

XI. OTHER CEQA CONSIDERATIONS

Growth Inducing Impacts

Section 15126.2(d) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

According to the Department of City Planning, the most recent estimated household size for multi-family housing units in the City of Los Angeles area is 2.44 persons per unit. Applying this factor, development of 186 mixed-income housing units would result in an increase of approximately 454 residents. The 222 student housing units that would be constructed would not be expected to directly increase the population of the City subregion, as the student housing units are proposed to accommodate existing student housing demand. To develop the Project, the 32 existing multi-family residential units on the Project Site would be removed, which, by applying the average household size of 2.44 persons per unit, equates to the displacement of approximately 78 existing residents. Therefore, the Project is estimated to generate approximately 375 net new residents. As discussed in the Initial Study for the Project, which is included in Appendix A of the Draft EIR, the estimated 375 net new residents generated by the Project would represent approximately 0.34 percent of the population growth forecasted by SCAG in the City of Los Angeles Subregion between 2016 and the Project buildout year. Therefore, the Project's residents would be well within SCAG's population projection for the Subregion and would not result in a significant direct growth-inducing impact.

During construction, the Project would create temporary construction-related jobs. However, the work requirements of most construction projects are highly specialized such that construction workers remain at a job site only for the time in which their specific skills are needed to complete a particular phase of the construction process. Thus, construction workers would not be expected to relocate to the Project vicinity as a direct consequence of working on the Project. Therefore, given the availability of construction workers, the Project would not be considered growth-inducing from a short-term employment perspective. Rather, the

Project would provide a public benefit by providing new employment opportunities during the construction period.

During Project operation, as discussed in the Initial Study for the Project, which is included in Appendix A of the Draft EIR, the Project's proposed uses would generate approximately 858 employees, based on employee generation rates promulgated by the Los Angeles Unified School District (LAUSD). As further discussed in the Initial Study, the Project's 858 estimated employees would constitute approximately 1.28 percent of the City of Los Angeles Subregion's employment growth forecasted between 2016 and the Project's buildout year. As such, the Project would be unlikely to create an indirect demand for additional housing in the area, and any new demand, should it occur, would be minor in the context of forecasted growth for the Subregion.

The area surrounding the Project Site is already developed with residential, commercial, educational, institutional, and entertainment-related uses, and the Project would not remove impediments to growth. The Project Site is located within an urban area that is currently served by existing utilities and infrastructure. While the Project may require minor local infrastructure upgrades to maintain and improve water, sewer, electricity, and natural gas lines onsite and in the immediate vicinity of the Project Site, such improvements would be limited to serving Project-related demand, and would not necessitate major local or regional utility infrastructure improvements that have not otherwise been accounted for and planned for on a regional level.

Overall, the Project would be consistent with the growth forecast for the City of Los Angeles Subregion and would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of vehicle miles traveled. In addition, the Project would not require any major roadway improvements nor would the Project open any large undeveloped areas for new use. Any access improvements would be limited to driveways necessary to provide immediate access to the Project Site and to improve safety and walkability. Therefore, direct and indirect growth-inducing impacts would be less than significant.

Significant Irreversible Environmental Changes

Section 15126.2(c) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation.

Building Materials and Solid Waste

Construction of the Project would require consumption of resources that do not replenish themselves or which may renew so slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), and petrochemical construction materials (e.g., plastics).

During construction of the Project, a minimum of 50 percent of the non-hazardous demolition and construction debris would be recycled and/or salvaged for reuse in compliance with the requirements of the City of Los Angeles Green Building Code. In addition, during operation, the Project would provide a designated recycling area for Project residents to facilitate recycling in accordance with the City of Los Angeles Space Allocation Ordinance (Ordinance No. 171,687) and the Los Angeles Green Building Code.

Thus, the consumption of non-renewable building materials such as lumber, aggregate materials, and plastics would be reduced.

Water

Consumption of water during construction and operation of the Project is addressed in Section IV.L.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR. As evaluated therein, given the temporary nature of construction activities, the short-term and intermittent water use during construction of the Project would be less than the net new water consumption at Project buildout. In addition, water use during construction would also be offset by the estimated 11,753 gallons per day of water currently consumed by the existing uses, which would be removed as part of the Project. During operation, the estimated water demand for operation of the Project would not exceed the available long-term supplies projected by the City of Los Angeles Department of Water and Power (LADWP) during wet-year, dry-year, or multi-dry-year conditions. Thus, LADWP would be able to meet the water demand of the Project, as well as the existing and planned future water demands of its service area. Furthermore, pursuant to Project Design Feature L.1-1, the Project would implement a variety of water conservation features to reduce indoor water use by at least 20 percent in accordance with the City of Los Angeles Green Building Code. Thus, as evaluated in Section IV.L.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR, while Project construction and operation would result in some irreversible consumption of water, the Project would not result in a significant impact related to water supply.

Energy Consumption and Air Quality

During ongoing operation of the Project, non-renewable fossil fuels would represent the primary energy source, and thus the existing finite supplies of these resources would be incrementally reduced. Fossil fuels, such as diesel, gasoline, and oil, would also be consumed in the use of construction vehicles and equipment. Project consumption of non-renewable fossil fuels for energy use during construction and operation of the Project is addressed in Section IV.M, Analysis of Appendix F: Energy Conservation, of the Draft EIR. As discussed therein, construction activities for the Project would not require the consumption of natural gas, but would require the use of electricity and fossil fuels. As discussed therein, the Project's estimated construction electricity usage represents approximately 0.12 percent of the estimated net operational demand, which would be within the supply and infrastructure service capabilities of LADWP. Thus, impacts related to electricity usage would be less than significant. Furthermore, as the consumption of fossil fuels would occur on a temporary basis during construction, impacts related to the consumption of fossil fuels during construction of the Project would be less than significant.

During operation, the Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of LADWP and the Southern California Gas Company, respectively. As discussed in Section IV.M, Analysis of Appendix F: Energy Conservation, of the Draft EIR, the Project would be designed and constructed in accordance with state and local green building standards that would serve to reduce the energy demand of the Project. Specifically, the Project would comply with applicable regulatory requirements for the design of new buildings, including the provisions set forth in the 2016 CALGreen Code and California's Building Energy Efficiency Standards, which have been incorporated into the City of Los Angeles Green Building Code. In addition, new buildings and infrastructure would be designed to be environmentally sustainable and capable of achieving the standards of the Silver Rating under the U.S. Green Building Council's LEED® green building program or equivalent green building standards. Therefore, the Project would not cause the wasteful, inefficient, and unnecessary consumption of energy and would be consistent with the intent of Appendix F to the CEQA Guidelines. In addition, Project operations would not conflict with adopted energy conservation plans. Refer to Section IV.M, Analysis of Appendix F: Energy Conservation, of the Draft EIR, for further analysis regarding the Project's consumption of energy resources.

Environmental Hazards

The Project's potential use of hazardous materials is addressed in Section IV.F, Hazards and Hazardous Materials, of the Draft EIR. As evaluated therein, operation of the Project would involve the limited use of potentially hazardous materials typical of those used in residential, hotel, office, retail, and restaurant developments, including cleaning agents, paints, pesticides, and other materials used for landscaping. Construction of the Project would also involve the temporary use of potentially hazardous materials, including fuel and oils associated with construction equipment, as well as coatings, paints, adhesives, and caustic or acidic cleaners. However, all potentially hazardous materials would be used, stored and disposed of in accordance with manufacturers' instructions and handled in compliance with applicable federal, state, and local regulations. Thus, any associated risk would be adequately reduced to a less-than-significant level through compliance with these standards and regulations. As such, compliance with regulations and standards would serve to protect against significant and irreversible environmental change that could result from the accidental release of hazardous materials.

XI. STATEMENT OF OVERRIDING CONSIDERATIONS

The EIR identified the following unavoidable significant impacts: 1) Aesthetics; 2) Views; 3) Cultural Resources – Historic Resources; 4) Noise – cumulative construction noise and cumulative operational noise; and 5) Traffic and Access – operational level of service impacts. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decisions of the public agency allow the occurrence of significant impacts identified in the EIR that are not substantially lessened or avoided, the lead agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. Article I of the City's CEQA Guidelines incorporates all of the State CEQA Guidelines contained in Title 14, California Code of Regulations, Sections 15000 et seq. and thereby requires, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a Project if it finds that significant adverse environmental effects identified in the Final EIR cannot be substantially lessened or avoided. These findings and the Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the EIR, the source references in the EIR, and other documents and material that constitute the record of proceedings.

Accordingly, based on the analysis provided in the Final EIR, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the project, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that each of the Project's benefits, as listed below, outweighs and overrides the significant unavoidable impacts of the Project.

Summarized below are the benefits, goals and objectives of the Project. These provide the rationale for approval of the proposed Project. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually would be sufficient to outweigh the significant unavoidable impacts of the Project and justify the approval, adoption or issuance of all of the required permits, approvals and other entitlements for the Project and the certification of the completed Final EIR. Despite the unavoidable aesthetics, cultural resources, noise, and traffic impacts caused by the construction of the Project, the City approves the Project based on the following contributions of the Project to the community:

- **Site Redevelopment.** The Project would substantially improve the existing conditions on the Project Site, by transforming the site into an infill mixed-use development, offering new hotel guest rooms, student housing, market-rate multi-family residential units, deed-restricted affordable housing, new

creative office space, and neighborhood serving retail and restaurant uses. The Project would incorporate a pedestrian-oriented building design, providing a substantially improved streetscape, completing the Flower Drive roadway, increasing onsite landscaping, and improving security and building lighting that would enhance the aesthetic and character of the Project Site. In this respect, the Project is an opportunity to implement a redevelopment project strategically positioned in proximity to mass transit and with direct synergy to the educational, institutional, and entertainment/sports venues near the University of Southern California campus and Exposition Park.

- **Supports City's Hotel Goals and Tourism.** The Project will develop 298 new short-term and extended-stay hotel guest rooms that will provide lodging opportunities for visitors to the cultural and sporting attractions of Exposition Park, the USC campus, the Los Angeles Convention Center, and the business and entertainment center of downtown Los Angeles. Hence, the Project is a substantial benefit for the City to accommodate visitors and tourism and the related direct and indirect economic benefits.
- **Provides Student Housing in Proximity to Educational Institutions.** The Project will develop 222 new student housing units in close proximity to the USC campus, allowing easy access to campus by biking, walking, and use of mass transit, thereby supporting educational uses and reducing single-occupancy vehicle trips.
- **Supports City's Housing Goals.** The Project helps achieve the Mayor's goal to build 100,000 units of housing by 2021 by developing 186 new multi-family residential dwelling units, in a mix of unit types, including 82 deed-restricted units that will be affordable to low-income households, thereby significantly enhancing the stock of housing and affordable housing units, and in particular in the Southeast Los Angeles Community Plan area.
- **Employment and Tax Revenue.** The Project will develop approximately 96,000 square feet of new retail, restaurant, commercial office, and ancillary hotel uses that provide short- and long-term employment opportunities for the City. The Project would provide substantial economic benefits for the City as it would generate over 1,100 construction jobs, and operation will create approximately 440 full- and part-time permanent jobs. In addition, the Project would result in the annual generation of \$5.5 million net present value of net new City tax revenues.
- **Sustainability.** The Project will be consistent with the City's Green Building Code, LA Green Plan, and Sustainable City pLAN by incorporating sustainable and green building design and construction to promote resource conservation, including electric-vehicle charging and water conservation measures in excess of Code requirements, and incorporation of sustainability measures to achieve LEED Silver equivalency.
- **Smart Growth.** The Project is consistent with the City's current and long-term planning visions for the Project Site. The City desires to locate density near mass transit to reduce environmental impacts and implement smart growth planning decisions. This strategy is particularly relevant to reduce traffic, air quality, greenhouse gas, and health impacts that are caused by vehicular travel. The Project near Metro Expo Line and Blue Line transit stations and existing and new pedestrian and bicycle infrastructure developed as part of the MyFigueroa project. In these respects, the Project is consistent with planning goals and policies to improve the area, and results in a beneficial reduction in Vehicle Miles Travelled and related environmental and land use impacts.

X. GENERAL FINDINGS.

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the Project that is evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA

Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project, that the Draft EIR which was circulated for public review reflected its independent judgment, and that the Final EIR reflects the independent judgment of the City.

2. The EIR evaluated the following potential project and cumulative environmental impacts: Aesthetics; Air Quality; Cultural Resources; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Land Use; Noise; Public Services; Traffic and Access; Tribal Cultural Resources; Utilities; and Energy Conservation and Infrastructure. Additionally, the EIR considered Growth Inducing Impacts and Significant Irreversible Environmental Changes. The significant environmental impacts of the Project and the alternatives were identified in the EIR.
3. The City finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.
4. Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with Project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process.
5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned response to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.
6. The Final EIR documents include changes to the Draft EIR. The Final EIR provides additional information that was not included in the Draft EIR. Having reviewed the information contained in the Draft EIR and the Final EIR and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there are no new significant impacts, substantial increase in the severity of a previously disclosed impact, significant information in the record of proceedings, or other criteria under CEQA that would require recirculation of the Draft EIR, or preparation of a supplemental or subsequent EIR.

Specifically, the City finds that:

- a. The Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.

- b. The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as it relates to the Project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
 - c. None of the information submitted after publication of the Final EIR, including testimony at and documents submitted for the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.
7. The mitigation measures identified for the Project were included in the Draft and Final EIRs. As revised, the final mitigation measures for the Project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the Project. The City finds that the impacts of the Project have been mitigated to less than significance by the feasible mitigation measures identified in the MMP.
8. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City serves that function. The MMP includes all the mitigation measures and project design features adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.
9. In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.
10. The custodian of the documents or other material which constitute the record of proceedings upon which the City's decision is based is the City Department of City Planning, Environmental Review Section, 221 North Figueroa Street, Room 1350, Los Angeles, California 90012.
11. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
12. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project.
13. The EIR is a project EIR for purposes of environmental analysis of the Project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the Project by the City and other regulatory jurisdictions.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 74193-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

(a) **THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The subdivision, and merger, of land is regulated pursuant to Article 7 of the Los Angeles Municipal Code (LAMC). The LAMC implements the goals, objectives, and policies of the General Plan, through zoning regulations, including Specific Plans.

Specifically, Los Angeles Municipal Code (LAMC) Section 17.06-B requires that the tract map be prepared by or under the direction of a licensed surveyor or registered civil engineer. The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the LAMC. The Vesting Tract Map has been filed to merge and resubdivide an approximately 4.4-acre (191,047 square foot) site into one ground lot and eight commercial condominiums lots for a mixed-use development and to vacate a portion of the existing right of way along Flower Drive.

In addition to LAMC Section 17.05-B, Section 17.05-C requires that the vesting tentative tract map be designed in compliance with the zoning applicable to the project site. The General Plan, Specific Plans, and Zoning Code regulate, but are not limited to, the maximum permitted density, height, and the subdivision of land. The General Plan identifies the site as a Regional Center, typically characterized with Floor Area Ratios ranging from 1.5:1 to 6.0:1, and building heights of 6- to 20-stories (or higher) in height. The General Plan's Land Use Element is also implemented locally through the adopted Southeast Los Angeles Community Plan (Community Plan). While the Community Plan's goals and policies do not address subdivisions explicitly, the plan does designate areas within the Plan for certain land uses with corresponding zones. The subject property is designated for Community Commercial land uses with corresponding zones of CR (Limited Commercial), C2 (Commercial), C4 (Commercial), and RAS3 (Residential/Accessory Services). The Community Plan also identifies the site as within the Figueroa Street Corridor and subject to Footnotes 1 and 14, which respectively, reiterate Height District 1 limitations on height and density, but also facilitate increases in FAR for mixed-use, affordable housing, and student housing projects. The concurrent Zone Change and Height District request to rezone the project site from C2-1L and R4-1L to the (T)(Q)C2-2D Zone for the entire site is consistent with the range of zones under the site's land use designation and Footnotes 1 and 14. The regulations of the Greater Downtown Housing Incentive Area applicable to the site also permit utilizing lot area prior to dedication for the calculation of floor area, and allow for unlimited residential density. No other Specific Plans apply which would govern or provide guidance on the subdivision request. Accordingly, the General Plan and zoning allow for a 4.5:1 FAR based on lot area prior to dedication, an unlimited height, and an unlimited residential density for the site.

The merger and resubdivision of a 4.4-acre site into one ground lot and eight commercial condominiums lots for a mixed-use development in conjunction with the construction of a proposed mixed-use development and resulting in a 3.25:1 FAR and a maximum height of eight stories, is consistent with the General Plan and demonstrates compliance with Sections 17.06 of the Los Angeles Municipal Code as well as with the intent and purpose of the General Plan, with regard to density and use.

Therefore, the proposed map demonstrates compliance with LAMC Sections 17.05-C and 17.06-B and is

consistent with the applicable General Plan and Specific Plans.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Section 66418 of the Subdivision Map Act defines the term "design" as follows: "Design" means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. Further, Section 66427 of the Subdivision Map Act expressly states that the "Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects."

Section 17.05-C of the Los Angeles Municipal Code enumerates design standards for Subdivisions and requires that each Tentative Map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05-C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes ("net area"). LAMC Section 17.06-B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The map provides the required components of a tentative tract map.

The Tract Map subdivision design includes the merger and resubdivision of an approximately 4.4-acre (191,047 square foot) site into one ground lot and eight commercial condominiums lots for a mixed-use development and to vacate a portion of the existing right of way along Flower Drive. Proposed improvements include the development of three seven-story mixed-use buildings, a central eight-story above-ground parking structure with one subterranean parking level and a rooftop amenity level, and various street and sidewalk improvements.

The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including the Department of Public Works - Bureau of Engineering, Bureau of Street Lighting, and Bureau of Sanitation, Department of Building and Safety, Department of Transportation, Fire Department, Department of Recreation and Parks, and Department of Water and Power) have reviewed the map and found the subdivision design satisfactory, and have imposed improvement requirements and/or conditions of approval. Bureau of Engineering requires dedication and improvements to Figueroa Street, 39th Street, and Flower Drive in accordance with the City's Street Standards. Sewers are available and have been inspected and deemed adequate in accommodating the proposed project's sewerage needs. Fire and traffic access, as well as site grading, have been reviewed and deemed appropriate. Additional traffic improvement or control measures for adjacent roadways and nearby intersections have been included for traffic and pedestrian safety.

The subdivision will be required to comply with all regulations pertaining to grading, building permits, and street improvement permit requirements. Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the tentative map, building permit, grading permit, or certificate of occupancy.

Further, the Framework Element designates the property and surrounding area as a Regional Center, and the site is further refined by the Community Plan as designated for Community Commercial land uses, and

subject to the provisions of Footnote 14, which incentivizes the development of large mixed-use projects containing student housing and/or affordable housing. The Community Plan's policies and regulations, coupled with the requested vesting zone and height district change to C2-2D would allow the Project to achieve a maximum FAR of 3.25:1, and accommodate the proposed building heights, as well as uses incentive by the Community Plan. Upon approval of the vesting zone and height district change and related entitlement requests, the design and improvement of the proposed subdivision would be consistent with the intent and purpose of the Community Plan. In addition, the subdivision would exceed the minimum lot area requirement of 5,000 square feet of the C2 zone.

Therefore, as conditioned, the design and improvement of the proposed subdivision is consistent with the intent and purpose of the applicable General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The site is relatively flat and is not located in a slope stability study area, high erosion hazard area, or Alquist-Priolo Fault Zone. According to a memo from the Department of Building and Safety, Grading Division, dated October 23, 2017, the property is located outside of a City of Los Angeles Hillside Area; is exempt or located outside of a State of California liquefaction, earthquake induced landslide, or fault-rupture hazard zone; and does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards. The Project will be required to meet all state and local seismic hazard design and code standards in the Building Code, and the tract has been approved contingent upon approval from the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. The site is also not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). The subject site is not otherwise located in a hazardous zone and does not contain any known hazards (i.e., toxic waste, very high fire hazard severity zone etc.). In addition, the environmental analysis conducted for the project found that the tract map and development of the project would not result in any significant impacts in terms of geological or seismic impacts, hazards and hazardous materials, and police and fire safety. Therefore, the project site is physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The General Plan identifies, through its Community and Specific Plans, geographic locations where planned and anticipated densities are permitted. Zoning standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur. The Community Plan's Community Commercial land use allows for the proposed C2 Zone and Height District 2, and Footnote 14 of the Community Plan further allows increases in maximum FAR to 3:1, provided that the City approves a corresponding Zone and Height District Change to Height District 2D for hotel and mixed use projects, and further increases to a maximum FAR of 4.5:1 if the project also provides either student housing or sets aside 20 percent of dwelling units for affordable housing for units within the increment of 3:1 to 4.5:1. Footnote 14 further requires that the commercial uses in such mixed-use projects, excluding hotels with 300 guestrooms or less, shall comprise no less than 0.5:1 and no more than 0.9:1 FAR.

In addition, pursuant to the Greater Downtown Housing Area standards (Ordinance 179,076), residential and mixed-use projects within the Greater Downtown area which comply with Urban Design Standards and Guidelines can utilize the following density incentives: unlimited residential and guest room density (so long as guest room floor area does not exceed residential floor area), buildable area is considered the same as lot area, a floor area bonus and parking reduction for projects that provide a prescribed percentage of affordable housing units, and allowing Tract Maps and Parcel Maps to include areas to be dedicated for street purposes as part of the lot area for floor area calculations. The incentive for unlimited residential and

hotel room density is applicable to the Project, as the Project's dwelling units contained within the Student Housing and Mixed-Income Housing Components (totaling 325,700 square feet) will occupy more floor area than the guest rooms contained within the Hotel Component (which total 163,980 square feet).

Therefore, zoning for the subject site permits a maximum floor area ratio of 4.5:1 based on the site's lot area prior to dedication, does not limit the allowable number of residential dwellings or hotel guest rooms, and sets an overall required minimum lot size of 5,000 square feet. The site contains 191,047 square feet of land prior to dedication, and contingent upon the approval of a Height District of 2D under Case No. CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR, would be allowed a maximum floor area of 859,711 square feet. Therefore, the project's proposed density of up to 620,687 square feet of floor area (3.25:1 FAR), including 408 dwelling units and 298 guest rooms, on a 188,135 square foot lot (after dedications and vacations), is consistent with the general provisions and area requirements of the Planning and Zoning Code.

Surrounding uses are within the C2-1L, R4-1L, R4-2, and OS-1XL zones and are generally developed with commercial, multi-family residential, institutional, sports and events venue, open space uses, and surface parking lots. The Project's floor area, density, and massing is appropriately scaled and situated given the uses in the surrounding area and along the Figueroa Corridor. The subject site is a relatively flat, in-fill lot, in a substantially developed urban area with adequate infrastructure. The area is easily accessible via improved streets, highways, and transit systems. The environmental review conducted by the Department of City Planning (Case No. ENV-2012-2055-EIR, SCH No. 2014061066), establishes that the physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the surrounding community. Therefore, the project site is physically suitable for the proposed density of development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Project proposes an infill development within an urbanized Regional Center of Southeast Los Angeles. The project site, as well as the surrounding area, are presently developed with commercial, multi-family residential, and institutional structures, as well as sports and events venues, public park areas, and surface parking lots. The site and immediate area do not provide a natural habitat for either fish or wildlife. The project site is presently developed with eight multi-family buildings and surface parking areas and does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, nor possess any areas of significant biological resource value.

The subdivision design and improvements are consistent with the existing urban development of the area. There are no habitat conservation plans or natural community conservation plans which presently govern any portion of the project site or vicinity. The environmental review for the Project identifies no potential adverse impacts on fish or wildlife resources and concludes that the Project Site does not contain or support any known species identified as candidate, sensitive, or special status by local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Therefore, the design of the subdivision would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision and subsequent improvements are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to

ensure the public health and welfare (e.g., asbestos/lead abatement, seismic safety, flood hazard management).

The Environmental Impact Report (EIR) for the Project also analyzed the project's construction and operational emissions of criteria pollutants and toxic air contaminants (TAC) such as diesel particulate matter, which could cause adverse health impacts on the public. However, through compliance with the state, local, and federal emission regulations, such as the California Air Resource Board Air Toxic Control Measure, and South Coast Air Quality Management District Air Quality Management Plan, impacts would be less than significant. The EIR also provides a quantitative Health Risk Assessment (HRA) on potential health impacts on building residents adjacent to the freeway. The HRA demonstrates that through compliance with existing regulations, the project would not exceed acceptable limits for carcinogenic risk or exceed the SCAQMD significance threshold for health risk impacts from TAC emissions.

The project is not located over a hazardous materials site or flood hazard area and is not located on unsuitable soil conditions. The project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances. The development would be connected to the City's sanitary sewer system, where collected sewage is directed to sewer treatment plants, which have been upgraded to meet Statewide Ocean Discharge Standards. Additionally, an environment assessment consistent with the requirements of the California Environmental Quality Act (CEQA) was prepared for the proposed project, which indicates that no adverse impacts to the public health or safety would occur as a result of the design and improvement of the site.

Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

(g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The property has street frontage along Figueroa Street, 39th Street, and Flower Drive, and is adjacent to the elevated portion of the I-110 Freeway. When the State of California Department of Transportation (Caltrans) acquired Flower Drive for the adjacent I-110 Freeway, the City of Los Angeles Fire Department required Caltrans to maintain sufficient turn around width for emergency vehicles. To meet this requirement, Caltrans purchased several parcels along Flower Drive and constructed two cul-de-sacs to provide adequate space for emergency vehicles to turn around. A portion of one of the cul-de-sacs is located within the Project site, and the second gated cul-de-sac is located within the property immediately south of the Project site. Currently, Caltrans and the City of Los Angeles are processing a relinquishment of the land previously acquired by Caltrans land back to the City of Los Angeles along Flower Drive and 39th Street (Council File No.17-1002).

In light of the relinquishment, the City of Los Angeles Bureau of Engineering has included a number of Tract Map conditions to implement comprehensive improvements to Flower Drive and 39th Street. On 39th Street, land dedication and improvements are required for a wider sidewalk. On Flower Street, the following are required to join Flower Drive from 39th Street to the north to Martin Luther King Jr. Drive to the south: variable street vacation along the northern portion of the site, variable dedications immediately north and south of the on-site cul-de-sac, the vacation and merger of the on-site portion of the cul-de-sac, securing off-site dedicated areas immediately south of the property, and installing both on-site and off-site roadway and sidewalk improvements. The Bureau of Engineering and the Department of Transportation have found the proposed tract map design and improvements sufficient to provide adequate public access through and adjacent to the site.

Otherwise, there are no recorded instruments identifying easements encumbering the project site for the purpose of providing public access. The project site contains legally recorded lots identified by the Assessor Parcel Record. The site is surrounded by private and public properties that adjoin improved public streets and sidewalks designed and improved for the specific purpose of providing public access throughout the area. The project site is adjacent to the Exposition Park to the west but will not alter existing access to the park, and otherwise the Project site does not adjoin or provide access to a public resource, natural habitat, public park or any officially recognized public recreation area. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcels to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed. The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 74193.

VINCENT P. BERTONI, AICP
Advisory Agency



Heather Bleemers
Deputy Advisory Agency

HB:MZ:dn

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012
213 482-7077

Marvin Braude San Fernando Valley
Development Service Center
6262 Van Nuys Blvd., Room 251
Van Nuys, CA 91401
818 374-5050

West Los Angeles
Development Service Center
1828 Sawtelle Blvd., 2nd Floor
Los Angeles, CA 90025
310 231-2901

Forms are also available on-line at <http://planning.lacity.org>.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

If you have any questions, please call Development Services Center staff at (213) 482-7077, (818) 374-5050, or (310) 231-2901.

VESTING TENTATIVE TRACT MAP No. 74193
FOR MERGER, RESUBDIVISION, AND CONDOMINIUM PURPOSES

LEGEND

STREET DESIGNATIONS

STREET CENTERLINE AREA TABLE

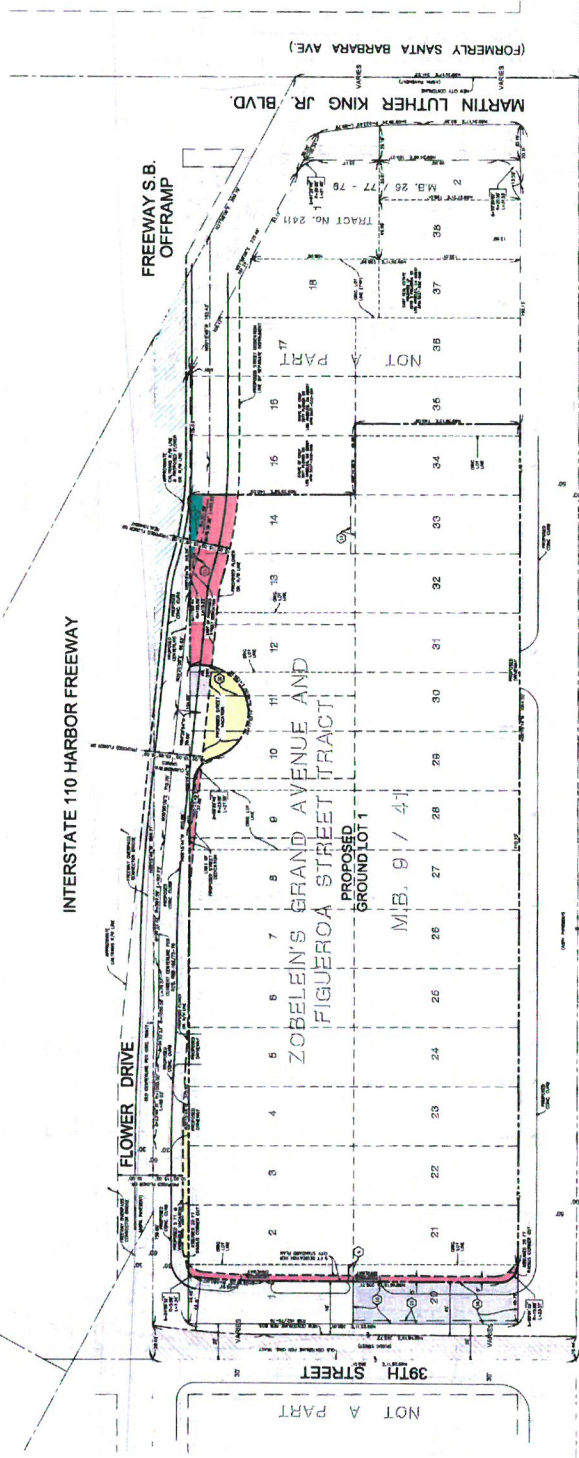
STREET NAME	STREET TYPE	STREET WIDTH (FT)	STREET CENTERLINE AREA (SQ FT)
39TH STREET	STREET	40	1,600
FIGUEROA STREET	STREET	40	1,600
INTERSTATE 110 HARBOR FREEWAY	FREEWAY	100	10,000
FLOWER DRIVE	STREET	40	1,600
MARTIN LUTHER KING JR. BLVD.	STREET	40	1,600
FREEWAY S.B. OFFRAMP	FREEWAY	100	10,000

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FLOWER DRIVE	STREET	40	1,600
MARTIN LUTHER KING JR. BLVD.	STREET	40	1,600
FREEWAY S.B. OFFRAMP	FREEWAY	100	10,000



VTT-74193
EXHIBIT A - Tract Map
August 30, 2018

IV. Mitigation Monitoring Program

1. Introduction

This Mitigation Monitoring Program (“MMP”) has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a “reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the State CEQA Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it has required to mitigate or avoid significant environmental effects. This MMP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6 and Section 15097 of the State CEQA Guidelines.

The City of Los Angeles is the Lead Agency for the Project and therefore is responsible for administering and implementing the MMP. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation; however, until mitigation measures have been completed, the Lead Agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project’s impacts in the EIR takes into consideration the project design features (PDF) and applies mitigation measures (MM) needed to avoid or reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the PDFs and MMs identified for the Project.

2. Organization

As shown on the following pages, each identified PDF and MM for the Project is listed and categorized by environmental impact area, with accompanying identification of the following:

- Enforcement Agency—the agency with the power to enforce the project design feature or mitigation measure.

- **Monitoring Agency**—the agency to which reports involving feasibility, compliance, implementation, and development are made.
- **Monitoring Phase**—the phase of the Project during which the project design feature or mitigation measure shall be monitored.
- **Monitoring Frequency**—the frequency at which the project design feature or mitigation measure shall be monitored.
- **Action Indicating Compliance**—the action by which the Enforcement or Monitoring Agency indicates that compliance with the identified project design feature or required mitigation measure has been implemented.

3. Administrative Procedures and Enforcement

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each PDF and MM and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

4. Program Modification

After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will

determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

6. Mitigation Monitoring Program

A. Aesthetics, Views, Light/Glare, and Shading

(1) Project Design Features

Project Design Feature A-1: Temporary construction fencing shall be placed along the periphery of the active construction areas to screen the construction activity from view at the street level, and to keep unpermitted persons from entering the construction area.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once during field inspection
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature A-2: The Project Applicant shall ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or

temporary pedestrian walkways that are accessible/visible to the public, and that such temporary barriers and walkways are maintained in a visually attractive manner (i.e., free of trash, graffiti, peeling postings and of uniform paint color or graphic treatment) throughout the construction period.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** During field inspection(s)
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature A-3: Light sources associated with Project construction shall be shielded and/or aimed so that no direct beam illumination is provided outside of the Project Site boundary. However, construction lighting shall not be so limited as to compromise the safety of construction workers.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once during field inspection
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature A-4: New on-site utilities that may be required to serve the Project shall be installed underground, where practical.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of Water and Power
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of Water and Power
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature A-5: Mechanical, electrical, and roof top equipment, as well as building appurtenances, shall be screened from public view.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature A-6: Trash areas associated with the proposed buildings shall be enclosed or otherwise screened from view from public rights-of-way.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature A-7: All new outdoor lighting required for the Project shall be shielded and directed towards the interior of the Project Site such that the light source does not project directly upon any adjacent property.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction; pre-operation
- **Monitoring Frequency:** Once at Project plan check; once during field inspection

- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature A-8: Glass used in building façades shall be anti-reflective or treated with an anti-reflective coating in order to minimize glare.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature A-9: The Project Applicant shall remove the existing three billboards on-site and shall not include off-site signs.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; pre-operation
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

C. Cultural Resources

(1) Project Design Features

Project Design Feature C-1: The Project Applicant shall retain a relocation consultant to assist current Project Site residents by providing services including, but not limited to, identification of available replacement dwellings, transportation to view potential replacement housing, coordination of movers, and establishment/oversight of relocation fee escrow accounts.

- **Enforcement Agency:** City of Los Angeles Department of City Planning

- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Prior to issuance of any demolition permit for residential structures
- **Action Indicating Compliance:** Submittal of relocation plan to Department of City Planning

(2) Mitigation Measures

Mitigation Measure C-1: Prior to the issuance of a demolition permit, a report documenting the architectural and historical significance of the Flower Drive Historic District shall be prepared. One original copy of the report in both digital and hard copy format shall be assembled and offered to the Southern California Information Center at California State University Fullerton, the Los Angeles Conservancy, the Los Angeles Central Library, and the City of Los Angeles Office of Historic Resources. The report shall be created by a historic preservation professional meeting the Secretary of the Interior's Professional Qualifications Standards for history or architectural history. The report shall include:

- a. A written report according to the Historic American Building Survey (HABS) narrative format, which includes historical and descriptive information, index to photographs, and photo key plan.
 - b. Duplicates of historic photographs, if available.
 - c. Duplicates of original drawings, if available.
 - d. 35 mm black and white photographs (or digital images for the digital copies of the report). The photographs shall be keyed to a site plan to show the location of each photograph taken. Views shall include the setting of the district and exterior views of all of the contributing buildings.
- **Enforcement Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources
 - **Monitoring Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources
 - **Monitoring Phase:** Pre-construction
 - **Monitoring Frequency:** Once at Project plan check
 - **Action Indicating Compliance:** Submittal of compliance documentation to City of Los Angeles Department of City Planning and subsequent issuance of demolition permit

Mitigation Measure C-2: A salvage and reuse plan shall be created, identifying elements and materials that can be saved prior to the issuance of a demolition permit. The plan shall be prepared by a historic preservation professional meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history or historic architecture with demonstrated experience in developing salvage and reuse plans. The plan shall be submitted to the City of Los Angeles Office of Historic Resources. Elements and materials that may be salvageable include: windows, doors, roof tiles, decorative elements, framing members, light fixtures, plumbing fixtures, and flooring materials such as tiles and hardwood. The salvageable items shall be removed in the gentlest, least destructive manner possible. The plan shall identify the recipient(s) for the items.

- **Enforcement Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources
- **Monitoring Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once at Project plan check
- **Action Indicating Compliance:** Submittal of compliance documentation to City of Los Angeles Department of City Planning and subsequent issuance of demolition permit

Mitigation Measure C-3: Seven of the eight multifamily residential buildings currently located on the Project Site are designated contributors to the Flower Drive Historic District. At least three of the seven contributors shall be relocated to a suitable and appropriately zoned site or sites within 5 miles of the Project Site, to the satisfaction of the Planning Department. The relocation of at least three contributors shall be completed prior to the issuance of a final certificate of occupancy for the Project.

All buildings that are not to be relocated shall be made available to third parties for relocation and/or salvage in accordance with the salvage and reuse plan prepared pursuant to Mitigation Measure C-2. The Project Applicant shall publicize the availability of any such buildings for relocation and/or salvage by publishing a notice in a newspaper of general circulation and by directly informing potentially interested parties at least 180 days prior to the application for any demolition permit ("Notice of Availability"). Any third party interested in pursuing relocation and/or salvage activities shall notify the Applicant of their interest within 30 days of the Notice of Availability being provided. At least 60 days prior to the Project Applicant commencing demolition activities at the Project Site, the Project Applicant shall notify all interested third parties of such impending demolition ("Notice

of Demolition"). All proposed relocation and/or salvage activities proposed by third parties shall be completed no later than 30 days after receiving a Notice of Demolition.

Any such buildings made available for relocation and/or salvage shall be made available at no cost for the building itself, but a third party that undertakes relocation and/or salvage activities shall be responsible for costs associated with those activities.

All relocated buildings, whether relocated by the Project Applicant or a third party, shall be moved in accordance with all applicable regulatory requirements, including those applicable provisions of Chapter 83 of the Los Angeles Building Code, and shall be moved during off-peak hours so as to avoid potential traffic impacts. .

- **Enforcement Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources
- **Monitoring Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once prior to demolition
- **Action Indicating Compliance:** Submittal of compliance documentation to City of Los Angeles Department of City Planning and subsequent issuance of demolition permit

Mitigation Measure C-4: A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities and the materials being excavated. If paleontological materials are encountered, the paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Project Applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum.

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction

- **Monitoring Frequency:** To be determined by consultation with paleontologist
- **Action Indicating Compliance:** Submittal of compliance documentation prepared by qualified paleontologist

E. Greenhouse Gas Emissions

(1) Project Design Features

Project Design Feature E-1: The design of the new buildings shall incorporate features to be capable of achieving at least Silver certification under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED)-NC® v2009. Such LEED® features shall include energy-efficient buildings, a pedestrian- and bicycle-friendly site design, and water conservation measures, among others.

- **Enforcement Agency:** City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature E-2: No natural gas fueled fireplaces shall be installed in the residences.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; pre-operation
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature E-3: A minimum of 20 percent of the total code-required parking spaces for the project shall be capable of supporting future electric vehicle supply equipment (EVSE). Project plans shall indicate the proposed type and location(s) of EVSE and also include raceway

method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles (EVs) at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Only raceways and related components are required to be installed at the time of construction. When the application of the 20 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature E-4: A minimum of 5 percent of the total code-required parking spaces shall be equipped with EV charging stations. Project plans shall indicate the proposed type and location(s) of charging stations. Plan design shall be based on Level 2 or greater EVSE at its maximum operating capacity. When the application of the 5-percent requirement results in a fractional space, round up to the next whole number.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

H. Noise

(1) Project Design Features

Project Design Feature H-1: Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once during field inspection
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature H-2: Project construction shall not include the use of driven (impact) pile systems.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodically during construction
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature H-3: All outdoor mounted mechanical equipment shall be enclosed or screened from off-site noise-sensitive receptors.

- **Enforcement Agency:** City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature H-4: Outdoor amplified sound systems shall be designed so as not to exceed the maximum noise level of 80 dBA (L_{eq-1hr}) at a distance of 25 feet from the amplified sound systems (i.e., speaker face) at the ground level outdoor dining/plaza, 85 dBA (L_{eq-1hr}) at the Hotel Level 2 courtyards, Student Housing and Mixed Housing Level 2 courtyards and roof level amenities deck, and 95 dBA (L_{eq-1hr}) at the Hotel roof amenities deck.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once at Project plan check; once at field inspection during operation
- **Action Indicating Compliance:** Plan approval and field inspection sign-off and submittal of compliance report from noise consultant

(2) Mitigation Measures

Mitigation Measure H-1: A temporary and impermeable sound barrier shall be erected as follows:

- Along the Project Site's northern property line. The temporary sound barrier shall be designed to provide a 10-dBA (for the residential use on 39th Street) noise reduction at the ground level of the adjacent noise-sensitive receptors.
- Along the Project Site's western property line. The temporary sound barrier shall be designed to provide a 5-dBA noise reduction at Christmas Tree Lane within Exposition Park.
- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check prior to issuance of grading permit; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of grading permit; field inspection sign-off

Mitigation Measure H-2: The Project Applicant shall retain the services of a qualified vibration consultant to monitor ground-borne vibration at the adjacent building to the south of the Project Site during site excavation

when the use of heavy construction equipment, such as a large bulldozer, drill rig, or loaded truck occurs within 15 feet of the building. The vibration monitoring system shall be able to:

- Measure and continuously store the peak particle velocity (PPV) in inch/second. Vibration data shall be stored on a one-second interval.
- Provide real-time alert (via text message and/or email to on-site personnel) when the vibration levels exceed 0.2 inch/second (PPV).

The measured vibration data shall be documented within a report that shall include: a description of the measurement location, the measurement time, and the recorded values (maximum, minimum and mean levels on an hourly basis).

If the measured ground-borne vibration levels exceed 0.2 inch/second (PPV) at the adjacent offsite structure to the south, the Project contractor shall immediately employ alternative construction methods, so that the ground-borne vibration levels do not exceed 0.2 inch/second (PPV).

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; submittal of compliance report from noise consultant

I.1 Public Services—Police Protection

(1) Project Design Features

Project Design Feature I.1-1: During construction, the Project shall implement temporary security measures including security fencing, lighting, and locked entry.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety

- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once during field inspection
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature I.1-2: During operation, the Project shall include private on-site security, a closed circuit security camera system, and keycard entry for the residential buildings and the residential parking areas.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Annually
- **Action Indicating Compliance:** Documentation of private on-site security in annual compliance report

Project Design Feature I.1-3: The Project shall provide sufficient lighting of building entries and walkways to provide for pedestrian orientation and clearly identify a secure route between parking areas and points of entry into buildings.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; pre-operation
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature I.1-4: The Project shall provide sufficient lighting of parking areas to maximize visibility and reduce areas of concealment.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; pre-operation
- **Monitoring Frequency:** Once at Project plan check; once during field inspection

- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature I.1-5: The Project shall design entrances to, and exits from buildings, open spaces around buildings, and pedestrian walkways to be open and in view of surrounding sites.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; pre-operation
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature I.1-6: Prior to the issuance of a building permit, the Project Applicant shall consult with LAPD's Crime Prevention Unit regarding the incorporation of crime prevention features appropriate for the design of the Project, including applicable features in LAPD's Design Out Crime Guidelines.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once at Project plan check prior to the issuance of applicable building permit
- **Action Indicating Compliance:** Submittal of compliance documentation and subsequent issuance of applicable building permit

Project Design Feature I.1-7: Prior to the issuance of a certificate of occupancy, the Project Applicant shall submit a diagram of the Project Site to the LAPD South Bureau Commanding Officer that includes access routes and any additional information that might facilitate police response.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning

- **Monitoring Phase:** Pre-operation
- **Monitoring Frequency:** Once prior to the issuance of Certificate of Occupancy
- **Action Indicating Compliance:** Submittal of compliance documentation and subsequent issuance of Certificate of Occupancy

I.4 Public Services—Libraries

(1) Project Design Features

Project Design Feature I.4-1: The Project Applicant shall pay a fee of \$200 per capita to the LAPL prior to the issuance of a building permit. The estimated residential population shall be calculated by multiplying the number of dwelling units within the Mixed-Income Housing Component by the average household size of 2.44 persons per household.

- **Enforcement Agency:** City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Public Library
- **Monitoring Phase:** Pre-operation
- **Monitoring Frequency:** Once prior to issuance of Certificate of Occupancy
- **Action Indicating Compliance:** Issuance of Certificate of Occupancy

J. Traffic, Access, and Parking

(1) Project Design Features

Project Design Feature J-1: Prior to the start of construction, the Project shall prepare a Construction Traffic Management Plan and submit it to LADOT for review and approval. The Construction Traffic Management Plan shall include a Worksite Traffic Control Plan which shall facilitate traffic and pedestrian movement and minimize the potential conflicts between construction activities, street traffic, bicyclists, and pedestrians. The plan shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. Furthermore, the Construction Traffic Management Plan and Worksite Traffic Control Plan shall include, but not be limited to, the following measures:

- Maintain access for land uses in the vicinity of the Project Site during construction;
- Schedule construction material deliveries during off-peak periods to the extent practical;
- Minimize obstruction of traffic lanes on Figueroa Street and 39th Street adjacent to the Project Site;
- Organize Project Site deliveries and the staging of all equipment and materials in the most efficient manner possible, and on-site where possible, to avoid an impact to the surrounding roadways;
- Coordinate truck activity and deliveries to ensure trucks do not wait to unload or load at the Project Site and impact roadway traffic, and if needed, utilize an organized off-site staging area;
- Control truck and vehicle access to the Project Site with flagmen;
- Designate travel routes for trucks on Figueroa Street, Martin Luther King Jr. Boulevard, and other arterial roadways, to prevent trucks from using residential streets;
- Limit sidewalk and lane closures, and avoid peak hours to the extent possible. Where such closures are necessary, the Project's Worksite Traffic Control Plan shall identify the location of any sidewalk or lane closures and identify all traffic control measures, signs, delineators, and work instructions to be implemented by the construction contractor through the duration of demolition and construction activity;
- Identify alternative sites for bus stops that must be relocated and undertake any required relocation in coordination with LADOT and Metro; and
- Parking for construction workers shall be provided either on-site or at off-site, off-street locations. Parking shall not be allowed on residential streets in the vicinity of the Project.
- The contractor or its designee shall notify the LAUSD Transportation Branch and the site administrator of the Dr. Theodore T. Alexander Science Center School of the expected start and ending dates of construction. In addition, the contractor must coordinate with LAUSD site administrators and/or designated representatives to ensure that effective measures are employed to reduce construction-related effects related to existing pedestrian and school bus routes, and school drop off/pick up areas on the proximate LAUSD facilities. In addition, throughout the duration of construction, the contractor must maintain safe and convenient pedestrian routes to schools (refer to the map provided for the Alexander Science Center at <https://achieve.lausd.net/Page/3990> or as may be updated by LAUSD). The contractor must also notify

workers of the provision of the California Vehicle Code that requires vehicles to stop when encountering school buses using red-flashing-lights must-stop-indicators and that no staging or parking of construction-related vehicles, including worker-transport vehicles, shall occur on or adjacent to a school property.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of grading permit; field inspection sign-off

Project Design Feature J-2: During construction of the Project, a minimum of one lane of Flower Drive shall remain open to provide access to the properties located immediately south of the Project Site, at the northeast corner of Figueroa Street and Martin Luther King Jr. Boulevard.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** During field inspection(s)
- **Action Indicating Compliance:** Field inspection sign-off/Submittal of Compliance Report

(2) Mitigation Measures

Mitigation Measure J-1: Transportation Demand Management (TDM) Program—

The Project shall prepare and implement a TDM Program that includes strategies to promote non-automobile travel and reduce the use of single-occupant vehicle trips. The TDM Program shall include design features, transportation services, education programs, and incentive programs intended to reduce the amount of single-occupancy vehicles during commute hours. A preliminary TDM program shall be prepared and provided for LADOT review prior to the issuance of the first building permit for this Project and a final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the Project. The TDM Program strategies should include, but not be limited to, the following strategies:

- An on-site Transportation Information Center
- Preferential rideshare loading/unloading or parking location
- Convenient parking and facilities for bicycle riders
- Guaranteed ride home programs for employees
- Allowance for flexible and alternative work schedules
- Administrative support for the formation of carpools/vanpools
- Promotion of transit, walk, or bike to work events
- Project design elements to ensure a bicycle, transit, and pedestrian friendly environment
- Unbundled parking from housing cost
- Parking cash-out programs for Project and uses as appropriate
- A Covenant and Agreement to ensure that the TDM program will be maintained.

The following improvements proposed by the project as part of its transit and mobility improvement program should be part of the TDM program:

- Provide sidewalk bike racks (including near bus stops).
- Participate in the City's Bike Share Program by providing an area for bike share facilities.
- Make a one-time financial contribution of \$150,000 to the City of Los Angeles Department of Transportation, to be used in the implementation of the Mobility Hub in the general area of the Project.
- Participate in a Car-Share Program, and provide a minimum of ten off-street car share parking spaces
- Provide an on-site transportation coordinator to promote alternatives to the car and to facilitate rideshare.
- Facilitate carpools and vanpools for project employees, students, etc. by providing priority locations for carpool and vanpool parking.
- Provide an on-site information facility to make available information on car-sharing, transit, vanpools, taxis, etc. (e.g. kiosk, concierge, or transportation office).
- Encourage implementation of bus shelters in the area of the Project.
- Unbundle parking from housing cost.
- Implement parking cash-out programs for Project land uses

- Facilitate shuttle service from the Project to nearby destinations including the USC campus and nearby transit stations
- In addition, the Project shall enhance existing transit service in the Project vicinity as follows:
- Contribution of a fixed fee of \$750,000 to a trust fund to be administered by LADOT for the implementation of alternative transportation modes focused along the Figueroa Street corridor and the DASH F route. The funding may include purchase of one 35-foot zero emission bus, maintenance cost of three years, driver salary for three years, fuel expenses for three years, and route modification to include the Project Site.
- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Pre-operation
- **Monitoring Frequency:** Once prior to issuance of Certificate of Occupancy
- **Action Indicating Compliance:** Approval of TDM Program by Los Angeles Department of Transportation; Issuance of Certificate of Occupancy; Annual compliance report

Mitigation Measure J-2: Transportation Systems Management (TSM)

Improvements—The Project shall contribute up to \$80,000 toward TSM improvements within the Central District to better accommodate intersection operations and increase intersection capacity throughout the study area, to the satisfaction of the LADOT ATSAC Section. The Project shall fund the installation of new closed circuit television (CCTV) cameras (a total of four cameras, including necessary mounting poles, fiber optic and electrical connections) at the following four intersections:

- Intersection No. 2: Figueroa Street & Jefferson Boulevard
- Intersection No. 9: Figueroa Street & Exposition Boulevard
- Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard
- Intersection No. 23: I-110 NB Ramps/Hill Street & Martin Luther King Jr. Boulevard

Prior to the issuance of any building permit, LADOT shall determine whether the CCTV installations shall be implemented by the Applicant through the B-permit process of the Bureau of Engineering (BOE), or through payment of a one-time fixed fee of \$80,000 from the Project to

LADOT to fund the cost of the upgrades, and LADOT shall design and construct the upgrades. If the installations are implemented by the Project through the B-Permit process, then these improvements shall be guaranteed prior to the issuance of any building permit and completed prior to the issuance of any certificate of occupancy. Temporary certificates of occupancy may be granted in the events of any delay through no fault of the applicant, provided that, in each case, the applicant has demonstrated reasonable efforts and due diligence to the satisfaction of LADOT.

- **Enforcement Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once prior to issuance of applicable Certificate of Occupancy
- **Action Indicating Compliance:** Written verification of payment of fees to the City of Los Angeles Department of Transportation or implementation of TSM improvements; issuance of Certificate of Occupancy

L.1 Utilities and Service Systems—Water Supply and Infrastructure

(1) Project Design Features

Project Design Feature L.1-1: The Project design shall incorporate the following design features to support water conservation:

- High-efficiency toilets with flush volume of 1.06 gallons of water per flush or less throughout the Project Site.
- Waterless urinals (for all public restrooms throughout the Project Site).
- Showerheads with flow rate of 1.5 gallons per minute or less.
- Install a meter on the pool make-up line so water use can be monitored and leaks can be identified and repaired
- Leak detection system for swimming pools and Jacuzzi, or other comparable spa equipment introduced on-site.
- Water-saving pool filter.
- Pool/spa recirculating filtration equipment.

- Drip/subsurface irrigation (micro irrigation).
- Micro-spray.
- Domestic Water Heating System to be located in close proximity to point(s) of use.
- Proper hydro-zoning (group plants with similar water requirements together).
- Zoned irrigation.
- Landscape contouring to minimize precipitation runoff
- Drought-tolerant plants—23 percent of total landscaping.
- Infiltration using a drywell and detention system to capture, store, and treat stormwater for a drainage area of approximately 4.42 acres.
- **Enforcement Agency:** City of Los Angeles Department of Water and Power; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once prior to issuance of Certificate of Occupancy
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

L.3 Utilities and Service Systems—Solid Waste

(1) Project Design Features

Project Design Feature L.3-1: Building materials with a minimum of 10 percent recycled-content shall be used for the construction of the Project.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once during field inspection
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature L.3-2: During construction, the Project shall implement a construction waste management plan to recycle and/or salvage a

minimum of 75 percent of non-hazardous construction debris or minimize the generation of construction waste to 2.5 pounds per square foot of building floor area.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once during field inspection
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature L.3-3: During operation, the Project shall have a solid waste diversion rate of at least 50 percent, pursuant to the City of Los Angeles Solid Waste Management Policy Plan, which was adopted by the City to comply with AB 939. The Project shall adopt current available recycling practices, including off-site sorting of waste by third-party vendors, permitted by the LAMC to achieve a minimum diversion of 50 percent.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Public Works Bureau of Sanitation
- **Monitoring Agency:** City of Los Angeles Department of Public Works, Bureau of Sanitation
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Annually
- **Action Indicating Compliance:** Submittal of compliance documentation to City of Los Angeles Department of City Planning

ORIGINAL



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☒ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: Vesting Tentative Tract Map No. 74193-CN.

Project Address: 3900 S Figueroa, 3901-3969 S. Flower St., 450 W 39th Street

Final Date to Appeal: December 17, 2018

Type of Appeal:

- ☐ Appeal by Applicant/Owner
☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Jim Childs

Company: West Adams Heritage Association (WAHA)

Mailing Address: c/o 2341 Scarff Street

City: LA

State: CA

Zip: 90007

Telephone: (213) 747-2526

E-mail: jeanjim2341@att.net

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☐ Self ☒ Other: West Adams Heritage Association

- Is the appeal being filed to support the original applicant's position?

☐ Yes

☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Telephone: _____

E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☒ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: James R. Cauds

Date: 12/14/2018

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

West Adams Heritage Association

Master Appeal Form Continuation - Attachment

VTT 374193-CN

CPC-2016-2658-VZC-HD-MCUP-ZAD-SPR

ENV-2016-1892- EIR (SCH 2016071049)

3900 S. Figueroa, 3901-3969 S. Flower Street, 450 W. 39th Street, CD 9, Southeast Community Plan, North University Park – West Adams Neighborhood Stabilization Overlay

The Deputy Advisory Agency abused its discretion in its decision regarding the 3900 South Figueroa project because:

- The DAA approved the tract map when it could not reasonably make the required findings of the Subdivision Map Act;
- There was insufficient fact based evidence to support the adoption of the severely flawed FEIR;
- The City cannot approve a project that has severe environmental impacts (which the FEIR acknowledges) when there is a feasible alternative that eliminates these impacts.

The City enabled this abuse of discretion by misstatement, obfuscation and omission in the materials (including the FEIR) that were placed before the DAA. The DAA and hearing officers also ignored the substantial testimony by WAHA and others at the December 5 hearing.

At the December 5 public hearing for the Tract Map, numerous persons who reside on Flower Drive urged that this displacement of families and destruction of population, housing and historic resources be stopped. Nothing in the decision material shows the content of that testimony nor the salient facts brought forward at the public hearing. It may as well not have occurred to the extent any hearing officer reacted nor comprehended the facts that were placed before them of the human suffering that this project imposes on families who have lived on Flower Drive for decades.

The decision (as does the FEIR) largely ignores and sanitized what is really happening here. We urge the City Planning Commission to rectify the injustice and displacement of families and the failure to include an alternative for your consideration that would both save the rent stabilized housing and preserve a significant historic resource and allow for the new development and the accompanying benefits.

The decision makers erred because what was before them directed them to a fore gone conclusion, omitting significant facts and which drove the reviewer to accept a previously embraced decision. The real facts were obscured deliberately by omission to skew the factual analysis. This is not compliant with CEQA.

The decision minimizes the true impacts to affordable housing in the demolition of eight multifamily apartments within the Flower Drive Historic District by ignoring the widespread displacement of persons who will not be able to qualify for the new low income housing components even if they withstand the disruption to their lives and well-being that this project causes.

We urge the CPC to **not certify the EIR but rather send it back for recirculation to include an alternative that preserves the RSO affordable historic housing and provides also for the benefits of development.** Upon inclusion and recirculation of this alternative option, the City has an obligation under the law to adopt the environmentally superior alternative; then the current proposed tract map is moot.

This win/win alternative was not included in the FEIR. This alternative, the towers alternative, would provide for all of the benefits so richly touted in the decision while preserving the families and buildings in the district.

In addition, we provide the following comments on the Subdivision Findings and the FEIR and our reasons for this appeal.

SUBDIVISION FINDINGS:

1. The proposed map is not consistent with applicable general and specific plans. (The DAA decision states it is.)

The DAA decision fails to analyze the project in the context of the Southeast (SE) Community Plan objectives. There is a lack of recognition of the goals of the SE Community Plan which includes:

p. I-5. The intrusion of incompatible higher density resident and commercial uses in lower density residential area; the need to preserve and enhance historic resources;

p. I-7 The historic resources are a valuable asset to this Community They offer significant opportunities for developing neighborhood identity and pride within the Community. It is important to retain the currently available inventory of such buildings.

p. I-9 Inconsistent architectural development, which does not address neighborhood or community themes;

p. III-2, 1-1.2

Protect existing single family and low-density residential neighborhoods from encroachment by higher density and other incompatible uses;

p. III 3, 1-3.1 Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods;

p. III-39 GOAL 18: A COMMUNITY WHICH PRESERVES AND RESTORES THE MONUMENTS, CULTURAL RESOURCES, NEIGHBORHOODS, AND LANDMARKS WHICH HAVE HISTORICAL AND/OR CULTURAL SIGNIFICANCE.

p. III-41. Policy 18.4.1 to assist private owners of historic resources to maintain and/or enhance their properties in a manner that will preserve the integrity of such resources in the best possible condition.

The FEIR also fails to analyze impacts and alternatives in the context of the **newly adopted** Southeast Community Plan. The FEIR for the South and Southeast Community Plans adopted on November 22, 2017, also provides guidance to developers concerning preservation goals and objectives, for example:

Goal LU22: Preserve neighborhoods that are identified and/or appear to be eligible for historic district status by initiating and adopting new Historic Preservation Overlay Zones (HPOZs) and other neighborhood conservation techniques.

Policy LU22.1 Support Continued District Designations. Promote district designations, as well as maintenance and rehabilitation of historically significant structures in potential and proposed historic districts.

Policy LU22.2 Promote Neighborhood Conservation Techniques. Promote the initiation and adoption of innovative neighborhood conservation techniques such as community plan implementation overlays and community design overlays for areas that retain cohesive character but are not eligible to become an HPOZ.

Goal LU23: A community that capitalizes upon and enhances its existing cultural resources.

Policy LU23.1 Forge Partnerships for Community Preservation. Promote public/private partnerships to create new informational and educational programs, tours and signage programs that highlight the community's history and architectural legacy.

Policy LU23.2 Protect Community-Identified Cultural Resources. Protect and enhance places and features identified within the community as cultural resources for the City of Los Angeles.

Policy LU23.3 Coordinate Cultural Programs. Encourage the coordination of cultural programs at local schools utilizing resources such as the Cultural Affairs Department and local artists.

Policy LU23.4 Cultural Heritage Tourism. Encourage cultural heritage tourism by capitalizing on existing monuments within the community and supporting efforts to showcase important historic resources and events, such as the Watts Cultural Renaissance Plan.

SOURCE: City of Los Angeles. South and Southeast Los Angeles Community Plans, 2017.

In the light of these acknowledged goals and policies, how can this project be approved in its current form?

This proposed Project lies within the CRA Exposition/University Park Redevelopment Project Area, which remains a governing “specific plan” type land use overlay. The Project conflicts with multiple goals and elements of the redevelopment plan as the FEIR admits. The redevelopment plan also requires the preservation of historic resources with “special consideration.”

Given that this project also does not conform to either the present or pending Southeast Community Plan (currently R-4 and pending RD1.5 zoning on Flower), nor the Redevelopment Plan, the DAA should not have granted the tract map request in its present form and **not** adopted the FEIR.

Government Code section 66474.2(b)

The FEIR response to comments claims that because the application for “the FIG” project was deemed complete prior to the adoption of the Southeast Los Angeles Community Plan Update, and it is a vesting tract map, the Southeast Community Plan Update should not apply. There is, however, an exception to this rule. Here, the Southeast Los Angeles Community Plan update should apply to The Fig project because the City initiated the proceedings to update this community plan prior to September 8, 2016, the date on which the City found “the FIG” project application to be complete. The City also provided proper notice of the pending update to this community plan prior to this date. Thus, pursuant to **Government Code section 66474.2(b)**, the updated community plan **does** apply to the vesting tentative tract map action

2. The site is NOT physically suitable for the proposed type of development.

The merger of lots should be rejected without adequate environmental review and adoption of a preservation alternative. Merging all lots on the project site together is the first step towards eliminating the Flower Drive Historic District. While the DAA decision states that *there are no geological or seismic impacts, hazards and hazardous material, and police and fire safety*¹ there is no mention of the suitability of eliminating the physical tracts which are the RSO housing. This is the physical undoing of the District.

3. The site is NOT suitable for the propose density of development.

The FEIR and the DAA decision ignores the residential R-4 zoning under the former southeast plan and had to issue an errata to revise that misinformation. Completely ignored is the RD1.5 zoning designated under the newly adopted Southeast community plan for the Flower Drive

¹ Advisory Agency Decision, p. 9

historic district parcels. All of the effusive descriptions of the allowance of unlimited residential guest rooms and density ignores the planning concept that places major development on Figueroa while eliminating Flower Drive, eliminating the low medium 2 residential, to avoid compliance with the Neighborhood Stabilization Ordinance (NSO).

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat²

If only human beings and families were given the same respect as lemmings. The DAA had the opportunity to listen to residents of the 3900 block of Flower Drive describing the significant impacts on the families and the complete upheaval of historic patterns of land use and population, which approval of this tract map will trigger.

The Flower Drive designation eloquently notes its historic context:

“Today, the Flower Drive District remains the last intact cluster of multi-family residences created in the once larger Zobelein Tract during the Roaring Twenties. Further, the District and its contributing elements continue to retain their original use and association as multi-family dwellings for the working and middle classes in the University District south of downtown.”³

The DAA decision erroneously concludes *“the physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the sounding community.”⁴* This is simply not true but rather a myopic selection of what standards are set to judge consistency. The decision and the FEIR cherry pick what criteria should be set as the standard for assessing existing development and community character. Figueroa is different than Flower in density and zoning. By genocide of a residential historic community which this proposed project brings, you no longer have the community character standard established by Flower Drive. The DAA completely ignores certain elements of the community character and the contextual support of its sister historic building, the Zobelein estate, as well as Exposition Park and Christmas Tree Lane. So again, omission and bad facts.

It is NOT good enough to support a project because it is **“generally consistent with existing development and urban character of the surrounding community.”⁵** General is not good enough.

The DAA has dismissed the Neighborhood Stabilization Ordinance (NSO) which was intended to preserve just such family housing and protect it from the pressures of student housing development. The decision states that while the NSO exempts Figueroa, it need not apply it to

² Deputy Advisory Agency Decision, p.100

³ Letter, ADHOC, by Jim Childs, November 27, 2017 to Milena Zasadzien, City Planning

⁴ Deputy Advisory Agency Decision, p. 100

⁵ Deputy Advisory Agency decision, p. 100

Flower Drive because once the tract map is approved here will be no Flower Drive and all development will front Figueroa. This is yet another sleight of hand that obscures the issues and ought not to be permitted.

THE FEIR SHOULD NOT BE ADOPTED

The FEIR is not an objective analysis but rather is a document skewed toward adoption of the proposed project rather than an objective review of the facts

The demonstrable negative impacts on both housing resources and on the Flower Drive Historic District are not sufficiently analyzed nor are they adequately mitigated. The cumulative impacts on housing and on historic resources are also not adequately recognized nor evaluated. The FEIR consistently states that these negative impacts are unavoidable which is **simply not true**. A project design that incorporates the Flower Drive Historic District and builds on the non-historic parcels is possible. Not only is it possible, but it has been the subject of two meetings called by the developers' representative. We also note that the project originally included a 21 story hotel tower which allowed for more flexibility in site planning.

We believe that an alternative can be devised that preserves the historic and rent controlled housing while meeting most of the project's objectives. We also urge the developer to make the majority of the parking underground which would also allow for a design that is more flexible and aesthetically pleasing.

*"In a series of meetings held last year at the offices of the project architect, a number of alternatives were presented. A review of the effects of each one forced a difficult decision from the community as they struggled to find common ground and reach a compromise with the developer. The alternative accepted by the community would have given the developer perhaps 98% of what he was asking for while preserving the Flower Drive District. It was not an ideal solution but was pragmatic. The DEIR has dismissed any real preservation alternatives as the developer continues his campaign to seek an "all or nothing" result. The DEIR refers throughout to "unavoidable" impacts, which is deceptive as most, if not all, of the impacts of this project are design flaws and therefore avoidable."*⁶

The meeting's purpose was described as *"As a few of you know, after the scoping meeting, we decided to engage the Page & Turnbull team to help us identify options that might retain some or all of the contributors while carrying out the project program. I am not sure we will find a solution but we are looking for it. I would ask that you participate in a discussion on this. The team has some preliminary thoughts to which we want to get your reaction and of equal or greater importance is we want to hear your thoughts."*⁷

⁶ Letter, Mitzi March Mogul, November 21, 2017 to Milena Zasadzien, City Planner

⁷ Bill Delvac, Attorney for Spectrum, e-mail of 10/18/2016, Spectrum Flower Drive Options

The rationale for not including the tower alternative provided by the representative of the development team at the November 5 public hearing was that those preservation representatives in attendance were not able to arrive at a consensus. This is another intellectually fraudulent comment: the consensus was to preserve the Flower Drive and that a “towers” version would be supported.

“At the conclusion of the second meeting I understood that there was a consensus for a proposed new Project Alternative concept, which would retain the elements of the FLOWER DRIVE HISTORIC DISTRICT, the proposed 21-story Hotel, and add a second tower for the residential components.”⁸

The exact details were not hashed out because there were no further meetings. There **was** a consensus. The representative is being somewhat disingenuous. A further meeting could have provided the details of such an alternative.

Cumulative Impacts

The FEIR fails to adequately analyze cumulative impacts. The City claimed that it did not have to analyze the 3800 Figueroa project on the site north of this development and adjacent to the remaining contributors to the Flower Historic District because the application was not submitted until after the NOP for this project was published. That is not the standard for evaluating cumulative impacts. The EIR must analyze reasonably foreseeable probable future projects.

What is also telling about the 3800 Figueroa Project is its retention of ALL of the Flower Drive historic buildings with design considerations that enable the new buildings to step down and give some protection to the eleven multi-family buildings of Flower Drive. This can be done: new development can co-exist with the old; just as we see in Exposition Park where we have the Lucas Museum and Science Center next door to the Museum of Natural History and the Rose Garden.

The FEIR fails to consider impacts to the northerly section of the Flower Drive Historic District. It contains within it a view that somehow Districts are inconsequential and malleable to the aims of a developer. This was confirmed at the NOP scoping meeting of August 10, 2016 wherein the developers’ representative stated to one of our representatives “Well you at least have eleven buildings left in the District.” This weighs heavily on the prejudice with which the developer has treated and misunderstood the significance of the Flower Drive Historic District and how indeed a District is significant in its relationship to all of the properties within a District. When the NOP comments contain so many suggestions by WAHA, NUPCA, ADHOC, the Los Angeles Conservancy and others that Flower Drive be evaluated in its total context, this glaring omission also calls in question the accuracy of the impacts analysis in the FEIR.

⁸ ADHOC letter, Jim Childs, November 27, 2017, to Milena Zasadzien, City Planner

The non-identified cumulative impacts extend not only to the northerly section of the district, but to all affordable housing that is in the Exposition Park-University Park neighborhood that is threatened with demolition and insensitive new construction. Tally the number of demolitions of vintage housing that have occurred in his area and the accompanying loss of RSO historic affordable housing. The FEIR does not.

The developers have gotten on a train that waxes poetic about their development and ignores the severe negative impacts; even when recognizing impacts, they state their desire for this project and its benefits overrides the environmental considerations. The result: a train wreck to people and historic resources.

Inadequate Mitigations

You cannot mitigate impacts to a historic district by moving three or four historic apartments elsewhere. The decision makers fail to understand that a District relies on its context and the relationship of each of the buildings to the other. Part of the districts uniqueness is that nineteen buildings have survived for almost a hundred years relatively intact, creating a grouping of buildings and people that warrants attention, designation and preservation. So much so, that the State Historic Resources commission found the District eligible not once but twice over politically connected opposition.⁹

Alternatives

The range of alternatives is unreasonable when one realizes there is no discussion of the omitted alternatives: the original 21 story hotel tower version, and the two tower, Page & Turnbull version. A FEIR should contain a reasonable range of alternatives to foster informed decision making as required by 14 Cal Code Red section 15126.6(a). There is no alternative that offers substantial environmental advantages over the proposed project **and** meets all of project objectives. The FEIR fails to meet the most basic objectives of an alternatives discussion and therefore is legally deficient. The FEIR evades then the responsibility and obligation of the proponent to adopt an environmentally superior alternative because it has identified an environmentally superior alternative that does not meet the developer's expansive list of project objectives.

At what point does the commitment the applicant has made proposing a development that severely impacts such a sensitive historic site, in a very fragile historic environment, become an unwise speculative venture that cannot be permitted in the light of the severe, adverse

⁹ The CA State Historic Resources Commission determined that Flower Drive met the criteria for a California Register Historic District not once, but twice, on July 25, 2008 and again on November 7, 2008

environmental impacts? The FEIR has engaged in discussion weighted in favor of the project as proposed and without regard for the actual environmental setting.

Public Monies are being provided

At the DDA hearing of December 5, the proponent talked about what rights were accrued to him because he purchased the property. What was not stated, was that all of the responsibilities of stewardship of the historic properties accrued to him by his ownership and that the development limitations were well known to all upon his purchase. (Actually the applicant is not listed as a property owner on the decision page.) All of the owners had to be aware that Flower Drive was a historic district and that the Redevelopment Plan called for its preservation and inclusion in any new development. When Ventus purchases the property they become stewards of these historic resources.

Further, public monies are being expended to finance this project which imposes another element of responsibility and stewardship to safeguard the public's interest. Severe environmental impacts to historic resources, population and housing should not be subsidized.

Eliminating Severe Impacts

The FEIR alternatives fail to meet the test of eliminating the substantial and severe environmental impacts of the project as proposed. One of the primary purposes of CEQA is to identify, through the evaluation of alternatives to the proposed project, ways in which the environmental effects of a project can be avoided or minimized. It is not true that the negative impacts are unavoidable. **None of the alternatives provided, except for Alternative #2, avoid impacts and demolition to the district. But such an alternative is possible. But not included in the FEIR.**

CEQA: Section 21002 of CEQA states, in part, that: "*... it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects...*"

Overriding Considerations

There is no justification for a statement of overriding considerations when an alternative exists that preserves Flower Drive and diminishes impacts. The City cannot approve project that has severe environmental impacts (which the FEIR acknowledges) when there is a feasible alternative.

"One of the alternatives arrived at which received support by the preservation community at the meeting: *"The full preservation alternative is with 2 towers and underground parking, 1 residential bldg. 7 stories. Requires removal of the Flower Dr. Garages. Parking at rear rather*


*than front (a la Biltmore)"; Project requires zone change from C21L to 2D for a height increase; they stated that the "hotel has to be on a corner."*¹⁰

A curious justification for the seven stories is contained in the FEIR: that public input and the planning department decided that seven stories is more compatible than the original 21 one story tower concept of the developer. This is neither explained nor are any facts provided.

The decision makers should evaluate compatibility. Where is the factual basis to say that members of the public found a seven story development more compatible when it destroys a historic district? And how can this conclusion be arrived at under closed doors with no review nor scrutiny?

City staff should not be able to arbitrarily reject this less impactful alternative of one or two towers based on a compatibility concern for which there is no relevant information provided. The City decision makers, including the DAA and the SAPC, should have been allowed to consider the towers Page and Turnbull alternative and determine whether there were any compatibility issues that would render it infeasible; or whether in the light of options, towers would be a less damaging option.

Respectfully yours,

Jim Childs 
on behalf of the West Adams Heritage Association
c/o 2341 Scarff Street
LA, CA 90007
213 747 2526, jeanjim2341@att.net

¹⁰ Mitzi March Mogul, notes from meeting with Page & Turnbull and the developers, 11/21/2016

ORIGINAL



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☒ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: VTT-74193-CN

Project Address: 3900 S. Figueroa Street

Final Date to Appeal: 12/17/2018

Type of Appeal:

- ☐ Appeal by Applicant/Owner
☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Mitchell M. Tsai, SAJE

Company: SAJE

Mailing Address: 152 West 32nd Street

City: Los Angeles

State: CA

Zip: 90007

Telephone: (213) 745-9961

E-mail: cstrathmann@saje.net

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self

☐ Other: _____

- Is the appeal being filed to support the original applicant's position?

☐ Yes

☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Mitchell M. Tsai

Company: MITCHELL M. TSAI, ATTORNEY AT LAW

Mailing Address: 155 South El Molino Avenue, Ste. 104

City: Pasadena

State: CA

Zip: 91101

Telephone: (626) 381-9248

E-mail: mitch@mitchtsailaw.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed?

☒ Entire

☐ Part

Are specific conditions of approval being appealed?

☐ Yes

☒ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: *Myra Z.*

Date: 12/17/2018

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
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 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <i>\$89.00-</i>	Reviewed & Accepted by (DSC Planner): <i>Anna Van</i>	Date: <i>12/17/2018</i>
Receipt No: <i>0104981051</i>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

P: (626) 381-9248
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VIA HAND DELIVERY & E-MAIL

December 17, 2018

Hand Delivered to: City of Los Angeles
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201 N. Figueroa Street, 4th Floor
Los Angeles, CA 90012

E-mail Delivery to: Milena.Zasadzien@lacity.org
cityclerk@lacity.org

RE: Appeal of Case No. VTT-74193-CN: The Fig Project, 3900 S. Figueroa Street, 3900 – 3972 South Figueroa Street; 3901 – 3969 South Flower Street, 450 West 39th Street (Case Nos. VTT-74193-CN, CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR).

Dear President Millman, Vice-President Khorsand and Honorable Planning Commissioners,

On behalf of SAJE (“**Commenter**” or “**SAJE**”), my Office is submitting these comments in support of its appeal of the Fig Project, 3900 S. Figueroa Street, 3900 – 3972 South Figueroa Street; 3901 – 3969 South Flower Street, 450 West 39th Street (Case Nos. VTT-74193-CN, CPC-2016-2658-VZC—HD-CU-MCUP-ZAD-SPR) (“**Project**”). My Office jointly represents SAJE with Public Counsel and PolicyLink Legal. These comments address issues identified with the Project, related approvals and its environmental documentation.

SAJE is a non-profit organization based in South Los Angeles that advocates for economic justice, tenant rights, healthy housing and equitable development. SAJE’s mission is to change public and corporate policy in a manner that provides concrete economic benefits to working class people, increase the economic rights of working class people, and builds leadership through a movement for economic justice; and in the process creating sustainable models of economic democracy.

Commenter expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this

Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenter incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 CA4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

I. BACKGROUND ON THE SUBDIVISION MAP ACT

The Subdivision Map Act, Government Code section 66410, *et seq.* ("Subdivision Map Act" or "Act") requires local agencies to review and approve **all land subdivisions**. The Act regulates both the process for approving subdivisions and sets substantive requirements for approval of land subdivisions. The Act requires that a local agency deny approval of a land subdivision, referred to as a tentative map or a parcel map, if it makes any of the following findings:

- (a) the proposed map is not consistent with applicable general and specific plans,
- (b) the design or improvements of the proposed subdivision is not consistent with the applicable general and specific plans,
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

Cal. Gov. Code, § 66474(a-f).

The Project violates the Subdivision Map Act since it is inconsistent with both the Southeast Los Angeles Community Plan and the City General Plan.

A. The Project Is Inconsistent with the Southeast Los Angeles Community Plan

1. **The Project Violates Objective 1-4 of the Southeast Los Angeles Community Plan.**

The Southeast Los Angeles Community Plan (or “SELA”) recognizes that “[t]he historic resources are a valuable asset to this [Southeast Los Angeles] Community.” SELA, pg. I-7. To that end, the Southeast Los Angeles Community Plan requires that City “retain the currently available inventory of such [historical] buildings.” *Id.*

Objective 1-4 of the Southeast Los Angeles Community Plan requires that the City “preserve and enhance neighborhoods with a distinctive and significant historical character.” SELA, pg. III-4. As part of carrying out Objective 1-4, the Southeast Los Angeles Community Plan Policy 1-4.1 requires that “[i]n areas where there are large concentrations of structures with historic character, the Plan maintains residential plan categories and proposes no zone changes or Plan amendments in order to preserve and protect these areas.” *Id.*

The DEIR recognizes that the Project Site lies within the Flower Drive Historic District and that it is considered a historical resource under CEQA. DEIR, pgs. IV.C-13, IV.C-20. The Project site is located within Landmark Number CA-5000, Flower Drive Historic District with California Historical Resource Codes 1 (Properties listed in the National Register (NR) or California Register (CR)) and 2 (Properties determined eligible for listing in the National Register or California Register). The site was listed on both July 25, 2008 and November 7, 2008. See Staff Report, October 23, 2008, DEIR, Appendix C, Pages 156-158. The Project proposes to remove seven homes which are contributors to the Flower Drive Historic District.

Despite the historically significant designation of the Flower Drive Historic District and the applicable objectives and policies (of the Southeast Los Angeles Community Plan) to such historical resources, the Project propose exactly the opposite, proposing zone changes, vesting zone changes, and a height district change within the Flower Drive Historic District, and proposing as a mitigation measure that the City relocate the seven historically protected buildings be relocated outside the Flower Drive Historic District, a mitigation measure that in of itself would have its own environmental impacts requiring analysis under CEQA.

Here, the significant impacts to historical resources can be avoided by project redesign. The Project proponent's own consultants, Page and Turnbull, had proposed an alternative where the Project would be redesigned to retain the Flower Drive Historic District ("Page and Turnbull Alternative"). However, this redesigned alternative is not included as a project alternative. Therefore, for the EIR to conclude that the Project's significant impacts to historical resources are unavoidable is incorrect.

2. The Project is Inconsistent with the General Plan

The General Plan Framework Element Objective 3.4 encourages new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers, as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Eight residential buildings are set to be demolished or moved as part of the Project, seven of which are considered historically significant buildings as part of the Flower Drive Historic District. Objective 3.4, while encouraging new developments, underscores the importance of conserving existing neighborhoods such as the Flower Drive Historic District. As such, the Project as proposed is inconsistent with the General Plan.

The General Plan Framework Element Objective 3.17 requires the Project to maintain significant historic and architectural districts while allowing for the development of economically viable uses. The DEIR acknowledges that the Project is inconsistent with Objective 3.17 because it would remove all eight buildings on the Project Site which would be a significant and unavoidable impact to the historic resource.

However, this inconsistency was not unavoidable as the City was aware of but failed to incorporate into the EIR the Page and Turnbull Alternative where the Project would be redesigned to retain the Flower Drive Historic District. Thus, the DEIR's conclusion that the Project's inconsistency with Objective 3.17 is unavoidable is inaccurate.

3. The Project Exceeds the Height Limitation for Structures Within Pedestrian Oriented Districts Under the SELA Community Plan.

The Urban Design Guidelines of the Southeast Los Angeles Community Plan limits structures within pedestrian oriented districts that are along main commercial streets to

no greater than 30 feet in height. SELA at V-4. The Project proposes a maximum roof height of approximately 78 feet. As the Project's EIR itself admits, the Project is within a pedestrian oriented district (DEIR at I-12) and directly faces one of the biggest commercial streets within the City of Los Angeles, Figueroa Street. The Project is planned to be far in excess of 30 feet in height and clearly violates the height limitations imposed by the SELA Community Plan.

B. The Project's Vesting Tentative Tract Map Fails to Comply with Subdivision Map Act and Los Angeles Municipal Code Requirements For Tentative Maps

Section 17.06 of the Los Angeles Municipal Code ("LAMC") requires that tentative tract maps show "[t]he approximate location of all buildings or structures on the property involved which are to be retained, notations concerning all buildings which are to be removed, and approximate locations of all existing wells" as well as "[a] A statement regarding existing and proposed zoning."

The Project's Vesting Tentative Tract map fails to show which of the buildings or structures on the property are proposed to be removed or retained. In addition, the Project's Vesting Tentative Tract map conflicts with the project as described in its pending application for a vesting zone and height district change, conditional use permit, master conditional use permit, determination and site plan review, which describes the project as resulting in a maximum floor area ratio of 3.25:1 rather than the tract map's description of requiring a maximum floor area ratio of 3.3:1. Finally, the Project's Vesting Tentative Tract map fails to adequately describe the existing zoning on the Project Site, omitting the fact that a portion of the Project Site is zoned R4-1L.

As the tentative tract map has numerous technical deficiencies and fails to provide materially significant information that is legally required to be provided to the Advisory Agency and the general public as part of the proceedings around the appeal, the City should grant the appeal and remand the Project back to the advisory agency.

II. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14

California Code of Regulations (“**CCR**” or “**CEQA Guidelines**”) § 15002(a)(1). “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.”

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that

government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

B. Significant New Information Introduced By The City Requires Revision and Recirculation Of the Project's Environmental Impact Report

CEQA requires that a Project's environmental documents be revised and recirculated to the public when significant new information is added to an environmental impact report prior to certification. Section 21092.1 of the California Public Resources Code provides that:

When significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Sections 21104 and 21153, but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report.

Significant new information requiring revision and recirculation of an EIR can include but is not limited to "changes in the project or environmental setting as well as additional data or information" such as a "new significant environmental impact or new mitigation measure." (*See also* 14 Cal. Code of Regulations § 15088.5.) Revisions to environmental analysis in an environmental impact report requires recirculation of the environmental impact report to give the public a meaningful opportunity to comment. (*Gray v. Cty. of Madera* (2008) 167 Cal. App. 4th 1099, 1121 – 22.)

Here, the City's November 2018 Errata to the Environmental Impact Report ("Errata") made changes to the described project setting, and added new mitigation measures, significant changes that require revision and recirculation of the Project's environmental impact report to give the public a proper opportunity to comment upon and review the Project

First, the Errata unveiled significant changes to the described setting of the Project, revealing that part of the Project Site is currently zoned R4-1L rather than C2-1L.

The portion of the Project zoned R4-1L cannot be utilized for us as a hotel, restaurant space, conference center or retail as currently proposed by the Project without being rezoned for commercial uses. (*See* LAMC §§ 12.11, 12.10, 12.09, 12.08, 12.03.)

Furthermore, the Project's EIR does not analyze the Project for consistency with the South Los Angeles Community Plan. Additional analysis, revision and recirculation is required in light of the serious deficiencies exposed in the Errata.

Moreover, the Project description analyzed in the EIR has been modified as a result of errors in the EIR, which described the maximum roof height of the hotel, student housing, and mixed income housing components as being 78 feet, when they are in fact 83 feet (Errata at p. 5), and described the Project's proposed parking structure as an eight story rather than seven story parking structure.

Finally, the modified Project Design Feature J-1, which is included in the Project's Mitigation Monitoring and Reporting Plan, adds additional mitigation measures to mitigate the Project's impact on Dr. Theodore T. Alexander Science Center School, amounting to a new mitigation measure requiring revision and recirculation of the EIR.

III. THE PROJECT IS SUBJECT TO AND FAILS TO ANALYZE WHETHER IT COMPLIES WITH NORTH UNIVERSITY PARK-EXPOSITION PARK-WEST ADAMS NSO DISTRICT DEVELOPMENT REGULATIONS.

The DEIR recognizes that the Project lies within the North University Park-Exposition Park-West Adams Neighborhood Stabilization Overlay (NSO) District. However, the DEIR claims that the Project is exempt from the development regulations of the Overlay District due to its frontage along Figueroa Street. (DEIR, pg. IV.G-14.)

The City is wrong. The 8 existing homes/buildings on the Project site, which are also part of the Flower Drive Historic District, are fronting Flower Drive, not Figueroa Street. The Project's DEIR itself admits that the Project Site fronts both Figueroa and Flower Drive. The City's own staff report for December 5, 2018 public hearing notes that the Project Site fronts multiple streets, stating:

The Fig Project (Project) is located along the Figueroa Corridor in the Southeast Los Angeles Community Plan area, with approximate frontages of 725 feet along Figueroa, 280 feet along 39th Street to the north, and 665 feet along Flower Drive to the east where it abuts the 110 Harbor Freeway

(Staff Report at 1.)

The Project's EIR as well as the Staff Report for the December 5, 2018 public hearing and its proposed findings for this Project concerning its vesting tentative tract map should have but failed to analyze the application of the development regulations contained in Ordinance No. 180,218 and 180,219 as it applies to the Project and for good reason. The Project violates the developments regulations set out for the North University Park-Exposition Park-West Adams NSO District

Pursuant to Section 2 of Ordinance No. 180,218 establishing North University Park-Exposition Park-West Adams NSO District:

The Neighborhood Stabilization Supplemental Use District is intended to:

- (A) promote well planned housing to meet the needs of a college/university student housing, and the needs of the community.
- (B) address impacts of multiple-habitable room projects which may be incompatible with surrounding development.
- (C) encourage well-planned neighborhoods with adequate parking and to individually review proposed large multiple-habitable room projects.
- (D) assure that the project provides adequate on-site parking.
- (E) address a concentration of campus-serving housing in the vicinity.

More specifically, *inter alia*, the EIR fails to analyze how the Project promotes well planned housing to meet the needs of college student housing and the needs of the community, address how this Project, which is a multiple-habitable room project, might be incompatible with surrounding development.

Moreover, projects subject to the NSO are required to obtain a conditional use approval pursuant to LAMC § 12.24 W52, requiring that the Project provide additional on-site parking, find that there is no detrimental concentration of large scale, campus serving housing within a one-thousand foot radius of the Project, and that it complies

with all applicable Historic Preservation Overlay Zones or Specific Plans. (LAMC § 13.12(C).)

The Project's Vesting Tentative Tract map must be denied for failure to comply with the City's NSO requirements.

IV. THE PROJECT FAILS TO CONFORM TO THE CITYWIDE DESIGN GUIDELINES.

The Project, which is located in the Flower Drive Historic District, fails to conform to the Citywide Design Guidelines.

The Citywide Design Guidelines provide that a project must (1) preserve original building materials and architectural features, repair deteriorated materials or features in place, if feasible and (2) design building additions on historic buildings to be compatible with the massing, size, scale, and architectural features of an historic structure or site, while clearly reflecting the modern origin of the addition. Citywide Design Guidelines, Pgs. 23-24.

The Project proposes to demolish at least seven residences which are located in the Flower Drive Historic District. Since the Citywide Design Guidelines pertaining to historic properties do not contemplate demolition and promote the fullest preservation of such properties, the Project fails to conform to the relevant sections of the Citywide Design Guidelines.

V. CONCLUSION

For the aforementioned reasons, Commenter requests that the City continue the hearing, modify its findings for the Project or deny the Project and revise and recirculate the environmental impact report.

Sincerely,



Mitchell M. Tsai

Attorneys for
SAJE

The Fig Project

Responses to Tract Map Appeals, Comment Letters, and Public Testimony

I. Introduction

The following responses have been prepared to address the tract map appeals, comment letters and public testimony received regarding The Fig Project. Copies of the appeals, comment letters and public testimony are included as Attachment A to this memorandum. As demonstrated by the responses to the appeals, written comments and public testimony provided herein, there are no new impacts or substantial increases in previously identified impacts that would result from the comments raised herein. As such, in accordance with CEQA Guidelines Section 15088.5, recirculation of the Draft EIR is not warranted. Furthermore, as demonstrated by the responses herein, the tract map was properly considered and approved.

II. Tract Map Appeals

A. West Adams Heritage Association (“WAHA”) Tract Map Appeal, submitted December 14, 2018

Comment WAHA-1

The Deputy Advisory Agency abused its discretion in its decision regarding the 3900 South Figueroa project because:

- The DAA approved the tract map when it could not reasonably make the required findings of the Subdivision Map Act;
- There was insufficient fact based evidence to support the adoption of the severely flawed FEIR;
- The City cannot approve a project that has severe environmental impacts (which the FEIR acknowledges) when there is a feasible alternative that eliminates these impacts.

The City enabled this abuse of discretion by misstatement, obfuscation and omission in the materials (including the FEIR) that were placed before the DAA. The DAA and hearing officers also ignored the substantial testimony by WAHA and others at the December 5 hearing.

At the December 5 public hearing for the Tract Map, numerous persons who reside on Flower Drive urged that this displacement of families and destruction of population, housing and historic resources be stopped. Nothing in the decision material shows the content of that testimony nor the

salient facts brought forward at the public hearing. It may as well not have occurred to the extent any hearing officer reacted nor comprehended the facts that were placed before them of the human suffering that this project imposes on families who have lived on Flower Drive for decades.

The decision (as does the FEIR) largely ignores and sanitized what is really happening here. We urge the City Planning Commission to rectify the injustice and displacement of families and the failure to include an alternative for your consideration that would both save the rent stabilized housing and preserve a significant historic resource and allow for the new development and the accompanying benefits.

The decision makers erred because what was before them directed them to a fore gone conclusion, omitting significant facts and which drove the reviewer to accept a previously embraced decision. The real facts were obscured deliberately by omission to skew the factual analysis. This is not compliant with CEQA.

The decision minimizes the true impacts to affordable housing in the demolition of eight multifamily apartments within the Flower Drive Historic District by ignoring the widespread displacement of persons who will not be able to qualify for the new low income housing components even if they withstand the disruption to their lives and well-being that this project causes.

We urge the CPC to **not certify the EIR but rather send it back for recirculation to include an alternative that preserves the RSO affordable historic housing and provides also for the benefits of development.** Upon inclusion and recirculation of this alternative option, the City has an obligation under the law to adopt the environmentally superior alternative; then the current proposed tract map is moot.

This win/win alternative was not included in the FEIR. This alternative, the towers alternative, would provide for all of the benefits so richly touted in the decision while preserving the families and buildings in the district.

In addition, we provide the following comments on the Subdivision Findings and the FEIR and our reasons for this appeal.

Response to Comment WAHA-1

This comment serves as an introduction and overview of the comments made in the remainder of the WAHA appeal letter, which are specifically addressed in the responses below.

Comment WAHA-2

SUBDIVISION FINDINGS

1. The proposed map is not consistent with applicable general and specific plans. (The DAA decision states it is.)

The DAA decision fails to analyze the project in the context of the Southeast (SE) Community Plan objectives. There is a lack of recognition of the goals of the SE Community Plan which includes:

p. I-5. The intrusion of incompatible higher density resident and commercial uses in lower density residential area; the need to preserve and enhance historic resources;

p. I-7 The historic resources are a valuable asset to this Community They offer significant opportunities for developing neighborhood identity and pride within the Community. It is important to retain the currently available inventory of such buildings.

p. I-9 Inconsistent architectural development, which does not address neighborhood or community themes;

p. III-2, 1-1.2 Protect existing single family and low-density residential neighborhoods from encroachment by higher density and other incompatible uses;

p. III 3, 1-3.1 Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods;

p. III-39 GOAL 18: A COMMUNITY WHICH PRESERVES AND RESTORES THE MONUMENTS, CULTURAL RESOURCES, NEIGHBORHOODS, AND LANDMARKS WHICH HAVE HISTORICAL AND/OR CULTURAL SIGNIFICANCE.

p. III-41. Policy 18.4.1 to assist private owners of historic resources to maintain and/or enhance their properties in a manner that will preserve the integrity of such resources in the best possible condition.

The FEIR also fails to analyze impacts and alternatives in the context of the **newly adopted** Southeast Community Plan. The FEIR for the South and Southeast Community Plans adopted on November 22, 2017, also provides guidance to developers concerning preservation goals and objectives, for example:

Goal LU22: Preserve neighborhoods that are identified and/or appear to be eligible for historic district status by initiating and adopting new Historic Preservation Overlay Zones (HPOZs) and other neighborhood conservation techniques.

Policy LU22.1 Support Continued District Designations. Promote district designations, as well as maintenance and rehabilitation of historically significant structures in potential and proposed historic districts.

Policy LU22.2 Promote Neighborhood Conservation Techniques. Promote the initiation and adoption of innovative neighborhood conservation techniques such as community plan implementation overlays and community design overlays for areas that retain cohesive character but are not eligible to become an HPOZ.

Goal LU23: A community that capitalizes upon and enhances its existing cultural resources.

Policy LU23.1 Forge Partnerships for Community Preservation. Promote public/private partnerships to create new informational and educational programs, tours and signage programs that highlight the community's history and architectural legacy.

Policy LU23.2 Protect Community-Identified Cultural Resources. Protect and enhance places and features identified within the community as cultural resources for the City of Los Angeles.

Policy LU23.3 Coordinate Cultural Programs. Encourage the coordination of cultural programs at local schools utilizing resources such as the Cultural Affairs Department and local artists.

Policy LU23.4 Cultural Heritage Tourism. Encourage cultural heritage tourism by capitalizing on existing monuments within the community and supporting efforts to showcase important historic resources and events, such as the Watts Cultural Renaissance Plan.

SOURCE: City of Los Angeles. South and Southeast Los Angeles Community Plans, 2017.

In the light of these acknowledged goals and policies, how can this project be approved in its current form?

Response to Comment WAHA-2

As discussed in Section IV.G, Land Use, of the Project's Draft EIR, CEQA Guidelines Section 15125(d) requires that a draft EIR discuss any inconsistencies with the proposed project and applicable plans. A project is considered consistent with the provisions and general policies of applicable City or regional plans and regulations if it is consistent with the overall intent of the plans and would not preclude the attainment of its primary goals. A project does not need to be in perfect conformity with each and every policy. More specifically, state law does not require an exact match between a project and the applicable general plan. Rather, to be "consistent," the project must be "compatible with the objectives, policies, general land uses, and programs specified in the applicable plan," meaning that a project must be in "agreement or harmony" with the applicable plan to be consistent with that plan. (*Sequoyah Hills Homeowners Association v. City of Oakland*.) Furthermore, given the variety of a plan's goals, it would be nearly impossible for a project to be consistent with every goal; in specific instances, the plan may result in conflicting goals, such as the encouraging the preservation of low-density neighborhoods, while also incentivizing higher-density mixed-use housing near regional investments in public transit.

The Project's consistency with the goals, objectives, and policies of the Southeast Los Angeles Community Plan is extensively assessed in Section IV.G, Land Use, of the Draft EIR. Specifically, the Project's inconsistency with various Community Plan historic preservation objectives is identified and discussed in Table IV.G-3 of the Draft EIR. However, as shown by that same table, the Project is consistent with all other goals, objectives, and policies of the Community Plan. Moreover, as described throughout Section IV.G, Land Use, of the Draft EIR and as shown by Tables IV.G-1, IV.G-2, IV.G-4, IV.G-6, and IV.G-7, the Project is also substantially consistent

with the goals, objectives, and policies of the City's General Plan Framework Element, Housing Element, Health and Wellness Element, and Mobility Plan, as well as the Exposition/University Park Redevelopment Plan, South Los Angeles Alcohol Sales Specific Plan, and SCAG's 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy and Regional Comprehensive Plan. Accordingly, and pursuant to the CEQA findings prepared for the Project and adopted by the Advisory Agency, the City has properly concluded that the Project is not in substantial conflict with local and regional plans and applicable policies, including the Community Plan, and that land use consistency-related impacts were less than significant.

Pursuant to the Project's vesting entitlement applications, the Community Plan Update's goals, objectives and policies are not applicable to the Project. Nevertheless, the Draft EIR acknowledges the Community Plan Update in its impact analysis of Alternative 2, the Community Plan Update Compliant/Historic Preservation Alternative (which was considered and rejected on the grounds that it did not meet certain of the Project's basic objectives), on pages V-26 through V-54 in Section V, Alternatives, of the Draft EIR.

Comment WAHA-3

This proposed Project lies within the CRA Exposition/University Park Redevelopment Project Area, which remains a governing "specific plan" type land use overlay. The Project conflicts with multiple goals and elements of the redevelopment plan as the FEIR admits. The redevelopment plan also requires the preservation of historic resources with "special consideration."

Given that this project also does not conform to either the present or pending Southeast Community Plan (currently R-4 and pending RD1.5 zoning on Flower), nor the Redevelopment Plan, the DAA should not have granted the tract map request in its present form and not adopted the FEIR.

Response to Comment WAHA-3

As noted in Response to WAHA-2, the Project's inconsistency with the goals of the Redevelopment Plan regarding the preservation of historical resources is noted and described in Table IV.G-4 of the Draft EIR. However, as shown by that same table, the Project is consistent with multiple other goals, objectives, and policies of the Redevelopment Plan, including those goals and policies relating to the revitalization of the plan area, the development of new affordable housing, the development of new community-serving uses, the development of mixed use projects near transit, and the encouragement of a thriving commercial environment. Accordingly, the Draft EIR properly concluded that the Project was not in substantial conflict with the Redevelopment Plan, and that land use consistency-related impacts in relation to these plans, as well as other local and regional plans, were less than significant.

As described in the November 2018 Errata prepared for the Project, the Community Plan designates the entirety of the Project Site for Community Commercial land uses. In the hierarchy of land use controls, the Community Plan, which is a component of the City's General Plan, serves as the foundation for all land use decisions within the Community Plan area. Accordingly, the Project Site's Community Commercial land use designation reflects the City's land use goal of encouraging commercial and mixed-uses at the Project Site, consistent with the C2-1L zone, instead of

residential-only uses, as would be permitted under either the R4 or RD1.5 zones. As set forth in detail in Section IV.G, Land Use, of the Draft EIR, the Project is substantially consistent with the Community Plan's land use, housing, and economic development goals, objectives, and policies, as well as the provisions of Community Plan Footnote 14, which incentivizes height and FAR increases for developments including student housing or affordable housing units (both of which the Project includes). Therefore, no new inconsistency with the General Plan or Community Plan is created by the identification of residential zoning on the Project Site. On the contrary, the Project, which includes a request to establish C2-2D zoning across the entirety of the Site, would remedy the Project Site's existing zoning/land use inconsistency, and achieve conformance with the land use goals and policies of the Community Commercial land use designation. As a result, the Project and its associated tract map are consistent with the Community Plan's land use goals, objectives, and policies for the Project Site.

Comment WAHA-4

Government Code section 66474.2(b)

The FEIR response to comments claims that because the application for "the FIG" project was deemed complete prior to the adoption of the Southeast Los Angeles Community Plan Update, and it is a vesting tract map, the Southeast Community Plan Update should not apply. There is, however, an exception to this rule. Here, the Southeast Los Angeles Community Plan update should apply to The Fig project because the City initiated the proceedings to update this community plan prior to September 8, 2016, the date on which the City found "the FIG" project application to be complete. The City also provided proper notice of the pending update to this community plan prior to this date. Thus, pursuant to **Government Code section 66474.2(b)**, the updated community plan does apply to the vesting tentative tract map action

Response to Comment WAHA-4

The comment does not accurately state the criteria established by Government Code Section 66474.2(b), and also misconstrues the intent of this statutory provision. Pursuant to Government Code Sections 66498.1(b) and 66474.2(a), a lead agency may only apply those ordinances, policies, and standards in effect at the time an application for a vesting tentative tract map is determined to be complete. For the Project, this date was September 8, 2016.

Government Code Section 66472.4(b) provides a discretionary exception to this rule in the case that a lead agency has initiated proceedings to change its ordinances, policies, and standards by ordinance, resolution, or motion, and has published notice of this initiation in the manner prescribed in Government Code Section 65090(a), which requires publication in a newspaper of general circulation within the jurisdiction of the local agency.

While it appears that the City may have initiated proceedings to update the Community Plan prior to September 8, 2016, the City did not provide any notice regarding the Community Plan update in any newspaper of general circulation until November, 2016 at the earliest. Therefore, it does not appear that the criteria of Government Code 66472.4(b) have been met.

Moreover, even if the City had properly provided notice in compliance with Government Code Section 65090(a) prior to September 8, 2016, the exception provided by Section 66474.2(b) does not mandate the application of new or changed ordinances, policies, or standards to a project. Instead, the statutory language clearly states that a lead agency *may* apply any such ordinances, policies, or standards. The City here has determined that the Project retains its vested rights and is not subject to the Community Plan update.

Comment WAHA-5

2. The site is NOT physically suitable for the proposed type of development.

The merger of lots should be rejected without adequate environmental review and adoption of a preservation alternative. Merging all lots on the project site together is the first step towards eliminating the Flower Drive Historic District. While the DAA decision states that *there are no geological or seismic impacts, hazards and hazardous material, and police and fire safety*¹ there is no mention of the suitability of eliminating the physical tracts which are the RSO housing. This is the physical undoing of the District.

¹ *Advisory Agency Decision, p. 9*

Response to Comment WAHA-5

The City's environmental review and consideration of a reasonable range of Project alternatives (including three alternatives that consider full or partial preservation of historic resources) fully complies with CEQA. The commenter correctly notes that the Project will not result in any geological, seismic, hazards, or police and fire safety impacts. Moreover, the City has reviewed the proposed tract map's merger and resubdivision of the Project Site and has determined that the Project Site is physically suitable for both the type and proposed development of the Project, as set forth in the adopted Subdivision Map Act findings. The commenter does not provide any evidence establishing the physical unsuitability of the Project Site in connection with the proposed tract map.

Comment WAHA-6

3. The site is NOT suitable for the propose [sic] density of development.

The FEIR and the DAA decision ignores the residential R-4 zoning under the former southeast plan and had to issue an errata to revise that misinformation. Completely ignored is the RD1.5 zoning designated under the newly adopted Southeast community plan for the Flower Drive historic district parcels. All of the effusive descriptions of the allowance of unlimited residential guest rooms and density ignores the planning concept that places major development on Figueroa while eliminating Flower Drive, eliminating the low medium 2 residential, to avoid compliance with the Neighborhood Stabilization Ordinance (NSO).

Response to Comment WAHA-6

As described in the November 2018 Errata, the Project, which includes a request to establish C2-2D zoning across the entirety of the Site, would remedy the Project Site's existing zoning/land use inconsistency, and achieve conformance with the land use goals and policies of the Community Commercial land use designation. Moreover, as set forth in the Errata, the identification of R4 zoning did not change any of the Project's requested entitlements or the EIR's determinations or impact conclusions. In addition, as described above under Response to Comment WAHA-2, the Project is not required to demonstrate consistency with the Community Plan update. The commenter's reference to low medium 2 residential is not explained, and does not appear relevant, as no such land use designation exists or is proposed for the Project Site. Finally, the Project's compliance with the NSO is explained in the Final EIR as well as below under Response to Comment WAHA-8.

Comment WAHA-7

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.²

If only human beings and families were given the same respect as lemmings. The DAA had the opportunity to listen to residents of the 3900 block of Flower Drive describing the significant impacts on the families and the complete upheaval of historic patterns of land use and population, which approval of this tract map will trigger.

The Flower Drive designation eloquently notes its historic context:

"Today, the Flower Drive District remains the last intact cluster of multi-family residences created in the once larger Zobelein Tract during the Roaring Twenties. Further, the District and its contributing elements continue to retain their original use and association as multi-family dwellings for the working and middle classes in the University District south of downtown."³

The DAA decision erroneously concludes *"the physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the sounding community."*⁴ This is simply not true but rather a myopic selection of what standards are set to judge consistency. The decision and the FEIR cherry pick what criteria should be set as the standard for assessing existing development and community character. Figueroa is different than Flower in density and zoning. By genocide of a residential historic community which this proposed project brings, you no longer have the community character standard established by Flower Drive. The DAA completely ignores certain elements of the community character and the contextual support of its sister historic building, the Zobelein estate, as well as Exposition Park and Christmas Tree Lane. So again, omission and bad facts.

It is NOT good enough to support a project because it is **"generally consistent with existing development and urban character of the surrounding community."**⁵ General is not good enough.

² *Deputy Advisory Agency Decision, p. 100 [sic]*

³ *Letter, ADHOC, by Jim Childs, November 27, 2017 to Milena Zasadzien, City Planning*

⁴ *Deputy Advisory Agency Decision, p. 100*

⁵ *Deputy Advisory Agency Decision, p. 100*

Response to Comment WAHA-7

The commenter objects to the City's finding that the Project's tract map will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat, but this comment provides no evidence of such environmental, biological, or habitat damage. The Project's consistency with existing nearby development patterns was analyzed in Sections IV.A, Aesthetics, and IV.G, Land Use, of the Draft EIR, and less than significant impacts were identified. Specifically, the variety of uses proposed for the Project Site is substantially compatible with the surrounding uses, which include commercial and multi-family residential uses on the east side the Figueroa Street corridor, a hotel use further north past Exposition Boulevard, and low-income housing uses on the west side of Figueroa Street south of Martin Luther King Jr. Boulevard. Although the proposed buildings on the Project Site would be larger and taller than the existing adjacent buildings, the building siting and design would reduce the mass and scale of the Project from Figueroa Street. Specifically, the tallest building proposed for the Project Site (the parking structure) would be constructed on the eastern portion of the Project Site adjacent to the freeway, and would provide a visual and noise buffer for a majority of the housing units. The hotel, student housing, and mixed-income housing would be located within three seven-story buildings constructed near the property line adjacent to Figueroa Street to create a more pedestrian-scaled street frontage. The Project would also provide a ground floor pedestrian plaza with landscaping and outdoor dining areas between the hotel and student housing buildings to create a more pedestrian-friendly environment.

Building design would employ a high degree of articulation created by fenestration; variations in building planes, and façade setbacks and projections; and a variety of surface materials to create horizontal and vertical articulation, provide visual interest, reduce the visual effect of the height and massing from public vantage points, and provide a pedestrian scale adjacent to the public streets. Overall, the design and scale of the Project would be substantially compatible with the scale and character of the surrounding uses, especially larger uses such as the Los Angeles Memorial Coliseum, the Los Angeles Football Club soccer stadium, and other uses within the adjacent Exposition Park. Thus, the Project would be consistent with and would contribute to the character of the surrounding area.

Comment WAHA-8

The DAA has dismissed the Neighborhood Stabilization Ordinance (NSO) which was intended to preserve just such family housing and protect it from the pressures of student housing development. The decision states that while the NSO exempts Figueroa, it need not apply it to Flower Drive because once the tract map is approved here will be no Flower Drive and all development will front Figueroa. This is yet another sleight of hand that obscures the issues and ought not to be permitted.

Response to Comment WAHA-8

The commenter correctly identifies the NSO's exemption for properties fronting on Figueroa Street. As stated in Section 2 of Ordinance No. 180,218 (which adopted the NSO), the NSO is intended to promote well-planned student and neighborhood housing, which minimized impacts to the existing residential neighborhoods, and which adequately addressed parking issues. The City's intent in adopting an exemption to the NSO for properties along Figueroa was as follows: "This exemption allows properties that front Figueroa Streets to be developed with high density residential project [sic] so that low density residential districts within the District can be protected." (Council File No. 06-1666, July 15, 2008 City Planning Commission transmittal of recommendation to adopt the NSO.) Accordingly, properties fronting the Figueroa Street commercial corridor where higher-density land uses are permitted (including Community Commercial-designated properties such as the Project Site) were exempted from the NSO, while existing lower-density residential neighborhoods located away from Figueroa Street that are subject to lower-density residential zoning and land use regulations are made subject to the NSO's provisions addressing compatibility with low-density residential neighborhoods and required parking.

Section 1 of Ordinance No. 180,218 clearly states: "The provisions of this Ordinance shall apply to any lot located in whole or in part within the area identified on the attached map **except properties fronting on Figueroa Street.**" [Emphasis in original.] Furthermore, the map attached to Ordinance No. 180,218 identifies the Project Site as being located within the boundaries of the NSO, and provides a footnote stating that "[l]ots fronting Figueroa Street are exempt from the provisions of the ordinance." The Los Angeles Municipal Code (LAMC) does not contain a definition for "property," but it does contain the following definition of "lot": "A parcel of land occupied or to be occupied by a use, building or unit group of buildings and accessory buildings and uses, together with the yards, open spaces, lot width and lot area as are required by this chapter and fronting for a distance of at least 20 feet upon a street as defined here, or upon a private street as defined in Article 8 of this chapter." (LAMC Section 12.03.) The Project Site is to be occupied with the Project's multiple uses and buildings, and will meet all applicable yard, open space, and lot width/lot area requirements. Therefore, the Project Site meets the LAMC's definition of a lot. Furthermore, as clearly shown by the Project's site plan and proposed tract map, the Project Site's predominant frontage is along Figueroa Street. In addition, the Department of City Planning, which interprets the applicability of the NSO, has determined that the Project is not subject to the NSO. The City's interpretation of its own zoning code is entitled to deference. Therefore, the Project is properly excluded from the NSO.

Comment WAHA-9

THE FEIR SHOULD NOT BE ADOPTED

The FEIR is not an objective analysis but rather is a document skewed toward adoption of the proposed project rather than an objective review of the facts

The demonstrable negative impacts on both housing resources and on the Flower Drive Historic District are not sufficiently analyzed nor are they adequately mitigated. The cumulative impacts on housing and on historic resources are also not adequately recognized nor evaluated. The FEIR

consistently states that these negative impacts are unavoidable which is **simply not true**. A project design that incorporates the Flower Drive Historic District and builds on the non-historic parcels is possible. Not only is it possible, but it has been the subject of two meetings called by the developers' representative. We also note that the project originally included a 21 story hotel tower which allowed for more flexibility in site planning.

We believe that an alternative can be devised that preserves the historic and rent controlled housing while meeting most of the project's objectives. We also urge the developer to make the majority of the parking underground which would also allow for a design that is more flexible and aesthetically pleasing.

*"In a series of meetings held last year at the offices of the project architect, a number of alternatives were presented. A review of the effects of each one forced a difficult decision from the community as they struggled to find common ground and reach a compromise with the developer. The alternative accepted by the community would have given the developer perhaps 98% of what he was asking for while preserving the Flower Drive District. It was not an ideal solution but was pragmatic. The DEIR has dismissed any real preservation alternatives as the developer continues his campaign to seek an "all or nothing" result. The DEIR refers throughout to "unavoidable" impacts, which is deceptive as most, if not all, of the impacts of this project are design flaws and therefore avoidable."*⁶

The meeting's purpose was described as *"As a few of you know, after the scoping meeting, we decided to engage the Page & Turnbull team to help us identify options that might retain some or all of the contributors while carrying out the project program. I am not sure we will find a solution but we are looking for it. I would ask that you participate in a discussion on this. The team has some preliminary thoughts to which we want to get your reaction and of equal or greater importance is we want to hear your thoughts."*⁷

The rationale for not including the tower alternative provided by the representative of the development team at the November 5 public hearing was that those preservation representatives in attendance were not able to arrive at a consensus. This is another intellectually fraudulent comment: the consensus was to preserve the Flower Drive and that a "towers" version would be supported.

*"At the conclusion of the second meeting I understood that there was a consensus for a proposed new Project Alternative concept, which would retain the elements of the FLOWER DRIVE HISTORIC DISTRICT, the proposed 21-story Hotel, and add a second tower for the residential components."*⁸

The exact details were not hashed out because there were no further meetings. There **was** a consensus. The representative is being somewhat disingenuous. A further meeting could have provided the details of such an alternative.

⁶ Letter, Mitzi March Mogul, November 21, 2017 to Milena Zasadzien, City Planner

⁷ Bill Delvac, Attorney for Spectrum, e-mail of 10/18/2016, Spectrum Flower Drive Options

⁸ ADHOC letter, Jim Childs, November 27, 2017, to Milena Zasadzien, City Planner

Response to Comment WAHA-9

The commenter claims that additional alternatives, including one contemplating a 21-story preservation scheme (“21-Story Scheme”), should have been considered in the EIR in connection with the analysis of whether it would be feasible to avoid the Project’s significant and unavoidable historic and aesthetic impacts. Alternative 2 in the Draft EIR (the Historic Preservation/Community Plan Update Compliant Alternative) would have the same result as a 21-Story Scheme of preserving all of the Project Site’s contributors to the Historic District and avoiding a significant impact on the Historic District. However, as detailed in the EIR, Alternative 2 would fail to meet three of the Project’s basic objectives and would not meet three other basic objectives to the same extent as the Project. Further, an EIR only has to consider a reasonable range of alternatives which is, in part, satisfied by the analysis of Alternative 2. The Draft EIR assessed three alternatives for their ability to avoid or substantially lessen the Project’s significant impacts (which include impacts to historic impacts, as well as traffic and noise-related impacts), as well as their ability to achieve the Project’s basic objectives.

The commenter also notes that, as originally proposed, the Project would have included a 21-story hotel with a height of up to 226 feet. However, after community input, it was determined that a 21-story building is out of character with the Figueroa Corridor and with historic Exposition Park which is directly across the street from the Project Site. Specifically, from the Project Site to LA Live in downtown Los Angeles, the tallest existing buildings on Figueroa Street are USC’s Fertitta Hall, which includes a tower element reaching 150 feet in height, and the Radisson Hotel, which is 11 stories tall. Existing buildings within the USC campus, including the Webb Tower at 14 stories and Waite Phillips Hall (Rossier) at 11 stories and approximately 150 feet in height, comply with the USC Specific Plan’s height limit of 150 feet. The 21-Story Scheme would have involved a building approximately twice the height of the Radisson Hotel and the Galen Center, and approximately 50 percent taller than the tallest USC buildings. As a result, it would not be in keeping with the character of the area surrounding the Project.

Private, informal meetings between the Project Applicant and the community that may be conducted for outreach purposes are outside the purview of the City’s CEQA and public participation process.

Comment WAHA-10

Cumulative Impacts

The FEIR fails to adequately analyze cumulative impacts. The City claimed that it did not have to analyze the 3800 Figueroa project on the site north of this development and adjacent to the remaining contributors to the Flower Historic District because the application was not submitted until after the NOP for this project was published. That is not the standard for evaluating cumulative impacts. The EIR must analyze reasonably foreseeable probable future projects.

What is also telling about the 3800 Figueroa Project is its retention of ALL of the Flower Drive historic buildings with design considerations that enable the new buildings to step down and give some protection to the eleven multi-family buildings of Flower Drive. This can be done: new development can co-exist with the old; just as we see in Exposition Park where we have the Lucas Museum and Science Center next door to the Museum of Natural History and the Rose Garden.

The FEIR fails to consider impacts to the northerly section of the Flower Drive Historic District. It contains within it a view that somehow Districts are inconsequential and malleable to the aims of a developer. This was confirmed at the NOP scoping meeting of August 10, 2016 wherein the developers' representative stated to one of our representatives "Well you at least have eleven buildings left in the District." This weighs heavily on the prejudice with which the developer has treated and misunderstood the significance of the Flower Drive Historic District and how indeed a District is significant in its relationship to all of the properties within a District. When the NOP comments contain so many suggestions by WAHA, NUPCA, AD HOC, the Los Angeles Conservancy and others that Flower Drive be evaluated in its total context, this glaring omission also calls in question the accuracy of the impacts analysis in the FEIR.

The non-identified cumulative impacts extend not only to the northerly section of the district, but to all affordable housing that is in the Exposition Park-University Park neighborhood that is threatened with demolition and insensitive new construction. Tally the number of demolitions of vintage housing that have occurred in his area and the accompanying loss of RSO historic affordable housing. The FEIR does not.

The developers have gotten on a train that waxes poetic about their development and ignores the severe negative impacts; even when recognizing impacts, they state their desire for this project and its benefits overrides the environmental considerations. The result: a train wreck to people and historic resources.

Response to Comment WAHA-10

Contrary to the commenter's claim, the EIR properly analyzed potential cumulative impacts for all environmental impact areas, including impacts to historical resources. On May 1, 2018, after the publication of the Draft EIR, an application was filed for the property located at 3800-3818 South Figueroa Street, for a seven-story mixed-use development comprised of approximately 9,800 square feet of ground floor retail space and 79 multi-family residential units. The Draft EIR adequately analyzed cumulative impacts based on assumptions of ambient growth rates and all other closely related past, present, and reasonably foreseeable future projects known at the time of the issuance of the Notice of Preparation (NOP) on July 18, 2016, which established the baseline condition and environmental setting. The project at 3800 South Figueroa Street had not yet been proposed at that time and was not reasonably foreseeable, and was therefore not included in the analysis. Moreover, in conformance with CEQA Guidelines sections 15063(d)(2) and 15125(a), the City, as Lead Agency, has set the issuance of the NOP as the applicable cut-off date to determine baseline conditions, and CEQA does not require a lead agency to continuously update these baseline conditions or a list of related projects. Therefore, the Project's potential cumulative impacts to historical resources were properly analyzed.

Comment WAHA-11

Inadequate Mitigations

You cannot mitigate impacts to a historic district by moving three or four historic apartments elsewhere. The decision makers fail to understand that a District relies on its context and the relationship of each of the buildings to the other. Part of the districts uniqueness is that nineteen buildings have survived for almost a hundred years relatively intact, creating a grouping of buildings and people that warrants attention, designation and preservation. So much so, that the State Historic Resources commission found the District eligible not once but twice over politically connected opposition.⁹

⁹ The CA State Historic Resources Commission determined that Flower Drive met the criteria for a California Register Historic District not once, but twice, on July 25, 2008 and again on November 7, 2008

Response to Comment WAHA-11

The EIR concluded that the mitigation measures would not reduce significant unavoidable impacts to historical resources. As described in the EIR, and pursuant to CEQA, all feasible mitigation measures are to be identified and implemented, even if they do not reduce a significant impact to a less-than-significant level. Therefore, despite not being able to eliminate the Project's significant and unavoidable impacts to historical resources, Mitigation Measures C-1, C-2, and C-3 have been identified and will be required to be implemented as part of the Project.

Comment WAHA-12

Alternatives

The range of alternatives is unreasonable when one realizes there is no discussion of the omitted alternatives: the original 21 story hotel tower version, and the two tower, Page & Turnbull version. A FEIR should contain a reasonable range of alternatives to foster informed decision making as required by 14 Cal Code Red section 15126.6(a). There is no alternative that offers substantial environmental advantages over the proposed project **and** meets all of project objectives. The FEIR fails to meet the most basic objectives of an alternatives discussion and therefore is legally deficient. The FEIR evades then the responsibility and obligation of the proponent to adopt an environmentally superior alternative because it has identified an environmentally superior alternative that does not meet the developer's expansive list of project objectives.

At what point does the commitment the applicant has made proposing a development that severely impacts such a sensitive historic site, in a very fragile historic environment, become an unwise speculative venture that cannot be permitted in the light of the severe, adverse environmental impacts? The FEIR has engaged in discussion weighted in favor of the project as proposed and without regard for the actual environmental setting.

Response to Comment WAHA-12

See Response to Comment WAHA-9 regarding a 21-Story Scheme and the alternatives analysis conducted for the Project.

Comment WAHA-13

Public Monies are being provided

At the DDA hearing of December 5, the proponent talked about what rights were accrued to him because he purchased the property. What was not stated, was that all of the responsibilities of stewardship of the historic properties accrued to him by his ownership and that the development limitations were well known to all upon his purchase. (Actually the applicant is not listed as a property owner on the decision page.) All of the owners had to be aware that Flower Drive was a historic district and that the Redevelopment Plan called for its preservation and inclusion in any new development. When Ventus purchases the property they become stewards of these historic resources.

Further, public monies are being expended to finance this project which imposes another element of responsibility and stewardship to safeguard the public's interest. Severe environmental impacts to historic resources, population and housing should not be subsidized.

Response to Comment WAHA-13

The comment does not appear to raise any issues pertaining to CEQA or the Project's entitlement requests. It will be considered by the City's decisionmaker. Further, other than compliance with CEQA, there are no legal responsibilities regarding properties determined eligible for the California Register—absent local designation by the City.

Comment WAHA-14

Eliminating Severe Impacts

The FEIR alternatives fail to meet the test of eliminating the substantial and severe environmental impacts of the project as proposed. One of the primary purposes of CEQA is to identify, through the evaluation of alternatives to the proposed project, ways in which the environmental effects of a project can be avoided or minimized. It is not true that the negative impacts are unavoidable. **None of the alternatives provided, except for Alternative #2, avoid impacts and demolition to the district. But such an alternative is possible. But not included in the FEIR.**

CEQA: Section 21002 of CEQA states, in part, that: *"...it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects..."*

Response to Comment WAHA-14

The commenter is incorrect that there is a CEQA test requiring the elimination of “substantial and severe environmental impacts.” Rather, CEQA requires analysis of a reasonable range of alternatives to the proposed project. Here, the Draft EIR assessed three alternatives for their ability to avoid or substantially lessen the Project’s significant impacts (which include impacts to historic impacts, as well as traffic and noise-related impacts), as well as their ability to achieve the Project’s basic objectives. See Response to Comment WAHA-9 regarding alternatives analysis and Response to Comment WAHA-11 regarding impacts to historic resources and feasible mitigation measures.

Comment WAHA-15

Overriding Considerations

There is no justification for a statement of overriding considerations when an alternative exists that preserves Flower Drive and diminishes impacts. The City cannot approve project that has severe environmental impacts (which the FEIR acknowledges) when there is a feasible alternative.

“One of the alternatives arrived at which received support by the preservation community at the meeting: *“The full preservation alternative is with 2 towers and underground parking, 1 residential bldg. 7 stories. Requires removal of the Flower Dr. Garages. Parking at rear rather than front (a la Biltmore)”*; *Project requires zone change from C21L to 2D for a height increase; they stated that the “hotel has to be on a corner.”*¹⁰

A curious justification for the seven stories is contained in the FEIR: that public input and the planning department decided that seven stories is more compatible than the original 21 one story tower concept of the developer. This is neither explained nor are any facts provided.

The decision makers should evaluate compatibility. Where is the factual basis to say that members of the public found a seven story development more compatible when it destroys a historic district? And how can this conclusion be arrived at under closed doors with no review nor scrutiny?

City staff should not be able to arbitrarily reject this less impactful alternative of one or two towers based on a compatibility concern for which there is no relevant information provided. The City decision makers, including the DAA and the SAPC, should have been allowed to consider the towers Page and Turnbull alternative and determine whether there were any compatibility issues that would render it infeasible; or whether in the light of options, towers would be a less damaging option.

¹⁰ Mitzi March Mogul, notes from meeting with Page & Turnbull and the developers, 11/21/2016

Response to Comment WAHA-15

See Response to Comment WAHA-9 regarding a 21-Story Scheme and the alternatives analysis conducted for the Project.

B. Mitchell M. Tsai (“Tsai”) Tract Map Appeal on Behalf of Strategic Actions for a Just Economy (“SAJE”), submitted December 17, 2018

Comment Tsai-1

On behalf of SAJE (“**Commenter**” or “**SAJE**”), my Office is submitting these comments in support of its appeal of the Fig Project, 3900 S. Figueroa Street, 3900–3972 South Figueroa Street; 3901–3969 South Flower Street, 450 West 39th Street (Case Nos. VTT-74193-CN, CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR) (“**Project**”). My Office jointly represents SAJE with Public Counsel and PolicyLink Legal. These comments address issues identified with the Project, related approvals and its environmental documentation.

SAJE is a non-profit organization based in South Los Angeles that advocates for economic justice, tenant rights, healthy housing and equitable development. SAJE’s mission is to change public and corporate policy in a manner that provides concrete economic benefits to working class people, increase the economic rights of working class people, and builds leadership through a movement for economic justice; and in the process creating sustainable models of economic democracy.

Commenter expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App.4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App.4th 1109, 1121.

Commenter incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 CA4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Response to Comment Tsai-1

This comment serves as an introduction to the comments made in the remainder of the appeal letter, which are specifically addressed in the responses below.

Comment Tsai-2

I. BACKGROUND ON THE SUBDIVISION MAP ACT

The Subdivision Map Act, Government Code section 66410, *et seq.* (“Subdivision Map Act” or “Act”) requires local agencies to review and approve **all land subdivisions**. The Act regulates both the process for approving subdivisions and sets substantive requirements for approval of land subdivisions. The Act requires that a local agency deny approval of a land subdivision, referred to as a tentative map or a parcel map, if it makes any of the following findings:

- (a) the proposed map is not consistent with applicable general and specific plans,
- (b) the design or improvements of the proposed subdivision is not consistent with the applicable general and specific plans,
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

Cal. Gov. Code, § 66474(a-f).

The Project violates the Subdivision Map Act since it is inconsistent with both the Southeast Los Angeles Community Plan and the City General Plan.

Response to Comment Tsai-2

The comment serves as an introduction to commenter's claims that the Project is inconsistent with the Community Plan and General Plan, which are responded to below.

Comment Tsai-3

A. The Project Is Inconsistent with the Southeast Los Angeles Community Plan

1. The Project Violates Objective 1-4 of the Southeast Los Angeles Community Plan.

The Southeast Los Angeles Community Plan (or "SELA") recognizes that "[t]he historic resources are a valuable asset to this [Southeast Los Angeles] Community." SELA, pg. I-7. To that end, the Southeast Los Angeles Community Plan requires that City "retain the currently available inventory of such [historical] buildings." *Id.*

Objective 1-4 of the Southeast Los Angeles Community Plan requires that the City "preserve and enhance neighborhoods with a distinctive and significant historical character." SELA, pg. III-4. As part of carrying out Objective 1-4, the Southeast Los Angeles Community Plan Policy 1-4.1 requires that "[i]n areas where there are large concentrations of structures with historic character, the Plan maintains residential plan categories and proposes no zone changes or Plan amendments in order to preserve and protect these areas." *Id.*

The DEIR recognizes that the Project Site lies within the Flower Drive Historic District and that it is considered a historical resource under CEQA. DEIR, pgs. IV.C-13, IV.C-20. The Project site is located within Landmark Number CA-5000, Flower Drive Historic District with California Historical Resource Codes 1 (Properties listed in the National Register (NR) or California Register (CR)) and 2 (Properties determined eligible for listing in the National Register or California Register). The site was listed on both July 25, 2008 and November 7, 2008. See Staff Report, October 23, 2008, DEIR, Appendix C, Pages 156–158. The Project proposes to remove seven homes which are contributors to the Flower Drive Historic District.

Despite the historically significant designation of the Flower Drive Historic District and the applicable objectives and policies (of the Southeast Los Angeles Community Plan) to such historical resources, the Project propose exactly the opposite, proposing zone changes, vesting zone changes, and a height district change within the Flower Drive Historic District, and proposing as a mitigation measure that the City relocate the seven historically protected buildings be relocated outside the Flower Drive Historic District, a mitigation measure that in of itself would have its own environmental impacts requiring analysis under CEQA.

Here, the significant impacts to historical resources can be avoided by project redesign. The Project proponent's own consultants, Page and Turnbull, had proposed an alternative where the Project would be redesigned to retain the Flower Drive Historic District ("Page and Turnbull Alternative"). However, this redesigned alternative is not included as a project alternative. Therefore, for the EIR to conclude that the Project's significant impacts to historical resources are unavoidable is incorrect.

Response to Comment Tsai-3

The commenter correctly identifies the existence of seven contributors to the Flower Drive Historic District on the Project Site, as well as one of the Community Plan's objectives regarding historical resources, which the Project is not consistent with, as acknowledged and discussed in the Project's EIR. The commenter incorrectly states that the EIR proposes the relocation of seven buildings as a mitigation measure (the correct number is three, pursuant to Mitigation Measure C-3).

Regarding the Project's overall consistency with the Community Plan, see Response to Comment WAHA-2.

Regarding the claim that Mitigation Measure C-3 would result in environmental impacts, this measure requires no less than three contributors to be relocated to a suitable and appropriately zoned site within five miles of the Project Site. A 5-mile radius surrounding the Project Site extends from the Silver Lake neighborhood to the north, Culver City to the west, Watts to the south, and Boyle Heights to the east, and includes thousands of commercial- and multi-family residential-zoned properties, many of which are vacant or partially vacant, that could accommodate three relocated fourplex structures. As required by Mitigation Measure C-3, the Project Applicant must identify one or more feasible sites for the relocated structures within this radius, and demonstrate such compliance to the Planning Department. Due to the minimal number of structures that are to be relocated, as well as mandated compliance with all applicable regulatory requirements, including

compliance with existing zoning and development standards applicable to the relocation sites, and the presumption that the relocation would occur on infill lots that are between 0.5 and 1 acre in size, it is anticipated the relocation would qualify for a categorical exemption or Mitigated Negative Declaration under CEQA Guidelines Section 15301 or 15332. Accordingly, the implementation of this mitigation measure is not anticipated to result in any secondary impacts.

Regarding the alternatives analysis conducted for the Project, as well as a 21-Story Scheme, see Response to Comment WAHA-9.

Comment Tsai-4

2. The Project is Inconsistent with the General Plan

The General Plan Framework Element Objective 3.4 encourages new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers, as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Eight residential buildings are set to be demolished or moved as part of the Project, seven of which are considered historically significant buildings as part of the Flower Drive Historic District. Objective 3.4, while encouraging new developments, underscores the importance of conserving existing neighborhoods such as the Flower Drive Historic District. As such, the Project as proposed is inconsistent with the General Plan.

The General Plan Framework Element Objective 3.17 requires the Project to maintain significant historic and architectural districts while allowing for the development of economically viable uses. The DEIR acknowledges that the Project is inconsistent with Objective 3.17 because it would remove all eight buildings on the Project Site which would be a significant and unavoidable impact to the historic resource.

However, this inconsistency [sic] was not unavoidable as the City was aware of but failed to incorporate into the EIR the Page and Turnbull Alternative where the Project would be redesigned to retain the Flower Drive Historic District. Thus, the DEIR's conclusion that the Project's inconsistency with Objective 3.17 is unavoidable is inaccurate.

Response to Comment Tsai-4

Regarding the Project's consistency with the General Plan, Community Plan, Redevelopment Plan, and other local and regional plans, see Response to Comment WAHA-2. Regarding inclusion of an alternative consisting of a 21-Story Scheme, see Response to Comment WAHA-9.

Comment Tsai-5

3. The Project Exceeds the Height Limitation for Structures Within Pedestrian Oriented Districts Under the SELA Community Plan.

The Urban Design Guidelines of the Southeast Los Angeles Community Plan limits structures within pedestrian oriented districts that are along main commercial streets to no greater than 30 feet in height. SELA at V-4. The Project proposes a maximum roof height of approximately 78 feet. As the Project's EIR itself admits, the Project is within a pedestrian oriented district (DEIR at I-12) and directly faces one of the biggest commercial streets within the City of Los Angeles, Figueroa Street. The Project is planned to be far in excess of 30 feet in height and clearly violates the height limitations imposed by the SELA Community Plan.

Response to Comment Tsai-5

While the EIR accurately describes the Project Site's proximity to transit and walkable streets, which is anticipated to encourage pedestrian activity, it does not identify the Project Site as being located within a "pedestrian oriented district." Moreover, the Project Site is not located within a designated Pedestrian Oriented District under the Community Plan (only one such district is designated, which is located along Central Avenue between Jefferson and Vernon). (Community Plan, page III-9). Therefore, the Community Plan's urban design guidelines pertaining to Pedestrian Oriented Districts do not apply to the Project Site. Further, the thrust of this comment contradicts the comment in Tsai-3 regarding the 21-Story Scheme.

Comment Tsai-6

B. The Project's Vesting Tentative Tract Map Fails to Comply with Subdivision Map Act and Los Angeles Municipal Code Requirements For Tentative Maps

Section 17.06 of the Los Angeles Municipal Code ("**LAMC**") requires that tentative tract maps show "[t]he approximate location of all buildings or structures on the property involved which are to be retained, notations concerning all buildings which are to be removed, and approximate locations of all existing wells" as well as "[a] A statement regarding existing and proposed zoning."

The Project's Vesting Tentative Tract map fails to show which of the buildings or structures on the property are proposed to be removed or retained. In addition, the Project's Vesting Tentative Tract map conflicts with the project as described in its pending application for a vesting zone and height district change, conditional use permit, master conditional use permit, determination and site plan review, which describes the project as resulting in a maximum floor area ratio of 3.25:1 rather than the tract map's description of requiring a maximum floor area ratio of 3.3: 1. Finally, the Project's Vesting Tentative Tract map fails to adequately describe the existing zoning on the Project Site, omitting the fact that a portion of the Project Site is zoned R4-1L.

As the tentative tract map has numerous technical deficiencies and fails to provide materially significant information that is legally required to be provided to the Advisory Agency and the general

public as part of the proceedings around the appeal, the City should grant the appeal and remand the Project back to the advisory agency.

Response to Comment Tsai-6

The Project's vesting tentative tract map application consists of the tentative tract map itself, the Project's architectural drawings, a subdivider's statement, narrative project description and findings, and multiple other forms and exhibits intended to provide the Advisory Agency with all relevant information necessary to determine if the application is complete, and then to process the requested subdivision. Furthermore, the tract map explicitly references the Project's zone change application case number for additional details regarding the proposed development components. The City's Department of City Planning reviewed the Project's tract map application as well as the associated zone change application, and deemed the applications complete on September 8, 2016.

The tract map's notation that the Project will achieve a floor area ratio (FAR) of up to 3.3:1 is entirely consistent with the Project's zone and height change application and the EIR, which identifies an FAR of 3.25:1. As described in the November 2018 Errata, the Project, which includes a request to establish C2-2D zoning across the entirety of the Site, would remedy the Project Site's existing zoning/land use inconsistency, and achieve conformance with the land use goals and policies of the Community Commercial land use designation. Moreover, as set forth in the Errata, the identification of R4 zoning upon a portion of the Project Site did not change any of the Project's requested entitlements or the EIR's determinations or impact conclusions.

Comment Tsai-7

II. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. Background Concerning the California Environmental Quality Act

[text of comment omitted]

Response to Comment Tsai-7

This comment provides an overview of the purpose and intent of CEQA, and does not raise any environmental or entitlement issues regarding the Project.

Comment Tsai-8

B. Significant New Information Introduced By The City Requires Revision and Recirculation Of the Project's Environmental Impact Report

CEQA requires that a Project's environmental documents be revised and recirculated to the public when significant new information is added to an environmental impact report prior to certification. Section 21092.1 of the California Public Resources Code provides that:

When significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Sections 21104 and 21153, but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report.

Significant new information requiring revision and recirculation of an EIR can include but is not limited to “changes in the project or environmental setting as well as additional data or information” such as a “new significant environmental impact or new mitigation measure.” (See *also* 14 Cal. Code of Regulations § 15088.5.) Revisions to environmental analysis in an environmental impact report requires recirculation of the environmental impact report to give the public a meaningful opportunity to comment. (*Gray v. City of Madera* (2008) 167 Cal. App.4th 1099, 1121–22.)

Here, the City’s November 2018 Errata to the Environmental Impact Report (“Errata”) made changes to the described project setting, and added new mitigation measures, significant changes that require revision and recirculation of the Project’s environmental impact report to give the public a proper opportunity to comment upon and review the Project.

First, the Errata unveiled significant changes to the described setting of the Project, revealing that part of the Project Site is currently zoned R4-1L rather than C2-1L.

The portion of the Project zoned R4-1L cannot be utilized for us as a hotel, restaurant space, conference center or retail as currently proposed by the Project without being rezoned for commercial uses. (See LAMC §§ 12.11, 12.10, 12.09, 12.08, 12.03.) Furthermore, the Project’s EIR does not analyze the Project for consistency with the South Los Angeles Community Plan. Additional analysis, revision and recirculation is required in light of the serious deficiencies exposed in the Errata.

Moreover, the Project description analyzed in the EIR has been modified as a result of errors in the EIR , which described the maximum roof height of the hotel, student housing, and mixed income housing components as being 78 feet, when they are in fact 83 feet (Errata at p. 5), and described the Project’s proposed parking structure as an eight story rather than seven story parking structure.

Finally, the modified Project Design Feature J-1, which is included in the Project’s Mitigation Monitoring and Reporting Plan, adds additional mitigation measures to mitigate the Project’s impact on Dr. Theodore T. Alexander Science Center School, amounting to a new mitigation measure requiring revision and recirculation of the EIR.

Response to Comment Tsai-8

As described in the November 2018 Errata prepared for the Project, the Draft and Final EIR identified the entire Project Site’s existing land use designation as Community Commercial, and its existing zoning designation under the LAMC as C2-1L. As set forth by the Community Plan, the Community Commercial land use designation is consistent with the CR, C2, C4, and RAS3 zones.

While the EIR correctly reflects the Project Site's existing Community Commercial land use designation, additional research into City records has determined that a portion of the Project Site is not in fact zoned C2-1L, but is instead zoned R4-1L. The Community Plan does not identify the R4 zone as a consistent zoning classification under the Community Commercial land use designation.

Pursuant to the Errata, the EIR's references to the entirety of the site being zoned C2-1L were revised to describe a combination of C2-1L and R4-1L zones. These revisions do not change any of the requested entitlements or the EIR's determinations or impact conclusions for the following reasons:

- The Community Plan designates the entirety of the Project Site for Community Commercial land uses. In the hierarchy of land use controls, the Community Plan, which is a component of the City's General Plan, serves as the foundation for all land use decisions within the Community Plan area. Accordingly, the Project Site's Community Commercial land use designation reflects the City's land use goal of encouraging commercial and mixed-uses at the Project Site, consistent with the C2-1L zone, instead of residential-only uses, as would be permitted under the R4 zone.
- As set forth in detail in Section IV.G, Land Use, of the Draft EIR, the Project is substantially consistent with the Community Plan's land use, housing, and economic development goals, objectives, and policies, as well as the provisions of Footnote 14. Therefore, no new inconsistency with the General Plan or Community Plan is created by the identification of R4 zoning. On the contrary, the Project, which includes a request to establish C2-2D zoning across the entirety of the Site, would remedy the Project Site's existing zoning/land use inconsistency, and achieve conformance with the land use goals and policies of the Community Commercial land use designation.
- The Project's requested entitlements, including a zone and height district change as well other associated entitlements, will permit the Project's proposed uses and development envelope. The recent identification of R4 zoning upon a portion of the Project Site does not trigger a need for any new or modified entitlement approvals. Furthermore, no changes have been made to the Project's proposed uses, density, height, or operations as a result of the identification of R4 zoning upon a portion of the Site. Therefore, no new or revised analysis of the Project's impacts is necessary.

Regarding the South Los Angeles Community Plan, as described in the November 2018 Errata, the City's recent efforts to update the Southeast Los Angeles Community Plan occurred concurrently with an update to the South Los Angeles Community Plan, which abuts the western boundary of the Southeast Los Angeles Community Plan. In connection with these simultaneous Community Plan update efforts, a Community Plan boundary adjustment has occurred in the vicinity of the Project Site, in order to bring both sides of Figueroa Street under a single Community Plan (the South Los Angeles Community Plan). This boundary change does not result in any proposed changes to the Project Site's land use or zoning designations, or relevant development regulations including applicable Community Plan footnotes, beyond those described in the EIR when discussing the proposed Southeast Los Angeles Community Plan update. Moreover, as noted above and discussed in the EIR, the Project is vested against changes in the relevant ordinances, policies, and standards occurring after its vesting tentative tract map and vesting zone and height district change applications were deemed complete, which occurred on September 8, 2016. Accordingly, the boundary change between the South and the Southeast Los Angeles

Community Plan does not change any of the Project's requested entitlements or the EIR's determinations or impact conclusions.

Regarding the Project's height and number of stories, as described in the November 2018 Errata, the Project's requested vesting zone and height district change includes an increase in allowable height to a maximum of 90 feet. To reflect the Project's maximum building heights, measured per the LAMC, the EIR's maximum roof height references were revised to reflect a maximum building height of 83 feet from grade to parapet for the hotel, student housing component, and mixed-income housing components; and a maximum building height of 90 feet from grade to parapet for the parking structure. In addition, the Project's proposed parking structure consists of seven levels of above-grade parking above one subterranean level of parking, and the roof level of the structure is improved with various hotel and residential amenity areas, including enclosed fitness center and lounge spaces which constitute floor area. Since these occupied roof-level areas constitute a story under the LAMC, the parking structure is properly considered under the LAMC to include eight stories. No changes have been made to the proposed height of any of the proposed Project structures, including the Project's hotel, residential, or parking structure components, or to the proposed use of any of the Project's structures. Furthermore, the Project's maximum height is accommodated by the requested vesting zone and height district change. Accordingly, revisions to the EIR to reflect the LAMC-measured building heights and an eight-story parking structure do not require any new or revised analysis of the Project or any change in the EIR's impact determinations.

Regarding the revisions made to the EIR in response to a comment letter from the Los Angeles Unified School District (LAUSD), potential impacts to the nearby Dr. Theodore T. Alexander Science Center School were evaluated in the Draft EIR and were determined to be less than significant. In addition, since the Project would not impede access from the street to the school or to loading areas for the school, no additional or revised traffic mitigation measures are required for the Project. However, identified pedestrian routes for the school do include crossings along streets which are adjacent to the Project Site (e.g., Martin Luther King Jr. Boulevard, Figueroa Street, 39th Street, Flower Drive). To address general construction traffic impacts, the EIR includes Project Design Feature J-1 which requires preparation of a Construction Traffic Management Plan for LADOT review and approval. This project design feature already incorporates several of LAUSD's suggested measures that address delays and safety and would ensure that construction activities do not significantly impact vehicles accessing the Dr. Theodore T. Alexander Science Center School. In addition, in response to LAUSD's comment, Project Design Feature J.1 was modified to include specific notification and coordination obligations with LAUSD before and during Project construction. As explained in the Errata, this is not a new or revised mitigation measure, but simply an accommodation of a request by LAUSD to engage in specific coordination during the Project's construction period. No changes were made to the EIR's impact analysis of conclusions in connection with this revised project design feature.

In summary, the information added pursuant to the Errata does not contain significant new information that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect environmental effect of the Project or a feasible way to mitigate or avoid such an effect that the Applicant has declined to adopt. Additionally, information provided in the Errata does not present a feasible Project alternative or mitigation measure considerably different from others

previously analyzed in the EIR. All of the information added pursuant to the Errata merely clarifies, corrects, adds to, or makes insignificant modifications to information in the EIR. The City has reviewed the information in the Errata and has determined that it does not change any of the basic findings or conclusions of the EIR, does not constitute “significant new information” pursuant to CEQA Guidelines Section 15088.5, and does not require recirculation of the Draft EIR.

Comment Tsai-9

III. THE PROJECT IS SUBJECT TO AND FAILS TO ANALYZE WHETHER IT COMPLIES WITH NORTH UNIVERSITY PARK–EXPOSITION PARK–WEST ADAMS NSO DISTRICT DEVELOPMENT REGULATIONS.

The DEIR recognizes that the Project lies within the North University Park–Exposition Park–West Adams Neighborhood Stabilization Overlay (NSO) District. However, the DEIR claims that the Project is exempt from the development regulations of the Overlay District due to its frontage along Figueroa Street. (DEIR, pg. IV.G-14.)

The City is wrong. The 8 existing homes /buildings on the Project site, which are also part of the Flower Drive Historic District, are fronting Flower Drive, not Figueroa Street. The Project’s DEIR itself admits that the Project Site fronts both Figueroa and Flower Drive. The City’s own staff report for December 5, 2018 public hearing notes that the Project Site fronts multiple streets, stating:

The Fig Project (Project) is located along the Figueroa Corridor in the Southeast Los Angeles Community Plan area, with approximate frontages of 725 feet along Figueroa, 280 feet along 39th Street to the north, and 665 feet along Flower Drive to the east where it abuts the 110 Harbor Freeway

(Staff Report at 1.)

The Project’s EIR as well as the Staff Report for the December 5, 2018 public hearing and its proposed findings for this Project concerning its vesting tentative tract map should have but failed to analyze the application of the development regulations contained in Ordinance No. 180,218 and 180,219 as it applies to the Project and for good reason. The Project violates the developments regulations set out for the North University Park–Exposition Park–West Adams NSO District.

Pursuant to Section 2 of Ordinance No. 180,218 establishing North University Park–Exposition Park–West Adams NSO District:

The Neighborhood Stabilization Supplemental Use District is intended to:

(A) promote well planned housing to meet the needs of a college/university student housing, and the needs of the community.

(B) address impacts of multiple-habitable room projects which may be incompatible with surrounding development.

(C) encourage well-planned neighborhoods with adequate parking and to individually review proposed large multiple-habitable room projects.

(D) assure that the project provides adequate on-site parking.

(E) address a concentration of campus-serving housing in the vicinity.

More specifically, inter alia, the EIR fails to analyze how the Project promotes well planned housing to meet the needs of college student housing and the needs of the community, address how this Project, which is a multiple-habitable room project, might be incompatible with surrounding development.

Moreover, projects subject to the NSO are required to obtain a conditional use approval pursuant to LAMC § 12.24 W52, requiring that the Project provide additional on-site parking, find that there is no detrimental concentration of large scale, campus serving housing within a one-thousand foot radius of the Project, and that it complies with all applicable Historic Preservation Overlay Zones or Specific Plans. (LAMC § 13.12(C).)

The Project's Vesting Tentative Tract map must be denied for failure to comply with the City's NSO requirements.

Response to Comment Tsai-9

See Response to Comment WAHA-8 regarding inapplicability of the NSO.

Comment Tsai-10

IV. THE PROJECT FAILS TO CONFORM TO THE CITYWIDE DESIGN GUIDELINES.

The Project, which is located in the Flower Drive Historic District, fails to conform to the Citywide Design Guidelines.

The Citywide Design Guidelines provide that a project must (1) preserve original building materials and architectural features, repair deteriorated materials or features in place, if feasible and (2) design building additions on historic buildings to be compatible with the massing, size, scale, and architectural features of an historic structure or site, while clearly reflecting the modern origin of the addition. Citywide Design Guidelines, Pgs. 23–24.

The Project proposes to demolish at least seven residences which are located in the Flower Drive Historic District. Since the Citywide Design Guidelines pertaining to historic properties do not contemplate demolition and promote the fullest preservation of such properties, the Project fails to conform to the relevant sections of the Citywide Design Guidelines.

Response to Comment Tsai-10

The Citywide Design Guidelines implement the General Plan Framework Element's urban design principles and are intended to be used by City Planning Department staff, developers, architects, engineers, and community members in evaluating project applications, along with relevant policies from the Framework Element and Community Plans. By offering more direction for proceeding with the design of a project, the Citywide Design Guidelines illustrate options, solutions, and techniques to achieve the goal of excellence in new design.

As set forth on pages IV.A-71 through IV.A-76, the Project is consistent with the six objectives of the Citywide Design Guidelines for multi-family residential and commercial mixed-use projects. Importantly, the Citywide Design Guidelines are intended as performance goals and not zoning regulations or development standards, and therefore do not supersede regulations in the LAMC. As stated in the Citywide Design Guidelines, although each of the Citywide Design Guidelines should be considered in a project, not all of them will be appropriate in every case, as each project will require a unique approach, and "flexibility is necessary and encouraged to achieve excellent design." Accordingly, a project's inconsistency with one or more design recommendations under the Citywide Design Guidelines would not prevent the project from being deemed consistent with the overall goals of the Guidelines, or from achieving excellent design.

Comment Tsai-11

V. CONCLUSION

For the aforementioned reasons, Commenter requests that the City continue the hearing, modify its findings for the Project or deny the Project and revise and recirculate the environmental impact report.

Response to Comment Tsai-11

The comment does not raise any environmental or entitlement issues and has been received by the decision-maker for consideration.

III. Comment Letters and Testimony Received Prior to Tract Map Approval

A. November 7, 2018, Tsai Letter on Behalf of SAJE

Comment Tsai-12

On behalf of SAJE ("**Commenter**" or "**SAJE**"), my Office is submitting these comments on the Fig Project, 3900 S. Figueroa Street, 3900–3972 South Figueroa Street; 3901–3969 South Flower Street, 450 West 39th Street (Case Nos. VTT-74193-CN, CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR) ("**Project**"). My Office jointly represents SAJE with Public Counsel and PolicyLink Legal. These comments address issues identified with the Project, related approvals and its environmental documentation.

SAJE is a non-profit organization based in South Los Angeles that advocates for economic justice, tenant rights, healthy housing and equitable development. SAJE's mission is to change public and corporate policy in a manner that provides concrete economic benefits to working class people, increase the economic rights of working class people, and builds leadership through a movement for economic justice; and in the process creating sustainable models of economic democracy.

Commenter expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App.4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App.4th 1109, 1121. Commenter incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 CA4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

Response to Comment Tsai-12

This comment serves as an introduction to the comments made in the remainder of the November 7, 2018, Tsai letter, which are specifically addressed in the responses below.

Comment Tsai-13

I. BACKGROUND ON THE SUBDIVISION MAP ACT

The Subdivision Map Act, Government Code section 66410, *et seq.* ("Subdivision Map Act" or "Act") requires local agencies to review and approve **all land subdivisions**. The Act regulates both the process for approving subdivisions and sets substantive requirements for approval of land subdivisions. The Act requires that a local agency deny approval of a land subdivision, referred to as a tentative map or a parcel map, if it decides that "the proposed map is not consistent with applicable general and specific plans" or that "the design or improvements of the proposed subdivision is not consistent with the applicable general and specific plans." Cal. Gov. Code, §66474(a-b).

Response to Comment Tsai-13

The comment serves as an introduction to commenter's claims that the Project is inconsistent with the Community Plan, which are responded to below.

Comment Tsai-14

A. The Project Is Inconsistent with the Southeast Los Angeles Community Plan

1. The Project Violates Objective 1-4 of the Southeast Los Angeles Community Plan.

Objective 1-4 of the Southeast Los Angeles Community Plan requires that the City “preserve and enhance neighborhoods with a distinctive and significant historical character.” As part of carrying out Objective 1-4, the Southeast Los Angeles Community Plan requires that the City maintain residential plan categories, propose no zone changes or plan amendments.

The Project propose exactly the opposite, proposing zone changes, vesting zone changes, and a height district change within the Flower Drive Historic District, and proposing as a mitigation measure that the City relocate the seven historically protected buildings be relocated outside the Flower Drive Historic District, a mitigation measure that in of itself would have its own environmental impacts requiring analysis under CEQA.

Response to Comment Tsai-14

See Response to Comment Tsai-3 regarding consistency of the Project with the Community Plan.

Comment Tsai-15

2. The Project Exceeds Height Limits Within Pedestrian Oriented Districts.

The Urban Design Guidelines of the Southeast Los Angeles Community Plan limits structures within pedestrian oriented districts that are along main commercial streets to no greater than 30 feet in height. SELA at V-4. As the Project’s EIR itself admits, the Project is within a pedestrian oriented district (DEIR at I-12) and directly faces one of the biggest commercial streets within the City of Los Angeles, Figueroa. The Project is planned to be far in excess of 30 feet in height and clearly violates the height limitations imposed by the SELA Community Plan.

Response to Comment Tsai-15

See Response to Comment Tsai-5 regarding the inapplicability of Pedestrian Oriented District design guidelines.

Comment Tsai-16

II. THE PROJECT VIOLATES THE CITY'S [sic] HISTORIC PRESERVATION ORDINANCE [sic] AND STATE HISTORIC PRESERVATION LAWS BY FAILING TO SEEK A RECOMMENDATION OR APPROVAL FROM THE CITY'S CULTURAL HERITAGE COMMISSION

The City's Historic Preservation Ordinance as well as State historic preservation laws requires a recommendation or approval in the form of a Certificate of Appropriateness for the Project prior to any modification to any contributing elements to a national, state or locally designated historic resource.

The Project, which would result in the relocation or demolition of at least seven (7) contributing buildings to the Flower Drive Historic District, a state and locally designated historic resource, has not received any kind of review from the City or State's historical regulatory authorities.

Response to Comment Tsai-16

As demonstrated in Section IV.C, Cultural Resources of the Draft EIR, as well as the CEQA findings prepared for the Project and adopted by the Advisory Agency, the Project Site is not located within a Historic Preservation Overlay Zone and does not contain any locally designated Historic Cultural Monuments, and implementation of the Project does not require any further local or state historic approval outside of the City's CEQA and land use entitlement approval process.

Comment Tsai-17

III. CONCLUSION

For the aforementioned reasons, Commenter requests that the City continue the hearing, modify its findings for the Project or deny the Project and order the preparation of a full environmental impact report.

Response to Comment Tsai-17

The comment does not raise any environmental or entitlement issues. A full EIR has been prepared for the Project.

B. Public Testimony from November 7, 2018, Hearing Officer Hearing

Comment Topical-1

EIR Does Not Include A High-Rise Tower Alternative

Response to Comment Topical-1

See Response to Comment WAHA-9 regarding a 21-Story Scheme and the alternatives analysis conducted for the Project.

Comment Topical-2

EIR Does Not Adequately Analyze Displacement Impacts Upon Current Project Site Residents/Project Should Not Be Approved Due to Eviction of Tenants and Elimination of RSO Units

Response to Comment Topical-2

The Project Site's existing rent-controlled units are subject to the City's Rent Stabilization Ordinance (RSO) and Ellis Act provisions. In conformance with these regulatory requirements, the Project Applicant must offer relocation payments to displaced households per the City's most updated RSO payment schedule. The Project Applicant is also required to give the residents a minimum of 120 days' notice to vacate the property, with the option to extend up to a year for senior or disabled residents. In addition, pursuant to Project Design Feature C-1 in Section IV.C, Cultural Resources, of the Draft EIR, although not required by the RSO or Ellis Act, the Project Applicant has retained a relocation consultant to assist current Project Site residents by providing services including, but not limited to, identification of available replacement dwellings, transportation to view potential replacement housing, coordination of movers, and payment processing. If the resident wishes to remain in the immediate community, the relocation specialists will focus their search for available replacement housing within that community and will also utilize existing contacts with affordable housing developers to identify opportunities within nearby affordable housing developments for those residents that would income-qualify. Through these efforts required by Project Design Feature C-1, as well as through regulatory compliance with the City's RSO and Ellis Act regulations, current Project Site residents will receive all applicable legal protections during the removal of the Project Site's existing units from the rental market.

The *L.A. CEQA Thresholds Guide* specifies that displacement-related issues should be considered as part of a project's environmental review when the project in question would result in a net loss of housing. (L.A. CEQA Thresholds Guide, p. J.2-2.) The Project will result in a net increase in total number of housing units, as well as 82 new deed-restricted affordable units at the Project Site. Loss of rent-stabilized housing and relocation of renters are social and economic impacts, and are not required to be analyzed under CEQA unless such social and economic impacts can be shown with substantial evidence to have a reasonably foreseeable physical impact to the environment. (See CEQA Guidelines § 15064(d).) No such substantial evidence has been provided to support the claim that a physical impact to the environment would result, and accordingly, displacement-related impacts of the Project would not properly be considered impacts under CEQA. However, comments regarding tenant displacement and relocation, as well as other potential housing, land use, and community impacts have been presented to the decision-makers for their consideration.

Comment Testimony-1

[Mitchell Tsai] Finally, the project's environmental documentation ignores the need for mitigation for the project's particular storm water impacts. It fails to adequately analyze on the cumulative traffic impacts specifically set up by the California Department of Transportation violating the City's obligation under state law to consider all known 15 projects at the time of notice of preparation to the project. In particular the—the project severely understates the amount of potentially cumulative projects that are in the City's pipeline right now and as Cal-Trans notes, ignores the 42 other projects that are in—before the City at this particular moment.

Response to Comment Testimony-1

Regarding stormwater impacts, the Project will comply with existing National Pollutant Discharge Elimination System (NPDES) requirements, including the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP would outline Best Management Practices (BMPs) and other erosion control measures to minimize the discharge of pollutants in stormwater runoff. Project construction activities would occur in accordance with City grading permit regulations, such as the preparation of an erosion control plan, to reduce the effects of sedimentation and erosion. During operation, the Project will comply with the City's Low Impact Development (LID) Ordinance, which promotes the use of natural infiltration systems, evapotranspiration, and the reuse of stormwater. BMPs would be implemented to collect, detain, treat, and discharge runoff on site before discharging into the municipal storm drain system. Implementation of BMPs would result in infiltration of the entire required treatment volume for the Project Site and the elimination of pollutant runoff, in accordance with the City's LID requirements. With compliance with these existing regulatory requirements, stormwater flows from the Project would not increase and the quality of the surface water would be improved relative to existing conditions.

Regarding cumulative traffic impacts and Caltrans, as set forth in Section II, Responses to Comments, of the Final EIR, the City, as lead agency, has determined that the EIR properly analyzed potential cumulative impacts, including potential impacts to Caltrans facilities, and that Caltrans has not provided any supporting evidence that significant impacts would occur.

Comment Testimony-2

[Jim Childs/WAHA] We have a historic designated district that is conceived and built and recognized for its Affordable Housing Component. These were working-class homes that were built on part of the Zobelein tract... I'm hard pressed as a professional to recall very many City monuments or other historic districts that have, as its cause, a housing complex that was affordable housing.

Response to Comment Testimony-2

The commenter appears to be referencing materials prepared in support of the Flower Drive Historic District's designation by the State Historic Resources Commission as being eligible for listing in the California Register. These supporting materials discuss the working class population

served by multi-family residences in the University District. These supporting materials were included in the Historic Resources Report prepared for the Project, which acknowledged the Historic District as a historical resource under CEQA. The district nomination was not based on it being affordable housing. Unlike the Project Site, there are a number of housing projects that were built and maintained as affordable, and are now considered historic resources. For example, the Housing Authority of the City of Los Angeles owns and operates a number of historic housing properties.

Comment Testimony-3

[Joe Donlin/SAJE] The developers are including affordable housing because they have to, not because they are contributing any community benefits. These affordable units are required by law when you eliminate rent-controlled housing. Therefore, the affordable housing in the project should not be interpreted as a laudable element of the project. They are doing only the bare minimum while requesting a very significant zone change from the City.

Response to Comment Testimony-3

The commenter misstates the relevant City regulations regarding rent-controlled units and the RSO. Pursuant to LAMC Section 151.28, the Project's newly constructed rental units would normally be subject to the RSO, due to the proposed demolition of the 32 existing multifamily units at the Project Site, which are currently subject to the RSO. However, as described in the EIR, and pursuant to LAMC Section 151.28 B, the Project's newly constructed rental units qualify for an exemption from the RSO, due to the Project's inclusion of at least 32 affordable units. Specifically, the Project will include a total of 82 deed-restricted affordable housing units. Accordingly, the Project's affordable housing component far exceeds the applicable requirement to qualify for an RSO exemption under LAMC Section 151.28 B.

Comment Testimony-4

[Joe Donlin/SAJE] Lastly, the developers propose moving three or more of the buildings in an effort to circumvent historic preservation law. No details have been made public about this arrangement. We don't know where the properties will go, who owns that land, who would control the buildings, and how they will be managed and under what law. There are way too many questions about this to justify moving this project forward. Among other things, the public deserves to know if there is a Surplus Land Act violation in process.

Response to Comment Testimony-4

The commenter refers to Mitigation Measure C-3, which requires no less than three contributors to the Historic District to be relocated to a suitable and appropriately zoned site within five miles of the Project Site. Pursuant to CEQA, this measure has been identified as a feasible mitigation measure, and must be implemented as part of the Project, notwithstanding the fact that neither it nor any of the other identified and required historic mitigation measures will reduce the Project's historic impact to a less than significant level.

Mitigation Measure C-3 has been drafted to facilitate its implementation. A five-mile radius surrounding the Project Site extends from the Silver Lake neighborhood to the north, Culver City to the west, Watts to the south, and Boyle Heights to the east, and includes thousands of commercial- and multi-family residential-zoned properties, many of which are vacant or partially vacant, that could accommodate three relocated fourplex structures. As required by Mitigation Measure C-3, the Project Applicant must identify one or more feasible sites for the relocated structures within this radius, and demonstrate such compliance to the Planning Department. Due to the minimal number of structures that are to be relocated, as well as mandated compliance with all applicable regulatory requirements, including compliance with existing zoning and development standards applicable to the relocation sites, and the presumption that the relocation would occur on infill lots that are between 0.5 and 1 acre in size, it is anticipated the relocation would qualify for a categorical exemption or Mitigated Negative Declaration under CEQA Guidelines Section 15301 or 15332. Accordingly, the implementation of this mitigation measure is not anticipated to result in any secondary impacts.

Comment Testimony-5

[Laura Meyers] This notion that they don't even need to go to the CRA Placement [sic] Agency Board Staff, you know, whatever—whoever is going to be standing by the time they get there, but do it after, it makes no sense. I understand that CRA has no ability to be the lead agency, but they're saying all we need to do is sign a development agreement with the CRA. I mean, I'm using different phraseology, but that's not actually true. The CRA has its own in the redevelopment plan. Variance process, it's called a variation to the plan. So what we have here is the need for the CRA equivalent of variance. Somebody has to give it to them. It's called a variation to the plan, and in that variation to the plan, there's normally a requirement of a relocation plan that's actually approved as part of the approval process.

Response to Comment Testimony-5

The commenter misinterprets the assumptions made in the EIR regarding the land use and development controls of the Redevelopment Plan. The Project Site is designated for commercial land uses, as shown on the Redevelopment Plan Map attached to the Redevelopment Plan. Redevelopment Plan Section 1307 clearly states that the Agency (now the Designated Local Authority) “may, but is not required to, permit the development of new residential uses within commercial areas, subject to Agency approval of a development or participation agreement.” Section 1307 makes no reference to a variation or any other form of approval required to permit residential uses in commercial areas. Accordingly, Section 1307's requirement for the Agency/Designated Local Authority to approve a discretionary land use approval, and an accompanying development or participation agreement, is clearly identified in the Draft EIR.

Notwithstanding the language of the Redevelopment Plan, the commenter claims that a variation would also be required for the Project. As described by Redevelopment Plan Section 1334, “the Agency is authorized... to permit variations from the limits, restrictions, and controls established by the Plan” subject to certain findings to be made. However, as noted above, the Redevelopment Plan does not identify that a variation is required to allow a residential use within a commercial area; the appropriate approval is instead identified as a development or participation agreement, as made clear by Section 1307. This is consistent with prior Agency actions, which

treated “discretionary land use approvals” (e.g., approvals to allow residential uses in commercially designated areas) as separate and distinct from variation approvals (see, e.g., July 6, 2006, staff report to Agency Commissioners regarding the University Gateway project).

As discussed in Section IV.G, Land Use, of the Draft EIR, all redevelopment agencies in the state have been dissolved, and in the City, the Designated Local Authority is tasked with both winding down the operations of the former Agency and overseeing the land use controls of the various redevelopment plans. Accordingly, and because the staffing and role of the Designated Local Authority has been in flux since the dissolution of redevelopment agencies, the Draft EIR acknowledged that additional Redevelopment Plan-affiliated approvals may or may not be necessary for the Project. As a result, the Draft EIR properly identified the relevant land use controls and anticipated approvals required by the Redevelopment Plan.

Comment Testimony-6

[Laura Meyers] I read in the staff report, finally, a concession that the zone, in fact, is residential on Flower Drive. It was never commercial. They said, oh, they forgot to adopt it in the year 2000. And so sadly, I don't think they forgot to adopt it. So it is residential. The new plan says 1.5, it's currently R-4 but either way—back to how it's a conflict with land use element—is it's not commercial.

Response to Comment Testimony-6

The commenter correctly notes that the City's staff reports, as well as the November 18, 2018 Errata, identify that a portion of the Project Site is zoned R4. However, no new inconsistency with the General Plan or Community Plan is created by the identification of R4 zoning. On the contrary, the Project, which includes a request to establish C2-2D zoning across the entirety of the Site, would remedy the Project Site's existing zoning/land use inconsistency (which the commenter acknowledges), and achieve conformance with the land use goals and policies of the Community Commercial land use designation.

The Project's requested entitlements, including a zone and height district change as well other associated entitlements, will permit the Project's proposed uses and development envelope. The recent identification of R4 zoning upon a portion of the Project Site does not trigger a need for any new or modified entitlement approvals. Furthermore, no changes have been made to the Project's proposed uses, density, height, or operations as a result of the identification of R4 zoning upon a portion of the Site. Therefore, no new or revised analysis of the Project's impacts is necessary. See also Response to Comment Tsai-8.

Comment Testimony-7

[Heidi Liu/Public Counsel] Hi. My name is Heidi Liu. I'm here for the Public Counsel as well on behalf of SAJE. I want to continue on same point that Antonio and Mitch had spoken about earlier. It's very clear that CEQA requires analysis of cumulative and direct impacts, and I think that it would be disingenuous to pretend that, you know, all of the impacts that could—are indirectly affected by this project are properly analyzed in this EIR. But specifically, in terms of displacement, that idea

that the fact that there's no net loss of units means that that's a proper mitigation of displacement impact is basically saying tit for tat. [] It hasn't been heard throughout this process, and I think that's—that can be addressed by adding some analysis of the displacement effects beyond just relocation assistance.

Response to Comment Testimony-7

See Response to Comment Topical-2 regarding assessment of displacement impacts.

Comment Testimony-8

[Ms. White] I've lived there for the past two years, and I want to mention the impact of the developments that have already happened there. It takes—it can—during rush hour, which is most of the morning and then most of the afternoon nowadays, to get from—to get from Downtown to my home, to drive only two or three miles really, it can take me about 40 minutes. The traffic is so bad on Figueroa, and they put in those—They've now put in bike lanes and dividers which makes it much safer, but we've lost actually quite a few lanes on that main artery. And also, when—when the games happen, it's actually completely gridlocked for hours for the entire evening of the night. It's just a complete parking lot, Figueroa, in this area. I know it's going to get even unbelievably worse than it is now with more building going on. And also, looking at the—at the design of this building where you have the parking structure and that's advertised as a shield for the freeway, that's actually—The noise level that comes from the Colosseum and from the soccer stadium, it's deafening. And there's—there's actually some apartment buildings between me and those areas and it is—it is deafening. There's concerts, there's games, I get the whole play by play in my—in my bedroom with all my windows shut. So it's, actually, the freeway would be the more pleasant side of this building to have, you know, to have a view because you actually, that parking structure which does block your view and everyone else's view of the Downtown skyline.

Response to Comment Testimony-8

The commenter references various traffic, noise, and aesthetic concerns regarding the Project. As set forth in Section IV.J, Traffic and Access, of the Draft EIR, future traffic conditions were analyzed, including during game day conditions, and anticipated significant impacts as well as feasible mitigation measures were assessed and disclosed. As set forth in Section IV.H, Noise, of the Draft EIR, future cumulative noise conditions during events at the new soccer stadium were disclosed to be significant and unavoidable, as was concluded in that project's CEQA document. As set forth in Section IV.A, Aesthetics, of the Draft EIR, the Project's impacts with respect to public views of potential visual resources, outside of views of the Historic District, were found to be less than significant.

C. November 28, 2018, PolicyLink Letter to HCID and DCP

Comment PolicyLink-1

The Fig Project would entail development of a parcel of land that is currently occupied by over seventy tenants, residing in eight multi-family residential buildings. These tenants occupy 32 rent-

stabilized units; removal of these units from rent-stabilization protections would make a substantial dent in the City's stock of rent-stabilized housing. More importantly, eviction of these families—almost all low-income people of color—would have a major human cost. Many of these tenants are seniors on fixed incomes, and many households include disabled individuals. A substantial portion of these families are at risk of becoming homeless when minimal relocation payments are quickly absorbed by moving costs and increased rent in alternative housing.

Response to Comment PolicyLink-1

See Response to Comment Topical-2 regarding assessment of displacement impacts.

Comment PolicyLink-2

Seven of the eight apartment buildings on the proposed project site are designated “contributors” to the Flower Drive Historic District. The Mitigation Monitoring Program of the Fig Project's Final Environmental Impact Report (the “FEIR”) indicates that project developer will relocate at least three of these seven buildings. See FEIR, Mitigation Monitoring Program Measure C-3. The Developer has stated to SAJE that units in relocated buildings will be made available as rental housing on another site, after relocation and renovation.

Communications from the developer have indicated that families who do not voluntarily vacate under an agreement with the developer will be evicted from their homes under the Ellis Act. However, tenants may not be evicted from rent-stabilized units that will be relocated to another local site and kept on the rental market. Neither the RSO nor the Ellis Act explicitly addresses rent-stabilized units that are moved to another location for continued use as rental units. However, the plain language of the RSO prohibits eviction of tenants from such units. Section 151.09.10 of the RSO delineates the only two situations in which a landlord may evict tenants under the Ellis Act: (a) to demolish the rental unit; and (b) to remove the rental unit permanently from rental housing use. Neither of those rationales applies to buildings that developer will relocate and maintain on the rental market.

If a landlord seeks to re-rent a unit within ten years of an Ellis eviction of tenants from that unit—as the developer proposes for the relocated buildings—the landlord “shall first offer to rent or lease each unit to the tenant or tenants displaced from that unit...” See LAMC § 151.27.B. In addition, units that are re-offered for rent after eviction are subject to strict limits on rent increases, per LAMC § 151.26.A. Under developer's proposed scenario for the Fig Project, building relocation and re-rental would fall under RSO provisions related to renovation of units, which prohibit eviction, and which require maintenance of leases and tenant protections during periods of unit renovation. See LAMC § 152.00 et. seq. (Tenant Habitability Program).

If the Fig Project's plans for the relocated buildings are not yet finalized, then project plans are not developed enough to allow reasonable consideration by the public, City staff, and elected decisionmakers. Removal of relocated units from the rental market would exacerbate the project's impact on the City's rental market, a factor which should be taken into account in public review of the project. Additional considerations include: ensuring that the relocated units remain intact for historic preservation purposes; relocating the buildings to a site reasonably close to the current site;

and minimizing the time during which they are withdrawn from the housing market. The Department of City Planning should require the developer to provide full information on these aspects of the project, rather than continuing to move the project through the approvals process while these key issues are undetermined or kept away from public view.

For these reasons, we request that:

(1) the Department of City Planning delay consideration of any additional project approvals for the Fig Project until plans for new location and use of the relocated buildings are made public and integrated into the approvals under consideration;

(2) the Housing & Community Investment Department clarify that rent-stabilized units in buildings to be relocated and returned to the rental market fall under LAMC § 152.00 (pertaining to renovated units), such that tenants may not be evicted from such units; and that

(3) the Housing & Community Investment Department withhold processing of Form E-2 (Notice of Intent to Withdraw Units from Rental Housing Use (Ellis Act)) and related application materials with regard to withdrawing from the rental market units in buildings that may be relocated as described in the FEIR.

Response to Comment PolicyLink-2

HCID has opined that, although not specifically addressed by the City's ordinances, the RSO's protections would likely apply to relocated rent-controlled units that continue to be offered for rent at a new site. Accordingly, in connection with the Project Applicant's relocation of at least three of the existing buildings from the Project Site, the re-rental of the units will no longer be considered, removing any potential conflict with the use of the Ellis Act to permanently remove the units from the rental market. Furthermore, a relocation plan previously being contemplated by the Project Applicant and a nonprofit housing developer that would have included re-rental of the buildings has since been terminated, as evidenced by the letter provided in Appendix A. Accordingly, the relocated buildings will contain uses other than rental housing.

D. December 5, 2018, Adams Dockweiler Heritage Organizing Committee ("ADHOC") Letter

Comment ADHOC-1

The findings required cannot be made to support the contention that this tract map proposal and the project is in conformance with the southeast Community Plans. The staff report acknowledges that the project proposal does not conform the Southeast Community plan and carries with it significant and non-mitigatable environmental impacts to aesthetics, cultural resources, and land use.

Response to Comment ADHOC-1

See Response to Comment WAHA-2 regarding the Project's consistency with applicable plans and regulations.

Comment ADHOC-2

What mitigation measures contained in the FEIR are inadequate. Moving a few of the contributors to a yet to be found site does not mitigate impacts to the district. The FEIR preparers fail to understand what the essence of a historic district is and the necessary connectivity of each building supporting the other in its unique context. Remove one and you affect the District and the move-off no longer has the character defining support of the district and setting.

Response to Comment ADHOC-2

The EIR concludes that the mitigation measures will not reduce significant adverse impacts on historical resources. The commenter refers to Mitigation Measure C-3, which requires no less than three contributors to the Historic District to be relocated to a suitable and appropriately zoned site within five miles of the Project Site. Pursuant to CEQA, this measure has been identified as a feasible mitigation measure, and must be implemented as part of the Project, notwithstanding the fact that neither it nor any of the other identified and required historic mitigation measures will reduce the Project's historic impact to a less than significant level. See also Response to Comment WAHA-11 regarding implementation of feasible mitigation measures.

Comment ADHOC-3

The FEIR acknowledges «the project would not maintain, enhance or preserve the integrity of historic resources.» (App. 3, p. 10, IV.G). The FEIR confirms that the project is not consistent with the preservation objectives of the redevelopment plan nor the community plan, but concludes, arbitrarily, that doesn't matter because it complies with other objectives of the Plans. The manner in which the FEIR cherry picks what Plan elements it should comply with isn't justified in the FEIR nor factually analyzed.

Response to Comment ADHOC-3

See Response to Comment WAHA-2 regarding Project's acknowledged inconsistencies with Community Plan and Redevelopment Plan regarding historic resources, but substantial conformance with all other applicable planning goals and objectives.

Comment ADHOC-4

You as the Deputy Advisory Agency have a unique opportunity today to not grant the tract map request because it materially harms historic resources and affordable housing and such grant of tract map request goes contrary to years of planning by the Community Redevelopment Agency and the Planning Department in both the old and the pending Southeast Community Plan which

sees the historic character as something not only worth of preservation but a critical planning tool for the future.

Response to Comment ADHOC-4

The Draft EIR for the Project, which was prepared in full compliance with CEQA's requirements, provides comprehensive analyses of the Project's environmental impacts and includes mitigation measures, when necessary, to reduce potentially significant impacts. Impacts to the Flower Drive Historic District are discussed in detail in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, and Section IV.C, Cultural Resources, of the Draft EIR. The Draft EIR analyzes and concludes that the Project's impacts to the Flower Drive Historic District would be significant, and identifies mitigation measures to reduce such impacts. However, as stated in the Draft EIR, implementation of these mitigation measures would not reduce impacts to a less-than-significant level. Therefore, Project impacts to the Flower Drive Historic District would remain significant and unavoidable. Moreover, the EIR further assumed that it was possible, but not certain, that the remaining portion of the Historic District, while reduced in size, may remain eligible as a historic district. The EIR therefore did not conclude that the remaining portion of the Historic District would lose its eligibility, as that conclusion could potentially lead to a future determination that no environmental impacts would result from removal or alteration of the remaining contributors. The Advisory Agency certified the Project's EIR, and adopted the Project's CEQA findings, which concluded that none of the preservation alternatives considered by the EIR were feasible to adopt, and which included a Statement of Overriding Considerations regarding the Project's benefits outweighing its significant and unavoidable environmental impacts. Therefore, the City's environmental review of the Project, including its proposed tract map, fully complied with the requirements of CEQA.

E. December 5, 2018, Empowerment Congress North Area Neighborhood Development Council ("NANDC") Letter

Comment NANDC-1

The Empowerment Congress North Area Neighborhood Development Council (NANDC) considered the Draft Environmental Impact Report for The Fig Project and found that the proposed demolitions cannot be supported in the context of the goals of the Community Plan and the CRA Hoover Project Area goals. NANDC strongly objects to the demolition of eight multi-family residence within the Flower Drive Historic District and, by Board motion at its meeting of November 2, 2017, urges the developer to consider an alternative that incorporates these buildings into his project design.

Response to Comment NANDC-1

As discussed in the EIR and CEQA findings, the Draft EIR analyzed a reasonable range of alternatives (including three alternatives that considered full or partial preservation of the historic resources), identified the anticipated environmental impacts of each alternative, assessed the ability of each analyzed alternative to achieve the Project objectives, and properly concluded that Alternative 2 (the Historic Preservation/Community Plan Update Compliant Alternative) was

infeasible due to its inability to meet the Project objectives in whole or in part. See also Response to Comment WAHA-9 regarding a 21-Story Scheme and the alternatives analysis conducted for the Project.

Comment NANDC-2

The response to comments claims that because the application for the Fig was deemed complete prior to the adoption of the Southeast Los Angeles Community Plan Update, and it is a vesting tract map, the Update should not apply. There is, however, an exception to this rule. Here, the Southeast Los Angeles Community Plan update should apply to The Fig project because the City initiated the proceedings to update this community plan prior to September 8, 2016, that date on which the City found The Fig project application to be complete. The City also provided proper notice of the pending update to this community plan prior to this date. Thus, pursuant to Government Code section 66474.2(b), the updated community plan does apply to the vesting tentative tract map.

Response to Comment NANDC-2

See Response to Comment WAHA-4 regarding the Project's vested rights with respect to the Southeast Los Angeles Community Plan update.

Comment NANDC-3

The demonstrable negative impacts on both housing resources and on the Flower Drive Historic District are not sufficiently analyzed nor are they adequately mitigated. The cumulative impacts on housing and on historic resources are also not adequately recognized nor evaluated. The DEIR consistently states that these negative impacts are unavoidable which is simply not true. A project design that incorporates the Flower Drive Historic District and builds on the non-historic parcels is possible. We also note that the project originally included a 21 story hotel tower which allowed for more flexibility in site planning.

Response to Comment NANDC-3

See Response to Comment WAHA-9 regarding a 21-Story Scheme and the alternatives analysis conducted for the Project.

Comment NANDC-4

We believe that an alternative can be devised that preserves the historic and rent controlled housing while meeting most of the project's objectives. We also urge the developer to make the majority of the parking underground which would also allow for a design that is more flexible and aesthetically pleasing. We urge that the DAA not grant the tract request and the FEIR be revised and recirculated that considers a true preservation and housing retention alternative. Of the limited alternatives analyzed in the DEIR, only alternative 2 preserves the Flower Drive Historic District and of those limited choices we would urge that the environmentally superior alternative be chosen. But the choices should not be limited to the four contained in the DEIR.

Response to Comment NANDC-4

See Response to Comment WAHA-9 regarding a 21-Story Scheme and the alternatives analysis conducted for the Project.

F. December 5, 2018, North University Park Community Association (“NUPCA”) Letter

Comment NUPCA-1

Our 35-year-old historic preservation association has provided during these decades the principal stewardship in insuring that the appropriate level of the Secretary of the Interior’s Standards for the historic inventory of North University Park (in which the Flower Drive Historic District is sited), be applied. N.U.P.C.A. has also served in an advisory capacity on the Community Advisory Committee (known as a “PAC” and later a “CAC”) to the Community Redevelopment Agency’s Exposition Park/University Park Project Area (former Hoover). I personally held that position beginning in 1989 through the cessation of the Agency’s Project Area meetings, and from that vantage point I/we have previously dealt with these particular properties’ and discussions about their futures.

Response to Comment NUPCA-1

This comment serves as an introduction to the commenter’s objections to the Project, which are responded to below.

Comment NUPCA-2

It is not only imperative to retain the entire Flower Drive District, it is also feasible if everyone thinks “outside the box” and considers a different site plan that incorporates these structures- a site plan that may include taller multi-family housing structures with a corresponding smaller footprint, incorporating the adjacent vacant (blighted) surface parking lot(s) to the south but controlled by the same underlying ownership and/or a potential partial or full street vacation of Flower Drive in order to incorporate all of the elements stated by Applicants as their desired Project while retaining the historic resources.

Response to Comment NUPCA-2

See Response to Comment WAHA-9 regarding the infeasibility of an alternative including a 21-Story Scheme. As described in Section V, Alternatives, page V-4 of the Draft EIR, the selection of an alternate or reconfigured Project Site was determined to be infeasible due to the Applicant’s lack of control over any such alternate site.

Comment NUPCA-3

This proposed Project lies within the Exposition/University Park Redevelopment Project Area, which remains a governing “specific plan” type land use overlay. The Project conflicts with multiple goals

and elements of the redevelopment plan as the FEIR admits. The redevelopment plan also requires the preservation of historic resources with “special consideration.” It also includes the requirement that any project not leave blight in its wake (e.g., the retention rather than the elimination of the blighted surface parking on the southerly parcels of the block does not meet redevelopment goals).

Response to Comment NUPCA-3

See Response to Comment WAHA-3 regarding the Project’s overall consistency with the Redevelopment Plan’s goals and policies.

Comment NUPCA-4

Given that this project also does not conform to either the present or pending Southeast Community Plan (currently R-4 and pending RD1.5 zoning on Flower), the DAA should not grant the tract map request in its present form and not adopt the FEIR.

Response to Comment NUPCA-4

See Response to Comment WAHA-2 regarding the Project’s consistency with the Southeast Los Angeles Community Plan.

G. December 5, 2018, Tsai Letter on Behalf of SAJE

Comment Tsai-18

On behalf of SAJE (“Commenter” or “SAJE”), my Office is submitting these comments in support of its appeal of the Fig Project, 3900 S. Figueroa Street, 3900—3972 South Figueroa Street; 3901—3969 South Flower Street, 450 West 39th Street (Case Nos. VTT-74193-CN, CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR) (“Project”). My Office jointly represents SAJE with Public Counsel and PolicyLink Legal. These comments address issues identified with the Project, related approvals and its environmental documentation.

SAJE is a non-profit organization based in South Los Angeles that advocates for economic justice, tenant rights, healthy housing and equitable development. SAJE’s mission is to change public and corporate policy in a manner that provides concrete economic benefits to working class people, increase the economic rights of working class people, and builds leadership through a movement for economic justice; and in the process creating sustainable models of economic democracy.

Commenter expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); Bakersfield Citizens for Local Control v. Bakersfield (2004) 124 Cal. App.4th 1184, 1199-1203; see Galante Vineyards v. Monterey Water Dist. (1997) 60 Cal. App.4th 1109, 1121.

Commenter incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 CA4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

Response to Comment Tsai-18

This comment is the same as Comment Tsai-1. See Response to Comment Tsai-1.

Comment Tsai-19

I. BACKGROUND ON THE SUBDIVISION MAP ACT

The Subdivision Map Act, Government Code section 66410, *et seq.* ("Subdivision Map Act" or "Act") requires local agencies to review and approve all land subdivisions. The Act regulates both the process for approving subdivisions and sets substantive requirements for approval of land subdivisions. The Act requires that a local agency deny approval of a land subdivision, referred to as a tentative map or a parcel map, if it makes any of the following findings:

- (a) the proposed map is not consistent with applicable general and specific plans,
- (b) the design or improvements of the proposed subdivision is not consistent with the applicable general and specific plans,
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

Cal. Gov. Code, § 66474(a-f).

The Project violates the Subdivision Map Act since it is inconsistent with both the Southeast Los Angeles Community Plan and the City General Plan.

Response to Comment Tsai-19

This comment is the same as Comment Tsai-2. See Response to Comment Tsai-2.

Comment Tsai-20

A. The Project Is Inconsistent with the Southeast Los Angeles Community Plan

1. The Project Violates Objective 1-4 of the Southeast Los Angeles Community Plan.

The Southeast Los Angeles Community Plan (or “SELA”) recognizes that “[t]he historic resources are a valuable asset to this [Southeast Los Angeles] Community.” SELA, pg. I-7. To that end, the Southeast Los Angeles Community Plan requires that City “retain the currently available inventory of such [historical] buildings.” *Id*

Objective 1-4 of the Southeast Los Angeles Community Plan requires that the City “preserve and enhance neighborhoods with a distinctive and significant historical character.” SELA, pg. III-4. As part of carrying out Objective 1-4, the Southeast Los Angeles Community Plan Policy 1-4.1 requires that “[i]n areas where there are large concentrations of structures with historic character, the Plan maintains residential plan categories and proposes no zone changes or Plan amendments in order to preserve and protect these areas.” *Id*.

The DEIR recognizes that the Project Site lies within the Flower Drive Historic District and that it is considered a historical resource under CEQA. DEIR, pgs. IV.C-13, IV.C-20. The Project site is located within Landmark Number CA-5000, Flower Drive Historic District with California Historical Resource Codes 1 (Properties listed in the National Register (NR) or California Register (CR)) and 2 (Properties determined eligible for listing in the National Register or California Register). The site was listed on both July 25, 2008 and November 7, 2008. See Staff Report, October 23, 2008, DEIR, Appendix C, Pages 156-158. The Project proposes to remove seven homes which are contributors to the Flower Drive Historic District.

Despite the historically significant designation of the Flower Drive Historic District and the applicable objectives and policies (of the Southeast Los Angeles Community Plan) to such historical resources, the Project propose exactly the opposite, proposing zone changes, vesting zone changes, and a height district change within the Flower Drive Historic District, and proposing as a mitigation measure that the City relocate the seven historically protected buildings be relocated outside the Flower Drive Historic District, a mitigation measure that in of itself would have its own environmental impacts requiring analysis under CEQA.

Here, the significant impacts to historical resources can be avoided by project redesign. The Project proponent’s own consultants, Page and Turnbull, had proposed an alternative where the Project would be redesigned to retain the Flower Drive Historic District (“Page and Turnbull Alternative”). However, this redesigned alternative is not included as a project alternative. Therefore, for the EIR to conclude that the Project’s significant impacts to historical resources are unavoidable is incorrect.

Response to Comment Tsai-20

This comment is the same as Comment Tsai-3. See Response to Comment Tsai-3.

Comment Tsai-21

2. The Project is Inconsistent with the General Plan

The General Plan Framework Element Objective 3.4 encourages new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers, as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Eight residential buildings are set to be demolished or moved as part of the Project, seven of which are considered historically significant buildings as part of the Flower Drive Historic District. Objective 3.4, while encouraging new developments, underscores the importance of conserving existing neighborhoods such as the Flower Drive Historic District. As such, the Project as proposed is inconsistent with the General Plan.

The General Plan Framework Element Objective 3.17 requires the Project to maintain significant historic and architectural districts while allowing for the development of economically viable uses. The DEIR acknowledges that the Project is inconsistent with Objective 3.17 because it would remove all eight buildings on the Project Site which would be a significant and unavoidable impact to the historic resource.

However, this inconsistency [sic] was not unavoidable as the City was aware of but failed to incorporate into the EIR the Page and Turnbull Alternative where the Project would be redesigned to retain the Flower Drive Historic District. Thus, the DEIR's conclusion that the Project's inconsistency with Objective 3.17 is unavoidable is inaccurate.

Response to Comment Tsai-21

This comment is the same as Comment Tsai-4. See Response to Comment Tsai-4.

Comment Tsai-22

3. The Project Exceeds the Height Limitation for Structures Within Pedestrian Oriented Districts Under the SELA Community Plan.

The Urban Design Guidelines of the Southeast Los Angeles Community Plan limits structures within pedestrian oriented districts that are along main commercial streets to no greater than 30 feet in height. SELA at V-4. The Project proposes a maximum roof height of approximately 78 feet. As the Project's EIR itself admits, the Project is within a pedestrian oriented district (DEIR at I-12) and directly faces one of the biggest commercial streets within the City of Los Angeles, Figueroa Street. The Project is planned to be far in excess of 30 feet in height and clearly violates the height limitations imposed by the SELA Community Plan.

Response to Comment Tsai-22

This comment is the same as Comment Tsai-5. See Response to Comment Tsai-5.

Comment Tsai-23

II. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. Background Concerning the California Environmental Quality Act

[text of comment omitted]

Response to Comment Tsai-23

This comment is the same as Comment Tsai-7. See Response to Comment Tsai-7.

Comment Tsai-24

B. Significant New Information Introduced By The City Requires Revision and Recirculation Of the Project's Environmental Impact Report

CEQA requires that a Project's environmental documents be revised and recirculated to the public when significant new information is added to an environmental impact report prior to certification. Section 21092.1 of the California Public Resources Code provides that:

When significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Sections 21104 and 21153, but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report.

Significant new information requiring revision and recirculation of an EIR can include but is not limited to "changes in the project or environmental setting as well as additional data or information" such as a "new significant environmental impact or new mitigation measure." (See also 14 Cal. Code of Regulations § 15088.5.) Revisions to environmental analysis in an environmental impact report requires recirculation of the environmental impact report to give the public a meaningful opportunity to comment. (Gray v. City of Madera (2008)167 Cal. App.4th 1099, 1121—22.)

Here, the City's November 2018 Errata to the Environmental Impact Report ("Errata") made changes to the described project setting, and added new mitigation measures, significant changes that require revision and recirculation of the Project's environmental impact report to give the public a proper opportunity to comment upon and review the Project.

First, the Errata unveiled significant changes to the described setting of the Project, revealing that part of the Project Site is currently zoned R4-1L rather than C2-1L.

The portion of the Project zoned R4-1L cannot be utilized for us as a hotel, restaurant space, conference center or retail as currently proposed by the Project without being rezoned for commercial uses. (See LAMC §§ 12.11, 12.10, 12.09, 12.08, 12.03.) Furthermore, the Project's EIR does not analyze the Project for consistency with the South Los Angeles Community Plan. Additional analysis, revision and recirculation is required in light of the serious deficiencies exposed in the Errata.

Moreover, the Project description analyzed in the EIR has been modified as a result of errors in the EIR , which described the maximum roof height of the hotel, student housing, and mixed income housing components as being 78 feet, when they are in fact 83 feet (Errata at p. 5), and described the Project's proposed parking structure as an eight story rather than seven story parking structure.

Finally, the modified Project Design Feature J-1, which is included in the Project's Mitigation Monitoring and Reporting Plan, adds additional mitigation measures to mitigate the Project's impact on Dr. Theodore T. Alexander Science Center School, amounting to a new mitigation measure requiring revision and recirculation of the EIR.

Response to Comment Tsai-24

This comment is the same as Comment Tsai-8. See Response to Comment Tsai-8.

Comment Tsai-25

III. THE PROJECT IS SUBJECT TO AND FAILS TO ANALYZE WHETHER IT COMPLIES WITH NORTH UNIVERSITY PARK-EXPOSITION PARK-WEST ADAMS NSO DISTRICT DEVELOPMENT REGULATIONS.

The DEIR recognizes that the Project lies within the North University Park–Exposition Park–West Adams Neighborhood Stabilization Overlay (NSO) District. However, the DEIR claims that the Project is exempt from the development regulations of the Overlay District due to its frontage along Figueroa Street. (DEIR, pg. IV.G-14.)

The City is wrong. The 8 existing homes /buildings on the Project site, which are also part of the Flower Drive Historic District. are fronting Flower Drive, not Figueroa Street. The Project's DEIR itself admits that the Project Site fronts both Figueroa and Flower Drive. The City's own staff report for December 5, 2018 public hearing notes that the Project Site fronts multiple streets, stating:

The Fig Project (Project) is located along the Figueroa Corridor in the Southeast Los Angeles Community Plan area, with approximate frontages of 725 feet along Figueroa, 280 feet along 39th Street to the north, and 665 feet along Flower Drive to the east where it abuts the 110 Harbor Freeway (Staff Report at 1.)

The Project's EIR as well as the Staff Report for the December 5, 2018 public hearing and its proposed findings for this Project concerning its vesting tentative tract map should have but failed to analyze the application of the development regulations contained in Ordinance No. 180,218 and 180,219 as it applies to the Project and for good reason. The Project violates the developments regulations set out for the North University Park–Exposition Park–West Adams NSO District.

Pursuant to Section 2 of Ordinance No. 180,218 establishing North University Park–Exposition Park–West Adams NSO District:

The Neighborhood Stabilization Supplemental Use District is intended to:

- (A) promote well planned housing to meet the needs of a college/university student housing, and the needs of the community.
- (B) address impacts of multiple-habitable room projects which may be incompatible with surrounding development.
- (C) encourage well-planned neighborhoods with adequate parking and to individually review proposed large multiple-habitable room projects.
- (D) assure that the project provides adequate on-site parking.
- (E) address a concentration of campus-serving housing in the vicinity.

More specifically, inter alia, the EIR fails to analyze how the Project promotes well planned housing to meet the needs of college student housing and the needs of the community, address how this Project, which is a multiple-habitable room project, might be incompatible with surrounding development.

Moreover, projects subject to the NSO are required to obtain a conditional use approval pursuant to LAMC § 12.24 W52, requiring that the Project provide additional on-site parking, find that there is no detrimental concentration of large scale, campus serving housing within a one-thousand foot radius of the Project, and that it complies with all applicable Historic Preservation Overlay Zones or Specific Plans. (LAMC § 13.12(C).)

The Project's Vesting Tentative Tract map must be denied for failure to comply with the City's NSO requirements.

Response to Comment Tsai-25

This comment is the same as Comment Tsai-9. See Response to Comment Tsai-9.

Comment Tsai-26

IV. THE PROJECT FAILS TO CONFORM TO THE CITYWIDE DESIGN GUIDELINES.

The Project, which is located in the Flower Drive Historic District, fails to conform to the Citywide Design Guidelines.

The Citywide Design Guidelines provide that a project must (1) preserve original building materials and architectural features, repair deteriorated materials or features in place, if feasible and (2) design building additions on historic buildings to be compatible with the massing, size, scale, and architectural features of an historic structure or site, while clearly reflecting the modern origin of the addition. Citywide Design Guidelines, Pgs. 23–24.

The Project proposes to demolish at least seven residences which are located in the Flower Drive Historic District. Since the Citywide Design Guidelines pertaining to historic properties do not contemplate demolition and promote the fullest preservation of such properties, the Project fails to conform to the relevant sections of the Citywide Design Guidelines.

Response to Comment Tsai-26

This comment is the same as Comment Tsai-10. See Response to Comment Tsai-10.

Comment Tsai-27

V. CONCLUSION

For the aforementioned reasons, Commenter requests that the City continue the hearing, modify its findings for the Project or deny the Project and revise and recirculate the environmental impact report.

Response to Comment Tsai-27

This comment is the same as Comment Tsai-11. See Response to Comment Tsai-11.

H. December 5, 2018, WAHA Letter

Comment WAHA-16

The findings cannot be made for the DAA to support this tract map request. The merger of lots should be rejected without adequate environmental review and adoption of a preservation alternative which the FEIR does not provide. Merging all lots on the project site together is the first step towards eliminating the Flower Drive Historic District.

Response to Comment WAHA-16

This comment is the same as Comment WAHA-5. See Response to Comment WAHA-5.

Comment WAHA-17

The proposed demolitions cannot be supported in the context of the goals of the Community Plan and the CRA Hoover Project Area goals. WAHA strongly objects to the demolition of eight multi-family residence within the Flower Drive Historic District. These impacts are avoidable but one would never know that by the information in the FEIR There is no preservation alternative reviewed that also fulfills project goals. Decision makers are short changed and directed to [sic]

Response to Comment WAHA-17

This comment is nearly identical to Comment NANDC-1. See Response to Comment NANDC-1.

Comment WAHA-18

The response to comments claims that because the application for the Fig was deemed complete prior to the adoption of the Southeast Los Angeles Community Plan Update, and it is a vesting tract map, the Update should not apply. There is, however, an exception to this rule. Here, the Southeast Los Angeles Community Plan update should apply to The Fig project because the City initiated the proceedings to update this community plan prior to September 8, 2016, that date on which the City found The Fig project application to be complete. The City also provided proper notice of the pending update to this community plan prior to this date. Thus, pursuant to Government Code section 66474.2(b), the updated community plan does apply to the vesting tentative tract map.

Response to Comment WAHA-18

See Response to Comment WAHA-4 regarding the Project's vested rights with respect to the Southeast Los Angeles Community Plan update.

Comment WAHA-19

The EIR fails to adequately analyze cumulative impacts. The City claimed that it did not have to analyze the 3800 Figure [sic] project on the site of the remaining contributors to the Flower Historic District because the application was not submitted until after the NOP for this project was published. That is not the standard for evaluating cumulative impacts. The EIR must analyze reasonably foreseeable probable future projects.

Response to Comment WAHA-19

See Response to Comment WAHA-10 regarding the EIR's cumulative impacts analysis and the 3800 Figueroa project.

Comment WAHA-20

This alternative (which we could call the “Page & Turnbull alternative) meets all of the Plan objectives, the Preservation objectives and the project objectives. It is NOT in the FEIR. The only preservation alternative in the FEIR (alternative 2) is a scaled down project that is dismissed because it does not meet the project’s development objectives. The Page & Turnbull alternative needs to be considered.

Response to Comment WAHA-20

See Response to Comment WAHA-9 regarding a 21-Story Scheme and the alternatives analysis conducted for the Project.

I. Public Testimony From December 5, 2018, Advisory Agency Hearing

Comment Topical-3

EIR Does Not Adequately Analyze Displacement Impacts Upon Current Project Site Residents/Project Should Not Be Approved Due to Removal of RSO Units and Eviction of Tenants

Response to Comment Topical-3

See Response to Comment Topical-2 regarding assessment of displacement impacts.

Comment Testimony-9

[Jean Frost/NANDC testimony] Testimony addressed by NANDC-1 through NANDC-4, which were submitted on same date as testimony.

Response to Comment Testimony-9

See Responses to Comment NANDC-1 through NANDC-4.

Comment Testimony-10

[Jim Childs/ADHOC testimony] Testimony addressed by ADHOC-1 through ADHOC-5, which were submitted on same date as testimony, with addition of statements that Project will remove nine buildings instead of eight buildings, and demolition of Project Site buildings will result in elimination of entire Historic District.

Response to Comment Testimony-10

See Responses to Comment ADHOC-1 through ADHOC-5. As stated in the EIR and Project application materials, eight residential buildings currently exist on the Project Site (not nine),

and all eight buildings (seven of which are contributors to the Historic District) would be removed to allow for development of the Project. Furthermore, the EIR concluded that the Project would have a significant adverse impact on the Historic District by virtue of the demolition of seven contributors, and further assumed that it was possible, but not certain, that the remaining portion of the Historic District, while reduced in size, may remain eligible as a historic district. The Draft EIR therefore did not conclude that the remaining portion of the Historic District would lose its eligibility, as that conclusion could potentially lead to a future determination that no environmental impacts would result from removal or alteration of the remaining contributors. It is plausible for the 3800 block of Figueroa to remain eligible despite its reduced size since there are other historic districts that are small, or even smaller, that are listed in the National and California Registers.

Comment Testimony-11

[Mitzi Mogul testimony] Elimination of half of a historic district means you have no district.

Response to Comment Testimony-11

See Response to Comment Testimony-9 regarding EIR's conclusions regarding impacts to Flower Drive Historic District.

Comment Testimony-12

[Marcello Vavala/Los Angeles Conservancy] With the Fig project, located in both the Exposition Park and University Park redevelopment plan and the Southeast Los Angeles development plan areas which both provides goals to encourage the protection and reuse of the historic properties, we are disappointed that a greater priority has not been placed on retaining and adapting the historic buildings of the Flower Drive California Registered Historic District. The conservancy has previously commented on both the projects and present and the draft EIR has consistently raised concerns about it, which calls for the demolition of nearly of half the historic district. Despite our pressing for meaningful consideration of potential peaceful preservation alternative to the demolition we believe that the EIR has not adequately address aside this fundamental design concern of CEQA. We disagree that alternate two is considered to be infeasible because it fails to meet achieve two project objectives. Nevertheless, it is able to meet the majority of the seven project objectives. We are also disappointed that a higher density alternative that may have been able to reduce impacts and meet additional project objectives was prematurely dismissed from consideration in the EIR. When elsewhere the EIR states that the city supports redevelopment of the of the project site with high density uses and has utilized various plan tools to maximize developmental area on the site. The conservancy along with local neighborhood advocates a win win opportunity combining new construction with the adaptive reuse of the current structures could have been achieved. We do not support the project as proposed.

Response to Comment Testimony-12

See Response to Comment WAHA-9 regarding a 21-Story Scheme and the alternatives analysis conducted for the Project.

Comment Testimony-13

[Roland Souza/WAHA testimony] Testimony addressed by Comments WAHA-16 through WAHA-20, which were submitted on same date as testimony.

Response to Comment Testimony-13

See Responses to Comment WAHA-16 through WAHA-20.

Comment Testimony-14

[Mitchell Tsai/SAJE testimony] Testimony addressed by Comments Tsai-8 and Tsai-9.

Response to Comment Testimony-14

See Responses to Comment Tsai-8 and Tsai-9.

Comment Testimony-15

[Joe Donlin/SAJE testimony] Testimony addressed by Comments Topical-1 and Testimony-4.

Response to Comment Testimony-15

See Responses to Comment Topical-1 and Testimony-4.

Comment Testimony-16

[Laura Meyers/NUPCA testimony] Testimony addressed by Comments NUPCA-1 through NUPCA-4, which were submitted on same date as testimony, with addition of statements regarding need for HCID involvement with Project's relocation agreement.

Response to Comment Testimony-16

See Responses to Comment NUPCA-1 through NUPCA-4. In response to the commenter's request, the Advisory Agency modified the Project's tract map condition regarding tenant relocation to require HCID involvement.

**Tract Map Appeals,
Comment Letters, and
Public Testimony Transcripts**

ORIGINAL



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☒ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: Vesting Tentative Tract Map No. 74193-CN.

Project Address: 3900 S Figueroa, 3901-3969 S. Flower St., 450 W 39th Street

Final Date to Appeal: December 17, 2018

Type of Appeal:

- ☐ Appeal by Applicant/Owner
☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Jim Childs

Company: West Adams Heritage Association (WAHA)

Mailing Address: c/o 2341 Scarff Street

City: LA

State: CA

Zip: 90007

Telephone: (213) 747-2526

E-mail: jeanjim2341@att.net

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☐ Self ☒ Other: West Adams Heritage Association

- Is the appeal being filed to support the original applicant's position?

☐ Yes ☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Telephone: _____

E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☒ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: James R. Cauds

Date: 12/14/2018

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

West Adams Heritage Association

Master Appeal Form Continuation - Attachment

VTT 374193-CN

CPC-2016-2658-VZC-HD-MCUP-ZAD-SPR

ENV-2016-1892- EIR (SCH 2016071049)

3900 S. Figueroa, 3901-3969 S. Flower Street, 450 W. 39th Street, CD 9, Southeast Community Plan, North University Park – West Adams Neighborhood Stabilization Overlay

The Deputy Advisory Agency abused its discretion in its decision regarding the 3900 South Figueroa project because:

WAHA-1

- The DAA approved the tract map when it could not reasonably make the required findings of the Subdivision Map Act;
- There was insufficient fact based evidence to support the adoption of the severely flawed FEIR;
- The City cannot approve a project that has severe environmental impacts (which the FEIR acknowledges) when there is a feasible alternative that eliminates these impacts.

The City enabled this abuse of discretion by misstatement, obfuscation and omission in the materials (including the FEIR) that were placed before the DAA. The DAA and hearing officers also ignored the substantial testimony by WAHA and others at the December 5 hearing.

At the December 5 public hearing for the Tract Map, numerous persons who reside on Flower Drive urged that this displacement of families and destruction of population, housing and historic resources be stopped. Nothing in the decision material shows the content of that testimony nor the salient facts brought forward at the public hearing. It may as well not have occurred to the extent any hearing officer reacted nor comprehended the facts that were placed before them of the human suffering that this project imposes on families who have lived on Flower Drive for decades.

The decision (as does the FEIR) largely ignores and sanitized what is really happening here. We urge the City Planning Commission to rectify the injustice and displacement of families and the failure to include an alternative for your consideration that would both save the rent stabilized housing and preserve a significant historic resource and allow for the new development and the accompanying benefits.

The decision makers erred because what was before them directed them to a fore gone conclusion, omitting significant facts and which drove the reviewer to accept a previously embraced decision. The real facts were obscured deliberately by omission to skew the factual analysis. This is not compliant with CEQA.

The decision minimizes the true impacts to affordable housing in the demolition of eight multifamily apartments within the Flower Drive Historic District by ignoring the widespread displacement of persons who will not be able to qualify for the new low income housing components even if they withstand the disruption to their lives and well-being that this project causes.

We urge the CPC to **not certify the EIR but rather send it back for recirculation to include an alternative that preserves the RSO affordable historic housing and provides also for the benefits of development.** Upon inclusion and recirculation of this alternative option, the City has an obligation under the law to adopt the environmentally superior alternative; then the current proposed tract map is moot.

This win/win alternative was not included in the FEIR. This alternative, the towers alternative, would provide for all of the benefits so richly touted in the decision while preserving the families and buildings in the district.

In addition, we provide the following comments on the Subdivision Findings and the FEIR and our reasons for this appeal.

SUBDIVISION FINDINGS:

1. The proposed map is not consistent with applicable general and specific plans. (The DAA decision states it is.)

The DAA decision fails to analyze the project in the context of the Southeast (SE) Community Plan objectives. There is a lack of recognition of the goals of the SE Community Plan which includes:

p. I-5. The intrusion of incompatible higher density resident and commercial uses in lower density residential area; the need to preserve and enhance historic resources;

p. I-7 The historic resources are a valuable asset to this Community They offer significant opportunities for developing neighborhood identity and pride within the Community. It is important to retain the currently available inventory of such buildings.

p. I-9 Inconsistent architectural development, which does not address neighborhood or community themes;

p. III-2, 1-1.2

Protect existing single family and low-density residential neighborhoods from encroachment by higher density and other incompatible uses;

p. III 3, 1-3.1 Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods;

p. III-39 GOAL 18: A COMMUNITY WHICH PRESERVES AND RESTORES THE MONUMENTS, CULTURAL RESOURCES, NEIGHBORHOODS, AND LANDMARKS WHICH HAVE HISTORICAL AND/OR CULTURAL SIGNIFICANCE.

p. III-41. Policy 18.4.1 to assist private owners of historic resources to maintain and/or enhance their properties in a manner that will preserve the integrity of such resources in the best possible condition.

The FEIR also fails to analyze impacts and alternatives in the context of the **newly adopted** Southeast Community Plan. The FEIR for the South and Southeast Community Plans adopted on November 22, 2017, also provides guidance to developers concerning preservation goals and objectives, for example:

Goal LU22: Preserve neighborhoods that are identified and/or appear to be eligible for historic district status by initiating and adopting new Historic Preservation Overlay Zones (HPOZs) and other neighborhood conservation techniques.

Policy LU22.1 Support Continued District Designations. Promote district designations, as well as maintenance and rehabilitation of historically significant structures in potential and proposed historic districts.

Policy LU22.2 Promote Neighborhood Conservation Techniques. Promote the initiation and adoption of innovative neighborhood conservation techniques such as community plan implementation overlays and community design overlays for areas that retain cohesive character but are not eligible to become an HPOZ.

Goal LU23: A community that capitalizes upon and enhances its existing cultural resources.

Policy LU23.1 Forge Partnerships for Community Preservation. Promote public/private partnerships to create new informational and educational programs, tours and signage programs that highlight the community's history and architectural legacy.

Policy LU23.2 Protect Community-Identified Cultural Resources. Protect and enhance places and features identified within the community as cultural resources for the City of Los Angeles.

Policy LU23.3 Coordinate Cultural Programs. Encourage the coordination of cultural programs at local schools utilizing resources such as the Cultural Affairs Department and local artists.

Policy LU23.4 Cultural Heritage Tourism. Encourage cultural heritage tourism by capitalizing on existing monuments within the community and supporting efforts to showcase important historic resources and events, such as the Watts Cultural Renaissance Plan.

SOURCE: City of Los Angeles. South and Southeast Los Angeles Community Plans, 2017.

WAHA-2
(Cont.)

In the light of these acknowledged goals and policies, how can this project be approved in its current form?

This proposed Project lies within the CRA Exposition/University Park Redevelopment Project Area, which remains a governing “specific plan” type land use overlay. The Project conflicts with multiple goals and elements of the redevelopment plan as the FEIR admits. The redevelopment plan also requires the preservation of historic resources with “special consideration.”

WAHA-3

Given that this project also does not conform to either the present or pending Southeast Community Plan (currently R-4 and pending RD1.5 zoning on Flower), nor the Redevelopment Plan, the DAA should not have granted the tract map request in its present form and **not** adopted the FEIR.

Government Code section 66474.2(b)

WAHA-4

The FEIR response to comments claims that because the application for “the FIG” project was deemed complete prior to the adoption of the Southeast Los Angeles Community Plan Update, and it is a vesting tract map, the Southeast Community Plan Update should not apply. There is, however, an exception to this rule. Here, the Southeast Los Angeles Community Plan update should apply to The Fig project because the City initiated the proceedings to update this community plan prior to September 8, 2016, the date on which the City found “the FIG” project application to be complete. The City also provided proper notice of the pending update to this community plan prior to this date. Thus, pursuant to **Government Code section 66474.2(b)**, the updated community plan **does** apply to the vesting tentative tract map action

2. The site is NOT physically suitable for the proposed type of development.

WAHA-5

The merger of lots should be rejected without adequate environmental review and adoption of a preservation alternative. Merging all lots on the project site together is the first step towards eliminating the Flower Drive Historic District. While the DAA decision states that *there are no geological or seismic impacts, hazards and hazardous material, and police and fire safety*¹ there is no mention of the suitability of eliminating the physical tracts which are the RSO housing. This is the physical undoing of the District.

3. The site is NOT suitable for the propose density of development.

WAHA-6

The FEIR and the DAA decision ignores the residential R-4 zoning under the former southeast plan and had to issue an errata to revise that misinformation. Completely ignored is the RD1.5 zoning designated under the newly adopted Southeast community plan for the Flower Drive

¹ Advisory Agency Decision, p. 9

historic district parcels. All of the effusive descriptions of the allowance of unlimited residential guest rooms and density ignores the planning concept that places major development on Figueroa while eliminating Flower Drive, eliminating the low medium 2 residential, to avoid compliance with the Neighborhood Stabilization Ordinance (NSO).

WAHA-6
(Cont.)

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat²

WAHA-7

If only human beings and families were given the same respect as lemmings. The DAA had the opportunity to listen to residents of the 3900 block of Flower Drive describing the significant impacts on the families and the complete upheaval of historic patterns of land use and population, which approval of this tract map will trigger.

The Flower Drive designation eloquently notes its historic context:

*"Today, the Flower Drive District remains the last intact cluster of multi-family residences created in the once larger Zobelein Tract during the Roaring Twenties. Further, the District and its contributing elements continue to retain their original use and association as multi-family dwellings for the working and middle classes in the University District south of downtown."*³

The DAA decision erroneously concludes *"the physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the sounding community."*⁴ This is simply not true but rather a myopic selection of what standards are set to judge consistency. The decision and the FEIR cherry pick what criteria should be set as the standard for assessing existing development and community character. Figueroa is different than Flower in density and zoning. By genocide of a residential historic community which this proposed project brings, you no longer have the community character standard established by Flower Drive. The DAA completely ignores certain elements of the community character and the contextual support of its sister historic building, the Zobelein estate, as well as Exposition Park and Christmas Tree Lane. So again, omission and bad facts.

It is NOT good enough to support a project because it is **"generally consistent with existing development and urban character of the surrounding community."**⁵ General is not good enough.

The DAA has dismissed the Neighborhood Stabilization Ordinance (NSO) which was intended to preserve just such family housing and protect it from the pressures of student housing development. The decision states that while the NSO exempts Figueroa, it need not apply it to

WAHA-8

² Deputy Advisory Agency Decision, p.100

³ Letter, ADHOC, by Jim Childs, November 27, 2017 to Milena Zasadzien, City Planning

⁴ Deputy Advisory Agency Decision, p. 100

⁵ Deputy Advisory Agency decision, p. 100

Flower Drive because once the tract map is approved here will be no Flower Drive and all development will front Figueroa. This is yet another sleight of hand that obscures the issues and ought not to be permitted.

WAHA-8
(Cont.)

THE FEIR SHOULD NOT BE ADOPTED

The FEIR is not an objective analysis but rather is a document skewed toward adoption of the proposed project rather than an objective review of the facts

The demonstrable negative impacts on both housing resources and on the Flower Drive Historic District are not sufficiently analyzed nor are they adequately mitigated. The cumulative impacts on housing and on historic resources are also not adequately recognized nor evaluated. The FEIR consistently states that these negative impacts are unavoidable which is **simply not true**. A project design that incorporates the Flower Drive Historic District and builds on the non-historic parcels is possible. Not only is it possible, but it has been the subject of two meetings called by the developers' representative. We also note that the project originally included a 21 story hotel tower which allowed for more flexibility in site planning.

We believe that an alternative can be devised that preserves the historic and rent controlled housing while meeting most of the project's objectives. We also urge the developer to make the majority of the parking underground which would also allow for a design that is more flexible and aesthetically pleasing.

*"In a series of meetings held last year at the offices of the project architect, a number of alternatives were presented. A review of the effects of each one forced a difficult decision from the community as they struggled to find common ground and reach a compromise with the developer. The alternative accepted by the community would have given the developer perhaps 98% of what he was asking for while preserving the Flower Drive District. It was not an ideal solution but was pragmatic. The DEIR has dismissed any real preservation alternatives as the developer continues his campaign to seek an "all or nothing" result. The DEIR refers throughout to "unavoidable" impacts, which is deceptive as most, if not all, of the impacts of this project are design flaws and therefore avoidable."*⁶

The meeting's purpose was described as *"As a few of you know, after the scoping meeting, we decided to engage the Page & Turnbull team to help us identify options that might retain some or all of the contributors while carrying out the project program. I am not sure we will find a solution but we are looking for it. I would ask that you participate in a discussion on this. The team has some preliminary thoughts to which we want to get your reaction and of equal or greater importance is we want to hear your thoughts."*⁷

⁶ Letter, Mitzi March Mogul, November 21, 2017 to Milena Zasadzien, City Planner

⁷ Bill Delvac, Attorney for Spectrum, e-mail of 10/18/2016, Spectrum Flower Drive Options

WAHA-9

The rationale for not including the tower alternative provided by the representative of the development team at the November 5 public hearing was that those preservation representatives in attendance were not able to arrive at a consensus. This is another intellectually fraudulent comment: the consensus was to preserve the Flower Drive and that a “towers” version would be supported.

“At the conclusion of the second meeting I understood that there was a consensus for a proposed new Project Alternative concept, which would retain the elements of the FLOWER DRIVE HISTORIC DISTRICT, the proposed 21-story Hotel, and add a second tower for the residential components.”⁸

The exact details were not hashed out because there were no further meetings. There **was** a consensus. The representative is being somewhat disingenuous. A further meeting could have provided the details of such an alternative.

Cumulative Impacts

The FEIR fails to adequately analyze cumulative impacts. The City claimed that it did not have to analyze the 3800 Figueroa project on the site north of this development and adjacent to the remaining contributors to the Flower Historic District because the application was not submitted until after the NOP for this project was published. That is not the standard for evaluating cumulative impacts. The EIR must analyze reasonably foreseeable probable future projects.

What is also telling about the 3800 Figueroa Project is its retention of ALL of the Flower Drive historic buildings with design considerations that enable the new buildings to step down and give some protection to the eleven multi-family buildings of Flower Drive. This can be done: new development can co-exist with the old; just as we see in Exposition Park where we have the Lucas Museum and Science Center next door to the Museum of Natural History and the Rose Garden.

The FEIR fails to consider impacts to the northerly section of the Flower Drive Historic District. It contains within it a view that somehow Districts are inconsequential and malleable to the aims of a developer. This was confirmed at the NOP scoping meeting of August 10, 2016 wherein the developers’ representative stated to one of our representatives “Well you at least have eleven buildings left in the District.” This weighs heavily on the prejudice with which the developer has treated and misunderstood the significance of the Flower Drive Historic District and how indeed a District is significant in its relationship to all of the properties within a District. When the NOP comments contain so many suggestions by WAHA, NUPCA, ADHOC, the Los Angeles Conservancy and others that Flower Drive be evaluated in its total context, this glaring omission also calls in question the accuracy of the impacts analysis in the FEIR.

⁸ ADHOC letter, Jim Childs, November 27, 2017, to Milena Zasadzien, City Planner

The non-identified cumulative impacts extend not only to the northerly section of the district, but to all affordable housing that is in the Exposition Park-University Park neighborhood that is threatened with demolition and insensitive new construction. Tally the number of demolitions of vintage housing that have occurred in his area and the accompanying loss of RSO historic affordable housing. The FEIR does not.

WAHA-10
(Cont.)

The developers have gotten on a train that waxes poetic about their development and ignores the severe negative impacts; even when recognizing impacts, they state their desire for this project and its benefits overrides the environmental considerations. The result: a train wreck to people and historic resources.

Inadequate Mitigations

WAHA-11

You cannot mitigate impacts to a historic district by moving three or four historic apartments elsewhere. The decision makers fail to understand that a District relies on its context and the relationship of each of the buildings to the other. Part of the districts uniqueness is that nineteen buildings have survived for almost a hundred years relatively intact, creating a grouping of buildings and people that warrants attention, designation and preservation. So much so, that the State Historic Resources commission found the District eligible not once but twice over politically connected opposition.⁹

Alternatives

WAHA-12

The range of alternatives is unreasonable when one realizes there is no discussion of the omitted alternatives: the original 21 story hotel tower version, and the two tower, Page & Turnbull version. A FEIR should contain a reasonable range of alternatives to foster informed decision making as required by 14 Cal Code Red section 15126.6(a). There is no alternative that offers substantial environmental advantages over the proposed project **and** meets all of project objectives. The FEIR fails to meet the most basic objectives of an alternatives discussion and therefore is legally deficient. The FEIR evades then the responsibility and obligation of the proponent to adopt an environmentally superior alternative because it has identified an environmentally superior alternative that does not meet the developer's expansive list of project objectives.

At what point does the commitment the applicant has made proposing a development that severely impacts such a sensitive historic site, in a very fragile historic environment, become an unwise speculative venture that cannot be permitted in the light of the severe, adverse

⁹ The CA State Historic Resources Commission determined that Flower Drive met the criteria for a California Register Historic District not once, but twice, on July 25, 2008 and again on November 7, 2008

environmental impacts? The FEIR has engaged in discussion weighted in favor of the project as proposed and without regard for the actual environmental setting.

WAHA-12
(Cont.)

Public Monies are being provided

WAHA-13

At the DDA hearing of December 5, the proponent talked about what rights were accrued to him because he purchased the property. What was not stated, was that all of the responsibilities of stewardship of the historic properties accrued to him by his ownership and that the development limitations were well known to all upon his purchase. (Actually the applicant is not listed as a property owner on the decision page.) All of the owners had to be aware that Flower Drive was a historic district and that the Redevelopment Plan called for its preservation and inclusion in any new development. When Ventus purchases the property they become stewards of these historic resources.

Further, public monies are being expended to finance this project which imposes another element of responsibility and stewardship to safeguard the public's interest. Severe environmental impacts to historic resources, population and housing should not be subsidized.

Eliminating Severe Impacts

WAHA-14

The FEIR alternatives fail to meet the test of eliminating the substantial and severe environmental impacts of the project as proposed. One of the primary purposes of CEQA is to identify, though the evaluation of alternatives to the proposed project, ways in which the environmental effects of a project can be avoided or minimized. It is not true that the negative impacts are unavoidable. **None of the alternatives provided, except for Alternative #2, avoid impacts and demolition to the district. But such an alternative is possible. But not included in the FEIR.**

CEQA: Section 21002 of CEQA states, in part, that: "... it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects..."

Overriding Considerations

WAHA-15

There is no justification for a statement of overriding considerations when an alternative exists that preserves Flower Drive and diminishes impacts. The City cannot approve project that has severe environmental impacts (which the FEIR acknowledges) when there is a feasible alternative.

"One of the alternatives arrived at which received support by the preservation community at the meeting: *"The full preservation alternative is with 2 towers and underground parking, 1 residential bldg. 7 stories. Requires removal of the Flower Dr. Garages. Parking at rear rather*

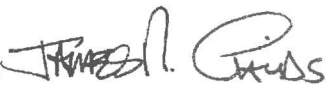
than front (a la Biltmore)"; Project requires zone change from C21L to 2D for a height increase; they stated that the "hotel has to be on a corner."¹⁰

A curious justification for the seven stories is contained in the FEIR: that public input and the planning department decided that seven stories is more compatible than the original 21 one story tower concept of the developer. This is neither explained nor are any facts provided.

The decision makers should evaluate compatibility. Where is the factual basis to say that members of the public found a seven story development more compatible when it destroys a historic district? And how can this conclusion be arrived at under closed doors with no review nor scrutiny?

City staff should not be able to arbitrarily reject this less impactful alternative of one or two towers based on a compatibility concern for which there is no relevant information provided. The City decision makers, including the DAA and the SAPC, should have been allowed to consider the towers Page and Turnbull alternative and determine whether there were any compatibility issues that would render it infeasible; or whether in the light of options, towers would be a less damaging option.

Respectfully yours,

Jim Childs 
on behalf of the West Adams Heritage Association
c/o 2341 Scarff Street
LA, CA 90007
213 747 2526, jeanjim2341@att.net

¹⁰ Mitzi March Mogul, notes from meeting with Page & Turnbull and the developers, 11/21/2016

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December 17, 2018

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RE: Appeal of Case No. VTT-74193-CN: The Fig Project, 3900 S. Figueroa Street, 3900 – 3972 South Figueroa Street; 3901 – 3969 South Flower Street, 450 West 39th Street (Case Nos. VTT-74193-CN, CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR).

Dear President Millman, Vice-President Khorsand and Honorable Planning Commissioners,

On behalf of SAJE (“**Commenter**” or “**SAJE**”), my Office is submitting these comments in support of its appeal of the Fig Project, 3900 S. Figueroa Street, 3900 – 3972 South Figueroa Street; 3901 – 3969 South Flower Street, 450 West 39th Street (Case Nos. VTT-74193-CN, CPC-2016-2658-VZC—HD-CU-MCUP-ZAD-SPR) (“**Project**”). My Office jointly represents SAJE with Public Counsel and PolicyLink Legal. These comments address issues identified with the Project, related approvals and its environmental documentation.

SAJE is a non-profit organization based in South Los Angeles that advocates for economic justice, tenant rights, healthy housing and equitable development. SAJE’s mission is to change public and corporate policy in a manner that provides concrete economic benefits to working class people, increase the economic rights of working class people, and builds leadership through a movement for economic justice; and in the process creating sustainable models of economic democracy.

Commenter expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this

Tsai-1

Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenter incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 CA4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

I. BACKGROUND ON THE SUBDIVISION MAP ACT

Tsai-2

The Subdivision Map Act, Government Code section 66410, *et seq.* ("Subdivision Map Act" or "Act") requires local agencies to review and approve **all land subdivisions**. The Act regulates both the process for approving subdivisions and sets substantive requirements for approval of land subdivisions. The Act requires that a local agency deny approval of a land subdivision, referred to as a tentative map or a parcel map, if it makes any of the following findings:

- (a) the proposed map is not consistent with applicable general and specific plans,
- (b) the design or improvements of the proposed subdivision is not consistent with the applicable general and specific plans,
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

Cal. Gov. Code, § 66474(a-f).

The Project violates the Subdivision Map Act since it is inconsistent with both the Southeast Los Angeles Community Plan and the City General Plan.

A. The Project Is Inconsistent with the Southeast Los Angeles Community Plan

1. **The Project Violates Objective 1-4 of the Southeast Los Angeles Community Plan.**

The Southeast Los Angeles Community Plan (or “SELA”) recognizes that “[t]he historic resources are a valuable asset to this [Southeast Los Angeles] Community.” SELA, pg. I-7. To that end, the Southeast Los Angeles Community Plan requires that City “retain the currently available inventory of such [historical] buildings.” *Id.*

Objective 1-4 of the Southeast Los Angeles Community Plan requires that the City “preserve and enhance neighborhoods with a distinctive and significant historical character.” SELA, pg. III-4. As part of carrying out Objective 1-4, the Southeast Los Angeles Community Plan Policy 1-4.1 requires that “[i]n areas where there are large concentrations of structures with historic character, the Plan maintains residential plan categories and proposes no zone changes or Plan amendments in order to preserve and protect these areas.” *Id.*

The DEIR recognizes that the Project Site lies within the Flower Drive Historic District and that it is considered a historical resource under CEQA. DEIR, pgs. IV.C-13, IV.C-20. The Project site is located within Landmark Number CA-5000, Flower Drive Historic District with California Historical Resource Codes 1 (Properties listed in the National Register (NR) or California Register (CR)) and 2 (Properties determined eligible for listing in the National Register or California Register). The site was listed on both July 25, 2008 and November 7, 2008. See Staff Report, October 23, 2008, DEIR, Appendix C, Pages 156-158. The Project proposes to remove seven homes which are contributors to the Flower Drive Historic District.

Despite the historically significant designation of the Flower Drive Historic District and the applicable objectives and policies (of the Southeast Los Angeles Community Plan) to such historical resources, the Project propose exactly the opposite, proposing zone changes, vesting zone changes, and a height district change within the Flower Drive Historic District, and proposing as a mitigation measure that the City relocate the seven historically protected buildings be relocated outside the Flower Drive Historic District, a mitigation measure that in of itself would have its own environmental impacts requiring analysis under CEQA.

Here, the significant impacts to historical resources can be avoided by project redesign. The Project proponent's own consultants, Page and Turnbull, had proposed an alternative where the Project would be redesigned to retain the Flower Drive Historic District ("Page and Turnbull Alternative"). However, this redesigned alternative is not included as a project alternative. Therefore, for the EIR to conclude that the Project's significant impacts to historical resources are unavoidable is incorrect.

Tsai-3
(Cont.)

2. The Project is Inconsistent with the General Plan

Tsai-4

The General Plan Framework Element Objective 3.4 encourages new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers, as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Eight residential buildings are set to be demolished or moved as part of the Project, seven of which are considered historically significant buildings as part of the Flower Drive Historic District. Objective 3.4, while encouraging new developments, underscores the importance of conserving existing neighborhoods such as the Flower Drive Historic District. As such, the Project as proposed is inconsistent with the General Plan.

The General Plan Framework Element Objective 3.17 requires the Project to maintain significant historic and architectural districts while allowing for the development of economically viable uses. The DEIR acknowledges that the Project is inconsistent with Objective 3.17 because it would remove all eight buildings on the Project Site which would be a significant and unavoidable impact to the historic resource.

However, this inconsistency was not unavoidable as the City was aware of but failed to incorporate into the EIR the Page and Turnbull Alternative where the Project would be redesigned to retain the Flower Drive Historic District. Thus, the DEIR's conclusion that the Project's inconsistency with Objective 3.17 is unavoidable is inaccurate.

3. The Project Exceeds the Height Limitation for Structures Within Pedestrian Oriented Districts Under the SELA Community Plan.

Tsai-5

The Urban Design Guidelines of the Southeast Los Angeles Community Plan limits structures within pedestrian oriented districts that are along main commercial streets to

no greater than 30 feet in height. SELA at V-4. The Project proposes a maximum roof height of approximately 78 feet. As the Project's EIR itself admits, the Project is within a pedestrian oriented district (DEIR at I-12) and directly faces one of the biggest commercial streets within the City of Los Angeles, Figueroa Street. The Project is planned to be far in excess of 30 feet in height and clearly violates the height limitations imposed by the SELA Community Plan.

Tsai-5
(Cont.)

B. The Project's Vesting Tentative Tract Map Fails to Comply with Subdivision Map Act and Los Angeles Municipal Code Requirements For Tentative Maps

Tsai-6

Section 17.06 of the Los Angeles Municipal Code ("LAMC") requires that tentative tract maps show "[t]he approximate location of all buildings or structures on the property involved which are to be retained, notations concerning all buildings which are to be removed, and approximate locations of all existing wells" as well as "[a] A statement regarding existing and proposed zoning."

The Project's Vesting Tentative Tract map fails to show which of the buildings or structures on the property are proposed to be removed or retained. In addition, the Project's Vesting Tentative Tract map conflicts with the project as described in its pending application for a vesting zone and height district change, conditional use permit, master conditional use permit, determination and site plan review, which describes the project as resulting in a maximum floor area ratio of 3.25:1 rather than the tract map's description of requiring a maximum floor area ratio of 3.3:1. Finally, the Project's Vesting Tentative Tract map fails to adequately describe the existing zoning on the Project Site, omitting the fact that a portion of the Project Site is zoned R4-1L.

As the tentative tract map has numerous technical deficiencies and fails to provide materially significant information that is legally required to be provided to the Advisory Agency and the general public as part of the proceedings around the appeal, the City should grant the appeal and remand the Project back to the advisory agency.

II. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Tsai-7

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14

California Code of Regulations (“**CCR**” or “**CEQA Guidelines**”) § 15002(a)(1). “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.”

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that

government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

B. Significant New Information Introduced By The City Requires Revision and Recirculation Of the Project's Environmental Impact Report

CEQA requires that a Project's environmental documents be revised and recirculated to the public when significant new information is added to an environmental impact report prior to certification. Section 21092.1 of the California Public Resources Code provides that:

When significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Sections 21104 and 21153, but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report.

Significant new information requiring revision and recirculation of an EIR can include but is not limited to "changes in the project or environmental setting as well as additional data or information" such as a "new significant environmental impact or new mitigation measure." (*See also* 14 Cal. Code of Regulations § 15088.5.) Revisions to environmental analysis in an environmental impact report requires recirculation of the environmental impact report to give the public a meaningful opportunity to comment. (*Gray v. Cty. of Madera* (2008) 167 Cal. App. 4th 1099, 1121 – 22.)

Here, the City's November 2018 Errata to the Environmental Impact Report ("Errata") made changes to the described project setting, and added new mitigation measures, significant changes that require revision and recirculation of the Project's environmental impact report to give the public a proper opportunity to comment upon and review the Project

First, the Errata unveiled significant changes to the described setting of the Project, revealing that part of the Project Site is currently zoned R4-1L rather than C2-1L.

The portion of the Project zoned R4-1L cannot be utilized for us as a hotel, restaurant space, conference center or retail as currently proposed by the Project without being rezoned for commercial uses. (*See* LAMC §§ 12.11, 12.10, 12.09, 12.08, 12.03.)

Furthermore, the Project's EIR does not analyze the Project for consistency with the South Los Angeles Community Plan. Additional analysis, revision and recirculation is required in light of the serious deficiencies exposed in the Errata.

Moreover, the Project description analyzed in the EIR has been modified as a result of errors in the EIR, which described the maximum roof height of the hotel, student housing, and mixed income housing components as being 78 feet, when they are in fact 83 feet (Errata at p. 5), and described the Project's proposed parking structure as an eight story rather than seven story parking structure.

Finally, the modified Project Design Feature J-1, which is included in the Project's Mitigation Monitoring and Reporting Plan, adds additional mitigation measures to mitigate the Project's impact on Dr. Theodore T. Alexander Science Center School, amounting to a new mitigation measure requiring revision and recirculation of the EIR.

**III. THE PROJECT IS SUBJECT TO AND FAILS TO ANALYZE
WHETHER IT COMPLIES WITH NORTH UNIVERSITY PARK-
EXPOSITION PARK-WEST ADAMS NSO DISTRICT
DEVELOPMENT REGULATIONS.**

The DEIR recognizes that the Project lies within the North University Park-Exposition Park-West Adams Neighborhood Stabilization Overlay (NSO) District. However, the DEIR claims that the Project is exempt from the development regulations of the Overlay District due to its frontage along Figueroa Street. (DEIR, pg. IV.G-14.)

The City is wrong. The 8 existing homes/buildings on the Project site, which are also part of the Flower Drive Historic District, are fronting Flower Drive, not Figueroa Street. The Project's DEIR itself admits that the Project Site fronts both Figueroa and Flower Drive. The City's own staff report for December 5, 2018 public hearing notes that the Project Site fronts multiple streets, stating:

Tsai-8
(Cont.)

Tsai-9

The Fig Project (Project) is located along the Figueroa Corridor in the Southeast Los Angeles Community Plan area, with approximate frontages of 725 feet along Figueroa, 280 feet along 39th Street to the north, and 665 feet along Flower Drive to the east where it abuts the 110 Harbor Freeway (Staff Report at 1.)

The Project's EIR as well as the Staff Report for the December 5, 2018 public hearing and its proposed findings for this Project concerning its vesting tentative tract map should have but failed to analyze the application of the development regulations contained in Ordinance No. 180,218 and 180,219 as it applies to the Project and for good reason. The Project violates the developments regulations set out for the North University Park-Exposition Park-West Adams NSO District

Pursuant to Section 2 of Ordinance No. 180,218 establishing North University Park-Exposition Park-West Adams NSO District:

The Neighborhood Stabilization Supplemental Use District is intended to:

- (A) promote well planned housing to meet the needs of a college/university student housing, and the needs of the community.
- (B) address impacts of multiple-habitable room projects which may be incompatible with surrounding development.
- (C) encourage well-planned neighborhoods with adequate parking and to individually review proposed large multiple-habitable room projects.
- (D) assure that the project provides adequate on-site parking.
- (E) address a concentration of campus-serving housing in the vicinity.

More specifically, *inter alia*, the EIR fails to analyze how the Project promotes well planned housing to meet the needs of college student housing and the needs of the community, address how this Project, which is a multiple-habitable room project, might be incompatible with surrounding development.

Moreover, projects subject to the NSO are required to obtain a conditional use approval pursuant to LAMC § 12.24 W52, requiring that the Project provide additional on-site parking, find that there is no detrimental concentration of large scale, campus serving housing within a one-thousand foot radius of the Project, and that it complies

with all applicable Historic Preservation Overlay Zones or Specific Plans. (LAMC § 13.12(C).)

The Project's Vesting Tentative Tract map must be denied for failure to comply with the City's NSO requirements.

IV. THE PROJECT FAILS TO CONFORM TO THE CITYWIDE DESIGN GUIDELINES.

The Project, which is located in the Flower Drive Historic District, fails to conform to the Citywide Design Guidelines.

The Citywide Design Guidelines provide that a project must (1) preserve original building materials and architectural features, repair deteriorated materials or features in place, if feasible and (2) design building additions on historic buildings to be compatible with the massing, size, scale, and architectural features of an historic structure or site, while clearly reflecting the modern origin of the addition. Citywide Design Guidelines, Pgs. 23-24.

The Project proposes to demolish at least seven residences which are located in the Flower Drive Historic District. Since the Citywide Design Guidelines pertaining to historic properties do not contemplate demolition and promote the fullest preservation of such properties, the Project fails to conform to the relevant sections of the Citywide Design Guidelines.

V. CONCLUSION

For the aforementioned reasons, Commenter requests that the City continue the hearing, modify its findings for the Project or deny the Project and revise and recirculate the environmental impact report.

Sincerely,



Mitchell M. Tsai
Attorneys for
SAJE

Tsai-9
(Cont.)

Tsai-10

Tsai-11



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VIA HAND DELIVERY & E-MAIL

November 7, 2018

Hand Delivered to November 7, 2018 10:00 a.m. City of Los Angeles Department of City Planning Public Hearing
Los Angeles City Hall
200 North Spring Street, Room 1020
Los Angeles, CA 90012

Milena Zasadzien, City Planner
221 North Figueroa Street, Suite 1350
Los Angeles, CA 90012
Em: Milena.Zasadzien@lacity.org

RE: The Fig Project, 3900 S. Figueroa Street, 3900 – 3972 South Figueroa Street; 3901 – 3969 South Flower Street, 450 West 39th Street (Case Nos. VTT-74193-CN, CPC-2016-2658-VZC—HD-CU-MCUP-ZAD-SPR).

On behalf of SAJE (“**Commenter**” or “**SAJE**”), my Office is submitting these comments on the Fig Project, 3900 S. Figueroa Street, 3900 – 3972 South Figueroa Street; 3901 – 3969 South Flower Street, 450 West 39th Street (Case Nos. VTT-74193-CN, CPC-2016-2658-VZC—HD-CU-MCUP-ZAD-SPR) (“**Project**”). These comments address issues identified with the Project, related approvals and its environmental documentation.

SAJE is a non-profit organization based in South Los Angeles that advocates for economic justice, tenant rights, healthy housing and equitable development. SAJE’s mission is to change public and corporate policy in a manner that provides concrete economic benefits to working class people, increase the economic rights of working class people, and builds leadership through a movement for economic justice; and in the process creating sustainable models of economic democracy.

Commenter expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121. Commenter incorporates by reference all comments raising issues regarding the SEIR submitted prior to certification of the SEIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 CA4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

I. BACKGROUND ON THE SUBDIVISION MAP ACT

The Subdivision Map Act, Government Code section 66410, *et seq.* (“Subdivision Map Act” or “Act”) requires local agencies to review and approve **all land subdivisions**. The Act regulates both

Tsai-12

Tsai-13

the process for approving subdivisions and sets substantive requirements for approval of land subdivisions. The Act requires that a local agency deny approval of a land subdivision, referred to as a tentative map or a parcel map, if it decides that “the proposed map is not consistent with applicable general and specific plans” or that “the design or improvements of the proposed subdivision is not consistent with the applicable general and specific plans.” Cal. Gov. Code, § 66474(a-b).

Tsai-13
(Cont.)

A. The Project Is Inconsistent with the Southeast Los Angeles Community Plan

Tsai-14

1. **The Project Violates Objective 1-4 of the Southeast Los Angeles Community Plan.**

Objective 1-4 of the Southeast Los Angeles Community Plan requires that the City “preserve and enhance neighborhoods with a distinctive and significant historical character.” As part of carrying out Objective 1-4, the Southeast Los Angeles Community Plan requires that the City maintain residential plan categories, propose no zone changes or plan amendments.

The Project propose exactly the opposite, proposing zone changes, vesting zone changes, and a height district change within the Flower Drive Historic District, and proposing as a mitigation measure that the City relocate the seven historically protected buildings be relocated outside the Flower Drive Historic District, a mitigation measure that in of itself would have its own environmental impacts requiring analysis under CEQA.

2. **The Project Exceeds Height Limits Within Pedestrian Oriented Districts.**

Tsai-15

The Urban Design Guidelines of the Southeast Los Angeles Community Plan limits structures within pedestrian oriented districts that are along main commercial streets to no greater than 30 feet in height. SELA at V-4. As the Project’s EIR itself admits, the Project is within a pedestrian oriented district (DEIR at I-12) and directly faces one of the biggest commercial streets within the City of Los Angeles, Figueroa. The Project is planned to be far in excess of 30 feet in height and clearly violates the height limitations imposed by the SELA Community Plan.

II. **THE PROJECT VIOLATES THE CITY’S HISTORIC PRESERVATION ORDINANCE AND STATE HISTORIC PRESERVATION LAWS BY FAILING TO SEEK A RECOMMENDATION OR APPROVAL FROM THE CITY’S CULTURAL HERITAGE COMMISSION.**

Tsai-16

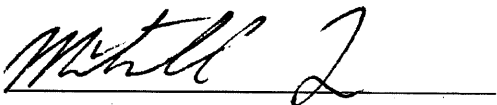
The City’s Historic Preservation Ordinance as well as State historic preservation laws requires a recommendation or approval in the form of a Certificate of Appropriateness for the Project prior to any modification to any contributing elements to a national, state or locally designated historic resource.

The Project, which would result in the relocation or demolition of at least seven (7) contributing buildings to the Flower Drive Historic District, a state and locally designated historic resource, has not received any kind of review from the City or State’s historical regulatory authorities.

III. CONCLUSION

For the aforementioned reasons, Commenter requests that the City continue the hearing, modify its findings for the Project or deny the Project and order the preparation of a full environmental impact report.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell M. Tsai", is written over a horizontal line.

Mitchell M. Tsai
Attorneys for
SAJE

Tsai-17

CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING

IN RE:) CASE NOS.
) VTT-74193-CN
)
3900 S. FIGUEROA STREET) CPC-2016-2658-VZC-
LOS ANGELES, CA 90037) HD-CU-MCUP-ZAD-SPR
)
) CEQA NO.
) ENV-2016-1892-EIR
_____) (SCH. 2016071049)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
Los Angeles, California
Wednesday, November 7, 2018

REPORTED BY:
LAUREN NAVARRETE
CSR NO. 14302
JOB NO. 311201

CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING

IN RE:) CASE NOS.
) VTT-74193-CN
)
 3900 S. FIGUEROA STREET) CPC-2016-2658-VZC-
 LOS ANGELES, CA 90037) HD-CU-MCUP-ZAD-SPR
)
) CEQA NO.
) ENV-2016-1892-EIR
) (SCH. 2016071049)

Reporter's Transcript of
 Proceedings, pages 1 through 127, on
 Wednesday, November 7, 2018, beginning
 at 10:06 a.m. and ending at 1:02 p.m.,
 in Los Angeles, California, before
 LAUREN NAVARRETE, California Certified
 Shorthand Reporter No. 14302.

1 APPEARANCES:

2
3 For the Los Angeles City Planning Department:

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7 Milena.Zasadzien@lacity.org

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Attorneys at Law

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Los Angeles, California 90025

13 (310) 209-8800

bill@agd-landuse.com

1 Los Angeles, California
2 Wednesday, November 7, 2018
3 10:06 a.m. - 1:02 p.m.
4

5 MS. ZASADZIEN: Good morning.

6 This is the scheduled public hearing for --
7 this is the scheduled public hearing for VTT-74193-CN
8 and for CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR.

9 THE INTERPRETER: Sorry, can you keep your voice
10 up for the interpreter?

11 Thank you.

12 MS. ZASADZIEN: This is for a case involving
13 property located at 3900 South Figueroa Street.

14 The case involves requests for a vesting
15 tentative tract map, for a zone change, the
16 commercial zone C2-2D, a conditional use for a -- to
17 allow for a hotel within 500 feet of residential
18 areas, a master conditional use permit to allow for
19 alcohol sales, and a determination for deviations
20 from transitional height, as well as a site plan
21 review, and certification of an environmental impact
22 report.

23 My name is Milena Zasadzien. I will be the
24 Hearing Officer for this case. I'll be conducting a
25 public hearing on behalf of the City Planning

1 Commission.

2 There's not going to be any decision made
3 today. We are holding a second hearing for the -- to
4 focus on this.

5 We are holding a second hearing to focus on
6 the subdivision case in December. We will announce
7 that date; if you sign in on the back, you'll receive
8 notification. We'll send a notice and prepare a
9 supplemental staff report regarding just the
10 subdivision case.

11 The purpose of this hearing is to receive
12 public input on the case; so if you wish to speak,
13 please fill out one of these speaker cards. They're
14 located in the back of the room, and then present
15 them to me.

16 Also, we have a sign-in sheet in the back,
17 so if you want to receive notice of any future
18 hearings or any future actions, please sign in. You
19 can either provide your E-mail to get more efficient,
20 quicker information, or you can also just submit your
21 mailing address.

22 So what will happen after this hearing is I
23 will summarize all the testimony. I'll be taking
24 detailed notes throughout the whole hearing, and
25 we'll present the testimony at the subdivision

1 hearing in December and then City Planning Commission
2 most likely in February.

3 At the subdivision hearing, we'll act on the
4 requests to subdivide the property into one master
5 lot and eight condominium lots.

6 At the City Planning Commission meeting
7 they'll make decisions on the remaining entitlements
8 such as the zone change, conditional use, and other
9 entitlements.

10 If anyone wants to submit any written
11 testimony, please do so. You can do so up until
12 the -- the next hearing in December, and you can send
13 it to me.

14 I have my business cards in the back of the
15 room, so you can either E-mail or mail it to me for
16 any additional written comments if you aren't able to
17 say everything you wanted to say today at the
18 hearing.

19 So the procedure for the hearing today is,
20 first, we'll hear from the Applicant, they'll give a
21 presentation. Then we'll go and I'll call out the
22 speakers so each of you may come up to the front and
23 present your testimony. If you have any specific
24 questions, you can also find me after the hearing and
25 talk to me.

1 There's a lot of people here today, so I
2 just wanted to let you know that we have an overflow
3 room set up that has the same audio and that's
4 located right next door here.

5 So if you want to take a seat, we have extra
6 seats in the next room next door; and the translation
7 headsets also work next door.

8 Also, since there --

9 I'll ask at the end.

10 MS. FROST: Does the Neighborhood Council have
11 an opportunity to speak on behalf of the Neighborhood
12 Council in a particular position today? Because I'm
13 here representing the North Area Neighborhood
14 Development Council.

15 THE INTERPRETER: Can you speak up for the
16 interpreter, please?

17 MS. ZASADZIEN: The question was whether the
18 Neighborhood Council can speak.

19 You can speak after the Applicant, if you
20 choose.

21 MS. FROST: Sure.

22 MS. ZASADZIEN: Or would you prefer to be at the
23 end?

24 MS. FROST: Either is fine.

25 MS. ZASADZIEN: Okay.

1 MS. FROST: After the Applicant is fine.

2 MS. ZASADZIEN: Okay.

3 So we'll hear from the Neighborhood Council
4 after the Applicant.

5 MS. FROST: Thank you.

6 MS. ZASADZIEN: Also, since there are a lot of
7 speakers, we do want to give everyone a chance to
8 speak; so there is no time limit for the amount of
9 testimony, but if you would --

10 If you've heard someone else before you
11 already say similar things or items, you can just
12 come up and for the record say "I agree with previous
13 speakers," or "I agree with previous speakers about a
14 certain subject," just so we can give everyone a
15 chance to speak.

16 In -- in summary, the -- the project
17 proposes a hotel, mixed-income residential project,
18 as well as student housing with components for retail
19 restaurants on the ground floor, and office uses.

20 As part of the project, they're proposing to
21 remove eight structures, eight residential buildings
22 with 32 units on Flower Drive that are part of the
23 Flower Drive Historic District. Their tract map
24 proposal includes a master lot and eight condominium
25 lots.

1 We've received comments from various
2 departments about conditions for the Tract Map. The
3 staff recommends utilizing those conditions with one
4 exception, to remove a Building and Safety Condition
5 referring to airspace lots.

6 And that -- is there any questions before we
7 begin the public testimony?

8 No?

9 Okay.

10 So we can begin with the Applicant. If you
11 can provide presentation, and if you want to use the
12 mic so we can hear.

13 MR. DELVAC: Good morning, Madam Hearing
14 Officer.

15 Bill Delvac with Armbruster Goldsmith &
16 Delvac on behalf of the Applicant, Ventus Group, to
17 present this project. With me today are Scott Gale
18 and others representing Ventus.

19 After I make a few introductory remarks, our
20 project architect, Bruce Springfield, will present
21 the design, and then my colleague, Todd Nelson, will
22 summarize the entitlements. We also have the entire
23 technical team here to answer any questions.

24 However, before I start, I would like to ask
25 everyone here in support of the project to please

1 stand up.

2 Please stand up if you're in support of the
3 project.

4 Thank you.

5 You will hear from many of these attendees
6 later. These are all members of the community. We
7 have on the board over here a diagram that depicts
8 the residents of 1250 supporters of the project.

9 THE INTERPRETER: Excuse me, can you keep your
10 voice up for the interpreter?

11 MR. DELVAC: Will do.

12 THE INTERPRETER: Thank you.

13 MR. DELVAC: Thank you.

14 The project site is over four acres. It's
15 located near the southeast corner of Figueroa and
16 39th Street, which is about a quarter mile to the
17 USC campus.

18 It's directly across the street from
19 Exposition Park, which includes the Colosseum and
20 nearby museums, including the California Science
21 Center and the new Lucas Museum, which is currently
22 under construction. Also, it's directly across from
23 the new LA Football Club Soccer Stadium.

24 The site is close to Expo Line stations, as
25 well as multiple bus lines, and also offers nearby

1 freeway access.

2 The project will include 200 --

3 MS. ZASADZIEN: I apologize.

4 MR. DELVAC: No problem whatsoever.

5 The project will include 222 new student
6 housing units in close proximity to USC, which allows
7 easy biking, walking, and transit to the campus. It
8 also includes a total of 298 hotel rooms with both a
9 short-term and an extended stay hotel. It's in close
10 proximity to USC and Exposition Park and
11 significantly close to Downtown.

12 The City is in need of lodging, particularly
13 with regard to the upcoming Olympics.

14 The project also includes a mixed-income
15 housing project with 186 units. Very significantly,
16 82 out of 186 units are affordable units for very
17 low-income households.

18 Is the tech here to turn up the volume? Is
19 that better?

20 Is there a tech in the house?

21 Thank you.

22 Is that better?

23 THE INTERPRETER: Yes, much better.

24 Thank you.

25 MR. DELVAC: Gracias.

1 Before we turned up the volume, I had
2 summarized the project of 222 new student housing
3 units, 298 hotel rooms. I was just beginning to
4 speak about mixed-income housing of 186 units,
5 including of which 82 are affordable units for very
6 low-income tenants. This is a critically important
7 component to meet a diverse housing need in the
8 Southeast Los Angeles Community.

9 The project also includes approximately
10 96,000 square feet of commercial uses, hotel meeting
11 rooms, neighborhood-serving retail, restaurant uses,
12 and some new office space.

13 Finally, the project will include
14 1,017 code-required parking spaces in a structure
15 that's intentionally situated to provide a buffer
16 between the project and the adjacent freeway. Bruce
17 will describe that in a little more detail.

18 I would like to introduce our project
19 architect, Bruce Springfield of Architects Orange, to
20 present the project design.

21 After Todd speaks, I will make a few
22 concluding remarks.

23 Thank you.

24 MR. SPRINGFIELD: Hello. Can you hear me?

25 THE INTERPRETER: Yes.

1 MR. SPRINGFIELD: My name is Bruce Springfield.
2 I'm with Architects Orange, and we are the architect
3 for the project working with the team.

4 Architects Orange was established in 1974,
5 so we're an old-time Southern California firm. And
6 just for information, based on evaluation of building
7 permits pulled, we're top 20 firm doing work in the
8 City of Los Angeles; so we have projects all over,
9 and we're very proud of this one.

10 So what I'd like to do is walk you through
11 the project starting with the Site Plan.

12 Okay.

13 We are at 39th Street, Figueroa, Martin
14 Luther King is over here, and the 110 Freeway is up
15 here. The 110 Freeway is raised. I'll show you on
16 our elevations that you can see where that line
17 relates to our project. They've kind of got a little
18 valley back there.

19 On 39th Street, we have our hotel. It's a
20 dual-brand hotel, an extended stay, and a short-term
21 hotel. We have our student housing in the middle
22 sitting over retail. And we have mixed-income
23 housing over here with some creative office space on
24 the ground floor, and then the housing up above.

25 So it's a true mixed-use project and we've

1 got --

2 One of the nice things about the project is
3 we've organized the hotel, the retail, the restaurant
4 space, around this open plaza and courtyard. And we
5 see this as a very inviting space for the residents
6 of the project. It's a nice amenity for the people
7 who live here.

8 It's also open to the community, so it's a
9 nice amenity for the neighborhood. And it's also a
10 great spot after going to a soccer game or to one of
11 the museums to come over, hang out in the plaza.

12 There will be restaurants and lawn areas and
13 a really nice setup here; so I'll show you later more
14 how that's developed. But that's kind of the key
15 feature, and it fronts right on the street.

16 We also --

17 Because of the freeway back here and the
18 raised freeway, we've got the parking garage serving
19 as a buffer; so the housing sits forward of that and
20 the parking garage mitigates the noise from the
21 freeway and that kind of element.

22 We've got a drop-off for the hotel here to
23 keep pedestrian circulation separate from vehicle
24 circulation. We've got an entrance to the garage
25 over here.

1 And we think it's a very exciting project.
2 We think it's very pedestrian friendly. It's very
3 streetscape friendly; and we've worked very closely
4 with the City, the neighborhood, the Planning
5 Department, to adjust the project to incorporate
6 comments from those groups.

7 Okay.

8 And then I'll show you the overall landscape
9 plan.

10 Okay. So this is the overall landscape
11 plan. It shows the ground plane and the streetscape,
12 but it also starts to show the landscape courtyards
13 and the amenity decks that occur further up in the
14 project.

15 So again, I think one of the nice things
16 about the project is that it has a nice mix of
17 private amenity space. We have a nice space for the
18 mixed-income housing and affordable housing, a nice
19 space for the student housing. They have their own
20 area and then nice space for the hotel. Each have
21 pools and cabanas and landscaping and, you know, it's
22 going to be very nice, but additionally, we have some
23 of this public space here.

24 We envision this as a great lawn. Residents
25 in the neighborhood come over, grab some coffee, have

1 the kids playing in the lawn. We think it's just a
2 really nice amenity for -- for everybody.

3 THE INTERPRETER: Sir, please keep your voice
4 up, or keep the microphone close to you.

5 Thank you so much. They're missing out on
6 some of the things because we can't hear.

7 MR. SPRINGFIELD: The good stuff?

8 Okay. Thank you.

9 And then again, we have a landscape porte
10 cochere. Our streetscape is designed to work with
11 the My Fig Program and also with the recent
12 developments across the street.

13 So our intent is to match that landscape,
14 hardscape design, street furniture design, street
15 amenity design, so that as you're driving down
16 Figueroa, it's a really nice grand boulevard; so --
17 so it ties together.

18 And then we've got outdoor dining on the
19 sidewalk which will activate the street scene, very
20 pedestrian-oriented area. From here to here, there's
21 no traffic crossing it.

22 Outdoor patios for the restaurants, the
23 plaza. The hotel has access out here and then the
24 sidewalk continues up here.

25 And also, with our courtyard, we've got some

1 private courtyards for the residents over here and
2 then up on the roof deck we have the pools. So
3 there's kind of a lower level that's a more private,
4 quiet, kind of a space for the residents and their
5 units look out on to that.

6 MS. ZASADZIEN: I have two questions.

7 One is how large is the public plaza, the
8 ground level, the main --

9 Do you know?

10 MR. SPRINGFIELD: Yeah, it's about --

11 It's a circle, and it's about 100 feet,
12 120 feet across, and then it's - it's got a couple
13 features, one goes into the parking garage.

14 One of the things is that as people park in
15 the garage, let's say they park there and they're
16 going to the soccer stadium, they would walk through
17 that plaza to get there. So it helps activate the
18 plaza.

19 MS. ZASADZIEN: Sorry, one more question.

20 MR. SPRINGFIELD: Yeah.

21 MS. ZASADZIEN: And how are the rooftop
22 residential amenities buffered from the freeway?

23 MR. SPRINGFIELD: So, yeah. Let me show you.

24 And this was an important issue for the
25 planning group. So what we've done is we've taken

1 the pools and the seating areas and moved them
2 forward as far as we could to Figueroa while keeping
3 them on top of the Type 1 parking structure.

4 It's hard to put a pool on a wood frame
5 building.

6 Okay. Then we took the clubhouses, the
7 amenities, the fitness center, and those elements and
8 put those up against the freeway, so that eventually
9 got a building between these units and the freeways.

10 We do have an exit area back here, behind,
11 but primarily the functions of these are shielded by
12 those buildings.

13 MS. ZASADZIEN: Thank you.

14 MR. SPRINGFIELD: And this is an enlarged plan
15 showing the enhanced streetscape, the specialty
16 paving coming down along the entire frontage. We
17 have street benches. We have BigBelly trash
18 elements, which this Councilman liked, so we've got
19 those in.

20 We've got the landscaping that ties across
21 with a mixture of shade trees and palm trees, which
22 is what they have, and then our plaza opens up here,
23 and we have a great --

24 THE INTERPRETER: Please speak up.

25 MR. SPRINGFIELD: Yeah.

1 We have a lawn area in the plaza, and it's
2 surrounded by retail restaurants, outdoor dining; so
3 we see that as a nice active space for the community.

4 And then I'll run through the building
5 elevations. I have some more three-dimensional views
6 that will -- are a little bigger and will communicate
7 a little more. But I'll just give you a quick look
8 at the elevations and how that works.

9 This is the back side, and as you can see,
10 this is -- the freeway on-ramp comes up to this line.
11 So about half of our building is below and half is
12 above. It's a give or take. On the building
13 elevation, this is the Figueroa elevation.

14 And -- so we started with this plaza, this
15 community courtyard area, and designed that so that
16 it's an exciting space, has a lifestyle feel to it,
17 and is enticing to both residents who would come
18 here, as well as the retailers who would -- or
19 restaurateurs who would take that space.

20 Then we came out of there with that kind of
21 a contemporary look and put the hotel on the corner,
22 prominent with its own look and identity. This will
23 be visible from the freeway. So we work that way.

24 And then coming down here, we have a -- kind
25 of a similar vocabulary but a different look along

1 the student housing. And then we transition at the
2 mixed-income housing. And on the corner, we've put a
3 wraparound glass element so that as you're driving up
4 Figueroa, there's this little glass tower that kind
5 of signifies the project.

6 And even though in the future they may build
7 something next to that, because it's another lot, for
8 now it will be a nice architectural element.

9 So now I have some images overall of the
10 project. This is the streetscape coming up Figueroa,
11 and so this is that glass element on the corner I was
12 mentioning that kind of turns the corner and puts a
13 nice facade to Fig as you're coming up this way.

14 This is mixed-income housing and the student
15 housing and then our plaza and then the hotel. And
16 you can just start to see the pools and landscaping
17 up on the roof deck here, but I'll show you a much
18 bigger picture as well. And this is the -- the
19 Football Club Soccer Stadium here.

20 Okay. So this is our courtyard space. We
21 see this as a public -- or a community space, a
22 neighborhood space, and a resident space, and for
23 fans and people attending the museums, great
24 gathering spot wrapped by the hotel and its
25 restaurants.

1 This is the hotel meeting space, and they
2 have an outdoor plaza up here that overlooks it,
3 restaurants on the ground floor, and then restaurants
4 on the second floor overlooking it; so it's got a
5 nice terrace feel to it. A pretty active space, even
6 though it's not that -- that big.

7 And then this is a look, coming up, this is
8 a streetscape look on Figueroa. This would be the
9 student housing as you're going north on Fig, and
10 this -- these are the restaurants and the outdoor
11 patios, the streetscapes that's tying to the My Fig,
12 and the plaza and then the hotel beyond it.

13 So trying to really break up the
14 architecture, not have a uniform look for the
15 building, and give it some real interest, and
16 especially on a pedestrian scale.

17 And then this is one of the roof decks.
18 This is for the hotel in particular. And what's
19 great about this is there's a great view of Downtown
20 from up here and the mountains around there.

21 But each of the units, the mixed-income, the
22 student housing, and the hotel will all have similar
23 facilities. I think the hotel may be the smallest of
24 them all. So the residents will have this kind of an
25 atmosphere up on the roof deck, great views, and

1 shielded from the --

2 You can just start to see the buildings that
3 shield the freeway back here.

4 And then my last board is an overview of the
5 project looking from the hotel, from the corner with
6 the hotel on it. We have our porte cochere in here,
7 a nice hotel design, and then the plaza. And then
8 you can see how the architecture kind of changes with
9 each use down the building.

10 So -- but -- that's about the end of my
11 presentation, unless you have any questions

12 MS. ZASADZIEN: Thank you.

13 If you can just also please provide copies
14 of any materials printed, and we'll put it into the
15 case file afterward.

16 MR. NELSON: Thank you, Bruce.

17 Todd Nelson with Ambruster Goldsmith &
18 Delvac here to just provide a summary of the project
19 entitlements that are being requested which we're
20 taking public testimony on today.

21 As you mentioned, the project is requesting
22 a zone and height district change to establish --

23 All right. All right.

24 To establish C2-2D zoning across the site to
25 allow proposed increase in floor area and height.

1 This is in conformance with an existing
2 community plan footnote which authorizes increases in
3 floor area for projects that include student housing
4 or affordable housing. Our project, as we've
5 summarized, includes both; so it's consistent with
6 that footnote.

7 As you mentioned, we're also seeking a
8 conditional use permit to allow hotel use within
9 500 feet of a residentially zoned property. There's
10 a small strip of R-Zone property along the freeway
11 which triggers the need for that entitlement.

12 We're seeking a master CUP for alcohol sales
13 in connection with up to six onsite alcohol sales
14 locations.

15 We're seeking an increase in transitional
16 height which is applicable because of the proximity
17 to Exposition Park, which as we all know is developed
18 with multi, over 100-foot structures, but as -- like
19 I say, the City Zoning Code that deviation is needed.

20 Site plan review to allow an increase in
21 dwelling units and floor area, and a vesting
22 tentative tract map to merge and re-subdivide the
23 site, to accomplish merger and vacation requests, to
24 establish streets conforming with the City standards,
25 and to approve the project's Haul Route.

1 In addition to the City Planning
2 entitlements, we're also seeking CRALA or the DLA's
3 approval of residential uses in the commercially
4 designated area, personal and existing redevelopment
5 plan, which will require us to probably have to enter
6 into agreement with the CRALA.

7 And that concludes the summary of the
8 project's requests.

9 And back to Bill.

10 MR. DELVAC: Thank you, Todd.

11 I'd like to very briefly apologize to the
12 Hearing Officer and especially to the Spanish
13 speakers here. We apologize for the difficulty, the
14 modest difficulty.

15 We thought it was important both for our
16 supporters and other people from the community who
17 may have concerns about the project, but who are
18 Spanish speakers, to be heard and to hear.

19 The project provides a number of very
20 important benefits. The construction will create
21 over 1100 construction jobs and will create 440 full-
22 and part-time permanent jobs.

23 As I believe you will hear, and as the
24 record demonstrates, we enjoy and are gratified to
25 have the strong support of the UNITE HERE Hotel

1 Workers and the Building Trades Council. This is a
2 union project with good, high-paying jobs.

3 To the City, there will be tax revenues of
4 over \$5.5 million annually. The project will include
5 sustainability measures including lead silver
6 equivalency, water conservation measures, and EV
7 parking.

8 As I mentioned earlier, we are gratified to
9 have the support of over 1250 members in the
10 community, a number of whom took time out of their
11 day to come here today. And we will submit for the
12 record signatures of 1254 supporters.

13 I'll hand these to you.

14 In addition, we have the support of the
15 office of County Supervisor, Mark Ridley-Thomas, and
16 there's a letter from him for submission to the
17 record.

18 Finally, I have a letter from the California
19 Science Center, our nearby neighbor across the street
20 and one of the great assets and icons, not just of
21 this community, but in Southern California. We're
22 thrilled to have their support.

23 This project represents the very type of
24 mixed-use, mixed-income, transit-adjacent project
25 that the City is advocating for.

1 The team, our technical team, is here to
2 answer any questions you may have, and if there are
3 issues raised, we would ask for an opportunity to
4 respond at the end.

5 Thank you very much. Muchas gracias.

6 MS. ZASADZIEN: Thank you.

7 And you will have a chance to respond at the
8 end.

9 Thanks.

10 Next, we'll hear from the Council District
11 and then the Neighborhood Council and then our
12 speaker cards.

13 MS. CORREA: Good morning.

14 This is Sherilyn Correa with Councilmember
15 Curren Price, our Planning Director for the Ninth
16 District.

17 The Councilmember would like to express his
18 strong support of the project.

19 With over 80 units of affordable housing and
20 over 400 permanent job opportunities, this is exactly
21 the type of project that the Councilmember is in
22 strong support of.

23 We look forward to the expedited development
24 of this project considering the current housing
25 crisis and economic development situation that we are

1 currently facing in the Ninth District; so we just,
2 again, would like to express our strong support of
3 the project.

4 MS. ZASADZIEN: Thank you so much.

5 Now we're going to hear from the
6 Neighborhood Council.

7 MS. FROST: Can everyone hear me?

8 Okay.

9 I'm only English speaking, so I'll allow for
10 some time for the translator.

11 First, I'd like to submit our Community
12 Impact Statement where the Neighborhood Council is
13 strongly opposed to the current development as it is
14 presently designed.

15 The Neighborhood Council has not had a
16 tradition of not supporting development. We strongly
17 favor a development here, but the development that is
18 being presently proposed, the seven-story kind of
19 anonymous design, does not fit what is the
20 neighborhood context.

21 When all is said and done, this is about
22 affordable housing. It's about the eight units of
23 affordable housing. I believe 32 residences that
24 will no longer exist if this plan goes forward.

25 And the entire Flower Drive Historic

1 District is endangered, not only the eight units that
2 are the subject of this site development, but also
3 the historic housing units to the north.

4 And these are truly affordable units of the
5 style that was built in the 20s that allow for
6 amenities that you cannot find in the housing that is
7 being included in this development.

8 The affordable housing presently onsite is
9 historic, and what is particularly frustrating is
10 that this is not a surprise. These buildings were
11 found historic by the Community Redevelopment Agency
12 15 years ago in their survey.

13 Further, these buildings were found historic
14 by the State Historic Resources Commission, not once,
15 but twice.

16 And when a developer comes in to have a
17 complete lack of respect of what is there and what is
18 the context of a neighborhood that truly represents a
19 pattern of development in the City of Los Angeles is
20 unacceptable. It is really the genocide of a
21 neighborhood and as if this was completely --
22 completely acceptable.

23 What is very frustrating is there is an
24 alternative that is not in the Final EIR, that has
25 not been in the Draft EIR, that would allow for all

1 of the development, all of the union jobs, all of the
2 amenities that this development is touting, and that
3 is what I will call the Page & Turnbill development
4 which allowed for a tower design rather than the
5 seven-story design proposed today. And another
6 element supporting a tower design is that the
7 original design that was noted in Curbed LA consisted
8 of a tower.

9 So there is an -- an alternative that meets
10 the requirements of the project goals, and yet,
11 preserves the eight units of affordable
12 rent-stabilized housing that people have lived in for
13 decades and do not have any hope of qualifying under
14 county standards for affordable, even very low
15 affordable housing.

16 We have in the Final EIR an acknowledgment
17 that this project does not meet the redevelopment
18 goals and the redevelopment plan, nor does it meet
19 the preservation goals of the Southeast Community
20 Plan. Either the old plan or the new plan that is
21 currently in -- in the City Attorney's office.

22 I don't think a developer should be able to
23 pick and choose which elements of the Community Plan
24 he or she wishes to abide by. It's very important to
25 preserve this affordable housing. People have lived

1 here for decades. I'm sure you will hear from many
2 of them. And our history for this neighborhood is
3 vitally important; this is not a neighborhood without
4 context.

5 And many years ago, members of the community
6 participated in a proactive effort to recognize the
7 Flower Drive Historic District for the very reason
8 that then a developer would come in with his -- his
9 or her eyes open and understand what is so vitally
10 important to this neighborhood. And this
11 neighborhood is not without context.

12 To the north is the other ten buildings in
13 the Flower Drive Historic District, to the north
14 there is the Zobelein Estate, and Flower Drive was
15 one of the original elements of the Zobelein tract.

16 This needs to be recognized. The Final EIR
17 needs not to be certified until -- until it has the
18 Page & Turnbull alternative.

19 And further, the City is obligated by law,
20 according to the people -- the people I've consulted,
21 if there is a viable alternative, it cannot approve
22 this project, that is -- as it's currently designed.

23 We do not have here the soccer stadium
24 demolishing the sports arena. There was no way you
25 can build a soccer stadium on the sports arena site

1 and keep the sports arena site and keep the sports
2 arena.

3 Here we have a terrific opportunity to have
4 a win-win for the residents of Flower Drive, for the
5 supporters of affordable housing, and yet, develop
6 this site in a manner that will allow us all to grow
7 and prosper.

8 I'm going to be --

9 The Neighborhood Council recently submitted
10 a letter reaffirming its position, and I believe it's
11 dated November 4th, and then a year ago the
12 Neighborhood Council also raised the concern of not
13 demolishing affordable housing on this site and
14 supporting an -- an alternative that allowed for a
15 building that is like the Page & Turnbill
16 alternative.

17 You're already asking for a height change.
18 Why not really do a height change, even if you can't
19 see all of the soccer stadium from the freeway as you
20 drive into this really significant neighborhood.

21 So I'll submit the letters to you and I want
22 to thank you for your time and urge that the Final
23 EIR not be certified.

24 The EIR has a lot of elements in it that
25 would lead the decision makers to not support this

1 present design. I urge an affordable housing
2 alternative that allows for this level of
3 development, would provide for the same number of
4 jobs, would provide for the same number of amenities.

5 Thank you.

6 MS. ZASADZIEN: Thank you.

7 MS. FROST: And my name is Jean Frost. I'm a
8 40-year resident of South Los Angeles, and I'm a
9 member of Empowerment Congress North Area
10 Neighborhood Development Council. And I'll submit
11 the letters.

12 MS. ZASADZIEN: Thank you.

13 MR. DONLIN: I just wanted to request that since
14 we're giving special standing to the Applicant, and
15 other parties in the matter, the families who live on
16 the site and the families who would be displaced by
17 the proposed project could speak next.

18 MS. ZASADZIEN: That's okay. We can allow for
19 that.

20 I'm not sure, how many speakers is that?

21 MR. DONLIN: I think as they come up, maybe,
22 they can introduce themselves and then that way you
23 can pull out the appropriate cards, if that makes
24 sense.

25 MS. ZASADZIEN: Okay.

1 I have like 50 cards or so, so I'm not
2 sure --

3 Do you know how many speakers? Does anyone
4 want to raise their hand who lives on the site?

5 Okay. If you want to speak first you may,
6 as long as you filled out a speaker card. So if you
7 can just direct the comments towards me though. It's
8 really meant for me to take testimony and summarize.

9 MS. VALENZUELA: Good morning.

10 My name is Elyse Valenzuela. I live on
11 3915 South Flower Drive there in the 39 block on --
12 on where we will be getting displaced by the project
13 that's happening.

14 I'm a little nervous so --

15 But it angers me that this is happening
16 because when this happens, a lot of families that I
17 grew up with, and that I live with, will potentially
18 be homeless if this project goes through. I was born
19 and raised there. This is where I was born and my
20 brother, who has cerebral palsy, was also born there.

21 It's been a blessing living there in that
22 block due to the fact that we've had everything
23 around us, which would be our school, our doctors,
24 even our jobs. Not having our building, our -- our
25 street anymore will destroy our memories that we have

1 built there.

2 There have been family members that have
3 lived there for over 40 years. I've seen children
4 grow up to be adults, like myself. We've developed a
5 family community environment there. We have each
6 other's backs.

7 My father unfortunately passed away in one
8 of those -- in the apartment, as well as other family
9 member's relatives have passed away there.

10 It is more than just those old buildings
11 that these people see there. It is our home and our
12 entire life.

13 And the people that are sitting here
14 agreeing to this project that live around that area,
15 sooner than later Ventus and Delvac and everybody
16 else will be knocking on their doors as well, letting
17 them know that their homes will also be demolished
18 for future projects.

19 So for the sake of our family, for everyone
20 that's going to suffer due to these projects, I
21 oppose to this project.

22 Thank you.

23 MS. ZASADZIEN: Thank you so much.

24 MS. ALCAZAR: Good morning.

25 My name is Inez Alcazar, and I live on

1 3837 South Flower Drive. I'm right on the next
2 block, but I feel same way that this young lady that
3 just spoke feels.

4 I've been living there throughout my youth
5 years and -- and my marriage. I raised my children
6 there. My 94-year-old mother lives upstairs from me.
7 We live in the same building.

8 Like she say, now I had worked on the
9 neighborhood school through all my life. I have
10 worked in the neighborhood museum for a few years,
11 and I was under the belief of those places or
12 those -- yeah, those places where, like, really
13 truthfully preoccupied about our environment, our way
14 of living, or where we live about our -- sorry.

15 But I now, as I heard the developer talking
16 about the Science Center it's in favor of, and I'm
17 not going to say about the school, but that
18 particular site is in favor of.

19 I feel like I was lied. I was like under
20 the wrong impression all through these years because
21 they don't really care. They don't -- they don't
22 care about how -- how often, I mean how fast we're
23 going to be homeless because basically that's what's
24 going to happen.

25 Where I'm under a fixed income, I cannot

1 afford even affordable housing because I live under
2 rent control building. And because I live under rent
3 control building I've been able to pay my rent and my
4 mother as well.

5 Now, if I move into affordable housing, my
6 rent is going to go like up after year after year.
7 And might be like more than than what it goes up
8 right now, so I probably will be more likely living
9 on the streets.

10 And that really hurts me seeing a lot of
11 people that are sitting here and they are in favor of
12 the project. I don't even know them, and they don't
13 live in my block. They don't know what we're going
14 through right now. I haven't remember seeing them on
15 the school neighborhood.

16 So I'm hurt that people that doesn't even
17 know exactly what's happening are coming and
18 supporting this project.

19 I know that the developer represents it's
20 really nice and beautiful, and I'm not opposed to
21 beautifying the neighborhood, but displacing families
22 that had a lot of history there, that have been
23 living through all their lives here, give their best
24 years of their youth to the community.

25 I have worked for the community for many

1 years. I worked with that community when there was
2 full of gangs.

3 I don't know how come they don't come then
4 to help us move all these people or educate all these
5 people and change the neighborhood to be safer. Now
6 that this neighborhood is safe, they come over here
7 and they want to bring their project because we have
8 done the dirty work already. We have to invest our
9 time to educate most of our people and help them
10 become friendly to others and care for others.

11 Now that we're in a better situation, now
12 they want to bring this beautiful building, which I
13 think it's great, but build where there's no people
14 living, where it's no apartment complex with families
15 that are going to be displaced. There is a place for
16 them to -- to beautify the neighborhood there is
17 vacant lots over -- there is other places they can
18 develop.

19 And honestly, I would like everyone over
20 here to touch your heart, and please do not put any
21 more homeless people, older people on the streets
22 because that's pretty much what -- where we are
23 going.

24 And thank you for your attention, and thank
25 you for your time. And I hope that God bless you.

1 MS. ZASADZIEN: Thank you.

2 MR. MITCHELL: Hello.

3 Well, I think like a couple of people have
4 said I'll speak into the mic for the translators. I
5 apologize for those first few words.

6 MS. ZASADZIEN: Are you a resident?

7 MR. MITCHELL: I'm a resident of the 3900 block
8 of South Flower.

9 MS. ZASADZIEN: And what's your name?

10 MR. MITCHELL: My name is Ben Mitchell.

11 And I haven't lived there nearly as long as
12 some of my neighbors who have been there 40, 45, or
13 even 50 years, multi-generational families.

14 I know of a couple who have four generations
15 living in the same apartment, and like many people
16 have said, they are good people. They're honest
17 people; they're hardworking.

18 They've taken me in as a -- as a neighbor
19 and as a friend, and I'm very thankful for the sense
20 of community I've been given but many are people of
21 modest means. Many are 70, 75, or 80 years old, and
22 a very long time ago, they rented these apartments.
23 Apartments they could afford and apartments they
24 rented under the assumption, and with the promise,
25 they would continue living there in rent control

1 until they died.

2 And with that taken away there is a very big
3 risk, and I have heard it said, but I don't think
4 it's been reiterated enough, but there's a very big
5 risk that many of my senior neighbors would be
6 homeless.

7 We've attempted to work on a solution with
8 the developer. We are requesting that we get
9 adequate compensation that takes into effect the true
10 cost of moving and what the current market rates are
11 in the area.

12 I haven't been there very long, and my wife
13 and I, who is a Mexican immigrant and a -- a
14 USC graduate, our rent will go up a thousand dollars
15 a month for -- for an equivalent apartment.

16 And like I said, we haven't been there very
17 long. Some of our neighbors who have been there much
18 longer, they are going to be crushed under the cost
19 of renting a market-rate one- or two-bedroom
20 apartment in that neighborhood.

21 And I really appreciate you taking the time
22 to listen to our needs. I've said to the developer
23 that we're not against this project, but we are
24 definitely against inadequate compensation, the risk
25 to homelessness to our senior neighbors, and the

1 current offer.

2 Thank you.

3 MS. ZASADZIEN: Thank you.

4 MS. JAMES: Good morning.

5 My name is Terry James. I live at 39 and
6 25 Flower. I've been there six years, and in the six
7 years, I've met a lot of neighbors. My neighbors,
8 we've become family.

9 Now then a couple of years ago, I had
10 a heart attack, and thank God I survived it, but
11 this -- this has been very stressful on me, and I'm
12 scared. I'm close to my doctor. My -- my --

13 I have four grandchildren and they come
14 visit me sometimes, and they're concerned about their
15 grandmother. I take them over there to the museum.
16 I take them over there to the Science Center. They
17 enjoy it.

18 Now, they've been asking me how am I doing.
19 What's going on. They're scared for their
20 grandmother.

21 But this neighborhood has been a blessing to
22 me. The neighbors, they've been -- we've been
23 enjoying each other, concerned about each other,
24 asking --

25 Since I've been there, that I know of, two

1 of the neighbors have passed away. So that -- I'm
2 hurt. And the developers, they don't -- I'm going to
3 be honest, they don't care. They don't care.

4 We're a neighborhood; we're a family. We're
5 not numbers. It's more than just the buildings.
6 It's a family here, a community here. We're close,
7 and we got even closer.

8 So the developers, they have their -- we
9 understand upgrading the neighborhood. We understand
10 that. But you -- there's a way to work around that.
11 In other words, don't just push us out and kick us to
12 the curb.

13 We talk about the homeless but they're
14 adding to it. They're adding to it instead of
15 working around us, working with us. They're working
16 against us to get their project going like we're not
17 human, but we are.

18 So we -- so like I said, we understand that
19 you do some things. You do upgrade the neighborhood,
20 but this is too much. It's very horrific, you know,
21 it's --

22 You're traumatized in other words and so we
23 need -- we need to --

24 Us as a community and the developers, we
25 need to get back to and talk this over again. To

1 really understand so we both -- both sides can be
2 what you say, happy. We listen to them, they listen
3 to us. We put it on the table, and we work it out.
4 But this is a community; it's not just a business
5 here. This is a community. This is lives, this is
6 lives.

7 And like I said, I'm trying to take care of
8 myself because I don't want to have another heart
9 attack. I've been taking care of myself, and I'm
10 going to continue but this has been very stressful.
11 And I'm trying to be very careful. Even my doctor
12 said watch it.

13 Thank you for your time.

14 MS. ZASADZIEN: Thank you.

15 Are there any other residents that want to
16 speak?

17 (Speaking through the
18 interpreter.)

19 MS. HERNANDEZ: Good morning.

20 My name is Monica Hernandez, and I live on
21 the 39,000 block (sic). I've lived there for
22 20 years.

23 Where I live is a very united community, and
24 we are being affected by this project. We have lived
25 there for many years now, and we don't know where

1 we're going to go.

2 I have a nephew who goes to school nearby as
3 he's 12 years old. And he's even -- and even he is
4 being affected thinking where will we go, where we'll
5 live, whether we will find a place where we can pay
6 little rent or we will have to pay a lot of rent, and
7 we are concerned.

8 It's a beautiful project, but it's affecting
9 many families who live there. We're psychologically
10 and physically traumatized. I have had an illness
11 for six years now, and sometimes I can't walk, and I
12 worry about that too.

13 I work hard to support my family. And I'm
14 really sad for their situation. I hope that we are
15 heard and you hear us, and you know we are suffering.
16 It's for families who are concerned about this
17 situation.

18 Thank you for listening to me, and I'm sorry
19 for not speaking English, but this is my feeling and
20 this is my story.

21 Thank you.

22 MS. ZASADZIEN: Thank you.

23 MR. JUAREZ: Excuse me, I need to go to work but
24 seeing this line I won't be able to give my opinion
25 about that I'm in favor. You know, I have to see my

1 family, pay my rent.

2 MS. ZASADZIEN: If you want to provide any
3 additional comments you can submit it in writing.

4 MR. JUAREZ: I did already but, you know, we
5 should go in order, I think. I need to go to work;
6 they need to go to work.

7 MS. ZASADZIEN: Yeah, I understand.

8 MR. JUAREZ: So many of us need to pay our rent;
9 then I can leave and you guys can spend the whole
10 day.

11 MS. ZASADZIEN: We're going to hear from the
12 residents in the area first and then you can submit
13 it.

14 I understand there's a lot of speakers, and
15 if you want to submit any written comments, we'll
16 also --

17 MR. JUAREZ: Well, they helped me to pay my rent
18 because I'm losing my day.

19 Okay.

20 Yeah, go ahead.

21 MS. ZASADZIEN: Thank you.

22 (Speaking through the
23 interpreter.)

24 MS. ARANDA: My name is Natividad Aranda.

25 I live on 3923 Flower Drive. I've lived

1 there for 46 years. It's a community where we are
2 all good. You don't see fights very often around
3 there. I've been affected by oldest since I learned
4 I got sick and because -- and this hurts. I'm a
5 senior citizen. And I just live from my social
6 security.

7 Wherever you go it's expensive, and I won't
8 be able to afford. My daughter is disabled and we're
9 living day to day, and this is really sad for me
10 because I don't know where to go. I've lived there
11 so many years now, and I don't know. I really don't
12 know what's going to happen to us, and since I
13 learned that I'm very sick --

14 The apartments, they said the apartments are
15 historical sites. I feel sick. Everything hurts.
16 And we all give -- everything is handy in there. We
17 have everything around the area. I'm a waiter, and
18 I'm a senior. I don't know what's going to happen
19 with me. That's about it.

20 Okay.

21 Thank you very much.

22 MS. ZASADZIEN: Thank you.

23 Again, just as a reminder to everyone, if a
24 speaker before you has already stated similar
25 statements. If you could refrain from repeating

1 similar statements. You can just say, "I support the
2 previous speakers."

3 (Speaking through the
4 interpreter.)

5 MS. MEDIA: Good morning, everyone.

6 MS. ZASADZIEN: Could you just repeat the name?

7 (Speaking through the
8 interpreter.)

9 MS. MEDIA: My name is Maria Media, and I live
10 on the 39 block for 49 years. My daughters, my
11 grandchildren, and my great grandchildren were born
12 there. And I have beautiful memories from the
13 neighborhood. It's a beautiful community.

14 We've lived together very nicely. We know
15 one another, and we help one another when -- we have
16 helped each other when we are in trouble. We
17 community -- we've been very communicated,
18 communicative with one another.

19 I'm retired. There are many people who are
20 retired in that community. Our income is minimum,
21 and nowadays, rent is really high. And it's going to
22 be very difficult for us to pay our rent and that's
23 our concern that they demolish the building.

24 We have rent control over there. Everything
25 is nearby. My doctors, school, everything is around.

1 It would hurt a lot to be displaced from our homes
2 and that's the reason why we don't agree with the
3 project. Because it's going to affect the community.
4 I'm done.

5 Thank you very much for your attention.

6 MS. ZASADZIEN: Thank you.

7 Just a reminder, we've heard from a lot of
8 residents in the area. I've heard there's a lot of
9 seniors, disabled, there's a very strong community,
10 everyone is under rent control, and prices will go up
11 with -- under rent.

12 So we've -- we've heard and documented those
13 issues. So if there's any residents with new issues
14 or new topics that they'd like to discuss.

15 THE INTERPRETER: We have one person.

16 MS. ZASADZIEN: That lives on the block?

17 THE INTERPRETER: He does not live there, but
18 it's a different opinion.

19 MS. ZASADZIEN: Okay.

20 So we'll just continue with the public
21 hearing with the regular speaker cards then so we can
22 get everyone heard.

23 So next we'll hear from Sergio Juarez. It's
24 your shining moment.

25 MR. JUAREZ: I'm sorry for being, you know, a

1 bit upset. I have my needs, too. I'm also a senior.
2 I have diabetes, blood pressure. I haven't gotten
3 breakfast. I need some tamales right now.

4 But anyway, my name is Sergio. I'm a pastor
5 in this community. Also, we have a non-profit
6 organization called Comunidad Agape, in English means
7 "community of love."

8 I come because I've been living here for
9 40 years plus. My kids grew up in this area. And I
10 come for one strong reason. I used to jog around
11 that area because my doctor prescribed exercise, and
12 I was jumped twice in that area. You know, they took
13 my wallet, they took my clock, my watch. It's not a
14 safe area. I stopped jogging around that area. I
15 know people who are probably --

16 But, also, we need jobs. My kids have to go
17 very far to work. They have to study, but they still
18 can't find jobs in this area.

19 We need clean streets. Our group cleans
20 streets every day. Not once a month like some
21 organizations do it, just to show off the picture.

22 We do it every day, Monday through Friday,
23 by volunteers in the community who really care, and
24 they don't only ask I want this, I want that. They
25 want to give themselves something. Also, we need

1 low-income housing. I know that. But, you know, we
2 cannot do one thing without affecting another one.

3 I'm a lot --

4 Comunidad Agape is a union of owners and
5 tenants who are working for the betterment of the
6 community in agreement without stepping on each
7 other; so we care about the community.

8 Also, we know that some people that don't
9 live in this area, they have a job to manipulate
10 minds of people telling them we don't need this
11 project. They don't live there. They live in
12 expensive neighborhoods. They drive expensive cars
13 to come and disturb people who live in this area
14 telling them lies.

15 Before I supported another project, and in
16 retaliation after I gave my -- my opinion next day
17 they went to our church and they threw eggs and rocks
18 and broke windows. So they manipulate people with
19 violence. They come to scream, not to talk. I want
20 to ask those people what alternative do you have for
21 the people to get jobs?

22 I live close to that area. I don't live in
23 a nice area, but I have to walk to Exposition, and
24 that's the shortcut for me.

25 My last question for them is what else would

1 you want? What else do you want to give instead of
2 demand? And I finish with this: Please, those
3 organizations, stop lying to our community. Telling
4 them lies because I know that.

5 I used to go to one of those organizations
6 to see how they work. At the moment I said I
7 support, almost kick me out. Is that fair? No. We
8 live in a diverse community with diverse opinions are
9 well worth it.

10 And please, I'm here to support the Fig and
11 hopefully if it comes a reality because I want to
12 keep jogging through a nice and clean area, not only
13 me, but my family. It's been five years that we
14 don't walk over there, and we live close because the
15 fear of being assaulted or attacked in many ways.

16 Thank you very much.

17 MS. ZASADZIEN: Thank you.

18 Next we'll hear from Daisy Garcia, followed
19 by Maria Espinoza, and Jesse De La Cruz.

20 Daisy Garcia?

21 MS. GARCIA: Good morning.

22 My name is Daisy Garcia. I live in the City
23 Nine District. I work for the City of LA and this
24 project, it -- you know, I hear what the elderly are
25 saying about the change, the homelessness, but

1 there's also -- this project has offered different
2 benefits to the community. Better jobs, which it's
3 what we all want for our kids for them to have a
4 better future.

5 You know, I've -- I've lived in California
6 all my life. I came to this country as an immigrant,
7 and our community has changed so much. We are so
8 afraid of change, and it's -- and it's normal.

9 And I understand that, you know, with change
10 comes fear. But we need to also make some sacrifice
11 for our future, you know, for our future generations
12 for the betterment of our communities. Something has
13 to -- we have to give something in return.

14 And I understand your position, and I
15 understand these organizations -- and we benefit from
16 organizations as well, but sometimes they don't tell
17 the residents, or whoever they're supporting, the
18 whole truth.

19 The developer is offering, from what I know,
20 also compensation. I'm not sure why they didn't say
21 how much. They're also offering alternative to also
22 be able to live in these apartments if the plan goes
23 through. Nobody is mentioning that. There's also an
24 opportunity of relocating them and offering them time
25 to -- to have, you know, their -- to be moved to

1 other areas. But they're not mentioning that as
2 well.

3 I mean, I hope that this project does go
4 through and that, you know, that it helps everyone.

5 Thank you.

6 MS. ZASADZIEN: Thank you.

7 This is Maria Espinoza.

8 (Speaking through the
9 interpreter.)

10 MS. ESPINOZA: Good morning. My name is Maria
11 Espinoza. I'm also a member of the community. I
12 come from South Central, and I'm the president of the
13 LAPD, a group of mothers that are looking for change
14 for our children in our community.

15 We come here to back up the project that is
16 located between 39th and Figueroa, we who live in the
17 area in District Nine.

18 I come to share that the project comes with
19 a lot of benefits for our community. The project
20 comes with benefits that are going to double and is
21 going to improve the community and help the
22 community.

23 We would like to see more projects like this
24 one that are going to benefit our community. It will
25 bring jobs and that the streets are cleaner, neater.

1 We need a change in the community.

2 The projects that they're saying they are
3 displacing they have many, many years, but it also
4 brings lead for, I guess, our health and things that
5 are not going well. So we do need to make a change.

6 Those apartments need to be demolished to
7 have a positive change for people's health. They can
8 say that we've lived 30, 40, 50 years there but --
9 but they don't see the conditions they're in. So we
10 need a change in our community.

11 Organizations like SAJE do not back up these
12 projects. They don't support this project. Just to
13 go against other projects, and they don't live in our
14 area. We want residents from our area and fight for
15 new projects in our community. We want to change
16 something different. Me and my organization, Mothers
17 of South Central, we support this project.

18 Thank you very much for your time.

19 MS. ZASADZIEN: Let's hear from Jesse De La
20 Cruz, followed by Abdulia Cabrera, and Pedro Cabrera,
21 and then Mitchell Tussin (sic).

22 MR. DE LA CRUZ: Hello, good morning.

23 My name is Jesse De La Cruz, and I am a
24 South LA resident and would like to speak on behalf
25 of the community I grew up in.

1 SAJE, how can you understand what is better
2 for my community? You do not know. You do not
3 understand my community. You do not understand our
4 needs.

5 SAJE, you show up to these meetings and
6 these hearings to take advantage of these
7 developments. You think you know what we need in
8 South LA?

9 I grew up on King and Normandie. I went to
10 Normandie Elementary, Foshay Learning Center, and
11 Manual Arts High School. I remember not being able
12 to walk to school with my siblings. This was during
13 a time where it was not safe to be on the streets
14 playing with friends.

15 What was once an impoverished South Central
16 is now becoming a place where folks all across
17 Los Angeles are coming to work. A new South LA where
18 the quality of living is rising. And where now I
19 think it is safe to say that kids enjoy recreational
20 opportunities offered at Exposition Park or you can
21 take a walk on the Figueroa Corridor.

22 I tell you today that SAJE is not here for
23 our benefits. SAJE, you are not here for my
24 benefits, my daughter's benefits, or my wife's
25 benefits.

1 SAJE, you are here to oppose every project
2 because that is your job. The same way you oppose
3 the stadium, the same way you oppose The Reef, is the
4 same way you are opposing this development.

5 Why do you keep telling people lies? The
6 development with the new stadium provided jobs and
7 people from everywhere are now working in South LA.

8 SAJE, when you oppose a project like this
9 one, you are rejecting progress and prosperity for my
10 community. SAJE, this is what we need. You will not
11 stop progress in South LA and keep being a bully.

12 We need jobs; we need opportunities.
13 Anytime you come to these hearings and oppose a
14 better South LA, you best believe I will be here to
15 oppose you.

16 It is important that our neighbors get money
17 to relocate. They should get money to relocate. I
18 understand our neighbors are being relocated, but let
19 them make the decision. SAJE, you cannot come here
20 and oppose a development my daughter, wife, and
21 neighbors need.

22 Thank you and I'm for this -- the Fig
23 project.

24 MS. ZASADZIEN: Abdulia Cabrera.

25 (Speaking through the

1 interpreter.)

2 MS. CABRERA: Good morning. My name is Abdulia
3 Cabrera. I live on 708 Figueroa and Vernon.

4 My opinion is I do agree with the project
5 because it's going to bring in jobs. My husband also
6 agrees with it, and it's possible we will also need
7 that project to live in pretty soon. That's all.

8 Thank you very much for your time.

9 MS. ZASADZIEN: Pedro Cabrera?

10 Oh, so it's just the same. Next is Mitchell
11 Tussin (sic). Sorry.

12 And following, we'll hear from Marie
13 Navarrete, Jean Frost --

14 I'm sorry, we already heard. Did you want
15 to speak as an individual as well?

16 MR. TSAI: I'm speaking --

17 MS. ZASADZIEN: And then Karen Mestizo.

18 MR. TSAI: Thank you.

19 It's Mitchell Tsai. I'm attorney here on
20 behalf of SAJE. In particular, I'm a CEQA and land
21 use attorney.

22 This project in its environmental
23 documentation reflects the City's typically flawed
24 process that shortcuts and hands out special
25 entitlements to politically well-connected

1 developers.

2 In particular, this project violates
3 numerous provisions of state law, historical
4 protection laws, as well as the California
5 Environmental Quality Act, as well as -- as well as
6 the City's own land use laws. While -- I could go
7 on.

8 For the record, I'd like to state that SAJE
9 and my office submitted a 3-page comment letter that
10 you received that has been submitted into the record.

11 In interest in time and interest in the fact
12 that there are numerous other speakers, in
13 particular, I would like to highlight the fact that
14 this particular project violates several provisions
15 of the Southeast Los Angeles Community Plan.

16 In particular, objective 1-4 of the
17 Southeast Los Angeles Community Plan expressly bars
18 the zone changes, height districts, and height
19 district changes that are proposed for the project,
20 proposed barring on the use of these particular kinds
21 of zoning adjustments in Historical District as
22 exactly here the Flower -- the Flower Drive Historic
23 District.

24 In addition, the project violates the height
25 limitations that are set aside in pedestrian-oriented

1 districts as -- as in this particular -- in the
2 Southeast LA Community Plan which limits height to
3 nearly 30 feet.

4 In particular, while this project easily
5 exceeds that height, those height limits double
6 within pedestrian-oriented districts within the
7 Southeast Los Angeles Community Plan.

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8 Finally, the project's environmental
9 documentation ignores the need for mitigation for the
10 project's particular storm water impacts. It fails
11 to adequately analyze on the cumulative traffic
12 impacts specifically set up by the California
13 Department of Transportation violating the City's
14 obligation under state law to consider all known
15 projects at the time of notice of preparation to the
16 project.

17 In particular the -- the project severely
18 understates the amount of potentially cumulative
19 projects that are in the City's pipeline right now
20 and as Cal-Trans notes, ignores the 42 other projects
21 that are in -- before the City at this particular
22 moment.

23 Finally, finally the City --

24 Finally, the project ignores the City's
25 obligation to seek approval and to seek a certificate

1 of appropriateness from both the City's Historic --
2 Cultural -- Cultural Preservation Commission and the
3 State's own office of historical protection as it's
4 followed within Historic District protected under
5 both local and state law.

6 Thank you.

7 MS. ZASADZIEN: Thank you.

8 Next will be Marie Navarrete. Marie
9 Navarrete?

10 Okay.

11 Then Jean Frost.

12 MS. FROST: Thank you for the opportunity to
13 speak personally as a 40-year resident of South
14 Los Angeles.

15 Also, I've worked with the redevelopment
16 agencies. I was the first secretary of the
17 Adams-Normandie 4321 project Area Committee just to
18 the north of this site. What is seemingly ignored is
19 the Page & Turnbill alternative offers all of the
20 jobs, all of the amenities, all of the things that a
21 new development would do to revitalize this site.

22 I'm a long-term resident. I'm a long-term
23 passionate person about planning and land use in my
24 neighborhood. I can walk to Exposition Park. I can
25 walk to this site.

1 I urge you to consider the alternative and
2 thank you for this opportunity to speak individually.

3 MS. ZASADZIEN: Thank you.

4 Next we'll hear from Karen Mestizo, followed
5 by Justin Frank, Vergie Tatum, Elyse Valenzuela.

6 MS. MESTIZO: Hi. My name is Karen Mestizo
7 and I am -- I am from SAJE, a community group that
8 works to protect tenants' rights in the City of
9 Los Angeles. And I have foreseen the impact of this
10 development on the livelihoods on the, you know, the
11 20-plus families that have lived there and you've
12 also heard from.

13 But just to, you know, clarify some things.
14 Yes, this development --

15 As we've heard from the community members
16 that this development, you know, we think that this
17 development is for the same community members that
18 are there, but once that development is built that --
19 it's going to skyrocket rents around that area.

20 People think that this development is for
21 the community members that are already living there
22 but in five years, six years, seven years, those same
23 community members are not going to be living there,
24 just like the same community members that are going
25 to be displaced from those rent controlled units.

1 So, you know, I just have a question:
2 Who -- who is this development really for? Is it for
3 the community members, or is it for higher,
4 middle-income class, wealthy folks who are going to,
5 you know, come into that area later on? Who is this
6 development really for?

7 MS. ZASADZIEN: Thank you.

8 Justin Frank?

9 MR. FRANK: Hi.

10 First, I want to say thank you for your
11 time. I am a student of the University of Southern
12 California. I've lived on the 3800 block of
13 Flower Drive for five years now.

14 First, I want to say that all the emphasis
15 on the area being unsafe, I've had the complete
16 opposite experience.

17 Coming into a school I was told that the
18 area surrounding USC were not the safest, and I
19 should steer clear of, but I've experienced the
20 complete opposite going to a predominantly white
21 institution.

22 It was difficult as an African-American
23 male, and the community that I found on the 38- and
24 3900 block of Flower Drive is one of the things that
25 helped me get to the point I am in school today. And

1 I've never had incidents of being assaulted or being
2 threatened, and it's not an unsafe place.

3 And I just really want to reiterate Karen's
4 point on who is this development really for. I've
5 seen firsthand the way the community is treated at
6 the new University Village that just went up near
7 USC, and it's clear that the developments that are
8 going up are not for South Central. It's for the --
9 the corporations that are going to profit -- profit
10 from it so again. Just reiterating what the
11 residents have said.

12 I'm opposed to this project completely.

13 MS. ZASADZIEN: Thank you.

14 Virgie Tatum? Virgie Tatum?

15 Followed by Elyse Valenzuela. You already
16 spoke.

17 Monica Hernandez. Oh, she spoke already.

18 Ben Mitchell. He spoke already.

19 Terry James also spoke.

20 Natividad Aranda. She spoke already too.

21 Inez Alcazar. All right.

22 John (sic) Ampig? Jun Ampig? Maria Patino
23 Gutierrez?

24 Are you Jun Ampig? Sorry for saying it
25 wrong.

1 MR. AMPIG: So I'm going to be displaced, also.
2 I live at the 3900 block. I'm, well, sort of
3 confused for the other people speaking for us because
4 some -- some person said it's a bad neighborhood and
5 he was mugged, and the other person said it's safe.
6 Well, it's totally safe actually. Lived there for
7 seven years.

8 This neighborhood is basically -- when you
9 move into a neighborhood, you're looking for safety
10 and security. We have that. We have that in this --
11 in this neighborhood.

12 When we are being displaced we're going
13 to -- it's not going to be an upgrade from where
14 we're at right now. Security is not going to be
15 there for us. We're going to be worried for our
16 safety, and there's a right where they could help the
17 community and help the people that live there.

18 So what I'm -- they're not just taking away
19 our homes. It's easy to move, but they're taking
20 away a lot more stuff from us. Family, sense of
21 safety, sense of security.

22 So -- and that's basically it. Just wanted
23 to tell you that.

24 Thank you.

25 MS. ZASADZIEN: Thank you.

1 Next we have Maria Patino Gutierrez, Jim
2 Childs, Catherine White, and Sandra Aguiriano.

3 Maria? Do we have Maria Guitierrez? No.
4 Okay.

5 Jim Childs? Yes.

6 MR. CHILDS: Good morning.

7 Jim Childs, 2326 Scarff Street. I am chair
8 of ADHOC, Adam's Dockweiler Heritage Organizing
9 Committee and --

10 Am I on the minute clock, or where am I
11 here?

12 MS. ZASADZIEN: No, there's no limit of time,
13 just in consideration of other people want to speak
14 as well.

15 MR. CHILDS: Well, I'll expand my minute to two
16 then. Give you a little bit more context.

17 We're dealing with a unique situation here
18 wherein we have a historic designated district --
19 there's no question about what it is -- which will be
20 destroyed by this project. The EIR acknowledges
21 quite a bit of that, but not quite enough.

22 And we have a historic designated district
23 that is conceived and built and recognized for its
24 Affordable Housing Component. These were
25 working-class homes that were built on part of the

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(Cont.)

1 Zobelein tract, you've heard that name. There's a
2 City monument, the Zobelein -- I've advocated for
3 the designation of that. I was active with ADHOC
4 being -- the Flower Drive District being designated
5 as well.

6 I'm hard pressed as a professional to recall
7 very many City monuments or other historic districts
8 that have, as its cause, a housing complex that was
9 affordable housing. And to lose that completely
10 because the developers choose not to pursue an
11 alternative that I and other people in the
12 preservation community spent a lot of time meeting
13 with their people on and trying to resolve a
14 compromise, which we felt we had done, and to have
15 that ignored and not included as a possible
16 alternative is certainly a betrayal on every level.

17 There's a methodology to make this project
18 happen to satisfy the avarice, overreaching, greedy,
19 irrational -- I can go on probably for another
20 minute -- purpose of these developers, who knew full
21 well that this was a historic district, and chose and
22 still choose to see its demolition so they can profit
23 on what?

24 Student housing -- which we don't need any
25 more of.

1 I've lived in that neighborhood for
2 40 years. I was involved with the Community
3 Redevelopment Agency there for a number of years.
4 And this project no longer would be allowable through
5 community redevelopment still there but Mr. Brown --
6 I'm sorry, Governor Brown chose to eliminate CRA, so
7 those safeguards our community thought were in place
8 by an oversight view have been eliminated, which
9 forces us now to come forward and advocate that the
10 City live up to its responsibility of protecting the
11 historic assets within its boundaries, as opposed to
12 giving funding to developers for its elimination.

13 If I told you there were 18 stoplights
14 between my house and here and when I drove here I
15 decided to run the red lights for the last two, and
16 the police stopped me and they said "Well, what are
17 you doing," and I said "Well, I made 16 out of 18,
18 that should be enough."

19 This is the argument that the developers are
20 choosing that they no longer have to comply with all
21 the elements of the South Central and General Plan
22 and the historic designations that they're confronted
23 with, but they can arbitrarily choose to eliminate
24 those that they find inconvenient.

25 This isn't a cherry-picking contest where

1 developers can go "Oh, I don't like that zoning."

2 There's a CEQA element here and the
3 environmental document that is being presented is
4 inadequate and, at a minimum, any decision makers
5 along the remaining pathway must choose to reject
6 that because it doesn't address the CEQA requirements
7 under the law as I understand it.

8 It's -- it's really tragic that in all the
9 efforts preservationists go to instead of having this
10 "I said it's historic, they say it's not" argument
11 which prevails in development review processes
12 because a lot of projects are taking place when
13 somebody doesn't know it's historic or chooses not to
14 recognize it.

15 This has been done and there should have
16 been no argument, and this project should have never
17 had the encouragement from the City Council
18 Representative that's backing this project. And
19 apparently he cares more about development than he
20 does community.

21 Thank you very much.

22 MS. ZASADZIEN: Thank you.

23 Catherine White, followed by Sandra
24 Aguiriano, Rosa Lilian Martinez, Judy Si, and
25 Filomena Navarro.

1 MS. WHITE: My name is Catherine White. I live
2 in a building from the same area, a block south of
3 this proposed project. And I'm disabled, but I'm a
4 veterinarian, so I've been doing a lot of work in the
5 community, and also by doctor's orders, I have to do
6 a lot of walking and this street that they want to
7 tear down is actually one of the nicest streets in my
8 community.

9 I love it. I walk there as part of my daily
10 exercise, very frequently, when it's dark out
11 unarmed, no dog no nothing. I've never had a
12 problem. I've never been threatened or felt
13 threatened. I've had nothing but smiles and waves
14 and it's -- it's actually probably one of the safest
15 areas.

16 To think that someone is going to tear these
17 buildings down that are beautiful, to walk on the
18 street, it's just nothing less than gorgeous, clean.

19 The people who live there, they take amazing
20 care of it. It -- you don't even realize that the
21 freeway is right there above this area they -- the
22 way that they have it's like a little green space in
23 there, and to think that they're going to knock all
24 this down, tear it all out, and put a parking
25 structure there that could easily be underground.

1 That's the future is underground parking. I
2 don't understand why we waste all this space, you
3 know, just for cars because you can fit way more cars
4 underground and not bother anyone. If you're going
5 to put cars --

6 It's going to be no man's land. It's going
7 to be a giant wall, a little tiny sidewalk and then
8 that Flower Street, it's going to be -- there's going
9 to --

10 If you look at other parts of this
11 community, it's a constant battle for us to keep the
12 trash, you know, garbage. People litter all the time
13 just to keep -- to keep the, you know, area clean
14 constant. It's just a daily thing of picking up
15 garbage.

16 This -- this street is beautifully manicured
17 and clean. I don't ever see homeless people living
18 there -- there's other homeless encampments in the
19 area, which is fine, they need a place to live too,
20 but this --

21 If you put that parking structure there that
22 street is going to be extremely dangerous. It's not
23 going to be safe to walk on; it's not going to be
24 safe to have a block away from where I live, and
25 there's tons of little kids. It's -- it's going

1 to --

2 It's a safe and beautiful place. Now, it's
3 historical it's -- it's the last little piece of what
4 we have of what the area used to look like. It needs
5 to be saved. Those people that live there we need
6 to -- we need to keep that community going. It's
7 very, very important. Very extremely important and
8 once you -- once you tear that out there's no putting
9 it back.

10 And the other thing is to -- to consider
11 this new building water saving and it has three huge
12 pools, that makes no sense. That makes no sense. If
13 you have three huge pools on top of this, they're
14 probably hardly ever going to be used, and to say
15 it's water efficient, I don't think so.

16 And also, I don't know why it's a wood
17 structure. They're building up these wood structure,
18 you know, four-, five-, six-, seven-story buildings
19 all up and down Figueroa and I think they are all
20 eyesores.

21 I know they always look pretty when you have
22 these artistic renderings because artists make this,
23 but they don't ever look -- they never look that
24 nice. I don't know why they can't just put a small
25 footprint, nice tower there, you know, a nice modern

1 building that actually will not have such a huge
2 impact and take up so much space.

3 This --

4 Like I said, there's no going back. You
5 can't put those homes back once you tear them out and
6 you can't -- you can't rebuild that community.

7 And then the other thing is that I know a
8 lot of architects that are working on similar
9 projects and when you look at the low-income homes,
10 the apartments that they have, the low income,
11 usually they're over a thousand dollars for the rent
12 and they're usually placed in the building and in,
13 like, places that are hardly liveable. They have
14 little tiny windows; they're really odd shapes.

15 It's just, how do you pack as many of them
16 together as you can? They're usually -- they're
17 basically tenements. They're not --

18 I doubt they're even going to be a fraction
19 of what is there now, currently. I wish that they
20 would even just tell us what the square footage would
21 be of these 82 units compared to the 32 units that
22 are getting torn out and probably the other homes
23 north of this -- this area that are going to get torn
24 out next.

25 I think that's -- I don't -- the fact that

1 they are so limiting with the information that
2 they're giving us is just not transparent at all and
3 it's -- it's just I can tell there's something that
4 is not right with this.

5 So once that building is up, the people that
6 build it, they're going to make their billions of
7 dollars, and they're going to be gone and we're the
8 ones that have to live with it. It's just -- and
9 there's just no fixing it, you know, the damage is
10 going to be done.

11 The other thing is when you talk about the
12 retail space and the restaurants and -- and the
13 liquor licenses and all this that they want for the
14 first floor of it and how nice it's going to be to
15 walk, you know, the presence and the boulevard and
16 la-dee-da.

17 It's a food desert in this area. A couple
18 blocks south there used to be a Ralph's and it was
19 taken out and it was replaced by a Ross, which is
20 mostly just a clothing store. We don't -- we don't
21 have a grocery store.

22 So anyone who knows anything about that
23 community, that would be the first thing you want to
24 put in a retail space is like a real grocery store
25 like a Ralph's, just an everyday, every man grocery

1 store nothing -- nothing with expensive exotic foods,
2 just something where you can actually get healthy
3 fresh produce every day for a reasonable price.

4 Like I said, this is -- there are multiple
5 things that are very concerning that don't, like --

6 With what was said before, it doesn't have
7 to be this way. We can all coexist, and we can all
8 benefit from this all together. There's no reason
9 why it has to be a zero-sum game where somebody gains
10 billions and billions of dollars from this, and the
11 rest of the people who have so little already lose
12 what little that they have that -- that keeps them
13 going.

14 And these people, they -- they contribute.
15 They keep our community safe. They keep a loving,
16 beautiful environment for the rest of us, so
17 they're -- they contribute to everyone else
18 immensely. And we all have to watch out for each
19 other and we have to respect each other.

20 And we all have to think of what it -- what
21 would it feel like if this was our backyard, or if
22 this was our yard, our kitchen, and our bathroom and
23 our living room and our bedroom; and this is where we
24 raise our children and this is where we go to visit
25 our elderly relatives and then this is the place

1 where disabled people can live.

2 So thank you -- thank you for your time.

3 MS. ZASADZIEN: Thank you.

4 MS. WHITE: It's -- it's an extremely safe
5 area.

6 MS. ZASADZIEN: Next is Sandra Aguiriano and her
7 helper. Oh, two helpers.

8 MS. AGUIRIANO: Okay.

9 So my name is Sandra. I'm a little nervous.

10 MS. ZASADZIEN: Me too.

11 MS. AGUIRIANO: I'm not against it. I'm not for
12 it. But in the end, everybody knows money talks.

13 Money talks. We can note a dispute. We can
14 be against it. We can be for it, but money talks in
15 the end.

16 Whether it's going to benefit the poor --
17 it's going to benefit poor. It's going to benefit
18 rich. We're going to win no matter what. Poor
19 people are going to have jobs, wealthy people are
20 going to get more money, and change is hard. It's
21 scary.

22 I'm a single mom. I pay \$1,000 for one
23 bedroom. This place may benefit me in the future, or
24 it may benefit my kids. I don't know.

25 Nobody knows the future, but all I can say

1 is money talks. We can all dispute, but just money
2 talks. That's all.

3 MS. ZASADZIEN: Thank you.

4 Next is Rosa Lilian Martinez.

5 (Speaking through the
6 interpreter.)

7 MS. MARTINEZ: My name is Rosa Lilian Martinez.

8 As a resident of the 39, I do agree with the
9 project. I know it will bring a lot of development
10 for the community. And as the country that never
11 stalls, but it's always moving forward. I know we
12 will all benefit, one side and the other. So that's
13 why I agree with the project.

14 Thank you.

15 MS. ZASADZIEN: Thank you.

16 Next is Judy Sane. San? Followed by
17 Filomena Navarro, Maria Eugenia Martinez, and Joe
18 Donlin.

19 So do we have Judy Sa (sic) on
20 4125 South Figueroa?

21 Okay. Can we hear from Filomena Navarro?
22 Filomena Navarro?

23 Or from Marta Eugenia Martinez? Marta
24 Eugenia Martinez?

25 Can we have translation in the front,

1 please?

2 Thank you.

3 (Speaking through the
4 interpreter.)

5 MS. MARTINEZ: My name is Marta Eugenia
6 Martinez. I live on the 22nd and Hoover.

7 They're going to sell where we are at. We
8 pay very high rent. And if we move out of there,
9 we're going to pay higher. So we need low-income
10 apartments because we can't afford rent anymore.
11 I -- I support the project.

12 Thank you very much.

13 MS. ZASADZIEN: Next we have Joe Donlin. Joe
14 Donlin. That will be followed by Malu Ochoa, Maria
15 Luisa Leyva, Dean and Dale Golden, and Mirna Romero.

16 MR. DONLIN: Again, my name is Joe Donlin with
17 Strategic Actions for a Just Economy, also known as
18 SAJE.

19 And before I read from some of my prepared
20 comments, I want to address some of the comments that
21 were raised here today. I think there was a mention
22 that organizations are lying to community members. I
23 do think there are lies certainly being told. And I
24 think they are being told to residents to support a
25 project.

1 And in case folks are wondering, you know,
2 SAJE has absolutely supported many projects. We've
3 helped bring to the community through the leadership
4 of local residents and through the processes that
5 we've helped facilitate, hundreds and millions of
6 dollars in community benefits in the forms of
7 affordable housing, in the forms of support for small
8 businesses, in the forms of local and targeted hiring
9 programs, in the forms of 10-8 clinics established at
10 USC, for example.

11 And so, you know, I think it's just worth
12 noting that so folks understand where our
13 organization is coming from. And we stood together
14 with the City Council member and with the mayor and
15 with many leaders in the community to support the
16 community plans of South LA and Southeast LA as part
17 of our campaign with the MUNI, that coalition known
18 as the People's Plan.

19 We're very proud of that. We know that it's
20 been delayed and, unfortunately, it's been delayed
21 because it could, you know, it has relevant
22 consideration for this particular project today.

23 And, you know, in terms of outsiders. I
24 think it is worth looking at, you know, in
25 prioritizing local community members and residents

1 which is why we call for the families to speak first.

2 And we heard from them today. And I was
3 offended when I heard someone say, like, they don't
4 understand the living conditions that they live in.
5 That's pretty outrageous to hear.

6 In terms of outsiders, we should note the
7 wealthy white developers who are here with us today.
8 I think, you know, sitting in the front and think
9 about where they're coming from. And so when the
10 question is asked, you know, who is this development
11 for and who stands to benefit and who stands to
12 profit, I think we have to turn our attention to the
13 developers.

14 And so I -- I raise my points, you know, in
15 the context of we have -- we have worked with
16 developers. We have supported projects when they
17 have invested significantly in the community, and we
18 have done that numerous times. And we're -- we're
19 far from that today.

20 I do want to make one other point in terms
21 of the conversation around safety.

22 Sometimes we think that a -- a brand-new
23 building equals safety for some reason, and
24 oftentimes, large projects like this bring with them
25 security -- private security that often actually

1 serves to criminalize local black and brown and
2 homeless folks or other members of the community.
3 They haven't proposed that that's what they're doing,
4 but I think we do need to recognize that that is a
5 very common effect in new development.

6 And as we're thinking about how development
7 projects are proposed and are designed, you know,
8 that form of safety for local community residents
9 needs to be considered and -- and to be integrated.

10 So, again, you know, SAJE is here standing
11 with the tenants in the 3900 Flower Community. Many
12 who have lived there for more than 40 years, many
13 black and brown families who have seen generations
14 living in and growing up in the homes that would be
15 demolished by this project.

16 We stand with the tenants who have faced
17 repeated harassment and coercion by the developers of
18 this project. We stand with the families on the
19 3900 Flower block who have experienced severe stress
20 due to the threatened evictions and loss of their
21 homes, families who include older adults, young
22 children, people with differing abilities and
23 disabilities.

24 We stand with the tenants who fear the loss
25 of large homes that they live in and rent-controlled

1 homes located next to Expo -- Expo Park in a
2 transit-rich area and close to employment centers.

3 The displacement of these families would
4 serve to further destabilize the community by
5 destroying 32 valuable rent-controlled homes. The
6 displacement would push local workers further from
7 their jobs, including those located across the street
8 or just down the block. The threat of displacement
9 has already caused severe stress and anxiety for many
10 families.

11 So there are several reasons, some of which
12 I've already alluded to, as to why we oppose this
13 project, reject the findings of the EIR, and call on
14 you to not approve the vesting tentative tract map.

15 Displacement is one of the greatest harms
16 the developer and the City can inflict upon a family
17 and community. The EIR, the vesting tentative tract
18 map application, and all associated planning
19 documents make no mention of the nearly 30 families
20 who live onsite where the project is proposed.

21 There are mentions of the use of the Ellis
22 Act but no recognition that people's lives and
23 livelihoods are at stake. The project description,
24 project plans, and the City's analysis assume rather
25 harshly and inhumanely that the site will just be

1 empty.

2 And -- and that is the point from which all
3 impacts of the project should be assessed. This is
4 false, and it is a devastating attack against
5 families everywhere when they are erased from
6 developer plans and City reviews. The loss of
7 community, the loss of home, the loss of proximity to
8 work, the loss of memories in a place where multiple
9 generations of families have grown up and lived
10 together; these are incalculable losses.

11 Despite these immeasurable losses, the
12 developers and the City are not willing to calculate
13 and address the true cost of displacement and address
14 this with the families.

15 We know that there are many other ways
16 development can happen, yet, the only way being
17 pursued is to displace and to offer disrespectfully
18 low relocation amounts that could never make up for
19 the damages of displacement, nor the cost of rent at
20 a new home for these families.

21 Along with a loss of families and a
22 tight-knit community, the development will remove
23 32 rent-controlled homes; a scarce resource that we
24 are losing at a clip of five units per day in the
25 City of Los Angeles.

Testimony-3

1 The developers are including affordable
2 housing because they have to, not because they are
3 contributing any community benefits. These
4 affordable units are required by law when you
5 eliminate rent-controlled housing.

6 Therefore, the affordable housing in the
7 project should not be interpreted as a laudable
8 element of the project. They are doing only the bare
9 minimum while requesting a very significant zone
10 change from the City.

11 The impact of this project on the
12 surrounding neighborhoods has also not been assessed
13 and recognized for how it will contribute to
14 increased gentrification. There are ways to address
15 this, for example, by investing in anti-displacement
16 funds, including deeply affordable, such as extremely
17 low-income affordable housing that goes above and
18 beyond what is required as a RSO mitigation, yet, the
19 developers are doing no such thing, and the City has
20 not utilized its development agreement powers to
21 require it.

22 On top of all this, the City is considering
23 to publicly subsidize this project. A motion was
24 passed in April of this year to explore the use of
25 public monies to fill financing gaps for this

1 project.

2 In effect, the City is talking about
3 publicly financing and facilitating the displacement
4 of longtime low-income families of color. And we
5 don't have any information about how large this
6 public subsidy will be.

7 We have not seen this information. Yet, at
8 the same time, the developers are pressuring the
9 tenants to make a decision about leaving.

Testimony-4

10 Lastly, the developers propose moving three
11 or more of the buildings in an effort to circumvent
12 historic preservation law. No details have been made
13 public about this arrangement.

14 We don't know where the properties will go,
15 who owns that land, who would control the buildings,
16 and how they will be managed and under what law.
17 There are way too many questions about this to
18 justify moving this project forward. Among other
19 things, the public deserves to know if there is a
20 Surplus Land Act violation in process.

21 So for all of these reasons today, SAJE
22 stands with the tenants at the 3900 Flower block who
23 know best what they need and know best what impact
24 this project would have to them.

25 And so we thank you for your time and for

1 listening to our comments.

2 MS. ZASADZIEN: Thank you.

3 Just wanted to reiterate, we're now -- been
4 in this hearing for two hours, and we still have
5 about 20 speaker cards; so if all speakers could
6 limit their comments to new points or they could
7 restate their support of other previous speakers just
8 to be able to give everyone a chance to speak.

9 Thank you.

10 MS. OCHOA: Thank you. My name is Malu Ochoa.
11 Thank you for having this hearing today. I'm an
12 organizer with SAJE.

13 And to the young community member who was
14 saying that SAJE is not from the community, I was
15 born and raised near 65th and Normandie all my life.
16 I went to Magnolia Avenue Elementary School for
17 kindergarten right on Menlo near King.

18 The apartment I used to grow up at on King
19 between Figueroa and Menlo is still standing. And I
20 would like to see it continue standing because it is
21 rent-controlled just like the houses of the B-8
22 buildings in which the tenants spoke today live at.

23 I've been an organizer on this project for
24 over a year and a half now, and after my 17 years of
25 experience with labor community and City Council, I

1 can tell you that this is the most harrowing project
2 I've had to work on.

3 Sure. This has been the most harrowing
4 project I've had to work on. I'm proud to be an
5 advocate for these families. I know that only 11 of
6 them could show up today because, again, when you are
7 low income every penny counts, and so not every
8 family can be here. Some families have to be with
9 sick children who are in hospitals that are --
10 because they are disabled.

11 So for the people who could not be here
12 today, they did submit comments. That is the family
13 of Maria Partida, the family of Oscar Antonio and
14 Guadalupe Solano, the family of Maria Christina
15 Espinoza, the family of Virgie Tatum, the family of
16 Luz Contreras, the family of Carmella Vejarla, the
17 family of Alejandro Gutierrez, the family of Elyse
18 Aguilar, Estella Contreras -- who is very disabled
19 and just my heart goes out to her -- to the family of
20 Carmen Barajas, Raquel Barajas, Linda Mundiano, and
21 the Sanchez family.

22 They've all submitted, or will be
23 submitting, their comments. So please do not think
24 this is a divided community. They are very well
25 aware of what they are missing, and they are very

1 united.

2 I would like to point out that although
3 there are 23 units organized by SAJE, those 23 units
4 house 72 individuals. 72 people at the risk of
5 displacement, at the risk of financial instability
6 because of this project. A project that is not being
7 done by members of the community.

8 These folks do not come from South Central.
9 When they leave, they leave with all of the
10 lucrative -- all of the -- of the economic winnings
11 going back to Orange County or to Santa Monica.
12 That's where the lawyers for the developers are from.
13 That's where the developers themselves are from.
14 This money does not stay in South Central. It is
15 being mined from South Central, and we need to
16 remember that.

17 They are building a seven-story apartment
18 unit complex. You're telling me that 80 affordable
19 housing apartments is the best that can be done.

20 We've got to really think about that. We've
21 really got to analyze the subject and don't be, you
22 know, persuaded by something that's shiny and new.
23 Be persuaded by something that is shiny and new and
24 for the neighbors that are already there. Don't
25 build stuff for people that aren't from the

1 community; build stuff that's supposed to uplift the
2 community.

3 At SAJE we want better neighborhoods. It's
4 true, but we want them for the same neighbors. The
5 developers, as one of the tenants pointed out, will
6 be coming for you next.

7 Do you think that Martin Luther King, that
8 those apartments facing the stadium will remain in
9 tact over the next 10 years? No.

10 Do you think the 3800 block of South Flower
11 Drive will remain the same? No. There will be a tax
12 on those neighbors as well.

13 Please, I ask you to stand behind the
14 tenants of 3900 South Flower Drive and to support
15 SAJE. Come and learn who we are, come and understand
16 what we do.

17 And for all of these reasons I ask other
18 neighbors, just as I myself am saying, that we reject
19 this tentative tract map, we reject this project, we
20 stand in opposition until they do right by the
21 tenants, and they make them whole. Yes, we need
22 jobs. Yes, we need affordable housing; but at what
23 cost? Is it worth selling your soul?

24 That's all that I have to say today and we
25 hope you will also oppose this project.

1 Thank you.

2 MS. ZASADZIEN: Thank you.

3 Next is Maria Luisa Leyva. Maria Luisa
4 Leyva.

5 (Speaking through the
6 interpreter.)

7 MS. LEYVA: My name is Maria Luisa Leyva.
8 4885 South Flower, Apartment Eight, California, zip
9 code is 90037.

10 I've been there 43 years. My kids were born
11 there. It saddens me that that would disappear --
12 that this project from there because other people
13 live there. From this side and that side, we're very
14 united; and we're very content and happy. And I fear
15 that would disappear.

16 My income -- I am retired with social
17 security, my husband and I. And we don't have much
18 of any income to go elsewhere to live. Rent is very
19 high. And that's all I need to say.

20 Thank you so much.

21 MS. ZASADZIEN: Next we have Dean and Dale
22 Golden. Dean and Dale Gorden -- Golden. And
23 following that with Mirna Romero, Roland Souza, Dan
24 MacDonald, and Antonio Hicks.

25 MR. DEAN GOLDEN: Okay. I am Dean Golden. I

1 live off of 40th and Hoover right in the
2 neighborhood, and I've been living there for quite a
3 few years.

4 I do find my neighborhood and the
5 neighborhood around the college to be a pretty safe
6 neighborhood to be in. I never felt threatened
7 anywhere in that neighborhood.

8 Now, this project, although I am in total
9 agreement that there is a need for affordable
10 housing, but I do see a lot of room for improvement
11 in the proposal. Based on what I'm hearing today, I
12 would be willing to contribute my insight to the
13 teams developing this and to the families that's
14 being displaced.

15 I'm with S-H-A-R-I-N-G University teaching
16 social entrepreneurship and we have a mission to
17 eliminate homelessness, to eliminate poverty, and to
18 eliminate sickness; so we do have a system that's
19 totally in place to do this worldwide.

20 So we have a lot of programs and ideas that
21 we can contribute to improve everybody's lives in
22 this project. So we're very open to being available
23 to the community, with the City, and with the
24 developers and with the families, how we can create a
25 neutral co-adhesive system that everybody can win.

1 And I don't see a need to displace the
2 families. I see a need to integrate them and
3 grandfather that community, whatever the development
4 is going to look like, but have the families be the
5 core in that development. And they are running
6 keeping their community alive and keeping the
7 neighborhood safe and clean. But to move them out
8 somewhere else and separate them from where they grew
9 up, I don't see a need for that.

10 I see that their building prices right where
11 they're at, that they should be able to be integrated
12 into that community and keep their community in tact.

13 So like I said, we're open to brainstorm on
14 how to make that happen. We can really see there is
15 a win-win for everybody.

16 MR. DALE GOLDEN: Hello. I'm Dale Golden.

17 I'm a member of S-H-A-R-I-N-G University
18 where we are learning social entrepreneurship and
19 solving community problems. And we have several
20 programs that's going on worldwide that addresses
21 these issues that we can contribute to the community
22 and give solutions.

23 I'm not opposed to this project. I just
24 want to have them rethink on what they're doing and
25 how they're doing it because there's a way for them

1 to really come out way ahead by working with the
2 community. The profit would be a lot higher when
3 they do so. The more people you help, the more
4 you're blessed, and that's what we're about is
5 helping other people anywhere including this
6 community.

7 MS. ZASADZIEN: Thank you very much.

8 Next is Mirna Romero.

9 MS. ROMERO: Hello. My name is Mirna Romero,
10 and I was born and raised in South Los Angeles. I
11 actually went to Manual Arts for a bit, and I'm a
12 graduate of the University of Southern California; so
13 I am very knowledgeable about our area.

14 I now serve on an organization, a non-profit
15 organization, that is one of the largest providers of
16 services, both public safety and employment services,
17 to at-risk individuals throughout LA County. And
18 because of the benefits of this project would bring,
19 we support any project -- I support this project.

20 The organization I work for focuses on
21 public safety and providing opportunities and jobs to
22 at-risk youth and individuals in our community,
23 specifically in South Los Angeles.

24 With projects like these, we're able to
25 provide opportunities to our clients, to the

1 community, and to their families. The jobs that will
2 be created through this project and the safety that
3 will come along with that are the biggest need in
4 this area, and we count on developments like this to
5 help our young people that otherwise would be
6 disconnected and disfranchised; so because of that
7 we -- I support this project.

8 As I said, I grew up -- I was raised here.
9 My parents were immigrants. I was given the
10 opportunity to not only accomplish my goals but to
11 come back and help our community and help our
12 community accomplish those goals because of the
13 progress, and it's because of change.

14 I know change isn't seen as a positive
15 thing, but for our communities, it can be. And I
16 think this is one of those opportunities where it's a
17 good thing.

18 Thank you.

19 MS. ZASADZIEN: Thank you.

20 Roland Souza.

21 MR. SOUZA: Hi. My name is Roland Souza
22 representing West Adams Heritage Association, and our
23 concerns echo what we heard this morning about the
24 Historic District that this is and the loss of that
25 which would be immense to the community.

1 As we've heard, it's a beautiful
2 neighborhood. It's a safe neighborhood. It's --

3 People aren't throwing trash on the streets.
4 I don't know. I walk through it, and I can see the
5 pride of ownership. This is a community that matters
6 to people as we've heard this morning. This is their
7 home. They have been there for generations. This is
8 not the kind of community we should bulldoze down in
9 any way.

10 Particularly, there's options on the site.
11 This is a very large site. I can't image why the
12 alternative of relocating and not demoing out the
13 northern part of the site is not being explored.

14 It would be a win-win situation for
15 everybody if we can save this community and refocus
16 the development on the southern part of the site. I
17 cannot understand why this isn't being considered.

18 Again, this is the kind of community that is
19 affordable housing. It's a cohesive community in
20 which we should be supporting this in the City. It
21 would be a huge loss if we lose this community.

22 Thank you.

23 MS. ZASADZIEN: Thank you.

24 Dan MacDonald.

25 MR. MACDONALD: I didn't know I was going to

1 have a partner. I don't know about everybody else in
2 the room but I'm starving.

3 Good afternoon. My name is Dan MacDonald,
4 and I'm a representative with the Southwest Regional
5 Council of Carpenters. I represent the LA City area
6 where we have over 10,000 members that reside in
7 LA County, and we have over a thousand members that
8 reside in the South LA and Southeast LA region where
9 this project would impact.

10 I'm also a Los Angeles City resident. I
11 live about a quarter mile from the project site.
12 I've lived in that area since 2002, and I remember
13 during the last economic boom cycle that we had in
14 the early and mid 2000s all the regions of
15 Los Angeles was growing and booming with opportunity
16 except for South Los Angeles.

17 And under the leadership of supervisor Mark
18 Ridley-Thomas and Councilmember Curren Price, they
19 have begun to change that. We've seen a beginning of
20 revitalization for South Los Angeles.

21 And there's been a lot of bashing on the
22 developers, and as a carpenter duly represented, it's
23 not often I have an opportunity to commend the work
24 that this development group has done but they've
25 engaged the residents. They've engaged all the

1 community stakeholders.

2 There's a project Labor Agreement on this
3 project which means construction jobs and a pathway
4 for training for community residents who will be
5 offered which would allow them to have an opportunity
6 to have a middle-class living standard. They are
7 doing all the right things.

8 This is an investment that's important for
9 this community. I feel for the impact on the
10 residents who may be displaced, but I feel that
11 their -- the organization feels that there's been
12 appropriate mitigations put forth for that
13 displacement.

14 And what this community needs is for its
15 residents to have opportunities to have good
16 middle-class working jobs that are available to them;
17 and this development helps provide that.

18 And I want to commend the Councilmember, the
19 supervisor, and the development group for the good
20 work they've done. Southwest Regional Council of
21 Carpenters strongly supports this project.

22 Thank you.

23 MS. ZASADZIEN: Thank you.

24 Next we have Antonio Hicks, followed by
25 Laura Myers, Ron Miller, Robin Evangelista, and Jacob

1 Rosales.

2 MR. HICKS: Good afternoon.

3 My name is Antonio Hicks. I'm a senior
4 staff attorney with public council, and we are here
5 on behalf of SAJE.

6 As a preliminary hearing matter, I would
7 like to request that all of SAJE's previous comments
8 from other hearings, as well as their comment
9 letters, be incorporated into the record for this
10 hearing.

11 So I just want to elaborate quickly on a
12 couple points that actually were previously raised.
13 One was raised by Mr. Tsai earlier with respect to
14 direct and cumulative impacts. I think the EIR does
15 not go far enough on this.

16 It's easy for the developer to just say,
17 hey, you know, just as an example for traffic you
18 know we're -- we're only going to attract a thousand
19 cars and we think we have a plan to deal with that,
20 but if developer B is also bringing a thousand cars
21 that's down the block, and maybe two, three blocks
22 away developer C is also bringing a thousand cars,
23 well then whatever that mitigation was may not be
24 sufficient to -- to deal with those kinds of impacts.

25 And then I do want to return also to a point

1 that Mr. MacDonald -- that Mr. MacDonald rose with
2 the respect to the impact of gentrification
3 displacement.

4 Again, I think it's easy to say, well,
5 we're -- we're getting rid of rent control units,
6 but we're building affordable units; so problem
7 solved. I -- again, I don't think that's the end of
8 the analysis, and I think the EIR should look into
9 this.

10 I should submit it's reasonably foreseeable
11 that a project like this is going to have an impact
12 on the affordability in the area and meaning that
13 rents are going to go up. So if, and when, that does
14 happen, it's going to have an impact of displacing
15 other individuals in the area, and then where are
16 those folks going to go?

17 And I would submit that, again, it could
18 have a physical impact that housing is going to have
19 to be built in other parts of the City in order to
20 accommodate for that need for affordable housing; so
21 with that, I end my comments.

22 Thank you very much.

23 MS. ZASADZIEN: Thank you.

24 Would you mind using that -- that microphone
25 has the translation microphone attached? Sorry.

1 Thank you.

2 MS. MEYERS: Not a problem at all.

3 My name is Laura Meyers. I'm here
4 representing the North University Park Community
5 Association, or NUPCA, an organization that was
6 founded, I believe, 40 years ago.

7 I -- I haven't been a member from then. I
8 was elected in repeated elections to the advisory
9 committee for what was the Hoover Predevelopment Plan
10 on behalf of NUPCA, or I should say NUPCA was
11 elected, and I represented NUPCA for 25 years.

12 So I've been the person, until this
13 Community Redevelopment Agency ended, who actually
14 was in charge -- because I was representing a
15 preservation organization -- to walking potential
16 developers through this particular site time and
17 again because it was on and off the market for years
18 and after it was designated.

19 So I do come here with some insights. I
20 want to do a little preamble besides that.

21 Number one --

22 MS. ZASADZIEN: Can someone please close the
23 door? It's a bit noisy outside. I just want to be
24 able to hear you.

25 MS. MEYERS: Number one, there's a character

1 called captain obvious. We should kind of invoke
2 captain obvious.

3 Isn't it obvious that if you build a project
4 that explores a better alternative that would permit
5 everything the project Applicant wishes and saves the
6 Flower Drive Historic District, which is an
7 affordable housing and historic, then you're not
8 giving up 1100 construction jobs? You're not giving
9 up the permanent jobs. You can have it all.

10 So this is of -- a lot of the testimony I've
11 been hearing, particularly just before me, saying,
12 oh, my God, if you don't build this project --

13 Well, why wouldn't you build the project?
14 But you should build it in a different way so that
15 you accomplish your goals. And do not violate all
16 the other Land Use goals of demolishing housing that
17 exists and demolishing a Historic District or
18 removing it, whichever else is true.

19 So I want to go through a little bit on the
20 technical stuff and --

21 But first, I do want to do just a little
22 older story.

23 Again, I've been on -- had been on for 25
24 years starting in 1989, the Agency Advisory
25 Committee.

1 In 1983, the developer proposed a plan to
2 build a grocery store and other related buildings at
3 Vermont and Adams, also in the same Hoover Plan, and
4 failed to acknowledge that there was a Historic
5 District on Menlo. It was a different time.

6 The Community Redevelopment Agency said your
7 EIR, your Draft EIR won't work. Your project won't
8 work. Go back to the drawing board and figure out
9 something that works to save the district while
10 accomplishing your goal.

11 The councilmember at the time put together a
12 series of meetings with all -- with what we now call
13 stakeholders, and we came up with a new idea that, in
14 fact, was eventually, in 1989, built out.

15 So we are in different times. We are in a
16 time when the planning staff, rather than taking sort
17 of that kind of direct, huh, there's some conflicts
18 here, why don't you redesign it, and instead has
19 pushed forward.

20 And it gets worse because in the response to
21 comments, I have 30 pages of response to comments on
22 the EIR, to me alone and then other response to other
23 commenters.

24 Consistently what I see in the comments is
25 reference to a series of meetings where community

1 stakeholders met with the developer, the developer's
2 representatives, the developer's historic
3 preservation consultant, a third-party preservation
4 consulting firm, and explored alternatives; none of
5 which are in the Final EIR.

6 We -- my idea was rejected. So, you know,
7 this is all about consensus and compromise. My
8 personal idea was, hey, let's make Flower Drive a
9 cul-de-sac. Let's just take four of the buildings
10 and move them around, no driving, make it grass, make
11 your new road around it, create circulation.
12 Everybody stared at me and said that's just nuts.
13 Maybe it is, maybe it's not.

14 What we did decide as an alternative worth
15 exploring, instead of having one 21-story building,
16 have two taller buildings. I don't think the second
17 one was to be 21, and put your parking underground
18 and in that building. Thus, being able to save the
19 Flower Drive.

20 I'm seeing in the responses multiple
21 references, multiple responses, to that idea. It
22 wasn't a public meeting, so we don't need to address
23 it. This was not a public meeting. And yet, staff
24 had its own non-public meeting, or meetings, with the
25 developer in which staff then said we don't like

1 21 stories.

2 We think you need to limit it to seven
3 because otherwise you'd be in conflict with the plan,
4 not in conflict with the updated plan that City
5 Council adopted last November -- but the City
6 Attorney hasn't released the ordinance -- but in the
7 end, not in conflict with a -- the new plan which
8 will allow much taller buildings on that -- on
9 Figueroa, but in conflict with the plan that's about
10 to expire.

11 And prioritize that conflict, the conflict
12 of the height, over the conflict of removing
13 affordable housing and the conflict of the -- the
14 demolition or removal of -- everyone is saying
15 one-third, but it's, you know, something between
16 one-third and one-half -- of the Flower Drive
17 Historic District.

18 These are old land use conflicts, let's
19 balance them.

20 And again, the repeated remark in the
21 response to comment -- comments in the Final EIR was
22 that those other meetings were private, but these
23 meetings were also private. And I'm not making up
24 the meetings.

25 I've talked to both the Applicant

1 representative and planning staff. It happened.
2 Planning staff told them to have a shorter building;
3 so if you hear anything else, I've confirmed that
4 multiple times.

5 So on land use there's a thing I was
6 primarily personally interested in. There's so many
7 conflicts. It conflicts with the Community
8 Redevelopment Agency, Redevelopment Plan.

9 This notion that they don't even need to go
10 to the CRA Placement Agency Board Staff, you know,
11 whatever -- whoever is going to be standing by the
12 time they get there, but do it after, it makes no
13 sense.

14 I understand that CRA has no ability to be
15 the lead agency, but they're saying all we need to do
16 is sign a development agreement with the CRA. I
17 mean, I'm using different phraseology, but that's not
18 actually true. The CRA has its own in the
19 redevelopment plan. Variance process, it's called a
20 variation to the plan.

21 So what we have here is the need for the
22 CRA equivalent of variance. Somebody has to give it
23 to them. It's called a variation to the plan, and in
24 that variation to the plan, there's normally a
25 requirement of a relocation plan that's actually

Testimony-5

Testimony-5
(Cont.)

1 approved as part of the approval process.

2 So again, I spoke to staff. I don't think I
3 was very pleasant, but I spoke to staff last week.
4 How come you don't -- we don't have that required
5 relocation plan, that usually a Deputy Advisory
6 Agency mandates a relocation plan, CRA mandates a
7 relocation plan, why is it not there? Why does it
8 not include a right of return -- as has been
9 addressed without maybe that phraseology by other
10 speakers -- because right now all they're really
11 contemplating is using the Ellis Act -- which at
12 least they are contemplating using the Ellis Act
13 rather than the housing department's new program
14 called Cash For Keys -- but using the Ellis Act means
15 you get a relocation fee and a third-party relocation
16 service.

17 Maybe they can help you, maybe they can't,
18 but it doesn't give up family vouchers. If a family
19 isn't American citizens they can't get vouchers.
20 They have no right of return. They'll likely be
21 removed from the community. That should not happen
22 and that shouldn't have to happen if they redesign
23 the project to retain the apartment building that's
24 on Flower Drive.

25 That wasn't me; right?

Testimony-6

1 Okay.

2 The CRA also has as its goal historic
3 preservation; so clearly it's not being met. I read
4 in the staff report, finally, a concession that the
5 zone, in fact, is residential on Flower Drive. It
6 was never commercial. They said, oh, they forgot to
7 adopt it in the year 2000. And so sadly, I don't
8 think they forgot to adopt it.

9 The City Clerk has done a whole lot of weird
10 stuff with those Community Plan updates, and it turns
11 out that if -- if that over a series of weeks there
12 were multiple motions by City Council -- nobody has
13 told the City Councilmembers this -- but if on a
14 Tuesday of January 2000, you know, whatever, you do a
15 motion that has 10 changes and the following Friday
16 you do another motion with unrelated 13 changes, it
17 eliminates the first motion, which is just crazy
18 making.

19 So that's happened throughout South LA and
20 Southeast LA plans. So one of the things the update
21 is correcting are all those weird errors where the
22 City Council people and community people thought this
23 was adopted and that was adopted and this was
24 adopted.

25 An example not related to them is on St.

Testimony-6
(Cont.)

1 Andrews Place at Venice. It was adopted as RD-2 and
2 then rejected. I mean, it was just a weird thing the
3 clerk did in their accounting of things. So it is
4 residential. The new plan says 1.5, it's currently
5 R-4 but either way -- back to how it's a conflict
6 with land use element -- is it's not commercial.

7 I'm offended personally that they spent
8 30 pages in the response to comments in the Final EIR
9 just to me saying I was wrong about this and wrong
10 about that and wrong about this with a land use
11 element. They're saying in the staff report that the
12 general plan framework identifies this as regional.

13 Well, you know what, that's true. But the
14 general plan framework also says you are to conserve
15 multi-family neighborhoods, not just single-family
16 neighborhoods, neighborhood conservation. You are to
17 respect historic preservation. You are to -- to have
18 transition heights, which obviously goes out the door
19 with this project, but the general plan framework is
20 a huge document, and it's not solely about -- about
21 what it designates an area for if, in fact, it
22 designates the area.

23 I'm losing track now. I'm so sorry.
24 There's so many different things in this.

25 I would ask that this Final EIR not be

1 certified. I would ask alternatives that actually
2 would retain these 32 units in eight buildings in a
3 historic district be required to be explored
4 properly.

5 I would ask another remark in all of this --
6 in all of the thousands of pages -- is that the
7 Applicant cannot use the other lots Applicant owns,
8 which are now surface parking, can't use them within
9 relationship to this project because they have
10 contracts to provide parking, or I guess gains or
11 whatever, for Exposition Park. But it defies the
12 imagination. Build your parking structure before you
13 build the rest of the project.

14 So use some of this other land for the
15 parking that you are under contract for or whoever
16 that contract is with. Let them use those lots.
17 Build a parking structure that would accommodate your
18 project and your contracts.

19 So in other words, rise in ugly or
20 beautiful, whichever it is. Use your alternative
21 land that you control and own -- not you, but they --
22 to make this project not be harmful to the existing
23 community.

24 And the least of my concerns as some
25 contract they may or may not have to provide surface

1 parking to whoever because that's an economic concern
2 and not an environmental concern.

3 Okay.

4 So I know there's many other things --

5 Is the record to be kept open, or are you
6 closing it at the end of this hearing?

7 MS. ZASADZIEN: The record is still open until
8 the December tract.

9 MS. MEYERS: So in other words --

10 MS. ZASADZIEN: You can still submit written
11 comments.

12 MS. MEYERS: Right.

13 So, in other words, when I walk out the door
14 and I say, oh, darn, I forgot to say this, this, and
15 this, I can still submit.

16 MS. ZASADZIEN: Yes.

17 MS. MEYERS: Thank you.

18 MS. ZASADZIEN: Thank you.

19 MS. EVANGELISTA: Robin Evangelista.

20 MS. ZASADZIEN: Hold on. There's --

21 MS. EVANGELISTA: Am I not next?

22 MS. ZASADZIEN: You're next, and then after that
23 will be Ron Miller.

24 MS. EVANGELISTA: My name is Robin Evangelista.
25 I'm a QV member and stakeholder.

1 My issue with this project is that it's a
2 very unique case where affordable housing and
3 historic preservation intersect.

4 The importance and significance of this is
5 that the CRA found this important to honor the
6 history of the working class in Los Angeles. It
7 doesn't just tell the story of the working class and
8 honor past working class, it's honoring them today.
9 It's honoring the least of us by allowing these
10 people to have affordable housing. It lets us know
11 that the least of us are important.

12 So in addition to that, the EIR is
13 incomplete; so to pass -- to approve this EIR in its
14 current state, without addressing the parking
15 situation, the loss of resources, the long list that
16 multiple speakers before me have brought up is to
17 basically tell our society, our working class, the
18 least of us, and these people that will be homeless,
19 that we don't care about you.

20 We don't care that you're going to lose
21 you're home, that we're going to lose historic
22 resources because we want a building here. We want a
23 developer to be able to come in and make money and
24 make these changes, and you are not important.

25 And I think that's a horrible -- a horrible

1 message to send our community. Especially now since
2 rents are skyrocketing and people are feeling
3 disenfranchised and our government is lying to us
4 constantly.

5 So yeah, we're going to add to that problem
6 by saying, oh, yeah we're going to ignore these
7 issues in the EIR and let these people build what
8 they want to build and let you be homeless and
9 destroy this. What kind of message is that?

10 That's it.

11 MS. ZASADZIEN: Thank you.

12 Ron Miller?

13 MR. MILLER: Good morning.

14 I'm Ron Miller, Executive Secretary of the
15 LA/Orange County Building Trades.

16 I'm representing about 140,000 hardworking
17 men and women in LA and Orange County, many thousands
18 live directly right in this area. Many -- many
19 hundreds that were presently taken out of the
20 community and put into work in our apprenticeship
21 programs on many projects in the area such as the
22 recently completed soccer stadium, the Los Angeles
23 Memorial Colosseum, the Lucas Narrative Arts Museum,
24 and all of these projects are done with a project
25 Labor Agreement done in conjunction with the City

1 Councilmen and guidance from Mark Ridley-Thomas.

2 We're actively working in the community to
3 pull people out, give them an opportunity to lift
4 themselves in a good-paying middle-class careers.

5 Besides that, we're at a planning meeting
6 today; so let me talk about the project because
7 that's what you want to hear, I think.

8 I think this is a great project. It's going
9 to supply much needed student housing which will --
10 will create an atmosphere to where folks that are
11 renting houses in the local community for students
12 will gravitate towards the student housing and open
13 up additional housing for local community members.
14 It also has market-rate housing and it has affordable
15 housing.

16 So this is a -- a LEAD silver project which
17 benefits the environment and that's what we always
18 like to do is help the environment out as we build.

19 But it's going to create many thousands of
20 jobs, create the opportunity to put many hundreds of
21 thousands of people to work from the local community,
22 and help them obtain an income to where maybe they
23 can get out of the affordable housing and afford
24 housing elsewhere, also.

25 So thank you very much.

1 MS. ZASADZIEN: Thank you.

2 Our last six speaker cards. We'll have
3 Jacob Rosales, Raul Torres Bahema, Heidi Liu, Ora
4 Ramos, Evangelina Oztzy, and Oscar Zarate.

5 MS. WHITE: And can I add something else after
6 they are finished?

7 MS. ZASADZIEN: Yeah, after they are finished.
8 So we'll have Jacob Rosales. Raul Torres
9 Bahema? Heidi Liu?

10 MS. LIU: Hi. My name is Heidi Liu.

11 I'm here for the Public Council as well on
12 behalf of SAJE.

13 I want to continue on same point that
14 Antonio and Mitch had spoken about earlier. It's
15 very clear that CEQA requires analysis of cumulative
16 and direct impacts, and I think that it would be
17 disingenuous to pretend that, you know, all of the
18 impacts that could -- are indirectly affected by this
19 project are properly analyzed in this EIR.

20 But specifically, in terms of displacement,
21 that idea that the fact that there's no net loss of
22 units means that that's a proper mitigation of
23 displacement impact is basically saying tit for tat.

24 These are not homes we're displacing. These
25 are just numbers on the -- they're the net sum of how

Testimony-7

1 many affordable units exist in this area. That is
2 not the only effect displacement will have on a given
3 community, especially in terms of, you know --

4 Many times when this EIR -- this project is
5 characterized as adding affordable units. It's
6 adding housing. It's adding a lot of housing and a
7 hotel and lots of other uses that will inevitably, of
8 course, bring more similar projects to this one into
9 the area and that has enormous impacts that must be
10 analyzed and mitigated.

11 We're not here to oppose every project, but
12 if you're going to come into a community and you're
13 going to benefit and you're going to profit from
14 building a project in this community, then you have
15 to understand that it's a cooperative relationship.

16 And the type of comments, you know, that are
17 given here today really speak to how the community
18 feels like. It hasn't been heard throughout this
19 process, and I think that's -- that can be addressed
20 by adding some analysis of the displacement effects
21 beyond just relocation assistance.

22 So thank you.

23 MS. ZASADZIEN: Thank you.

24 MR. ZARATE: Hello.

25 MS. ZASADZIEN: Hi.

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(Cont.)

1 MR. ZARATE: Last one, right?

2 MS. ZASADZIEN: Are -- are you Oscar Zarate?

3 MR. ZARATE: Yeah, I am.

4 MS. ZASADZIEN: And there's also Ora Ramos and
5 Evangelina Oztzy.

6 THE INTERPRETER: They are not here. They are
7 downstairs eating, I think.

8 MS. ZASADZIEN: Okay.

9 MR. ZARATE: So I guess I am the last one.

10 Hey everybody, my name is Oscar.

11 (Whereupon Mr. Zarate makes a
12 comment in Spanish, thereafter
13 returning to English.)

14 MR. ZARATE: I'm an alumnus of UC Santa Barbara.
15 I'm a community member of South Central LA,
16 specifically Compton, and I'm an organizer here at
17 SAJE.

18 I think I want to start by pointing out that
19 I think that a lot of us kind of think that economic
20 development is the same as community development.
21 And I want to just point out that that's not always
22 the same thing.

23 I think it's a very kind of new liberal
24 mentality to think that throwing money at a problem
25 or throwing money at a community will instantaneously

1 solve these problems. I don't think that's the case
2 at all.

3 I mean, look at where I live. I've been
4 living in Compton since I was five years old since I
5 immigrated from Mexico, Mexico de Acapulco. And, you
6 know, Compton has a lot of problems, you know.

7 And I think most people's ideas of solving
8 them is to develop new buildings, develop new
9 businesses, but, you know, we've had that right now
10 under the current leadership of Mayor Aja Brown.

11 You know, they took away, for example, the
12 Compton Fashion Center which was a critical
13 microeconomic institution where a lot of small
14 businesses went and gathered and where people went.
15 And they were in community and they took that away.

16 For what? A Wal-Mart. A Wal-Mart that
17 promised that they would hire local -- local people,
18 but did they? No. All right.

19 And then they destructed a -- a plaza, an
20 economic plaza right down Alameda. Did that help
21 people? Maybe. They can buy new shirts at Target,
22 but, you know, we have to consider, you know, the
23 other ramifications of that development, especially
24 the property value, which if you read up in the
25 current housing, not only South Central but other

1 areas of South LA.

2 They're - they're getting devastated so, you
3 know, economic development is not always the same as
4 community development.

5 And, you know, someone said -- I think
6 someone said earlier money talks. That's true; money
7 does talk. But -- but it shouldn't be the biggest
8 voice, you feel me. You know what should talk?
9 People's lives. Right? People's lives, people
10 themselves, and we should be able to focus on
11 something else than capital.

12 When -- when as a society are we going to be
13 able to value things like cultural contributions,
14 social contributions, and get away from this kind of
15 sole mentality of thinking capitalism is the best
16 thing ever? So people over profit. People over
17 profit.

18 And I seriously want this institution to
19 look at this project again because it has a lot of
20 problems.

21 Thank you.

22 MS. ZASADZIEN: I would like to call up --

23 First, did anyone else -- would anyone else
24 like to speak that I have not called?

25 We'll allow for one last very, very short

1 comment and then we'll allow the Applicant to
2 respond.

3 MS. WHITE: As I mentioned before, I live one
4 block south of this proposed project and I just
5 wanted to mention the --

6 I've lived there for the past two years, and
7 I want to mention the impact of the developments that
8 have already happened there. It takes -- it can --
9 during rush hour, which is most of the morning and
10 then most of the afternoon nowadays, to get from --
11 to get from Downtown to my home, to drive only two or
12 three miles really, it can take me about 40 minutes.

13 The traffic is so bad on Figueroa, and they
14 put in those --

15 They've now put in bike lanes and dividers
16 which makes it much safer, but we've lost actually
17 quite a few lanes on that main artery.

18 And also, when -- when the games happen,
19 it's actually completely gridlocked for hours for the
20 entire evening of the night. It's just a complete
21 parking lot, Figueroa, in this area. I know it's
22 going to get even unbelievably worse than it is now
23 with more building going on.

24 And also, looking at the -- at the design of
25 this building where you have the parking structure

Testimony-8

Testimony-8
(Cont.)

1 and that's advertised as a shield for the freeway,
2 that's actually --

3 The noise level that comes from the
4 colosseum and from the soccer stadium, it's
5 deafening. And there's -- there's actually some
6 apartment buildings between me and those areas and it
7 is -- it is deafening. There's concerts, there's
8 games, I get the whole play by play in my -- in my
9 bedroom with all my windows shut.

10 So it's, actually, the freeway would be the
11 more pleasant side of this building to have, you
12 know, to have a view because you actually, that
13 parking structure which does block your view and
14 everyone else's view of the Downtown skyline.

15 So to me, all of these issues, it just makes
16 me feel that whoever designed this building was just
17 not thought out at all. They know nothing about this
18 community. It's a really poorly planned thing.
19 We're going to be stuck with this mess for decades
20 and -- and it's --

21 I feel like it's a hit-and-run situation
22 where, you know, just -- just make your money and get
23 out as fast as you can in my opinion, so.

24 Thank you very much.

25 MS. ZASADZIEN: Thank you.

1 Just want to remind everyone to sign in on
2 the sheet in the back if you want to receive updates
3 on the project, and I'll let the Applicant now
4 respond to the public comments and then we'll
5 conclude the hearing.

6 MR. DELVAC: Madam Hearing Officer, again,
7 Bill Delvac of Ambruster Goldsmith & Delvac on behalf
8 of the Applicant.

9 I'll be brief, but let me start by saying
10 that on behalf of Scott Gale and the entire Ventus
11 team, we very much appreciate and respect the voices
12 and comments of everyone on all sides of the issues.
13 We've been listening to the community all the way
14 along.

15 And I am going to address one or two things
16 that I was little surprised to hear how it was
17 characterized, but this is an important discussion.
18 And we appreciate you taking so much time to pay
19 attention; and we know that both the Advisory Agency
20 and the Planning Commission will as well.

21 Much of what you've heard today are
22 complaints about the inadequacy, in the commenter's
23 view, of existing law. Not about the project. Not
24 about our analysis. Not about the goals. Not about
25 the benefits. They want a different preservation

1 law.

2 It is incorrect to say that there are
3 preservation laws that are being violated. There
4 is -- this is not a historic preservation overlay
5 zone. There is no stake regulation at land use level
6 for California register, national register eligible,
7 or enlisted districts. It's just a misnomer.

8 What they're really saying is preservation
9 should be decided by the decision maker to have a
10 different outcome. We commend the decision maker to
11 consider all those arguments but there are competing
12 land use -- land use issues here.

13 We do need student housing. We do need
14 affordable housing. The City clearly needs hotel
15 rooms both to support the convention center and the
16 upcoming Olympics, and frankly, to directly support
17 Exposition Park and USC; so there are competing land
18 use rules.

19 You've got buildings, and you've got people.

20 Candidly, from our view, we think there's a
21 compelling discussion about the people. We've had
22 hours of discussion. And to hear that someone say
23 that there's coercion I find really shocking because
24 that coercion must certainly have been in the
25 meetings and the discussions where we've been trying

1 to resolve things. And so if you can't meet and
2 resolve things and then call it coercion, I think is
3 odd.

4 About the zoning issue, ZIMAS and the last
5 Community Plan update both referred to this as C-2.
6 In any event, that's not relevant. What's relevant
7 here is there's an entitlement application to, in
8 fact, rezone the property. That's what's most
9 relevant.

10 We'd be pleased to ask -- answer any
11 questions or if there were any issues you were
12 concerned about.

13 Todd, was there anything that you wanted to
14 add?

15 MR. NELSON: No, not particularly. Just there
16 were several comments regarding requirement to study
17 indirect and cumulative impacts, all of that was
18 performed under the EIR as required under CEQA.

19 Also, there were some mentions of relocation
20 of a certain number of structures as an intent to
21 subvert the historic impact analysis has -- has been
22 made clear in the EIR as well as in the staff report
23 and staff's understanding of the project. We are
24 clearly identifying a significant unavoidable impact
25 of historical resources.

1 The -- the relocation is a mitigation
2 measure that's offered, but as the EIR makes clear,
3 it does not reduce or eliminate -- it does not
4 eliminate the significant unavoidable historic
5 impact.

6 MR. DELVAC: Just to conclude both on buildings
7 and people, with regard to the buildings the --
8 there's been much to be made about the discussions
9 that we have with the preservation community.

10 Those discussions were an effort to see if
11 we could resolve opposition, and among the
12 preservationists, there was no consensus as to what
13 the building footprint would be, whether a partial
14 preservation alternative was sufficient. We couldn't
15 get consensus that a tower was compatible.

16 Now, there's lots of reasons why that's not
17 a feasible approach but to come here and say we had a
18 deal. There was no deal. They couldn't even agree
19 among themselves; so that's about the -- the
20 buildings.

21 Finally, about the people, the law allows
22 relocation with certain benefits. Our discussions,
23 which I know is not a land use issue, but I know so
24 many people care so much about it, including Ventus,
25 are in the order of multiples of the amounts that's

1 required by law.

2 So I just -- I know it's not land use issue,
3 but I do want to say on behalf of Mr. Gale and Ventus
4 there's been a real effort to resolve the issues and
5 concerns of the people who live there, and we'll
6 continue to try to resolve them.

7 Happy to answer any questions.

8 MS. ZASADZIEN: Did you have any more details
9 about the relocation plan?

10 So you've met with the -- the community
11 members that have lived in the property?

12 MR. DELVAC: So there have been about two or
13 three different efforts. There was direct --

14 There had been all the way along, direct
15 discussions. There is a relocation consultant.
16 There have been meetings and discussions. An offer
17 was made.

18 We then met with SAJE, who SAJE then made us
19 an offer.

20 I don't believe it's very appropriate to
21 characterize settlement discussions, but there was a
22 very healthy back-and-forth.

23 We had indicated that there was a limit of
24 the feasibility of providing relocation, and when
25 that was not accepted, the discussions with SAJE

1 terminated. But even at this moment, we're
2 entertaining and having direct discussions with
3 tenants.

4 MS. ZASADZIEN: Okay.

5 MR. DELVAC: Thank you very much.

6 MS. ZASADZIEN: There's just one question.

7 UNIDENTIFIED SPEAKER: I had a question about
8 your relocation. I'm -- I was asking you
9 specifically.

10 MS. ZASADZIEN: Did you want to speak to him
11 after the hearing?

12 UNIDENTIFIED SPEAKER: Oh, I'm not even asking
13 as, like, a member of SAJE just as a member of the,
14 you know, the public. This is a public meeting.

15 I just had a quick question about what he
16 had just said if that's appropriate to just bring up.

17 Well, I won't even ask him a question now.
18 I'll just make a statement.

19 We had --

20 MS. ZASADZIEN: So -- so we had a chance for
21 public testimony throughout the whole day --

22 UNIDENTIFIED SPEAKER: Yeah, just really quick.

23 MS. ZASADZIEN: But if you want to meet with me
24 afterwards you can discuss and --

25 UNIDENTIFIED SPEAKER: Sure.

1 MS. ZASADZIEN: -- then we can also submit any
2 written comments.

3 And there's going to be another meeting on
4 the Tract Map and City Planning Commission; so there
5 will be a number of different opportunities for
6 further public comment and responses.

7 UNIDENTIFIED SPEAKER: I couldn't ask a question
8 as a -- as a community member?

9 MS. ZASADZIEN: If you have a specific question
10 for the developer or for the Planning Department, you
11 can meet with us afterwards.

12 But we're going to just conclude the public
13 hearing at this point. If you have any written
14 comments you want to submit in the meantime, you can
15 submit those to me. I have my cards in the back.

16 Also, please sign up on the mailing list to
17 receive further notification. We're going to have a
18 tract map, just a meeting just about the subdivision
19 in December.

20 We're going to mail out notices for that,
21 and there's also going to be a meeting in most likely
22 February with the City Planning Commission and will
23 be mailing out notices and staff reports for all
24 those.

25 (Off-the-record discussion with

1 audience member.)

2 MS. ZASADZIEN: Well, thank you everyone for
3 taking time out of your day. We appreciate all the
4 comments and we appreciate everyone attending.

5 Thank you.

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: _____

LAUREN NAVARRETE
CSR No. 14302

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November 28, 2018

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re: The Fig Project – Case no. ENV-2016-1892-EIR– eviction of tenants

Dear Ms. Ortega and Ms. Zasadzien:

PolicyLink Legal represents Strategic Actions for a Just Economy (“SAJE”) with regard to the proposed development project known as “The Fig Project” (Case no. ENV-2016-1892-EIR) at 3900 S. Figueroa St., advanced by the Ventus Group. Co-counseling with PolicyLink Legal on this matter are local law firms Public Counsel and the Law Office of Mitchell M. Tsai. We address this letter to your departments, as the Housing & Community Investment Department is responsible for enforcing the Los Angeles Rent Stabilization Ordinance (the “RSO”), and the Department of City Planning is managing the overall land use approval process for the proposed project.

The Fig Project would entail development of a parcel of land that is currently occupied by over seventy tenants, residing in eight multi-family residential buildings. These tenants occupy 32 rent-stabilized units; removal of these units from rent-stabilization protections would make a substantial dent in the City’s stock of rent-stabilized housing. More importantly, eviction of these families – almost all low-income people of color – would have a major human cost. Many of these tenants are seniors on fixed incomes, and many households include disabled individuals. A substantial portion of these families are at risk of becoming homeless when minimal relocation payments are quickly absorbed by moving costs and increased rent in alternative housing.

PolicyLink-1

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Seven of the eight apartment buildings on the proposed project site are designated “contributors” to the Flower Drive Historic District. The Mitigation Monitoring Program of the Fig Project’s Final Environmental Impact Report (the “FEIR”) indicates that project developer will relocate at least three of these seven buildings. See FEIR, Mitigation Monitoring Program Measure C-3. The Developer has stated to SAJE that units in relocated buildings will be made available as rental housing on another site, after relocation and renovation.

Communications from the developer have indicated that families who do not voluntarily vacate under an agreement with the developer will be evicted from their homes under the Ellis Act.¹ However, **tenants may not be evicted from rent-stabilized units that will be relocated to another local site and kept on the rental market.**

Neither the RSO nor the Ellis Act explicitly addresses rent-stabilized units that are moved to another location for continued use as rental units. However, the plain language of the RSO prohibits eviction of tenants from such units. Section 151.09.10 of the RSO delineates the only two situations in which a landlord may evict tenants under the Ellis Act: (a) to demolish the rental unit; and (b) to remove the rental unit permanently from rental housing use. Neither of those rationales applies to buildings that developer will relocate and maintain on the rental market.

If a landlord seeks to re-rent a unit within ten years of an Ellis eviction of tenants from that unit – as the developer proposes for the relocated buildings – the landlord “shall first offer to rent or lease each unit to the tenant or tenants displaced from that unit...” See LAMC § 151.27.B. In addition, units that are re-offered for rent after eviction are subject to strict limits on rent increases, per LAMC § 151.26.A. Under developer’s proposed scenario for the Fig Project, building relocation and re-rental would fall under RSO provisions related to renovation of units, which prohibit eviction, and which require maintenance of leases and tenant protections during periods of unit renovation. See LAMC § 152.00 *et. seq.* (Tenant Habitability Program).

If the Fig Project’s plans for the relocated buildings are not yet finalized, then project plans are not developed enough to allow reasonable consideration by the public, City staff, and elected decisionmakers. Removal of relocated units from the rental market would exacerbate the project’s impact on the City’s rental market, a factor which should be taken into account in public review of the project. Additional considerations include: ensuring that the relocated units remain intact for historic preservation purposes;

¹ This statement has been made by developer’s representatives multiple times to SAJE’s attorneys, to SAJE, and directly to tenants.

Letter re the Fig Project

November 28, 2018

Page 3 of 3

relocating the buildings to a site reasonably close to the current site; and minimizing the time during which they are withdrawn from the housing market. The Department of City Planning should require the developer to provide full information on these aspects of the project, rather than continuing to move the project through the approvals process while these key issues are undetermined or kept away from public view.

PolicyLink-2
(Cont.)

For these reasons, we request that:

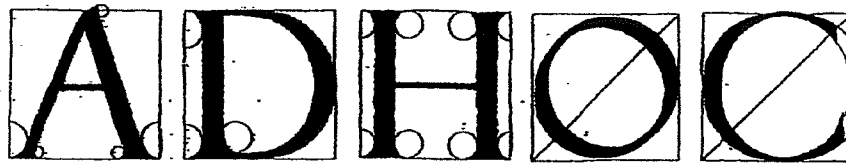
- (1) the Department of City Planning delay consideration of any additional project approvals for the Fig Project until plans for new location and use of the relocated buildings are made public and integrated into the approvals under consideration;
- (2) the Housing & Community Investment Department clarify that rent-stabilized units in buildings to be relocated and returned to the rental market fall under LAMC § 152.00 (pertaining to renovated units), such that tenants may not be evicted from such units; and that
- (3) the Housing & Community Investment Department withhold processing of Form E-2 (*Notice of Intent to Withdraw Units from Rental Housing Use (Ellis Act)*) and related application materials with regard to withdrawing from the rental market units in buildings that may be relocated as described in the FEIR.

There is some urgency to this matter, as developer has stated that it intends to file eviction notes as soon as next week, with regard to units occupied by tenants who have not agreed to relocate. We will be contacting your offices to discuss these issues further. Thanks for your consideration.

Sincerely,



Julian Gross
Co-director, PolicyLink Legal
julian@policylink.org



ADAMS DOCKWEILER HERITAGE ORGANIZING COMMITTEE

December 5, 2018

Deputy Advisory Agency
Los Angeles Department of City Planning
200 North Spring Street, Room 750
Los Angeles, CA 90012-3243

Re: Comments on Tentative Tract Map, Draft Environmental Impact Report for the Fig Project; 3900 S. Figueroa Street, Los Angeles, CA 90037; Case No. ENV-2016-1892-EIR; SCH No. 2016071049, VTT-74193-CN, CPC-2016-2658-VZC-HD-CU-MCUP-ZAC-SPR

Dear Sir/Madam:

The findings required cannot be made to support the contention that this tract map proposal and the project is in conformance with the southeast Community Plans. The staff report acknowledges that the project proposal does not conform the Southeast Community plan and carries with it significant and non-mitigatable environmental impacts to aesthetics, cultural resources, and land use.

ADHOC-1

What mitigation measures contained in the FEIR are inadequate. Moving a few of the contributors to a yet to be found site does not mitigate impacts to the district. The FEIR preparers fail to understand what the essence of a historic district is and the necessary connectivity of each building supporting the other in its unique context. Remove one and you affect the District and the move-off no longer has the character defining support of the district and setting.

ADHOC-2

The FEIR acknowledges "the project would not maintain, enhance or preserve the integrity of historic resources." (App. 3, p. 10, IV.G). The FEIR confirms that the project is not consistent with the preservation objectives of the redevelopment plan nor the community plan, but concludes, arbitrarily, that doesn't matter because it complies with other objectives of the Plans. The manner in which the FEIR cherry picks what Plan elements it should comply with isn't justified in the FEIR nor factually analyzed.

ADHOC-3

You as the Deputy Advisory Agency have a unique opportunity today to not grant the tract map request because it materially harms historic resources and affordable housing and such grant of tract map request goes contrary to years of planning by the Community Redevelopment Agency and the Planning Department in both the old and the pending Southeast Community Plan which sees the historic character as something not only worth of preservation but a critical planning tool for the future.

ADHOC-4

We ask that the tract map request not be granted. The merger of lots should be rejected without adequate environmental review and adoption of a preservation alternative. Merging all lots on the project site together is the first step towards eliminate the Flower Drive Historic District.

James Childs, President, ADHOC

JAMES R. CHILDS



Deputy Advisory Agency
Los Angeles Department of City Planning
200 North Spring Street
Los Angeles, CA 90012-3243
12/5/2018

Re: Tentative Tract Map and FEIR, the Fig Project; 3900 S. Figueroa Street, LA, CA 90037; Case No. ENV-2016-1892-EIR; SCH No. 2016071049, VTT-74193-CN, CPC-2016-2658-VZC-HD-CU-MCUP-ZAC-SPR

The Empowerment Congress North Area Neighborhood Development Council (NANDC) considered the Draft Environmental Impact Report for The Fig Project and found that the proposed demolitions cannot be supported in the context of the goals of the Community Plan and the CRA Hoover Project Area goals. NANDC strongly objects to the demolition of eight multi-family residence within the Flower Drive Historic District and, by Board motion at its meeting of November 2, 2017, urges the developer to consider an alternative that incorporates these buildings into his project design.

NANDC-1

The response to comments claims that because the application for the Fig was deemed complete prior to the adoption of the Southeast Los Angeles Community Plan Update, and it is a vesting tract map, the Update should not apply. There is, however, an exception to this rule. Here, the Southeast Los Angeles Community Plan update should apply to The Fig project because the City initiated the proceedings to update this community plan prior to September 8, 2016, that date on which the City found The Fig project application to be complete. The City also provided proper notice of the pending update to this community plan prior to this date. Thus, pursuant to Government Code section 66474.2(b), the updated community plan does apply to the vesting tentative tract map.

NANDC-2

The demonstrable negative impacts on both housing resources and on the Flower Drive Historic District are not sufficiently analyzed nor are they adequately mitigated. The cumulative impacts on housing and on historic resources are also not adequately recognized nor evaluated. The DEIR consistently states that these negative impacts are unavoidable which is simply not true. A project design that incorporates the Flower Drive Historic District and builds on the non-historic parcels is possible. We also note that the project originally included a 21 story hotel tower which allowed for more flexibility in site planning.

NANDC-3

We believe that an alternative can be devised that preserves the historic and rent controlled housing while meeting most of the project's objectives. We also urge the developer to make the majority of the parking underground which would also allow for a design that is more flexible and aesthetically pleasing. We urge that the DAA not grant the tract request and the FEIR be revised and recirculated that considers a true preservation and housing retention alternative. Of the limited alternatives analyzed in the DEIR, only alternative 2 preserves the Flower Drive Historic District and of those limited choices we would urge that the environmentally superior alternative be chosen. But the choices should not be limited to the four contained in the DEIR.

NANDC-4

Jean Frost, NANDC Area 3 Rep

· N · U · P · C · A ·

NORTH UNIVERSITY PARK COMMUNITY ASSOCIATION

December 5, 2018

Deputy Advisory Agency
Los Angeles Department of City Planning
200 North Spring Street
Los Angeles, CA 90012-3243

Re: Tentative Tract Map and FEIR, the Fig Project; 3900 S. Figueroa Street, LA, CA 90037; Case No. ENV-2016-1892-EIR; SCH No. 2016071049, VTT-74193-CN, CPC-2016-2658-VZC-HD-CU-MCUP-ZAC-SPR

Our 35-year-old historic preservation association has provided during these decades the principal stewardship in insuring that the appropriate level of the Secretary of the Interior's Standards for the historic inventory of North University Park (in which the Flower Drive Historic District is sited), be applied. N.U.P.C.A. has also served in an advisory capacity on the Community Advisory Committee (known as a "PAC" and later a "CAC") to the Community Redevelopment Agency's Exposition Park-University Park Project Area (former Hoover). I personally held that position beginning in 1989 through the cessation of the Agency's Project Area meetings, and from that vantage point I/we have previously dealt with these particular properties' and discussions about their futures.

NUPCA-1

it is not only imperative to retain the entire Flower Drive District, it is also feasible if everyone thinks "outside the box" and considers a different site plan that incorporates these structures – a site plan that may include taller multi-family housing structures with a corresponding smaller footprint, incorporating the adjacent vacant (blighted) surface parking lot(s) to the south but controlled by the same underlying ownership and/or a potential partial or full street vacation of Flower Drive in order to incorporate all of the elements stated by Applicants as their desired Project while retaining the historic resources.

NUPCA-2

This proposed Project lies within the Exposition/University Park Redevelopment Project Area, which remains a governing "specific plan" type land use overlay. The Project conflicts with multiple goals and elements of the redevelopment plan as the FEIR admits. The redevelopment plan also requires the preservation of historic resources with "special consideration." It also includes the requirement that any project not leave blight in its wake (e.g., the retention rather than the elimination of the blighted surface parking on the southerly parcels of the block does not meet redevelopment goals).

NUPCA-3

Given that this project also does not conform to either the present or pending Southeast Community Plan (currently R-4 and pending RD1.5 zoning on Flower), the DAA should not grant the tract map request in its present form and not adopt the FEIR.

NUPCA-4

Laura Meyers

N.U.P.C.A. representative to the CRA University-Exposition Park CAC citizen advisory committee
Tel. 323-737-6146 / E-mail: lauramink@aol.com



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Mitchell M. Tsai
Attorney At Law

155 South El Molino Avenue
Suite 104
Pasadena, California 91101

VIA HAND DELIVERY & E-MAIL

December 4, 2018

*Hand Delivered to December 5, 2018 10:00 a.m. City of Los Angeles Department of City Planning
Public Hearing*

Los Angeles City Hall
200 North Spring Street, Room 1020
Los Angeles, CA 90012

Milena Zasadzien, City Planner
221 North Figueroa Street, Suite 1350
Los Angeles, CA 90012
Em: Milena.Zasadzien@lacity.org

RE: The Fig Project, 3900 S. Figueroa Street, 3900 – 3972 South Figueroa
Street; 3901 – 3969 South Flower Street, 450 West 39th Street (Case Nos.
VTI-74193-CN, CPC-2016-2658-VZC—HD-CU-MCUP-ZAD-SPR).

On behalf of SAJE (“**Commenter**” or “**SAJE**”), my Office is submitting these comments on the Fig Project, 3900 S. Figueroa Street, 3900 – 3972 South Figueroa Street; 3901 – 3969 South Flower Street, 450 West 39th Street (Case Nos. VTI-74193-CN, CPC-2016-2658-VZC—HD-CU-MCUP-ZAD-SPR) (“**Project**”). My Office jointly represents SAJE with Public Counsel and PolicyLink Legal. These comments address issues identified with the Project, related approvals and its environmental documentation.

SAJE is a non-profit organization based in South Los Angeles that advocates for economic justice, tenant rights, healthy housing and equitable development. SAJE’s mission is to change public and corporate policy in a manner that provides concrete economic benefits to working class people, increase the economic rights of working class people, and builds leadership through a movement for economic justice; and in the process creating sustainable models of economic democracy.

Commenter expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens*

for Local Control v. Bakersfield (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Tsai-18
(Cont.)

Commenter incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 CA4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

I. **BACKGROUND ON THE SUBDIVISION MAP ACT**

Tsai-19

The Subdivision Map Act, Government Code section 66410, *et seq.* ("Subdivision Map Act" or "Act") requires local agencies to review and approve **all land subdivisions**. The Act regulates both the process for approving subdivisions and sets substantive requirements for approval of land subdivisions. The Act requires that a local agency deny approval of a land subdivision, referred to as a tentative map or a parcel map, if it makes any of the following findings:

- (a) the proposed map is not consistent with applicable general and specific plans,
- (b) the design or improvements of the proposed subdivision is not consistent with the applicable general and specific plans,
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

Cal. Gov. Code, § 66474(a-f).

The Project violates the Subdivision map act since it is inconsistent with both the Southeast Los Angeles Community Plan and the City General Plan.

A. The Project Is Inconsistent with the Southeast Los Angeles Community Plan

1. **The Project Violates Objective 1-4 of the Southeast Los Angeles Community Plan.**

The Southeast Los Angeles Community Plan (or “SELA”) recognizes that “[t]he historic resources are a valuable asset to this [Southeast Los Angeles] Community.” SELA, pg. I-7. To that end, the Southeast Los Angeles Community Plan requires that City “retain the currently available inventory of such [historical] buildings.” *Id.*

Objective 1-4 of the Southeast Los Angeles Community Plan requires that the City “preserve and enhance neighborhoods with a distinctive and significant historical character.” SELA, pg. III-4. As part of carrying out Objective 1-4, the Southeast Los Angeles Community Plan Policy 1-4.1 requires that “[i]n areas where there are large concentrations of structures with historic character, the Plan maintains residential plan categories and proposes no zone changes or Plan amendments in order to preserve and protect these areas.” *Id.*

The DEIR recognizes that the Project Site lies within the Flower Drive Historic District and that it is considered a historical resource under CEQA. DEIR, pgs. IV.C-13, IV.C-20. The Project site is located within Landmark Number CA-5000, Flower Drive Historic District with California Historical Resource Codes 1 (Properties listed in the National Register (NR) or California Register (CR)) and 2 (Properties determined eligible for listing in the National Register or California Register). The site was listed on both July 25, 2008 and November 7, 2008. See Staff Report, October 23, 2008, DEIR, Appendix C, Pages 156-158. The Project proposes to remove seven homes which are contributors to the Flower Drive Historic District.

Despite the historically significant designation of the Flower Drive Historic District and the applicable objectives and policies (of the Southeast Los Angeles Community Plan) to such historical resources, the Project propose exactly the opposite, proposing zone changes, vesting zone changes, and a height district change within the Flower Drive Historic District, and proposing as a mitigation measure that the City relocate the seven historically protected buildings be relocated outside the Flower Drive Historic District, a mitigation measure that in of itself would have its own environmental impacts requiring analysis under CEQA.

Here, the significant impacts to historical resources can be avoided by project redesign. The Project proponent's own consultants, Page and Turnbull, had proposed an alternative where the Project would be redesigned to retain the Flower Drive Historic District ("Page and Turnbull Alternative"). However, this redesigned alternative is not included as a project alternative. Therefore, for the EIR to conclude that the Project's significant impacts to historical resources are unavoidable is incorrect.

Tsai-20
(Cont.)

2. The Project is Inconsistent with the General Plan

The General Plan Framework Element Objective 3.4 encourages new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers, as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

The Project site encompasses eight residences, seven of which are protected as part of the Flower Drive Historic District. Objective 3.4, while encouraging new developments, underscores the importance of conserving existing neighborhoods such as the Flower Drive Historic District. As such, the Project as proposed is inconsistent with the General Plan.

The General Plan Framework Element Objective 3.17 requires the Project to maintain significant historic and architectural districts while allowing for the development of economically viable uses. The DEIR acknowledges that the Project is inconsistent with Objective 3.17 because it would remove all eight buildings on the Project Site which would be a significant and unavoidable impact to the historic resource.

However, this inconsistent was not unavoidable as the City was aware of but failed to incorporate into the EIR the Page and Turnbull Alternative where the Project would be redesigned to retain the Flower Drive Historic District. Thus, the DEIR's conclusion that the Project's inconsistency with Objective 3.17 is unavoidable is inaccurate.

Tsai-21

3. The Project Exceeds Height Limits Within Pedestrian Oriented Districts.

The Urban Design Guidelines of the Southeast Los Angeles Community Plan limits structures within pedestrian oriented districts that are along main commercial streets to no greater than 30 feet in height. SELA at V-4. The Project proposes a maximum roof height of approximately 78 feet. As the Project's EIR itself admits, the Project is

Tsai-22

within a pedestrian oriented district (DEIR at I-12) and directly faces one of the biggest commercial streets within the City of Los Angeles, Figueroa Street. The Project is planned to be far in excess of 30 feet in height and clearly violates the height limitations imposed by the SELA Community Plan.

Tsai-22
(Cont.)

II. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Tsai-23

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“CCR” or “CEQA Guidelines”) § 15002(a)(1). “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450)

B. Significant New Information Introduced By The City Requires Revision and Recirculation Of the Project’s Environmental Impact Report

CEQA requires that a Project’s environmental documents be revised and recirculated to the public when significant new information is added to an environmental impact report prior to certification. Section 21092.1 of the California Public Resources Code provides that:

When significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Sections 21104 and 21153, but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report.

Significant new information requiring revision and recirculation of an EIR can include but is not limited to “changes in the project or environmental setting as well as

additional data or information” such as “a “new significant environmental impact or new mitigation measure.” (*See also* 14 Cal. Code of Regulations § 15088.5.) Revisions to environmental analysis in an environmental impact report requires recirculation of the environmental impact report to give the public a meaningful opportunity to comment. (*Gray v. Cty. of Madera* (2008) 167 Cal. App. 4th 1099, 1121 – 22.)

Here, the City’s November 2018 Errata to the Environmental Impact Report (“Errata”) changes to the described project setting, , and new mitigation measures, and, all significant changes that require revision and recirculation of the Project’s environmental impact report in order to give the public a proper opportunity to comment upon and review the Project

First, the Errata unveiled significant changes to the described setting of the Project, revealing that part of the Project Site is currently zoned R4-1L rather than C2-1L.

First, the portion of the Project zoned R4-1L cannot be utilized for us as a hotel, restaurant space, conference center or retail as currently proposed by the Project without being rezoned for commercial uses. (*See* LAMC §§ 12.11, 12.10, 12.09, 12.08, 12.03.) Furthermore, the Project’s EIR does not analyze the Project for consistency with the South Los Angeles Community Plan. Additional analysis, revision and recirculation is required in light of the serious deficiencies exposed in the Errata.

Moreover, the Project description analyzed in the EIR has been modified as a result of errors in the EIR , which described the maximum roof height of the hotel, student housing, and mixed income housing components as being 78 feet, when they are in fact 83 feet (Errata at p. 5), and described the Project’s proposed parking structure as an eight story rather than seven story parking structure.

Finally, the modified Project Design Feature J-1, which is included in the Project’s Mitigation Monitoring and Reporting Plan, adds additional mitigation measures to mitigate the Project’s impact on Dr. Theodore T. Alexander Science Center School, amounting to a new mitigation measure requiring revision and recirculation of the EIR.

**III. THE PROJECT IS SUBJECT TO AND FAILS TO ANALYZE
WHETHER IT COMPLIES WITH NORTH UNIVERSITY PARK-
EXPOSITION PARK-WEST ADAMS NSO DISTRICT
DEVELOPMENT REGULATIONS.**

The DEIR recognizes that the Project lies within the North University Park-Exposition Park-West Adams Neighborhood Stabilization Overlay (NSO) District. However, the DEIR claims that the Project is exempt from the development regulations of the Overlay District due to its frontage along Figueroa Street. (DEIR, pg. IV.G-14.)

The City is wrong. The 8 existing homes/buildings on the Project site, which are also part of the Flower Drive Historic District, are fronting Flower Drive, not Figueroa Street. The Project's DEIR itself admits that the Project Site fronts both Figueroa and Flower Drive. As the City's own staff report for December 5, 2018 public hearing notes:

The Fig Project (Project) is located along the Figueroa Corridor in the Southeast Los Angeles Community Plan area, with approximate frontages of 725 feet along Figueroa, 280 feet along 39th Street to the north, and 665 feet along Flower Drive to the east where it abuts the 110 Harbor Freeway

(Staff Report at 1.)

The Project's EIR as well as the Staff Report for the December 5, 2018 public hearing and its proposed findings for this Project concerning its vesting tentative tract map should have but failed to analyze the application of the development regulations contained in Ordinance No. 180,218 and 180,219 as it applies to the Project and for good reason. The Project violates the developments regulations set out for the North University Park-Exposition Park-West Adams NSO District

Pursuant to Section 2 of Ordinance No. 180,218 establishing North University Park-Exposition Park-West Adams NSO District:

The Neighborhood Stabilization Supplemental Use District is intended to:

(A) promote well planned housing to meet the needs of a college/university student housing, and the needs of the community.

(B) address impacts of multiple-habitable room projects which may be incompatible with surrounding development.

(C) encourage well-planned neighborhoods with adequate parking and to individually review proposed large multiple-habitable room projects.

(D) assure that the project provides adequate on-site parking.

(E) address a concentration of campus-serving housing in the vicinity.

More specifically, *inter alia*, the EIR fails to analyze how the Project promotes well planned housing to meet the needs of college student housing and the needs of the community, address how this Project, which is a multiple-habitable room project, might be incompatible with surrounding development.

Moreover, projects subject to the NSO are required to obtain a conditional use approval pursuant to LAMC § 12.24 W52, requiring that the Project provide additional on-site parking, find that there is no detrimental concentration of large scale, campus serving housing within a one-thousand foot radius of the Project, and that it complies with all applicable Historic Preservation Overlay Zones or Specific Plans. (LAMC § 13.12(C).)

The Project's Vesting Tentative Tract map must be denied for failure to comply with the City's NSO requirements.

IV. **THE PROJECT FAILS TO CONFORM TO THE CITYWIDE DESIGN GUIDELINES.**

The Project, which is located in the Flower Drive Historic District, fails to conform to the Citywide Design Guidelines.

The Citywide Design Guidelines provide that a project must (1) preserve original building materials and architectural features, repair deteriorated materials or features in place, if feasible and (3) design building additions on historic buildings to be compatible with the massing, size, scale, and architectural features of an historic structure or site, while clearly reflecting the modern origin of the addition. Citywide Design Guidelines, Pgs. 23-24.

The Project proposes to demolish at least seven residences which are located in the Flower Drive Historic District. Since the Citywide Design Guidelines pertaining to historic properties do not contemplate demolition and promote the fullest preservation

Tsai-25
(Cont.)

Tsai-26

of such properties, the Project fails to conform to the relevant sections of the Citywide Design Guidelines.

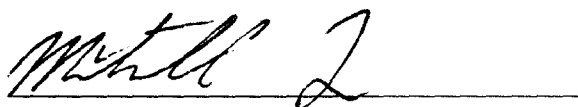
Tsai-26
(Cont.)

V. **CONCLUSION**

Tsai-27

For the aforementioned reasons, Commenter requests that the City continue the hearing, modify its findings for the Project or deny the Project and revise and recirculate the environmental impact report.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell M. Tsai", is written over a horizontal line.

Mitchell M. Tsai
Attorneys for
SAJE



December 5, 2018

Deputy Advisory Agency
Los Angeles Department of City Planning
200 North Spring Street
Los Angeles, CA 90012-3243

Re: Tentative Tract Map and FEIR, the Fig Project; 3900 S. Figueroa Street, LA,, CA 90037; Case No. ENV-2016-1892-EIR; SCH No. 2016071049, VTT-74193-CN, CPC-2016-2658-VZC-HD-CU-MCUP-ZAC-SPR

Dear Sir/Madam:

The findings cannot be made for the DAA to support this tract map request. The merger of lots should be rejected without adequate environmental review and adoption of a preservation alternative which the FEIR does not provide. Merging all lots on the project site together is the first step towards eliminating the Flower Drive Historic District.

WAHA-1

The proposed demolitions cannot be supported in the context of the goals of the Community Plan and the CRA Hoover Project Area goals. WAHA strongly objects to the demolition of eight multi-family residence within the Flower Drive Historic District. These impacts are avoidable but one would never know that by the information in the FEIR. There is no preservation alternative reviewed that also fulfills project goals. Decision makers are short changed and directed to

WAHA-2

The response to comments claims that because the application for the Fig was deemed complete prior to the adoption of the Southeast Los Angeles Community Plan Update, and it is a vesting tract map, the Update should not apply. There is, however, an exception to this rule. Here, the Southeast Los Angeles Community Plan update should apply to The Fig project because the City initiated the proceedings to update this community plan prior to September 8, 2016, that date on which the City found The Fig project application to be complete. The City also provided proper notice of the pending update to this community plan prior to this date. Thus, pursuant to Government Code section 66474.2(b), the updated community plan does apply to the vesting tentative tract map.

WAHA-3

The EIR fails to adequately analyze cumulative impacts. The City claimed that it did not have to analyze the 3800 Figure project on the site of the remaining contributors to the Flower Historic District because the application was not submitted until after the NOP for this project was published. That is not the standard for evaluating cumulative impacts. The EIR must analyze reasonably foreseeable probable future projects.

WAHA-4

This alternative (which we could call the "Page & Turnbull alternative) meets all of the Plan objectives, the Preservation objectives and the project objectives. It is NOT in the FEIR. The only preservation alternative in the FEIR (alternative 2) is a scaled down project that is dismissed because it does not meet the project's development objectives. The Page & Turnbull alternative needs to be considered.

WAHA-5

Roland Souza, President, WAHA

CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING
DEPUTY ADVISORY AGENCY

IN RE:) CASE NOS.
) VTT-74193-CN
)
3900 S. FIGUEROA STREET) CPC-2016-2658-VZC-
LOS ANGELES, CA 90037) HD-CU-MCUP-ZAD-SPR
)
) CEQA NO.
) ENV-2016-1892-EIR
_____) (SCH. 2016071049)

REPORTER'S TRANSCRIPT OF AUDIOTAPED PROCEEDINGS
Los Angeles, California
Wednesday, December 5, 2018

TRANSCRIBED BY:
LAURIE HELD-BIEHL,
CSR, CCR, RPR, CRR
CA CSR No. 6781
IL CSR No. 084002860
NJ CRR No. 30XI00239100
TX CSR No. 8555
RPR/CRR No. 32836
CA CSR, RPR
JOB NO. 311210

1 APPEARANCES:

2
3 DEPARTMENT OF CITY PLANNING

4 HEATHER BLEEMERS

City Planner/Hearing Officer

5 Deputy Advisory Agency

221 North Figueroa Street

6 Room 1350

Los Angeles, California 90012

7
8 MELINDA GEJER, Recreation and Parks

9 GEORGIC AVANESIAN, Bureau of Engineering

10 MILENA ZASADZIEN, City Planning

11
12 For the Applicant, Ventus Group:

13 ARMBRUSTER GOLDSMITH & DELVAC LLP

Attorneys at Law

14 BY: WILLIAM DELVAC, ESQ.

BY: TODD NELSON, ESQ.

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17 bill@agd-landuse.com

1 Los Angeles, California

2 Wednesday, December 5, 2018

3 10:15 a.m. - 12:54 p.m.

4

10:17 5 MS. BLEEMERS: Good morning. Thank you so much
6 for coming out today.

7 Can everyone hear me?

8 Translators, can you hear me? Okay. Great.

9 Today is Wednesday, December 5, 2018. My
10:17 10 name is Heather Bleemers, and I am the acting Deputy
11 Advisory Agency for this hearing.

12 Am I speaking too fast? Okay.

13 Today we will be holding the public hearing
14 for the division of land purposes under
10:17 15 case number VTT-74193-CN and associated environmental
16 case number ENV-2016-1892-EIR for a site located at
17 3900 South Figueroa Street.

18 UNIDENTIFIED FEMALE SPEAKER: Can you speak
19 louder, please?

10:17 20 MS. BLEEMERS: Sure.

21 UNIDENTIFIED MALE SPEAKER: The mic is not on.

22 MS. BLEEMERS: Can you hear me now?

23 Okay. Perfect.

24 The Advisory Agency will consider the
10:18 25 environmental impact report prepared -- prepared for

1 this project which includes the Draft EIR dated
2 October 2017, the Final EIR dated October 2018, and
3 errata dated November 2018, as well as the whole of
4 the administrative record.

10:18 5 We'll also consider, pursuant to Los Angeles
6 Municipal Code Section 17.15, a vesting tentative
7 tract map to permit the merger and resubdivision of
8 the subject site into one ground lot and eight
9 commercial condominium lots, and the vacation of a
10:18 10 portion of the existing right-of-way along
11 Flower Drive and a portion of the cul-de-sac; a haul
12 route approval for the export of 60,800 cubic yards
13 of soil in conjunction, with the development of a
14 mixed-use project, and pursuant to
10:18 15 LAMC Section 17.03-A, an adjustment to allow
16 reduced passageways between buildings of no less
17 than five feet.

18 The format of the Advisory Agency hearing
19 will go as follows:

10:18 20 Staff will give a presentation on the
21 proposed project, the Applicant's representative will
22 then be able to make a presentation, then I will open
23 the hearing up for public testimony.

24 Please state your name and address for the
10:19 25 record.

1 We do have speaker cards here today; so if
2 you'd like to speak and you haven't filled one out,
3 please do so; they're located in the back of the
4 room.

10:19 5 Please do not repeat what other previous
6 speakers have said. Keep your comments directed
7 towards me and about the project that we are hearing
8 today.

9 Once we have taken public testimony, I will
10:19 10 close public comment period. We will then recall the
11 Applicant and their representative to answer any
12 questions or to address concerns raised by the
13 public. We will then deliberate on the case.

14 The Advisory Agency may move to approve the
10:19 15 project as proposed, approve with conditions, deny
16 the request, or hold the decision under advisement.

17 At this time, I invite the subdivision
18 committee to introduce themselves. We'll start to my
19 left.

10:20 20 MS. GEJER: Melinda Gejer, Recreation and Parks.

21 MR. AVANESIAN: Georgic Avanesian, Bureau of
22 Engineering.

23 MS. ZASADZIEN: Milena Zasadzien, Planning
24 Department staff.

10:20 25 MS. BLEEMERS: And, staff, are ready to present?

1 Okay.

2 MS. ZASADZIEN: Good morning.

3 This is a proposal for a subdivision for one
4 master lot and eight condominium lots, as well as a
10:20 5 haul route and certification of the environmental
6 impact report, which identified significant and
7 unavoidable impacts in terms of historic resources,
8 traffic and noise.

9 It's located within the Southeast
10:20 10 Los Angeles Community Plan area, proposing a
11 mixed-use project with hotel, student housing,
12 mixed-income, office and ground-floor commercial
13 uses. It also includes the removal of eight
14 buildings within the Flower Drive Historic District.

10:20 15 The tract map itself meets all the legal and
16 technical requirements of the Map Act and the General
17 Plan.

18 City policies incentivize higher density
19 near transit specifically, also incentivize student
10:21 20 housing and affordable housing at this site.

21 We have received conditions from the
22 Bureau of Engineering, Department of Building &
23 Safety, Department of Transportation, Fire, LAUSD,
24 Recreation and Parks, Department of Water and Power,
10:21 25 Street Lighting, Sanitation, and all of these

1 comments have been incorporated into the staff report
2 and as conditions of approval for the tract map.

3 We've also received a number of public
4 comments on the project. None of the public comments
10:21 5 are specific about the tract map itself, but they
6 rather focus on the merits of the project and its
7 environmental impacts.

8 In general, public comments on the project
9 in support note about the net gain of affordable
10:21 10 housing for the area and that the development is a
11 benefit to the community.

12 Most of the comments in opposition of the
13 project talk about sincere concerns from onsite and
14 longtime residents about displacement, resulting in
10:22 15 severe financial, emotional hardships for the
16 residents.

17 There's also concerns about the removal of
18 the historic resources onsite and strong support for
19 a preservation alternative which maintains the
10:22 20 historic structures.

21 In response to these comments, in no way do
22 we want to diminish these very real concerns. Both
23 affordability and preservation are very important
24 goals for the City and community, but we also do not
10:22 25 want to diminish the fact that this is a large

1 opportunity site to bring a net gain of affordable
2 housing units for people in the City that also need
3 affordable housing.

4 It's also a sustainable, transit-oriented
10:22 5 development near two train stops, regional, cultural
6 and educational institutions. And it supports City
7 goals for student housing near USC, hotel access to
8 Downtown LA and Exposition Park, and a net gain in
9 affordable housing.

10:22 10 So trying to balance all these goals is
11 difficult, but, ultimately, the City supports and
12 recommends redevelopment of this site, and supports
13 and recommends approval of the tract map and
14 certification of the environmental impact report.

10:23 15 We also have a number of clarifications and
16 changes we want to read into the record.

17 So the errata published in November 2018
18 clarified that the max building height is 83 feet and
19 max height of the garage is 90 feet. Also, we want
10:23 20 to clarify for the haul route condition, 28-J, that
21 it should state "78 loaded truck trips."

22 In addition, there was a LAUSD letter
23 submitted to the file, and we have added required
24 noticing of LAUSD during construction activities as
10:23 25 part of project design feature J-1; however, we do

1 need to correct that the haul route hours stay the
2 same, per City standards, at 9:00 a.m. to 4:00 p.m.
3 Those are all the recommended changes at
4 this time.

10:24 5 MS. BLEEMERS: Great. Thank you.
6 I'd like to invite the representative up,
7 please.

8 MR. DELVAC: Thank you. Is this on? Okay.
9 Thank you, good morning. Bill Delvac of
10:24 10 Armbruster Goldsmith & Delvac. I'm here on behalf of
11 the Applicant Ventus Group to present this project.
12 With me today are Scott Gale and others
13 representing Ventus.

14 After I make a few introductory comments,
10:24 15 our project architect, Bruce Greenfield, will present
16 the design to the Advisory Agency, then my colleague
17 Todd Nelson will summarize the entitlements.

18 We also have the technical team here,
19 including Brian Powers, our civil engineer, of KPFF.

10:24 20 The project site is over four acres. It's
21 located on the southeast corner of Figueroa and
22 39th Street. It's only a quarter mile to the
23 USC campus. And it's across the street from
24 Exposition Park near the museums and the Colosseum,
10:25 25 including the California Science Center and the

1 long-awaited Lucas Museum, which is under
2 construction. It's also directly across the street
3 from the LA Football Club Soccer Stadium.

4 I would say that its location is very, very
10:25 5 important for supporting Exposition Park and USC,
6 including the student housing and hotel.

7 The site is close to transit, the Expo Line
8 as well as multiple bus lines, and offers nearby
9 freeway access.

10:25 10 The project will include 222 new student
11 housing units in close proximity to USC, which will
12 allow easy biking, walking, and transit to campus
13 along the Figueroa corridor.

14 The project also provides a total of
10:26 15 298 hotel rooms with both a short-term and
16 extended-stay hotel.

17 Again, this is in close proximity to
18 Exposition Park and USC.

19 The City is in great need of lodging,
10:26 20 particularly with the coming Olympics.

21 The new mixed-use income housing,
22 186 housing units, of which 82 are affordable units
23 at low-income levels to meet the diverse housing
24 needs of the Southeast Los Angeles community.

10:26 25 On this, I would like to note that it isn't

1 just 20 percent of just the market rate units, it's
2 20 percent of all the units, including what would be
3 included for the student housing; so it's about
4 40 percent of the mixed-income housing is low income.

10:26 5 Approximately 96,000 square feet of
6 commercial uses in hotel meeting rooms,
7 neighborhood-serving retail and restaurant uses, and
8 including new office space.

9 It provides 1,017 code-required parking
10:27 10 spaces in a structure that serves as a buffer to the
11 adjacent freeway.

12 I would like to now introduce our project
13 architect, Bruce Greenfield, of Architects Orange to
14 present the project's design.

10:27 15 And then after Todd speaks, I'll make a few
16 concluding remarks.

17 Thank you.

18 Bruce.

19 MR. GREENFIELD: Thank you, Bill.

10:27 20 My name is Bruce Greenfield with Architects
21 Orange. We're an architectural firm established in
22 1974 and we do quite a bit of work in the City of
23 Los Angeles and are proud to be associated with this
24 project as the project architect.

10:27 25 So my understanding is that you folks are

1 familiar with the project, so I'll do a brief
2 overview. But if you have questions, feel free to
3 ask at any point. Okay.

4 So as Bill said, the neighborhood of the
10:28 5 project is a great cultural center with the
6 Lucas Museum, the Coliseum, the other museums in the
7 area. And this project, from our perspective, is a
8 great addition to the area, because it provides
9 parking, it provides housing; what a great
10:28 10 neighborhood to live in with all these amenities.

11 It provides a large public plaza access
12 space for the residents to use, and also for the
13 neighborhood, and also for visitors to the museums
14 and the cultural facilities.

10:28 15 So here at 39th and Figueroa, where you
16 would cross over from the cultural events in
17 Exposition Park and Christmas Tree Lane and all of
18 that, and the oldest tree in LA, you would have a
19 short walk to an outdoor plaza. It would have lawns,
10:28 20 it would have other areas to gather, restaurants
21 ringing around it, the hotel lobby would open to it,
22 and access to parking would be off the back; so we
23 see this as a very invigorated and live space. And
24 it's sort of the heart and soul of the project.

10:29 25 And then the hotel, the student housing and

1 the mixed-income housing come off of that, and the
2 parking is in the back of that.

3 Again, as Bill said, as a buffer to -- we
4 have South Flower Drive, and then we have the tall
10:29 5 wall, about 40 feet, near the freeway, and then the
6 freeway on-ramp, and this serves as a buffer to that.

7 So, quickly, I have some -- an enlarged
8 landscape plan.

9 We see the project as a very lush addition
10:29 10 to the neighborhood.

11 This is our courtyard with kind of a central
12 lawn, hardscape around it, restaurants opening to it.

13 Up on the hotel, we have landscaped decks up
14 on top of the podium of the hotel.

10:29 15 The apartments have a variety of courtyard
16 uses.

17 On the street frontage, we see outdoor
18 dining activating this entire street frontage from
19 end to end.

10:30 20 And for the offsites, our intent is to
21 follow the My Fig guidelines, match the landscape and
22 hardscape from across the street, and really try to
23 make Figueroa read like a grand boulevard; so both
24 sides create this great image of the street and then
10:30 25 we open up onto that, so --

1 And then up on top of the parking garage we
2 have our fitness lounges for the mixed-income
3 housing, for the student housing, and for the hotel.
4 And each one has their own amenity deck with pools or
10:30 5 spa, a basketball court for the students, that kind
6 of stuff. And, again, a lush landscape environment
7 up there, using these buildings on the top to further
8 separate from the freeway. The views from up here
9 are fantastic, so --

10:31 10 And I'll show you a rendering that will
11 communicate that.

12 And these are just enlarged plans of the
13 streetscape, the street benches, the paving, the
14 landscape, and the access to the plaza area, and
10:31 15 we've got some images in here; so we see this as a
16 really cool urban space that I think would be a great
17 addition to Exposition Park area.

18 And then this is the hotel roof deck; so you
19 get a feel for what we're envisioning up there with
10:31 20 the landscaping, the view of Downtown off to the
21 side.

22 This is inserted into Google Maps so it's a
23 fairly realistic representation.

24 And this is the hotel building here that
10:31 25 you're looking over. And this pool sits on top of

1 the parking garage.

2 So we're really excited about it. I think
3 it's going to be a great place to live, a great place
4 to visit, and a great addition.

10:32 5 UNIDENTIFIED FEMALE SPEAKER: Can you speak up,
6 please? We can't hear you back here.

7 MR. GREENFIELD: Okay.

8 MS. BLEEMERS: Can you see if your microphone is
9 working? Can you test it?

10:32 10 MR. GREENFIELD: Hello?

11 Okay, I'll -- I'll hold it closer. Thanks.

12 Okay. And then we have the building
13 elevations and we are --

14 The basic intent of the building is to have
10:32 15 this plaza as kind of the central hub of the project.
16 It's a lifestyle, retail area with a contemporary
17 look, a modern look that retailers and restaurateurs
18 would gravitate towards.

19 And then as we come out of the courtyard, we
10:32 20 have the hotel on this side, which we've given its
21 own architectural identity; the student housing over
22 here, which we've given its own identity; and then
23 the mixed-income, which has its own identity.

24 So we've tried to keep a consistent look but
10:33 25 vary it with each building type to create variety on

1 the streetscape. And I've got some renderings that
2 will communicate that better.

3 On the back side, we're looking at treating
4 the parking garage. You can see this grayed-out area
10:33 5 is about the height of the freeway; so the freeway is
6 quite a bit higher than the grade level back here.
7 Okay.

8 And I don't know if you'll be able to see
9 this from a distance, but what I'm going to do is
10:33 10 walk up Figueroa Street from the south and give you a
11 couple snippets of what the project looks like.

12 So here at the corner of Figueroa, we have a
13 glass facade that kind of wraps the corner. We
14 worked with the Planning Department to try to make
10:33 15 this side facade as interesting as the rest of the
16 building.

17 And as you're coming up Figueroa, we feel
18 that the glass corner would be a beacon to the
19 project and you'd would start to see the project
10:34 20 before you got there.

21 And then up -- with the student housing, to
22 the plaza, and then the hotel beyond.

23 Okay. And then a close-up look of the
24 student housing and the streetscape gives you an idea
10:34 25 of our intent. Again, landscape, upgraded hardscape,

1 benches, outdoor dining patios that are under cover
2 of the building above, so they're shaded, they're
3 protected.

4 And the building facade, we're articulating
10:34 5 with some variation to it to try to make an exciting
6 streetscape.

7 And then the entrance to the plaza here and
8 then the hotel beyond. Okay.

9 And then in that plaza, again, we've tried
10:34 10 to make this very exciting, very inviting space, for
11 the existing residents, for new residents, for
12 visitors. And so we've got the hotel entrance, hotel
13 restaurants, bistros, other restaurants looking into
14 this.

10:35 15 On the second level, we also have
16 restaurants looking at this. And you would walk
17 through this space to get into the parking garage; so
18 it will be an active space, it will be a lot of --

19 Mothers can come here with their kids, grab
10:35 20 a cup of coffee and sit on the lawn. We just see it
21 as a great community space and we're very excited
22 about it.

23 And then my last look is from Fig from the
24 north looking back towards the hotel. And so here is
10:35 25 your drop-off on the hotel on 39th Street.

1 This is the Figueroa side of the hotel,
2 again, activated with a lot of glass and storefront
3 and activity.

4 And then the great plaza and then student
10:35 5 housing.

6 So that's a quick overview. If you have any
7 questions, let me know.

8 MS. BLEEMERS: Thank you.

9 MR. GREENFIELD: Thank you.

10:36 10 Todd, that's the translator.

11 MR. NELSON: Todd Nelson from Armbruster
12 Goldsmith & Delvac here to summarize the entitlement
13 requests for this project.

14 As Planning Staff summarized, what's before
10:36 15 the Advisory Agency today is a vesting tentative
16 tract map to merge and re-subdivide the site,
17 accomplish merger and vacation along the adjacent
18 right-of-way along Flower Drive, and to approve the
19 project's requested haul route.

10:36 20 The -- the other -- thanks.

21 The other City Planning entitlements that
22 are being requested and required for this project
23 include a zone and height district change across the
24 entirety of the site to establish consistent C2-2D
10:36 25 zoning to allow the proposed floor-area ratio and

1 height. This is in conformance with an existing
2 Community Plan footnote that applies to this site
3 that authorizes increases in FAR for projects that
4 include either student housing or affordable housing.
10:37 5 This project includes both, and it's consistent with
6 the requirements of the footnote.

7 We're also seeking a conditional use permit
8 to allow the proposed hotel use within 500 feet of an
9 R-zoned property due the existence of a small strip
10:37 10 of R-zoned land adjacent to the 110 Freeway.

11 We're seeking a master and conditional use
12 permit to allow the onsite sale of alcohol at up to
13 six locations, consistent with the proposed
14 restaurant uses and the hotel use.

10:37 15 We're seeking a determination to allow a
16 transitional height increase, which is imposed by the
17 adjacent open-space zone to Exposition Park which, of
18 course, is already improved with multiple structures
19 in excess of 100 feet, but this is a working of
10:37 20 the -- of the mechanics of the Zoning Code, and -- as
21 well as site plan review to allow the development of
22 50 or more dwelling units and more than 50,000 square
23 feet of commercial floor area.

24 And with that, I'll turn it over to
10:38 25 Bill Delvac for some additional remarks.

1 MR. DELVAC: Again, for the record, Bill Delvac
2 of Armbruster Goldsmith & Delvac.

3 I want to discuss very briefly the project
4 benefits.

10:38 5 This project will provide a number of
6 benefits to the City and to the residents. It will
7 create over 1,100 construction jobs, good jobs,
8 carried out by union members who were here --

9 What do you need?

10:38 10 I'm just going to say, for the moment, we
11 apologize for any of the audio issues. This is as a
12 result of translating the hearing simultaneously into
13 Spanish, which we believe is appropriate to make sure
14 that all in the community can understand and can be
10:38 15 heard.

16 I'll continue.

17 1,100 construction jobs, union jobs, with a
18 project labor agreement.

19 The operation of the project will create
10:39 20 440 full- and part-time permanent jobs.

21 Tax revenues to the City will be over
22 5.5 million annually.

23 The project will include sustainability
24 measures, including LEED Silver equivalency, water
10:39 25 conservation measures, and bicycle and electric

1 vehicle parking.

2 To date, we are gratified to have over
3 1,250 individual supporters, and these are shown with
4 the -- their locations on the -- on the map in blue.

10:39 5 50 of these supporters attended at the last
6 hearing, and those supporters who did speak, as well
7 as others, their testimony is in a transcript that's
8 been provided to the City.

9 We have the support of Council District 9,
10:39 10 the Office of Supervisor Mark Ridley Thomas, the
11 California Science Center, and multiple other
12 businesses and stakeholders.

13 In addition, the project is supported by
14 UNITE HERE, the hotel workers, because we will have a
10:40 15 neutrality agreement with the hotel workers, and we
16 enjoy their support.

17 We also enjoy the support of the Building
18 Trades Council.

19 This project represents the type of
10:40 20 mixed-use, mixed-income, transit-adjacent project
21 that the City advocates for.

22 I want to speak for a moment about what is
23 probably the most important issue to us and to the
24 community, and that's the tenants.

10:40 25 The Applicant has taken very seriously the

1 relocation issue. To date, of the 26 occupied units,
2 there have been 11 units who have entered into
3 voluntary agreements to relocate. These agreements
4 provide in the range of three times what's required
10:40 5 by law, \$50,000 of relocation assistance and free
6 rent from now through the end of November 2019. We
7 take this obligation very seriously as we know the
8 City does.

9 To recap, this is the second public hearing.
10:41 10 The hearing officer conducted a public
11 hearing on behalf of the City Planning Commission
12 regarding the land use entitlements. Those
13 testifying in Spanish had their remarks translated
14 then, as they do today, and an English transcript has
10:41 15 been provided of the entire hearing's testimony so
16 that the Agency -- Advisory Agency can consider those
17 remarks as part of its decision making.

18 We look forward to presenting the project to
19 the City Planning Commission in the near future. We
10:41 20 respectfully request the Advisory Agency to approve
21 the tract map.

22 Thank you. And the team is here to answer
23 any questions you may have.

24 MS. BLEEMERS: Great. Thank you very much.

10:41 25 MR. DELVAC: Thank you.

1 MS. BLEEMERS: At this time, I'd like to go
2 ahead open up for public comment.

3 Again, we are using speaker cards today; so
4 if you haven't filled out a speaker card, please do
10:42 5 so.

6 You can go ahead and bring it up here and
7 we'll go ahead and grab it.

8 I'm going to start by calling two names at a
9 time. If you hear your name, please feel free to
10:42 10 come up and sit in these two seats up in the front.

11 So I have Jean Frost from the Neighborhood
12 Council. And Jim Childs.

13 MS. FROST: Good morning.

14 I represent the North Area Neighborhood
10:42 15 Development Council. This site sits within NANDC's
16 area of interest. We strongly support benefits and
17 good union jobs and permanent jobs for people, but --

18 Thanks. Technology, always a challenge.

19 Our Neighborhood Council has been in
10:43 20 existence for quite some time and we have our roots
21 in this neighborhood. And if I hadn't lived here for
22 about 40 years, I would be listening to the glowing
23 remarks about how this will be the heart and soul of
24 a neighborhood, and mothers will come and play on the
10:43 25 grass, and this 150-foot little pavilion gathering

1 place will be just a magical introduction.

2 What is missing is, you know, the mothers
3 and kids that are playing on the grass of affordable
4 housing that exists in the Flower Drive California
10:43 5 Register District, which is 18 affordable
6 RSO units, and the affordable housing exists that
7 cannot be replicated. And it is so significant that
8 the State Historic Resources Commission, not once,
9 but twice declared that this was a very significant
10:44 10 element in the City of Los Angeles.

11 What this proposal does is -- is eradicating
12 affordable historic housing that has its links and
13 roots in this community. And it's a historic
14 community, a diverse community, and one that has a
10:44 15 heart and soul. And these -- the Historic District
16 is part of the heart and soul. And the people that
17 live there are part of the heart and soul of this
18 neighborhood.

19 This building doesn't go into a vacuum. It
10:44 20 also does not go into a vacuum of planning.

21 We have, as a Council, worked very hard in
22 the development of the Southeast Community Plan,
23 which is pending, and the -- the Draft EIR and Final
24 EIR are in error ignoring that this is -- is targeted
10:45 25 as RD1.5 affordable housing on Flower Drive.

1 The response in the Final EIR is "Well, it's
2 not adopted yet, so we can ignore this." But the
3 Southeast Community Plan has been worked on by many
4 people since 2009. And since the City initiated the
10:45 5 proceedings to update this community plan prior to
6 September 8, 2016, the date on which the City found
7 The Fig project application to be complete, it has to
8 be considered.

9 To allow for accepting a tract map denies
10:45 10 all of the efforts of both the Planning Department in
11 the Southeast Community Plan, the community's
12 efforts, and also the Community Redevelopment
13 Agency's efforts that puts a high value on the
14 preservation of its historic resources and the
10:46 15 preservation of affordable housing.

16 These lots ought not to be merged because it
17 is the beginning of destroying the site and
18 eliminating the Flower Drive Historic District.

19 The Draft EIR also fails to analyze the true
10:46 20 impacts to the entire historic element which is
21 Flower Drive, which is 18 buildings, and it -- it
22 offers as a mitigation, "Well, let's move three or
23 four of these buildings."

24 Anyone that understands context in historic
10:46 25 neighborhoods and historic districts knows you can't

1 cherry-pick three or four buildings and put them
2 someplace and retain the context that this
3 neighborhood already has.

4 What also is missing is the understanding
10:47 5 that this neighborhood exists within a context.

6 The Flower Drive District is part of the
7 original Zobelein Tract, and it is just south of the
8 Zobelin Estate, which is a historic cultural
9 monument.

10:47 10 This site is also close to Exposition Park.

11 And I give you as a clear example of
12 historic buildings able to coexist with new
13 development, as we have the Lucas Museum, as we have
14 the California Science Center. Old buildings and new
10:47 15 buildings can coexist; it's part of the vitality of
16 development and the history of Los Angeles.

17 What is missing here and what is missing in
18 the Draft EIR and the Final EIR is an acknowledgment
19 that there is an alternative, a preservation
10:47 20 alternative, that exists in a tower concept rather
21 than a seven-story concept. And that concept could
22 both save the Flower Drive National -- California
23 Register District and allow for all of the
24 development that is being proposed, allow for the
10:48 25 440 permanent jobs, and the good construction jobs.

1 I'm a union member, I support good jobs,
2 good-paying wages, and I support this neighborhood.
3 But the Neighborhood Council finds that it cannot
4 support an alternative that provides so much
10:48 5 destruction and so little of value to the current
6 residents and so little acknowledgment of what is the
7 history of a very significant area of Los Angeles.

8 What is proposed is a genocide of a
9 neighborhood. And it's an important context. And
10:48 10 what happens here is going to happen to the north and
11 it is going to happen to all of our historic South LA
12 community neighborhood.

13 In -- in conclusion, I don't think you can
14 make the findings required to allow for this tract
10:48 15 map. This is a project whose -- the great enthusiasm
16 for it in certain corners has really eliminated a
17 true dialogue and an -- and an instance where we can
18 come together and have a win/win for all parties.

19 The tract map is just one element of the
10:49 20 pieces of the pie. It's the element we are
21 addressing today.

22 You cannot make the findings required.

23 The Final EIR is severely flawed, its
24 mitigations are not sufficient, and it doesn't take
10:49 25 what is -- into account significantly what it's going

1 to really do to a neighborhood.

2 Further, it's -- it already states in the
3 Final EIR that there will be significant impacts that
4 cannot be mitigated. You can mitigate them, choose
10:49 5 an alternative, not the one that is before you today,
6 and deny the tract map that is before you.

7 And I have some handouts for you this
8 morning.

9 MS. BLEEMERS: Great. Thank you.
10:49 10 Jim.

11 MR. CHILDS: Good morning. Jim Childs, with
12 Adams-Dockweiler Heritage Organizing Committee, ad
13 hoc, this morning.

14 I've made comment along the various
10:50 15 processes and attended all the meetings. And I'm
16 here again today to ask that this not move forward.

17 I'm asking you to reject the EIR that's been
18 in circulation because it's not adequate, it fails on
19 many areas.

10:50 20 You've heard extensively from Ms. Frost, and
21 it's hard to follow, you know, all that information
22 as an activist because she's covered just about
23 everything that's wrong with this; so I don't want to
24 be particularly repetitive. But I do want to talk
10:50 25 about the Historic District, Flower Drive itself, and

1 its importance in that neighborhood.

2 And "context" is a word that is very
3 important to historic preservation and is exclusively
4 important in a district because the district, as
10:51 5 defined, is a collection of buildings in a
6 geographical area. You cannot remove buildings from
7 the district and maintain their integrity, and you --
8 if you take enough of them out, you've lost the
9 district.

10:51 10 There aren't eight buildings that are being
11 demolished but nine historic buildings, one of which
12 is not in the district because it was significantly
13 outside the period of significance for the context.
14 That doesn't mean that it's not an important historic
10:51 15 asset to this community and to the setting in which
16 it's there; so let's stop talking about eight, and
17 let's really start talking about nine.

18 Another affordable building. Nine times
19 four; do the math. Those are the affordable units
10:51 20 that are there.

21 This district was defined because of its
22 affordable housing, cultural importance. You will be
23 hard-pressed to find districts like this anywhere
24 else in the state.

10:52 25 Most districts rely on historic

1 architecture, like Victorians. I happen to live in
2 the Saint James Park National Register District,
3 which I helped to develop. I've done three National
4 Register Districts, one of them with Ms. Grimes,
10:52 5 who's now on the other side of the aisle for this
6 argument; so I know something about districts. And
7 when you cut half of it off, the other half will
8 fail.

9 There's rumors that they're already buying
10:52 10 the other half, I don't deal in rumors, but, you
11 know, that part of development is still going on.

12 This -- this development will not end on
13 this block. The other block will be developed and
14 those houses will be lost as well, as sure as I'm
10:53 15 sitting here.

16 The importance of taking out a historic
17 district is unprecedented. And if you allow the City
18 and its error in judgment to ignore or make lesser or
19 make equal the cherry-picking that they're talking
10:53 20 about because they make X, X, and X, we no longer
21 have to deal with Y and Y, which is the historic
22 component and its compliance with the preservation
23 issues in the South Central and General Plans. We
24 don't have to deal with those, they're saying,
10:53 25 because we meet all these other wonderful, lofty

1 goals.

2 I'm not going to argue about whether they
3 meet them or not, I don't think they do, but -- but,
4 clearly, you can't choose not to be compliant across
10:53 5 the board, given the opportunity that -- when it
6 presents itself, which they have supplied an
7 alternative which they now have taken off the table,
8 and by taking it off the table, we're all supposed to
9 pretend it never existed.

10:54 10 Well, I went to two Saturday meetings with
11 all the preservation communities in attendance. We
12 had a wonderful, really productive meeting. We came
13 up with a conclusion that could have been in the EIR,
14 but they chose to eliminate it; so all the
10:54 15 decision-makers are bereft of seeing that proposal
16 and going "Yes, this could be a better alternative."

17 Absent that, you can only take my word for
18 it, and the word of other speakers who were there,
19 but this was a really keen way to make everybody
10:54 20 happy.

21 For whatever reasons, they've chosen not to
22 do that. They're in business, they can do that. But
23 the process can't be subverted because they want to
24 change their mind.

10:54 25 And it acknowledges in the fear that they --

1 Let me put my glasses on here.

2 MS. BLEEMERS: Mr. Childs, in the thought here
3 for other speakers, would you mind just summarizing
4 your comments so we can move on?

10:55 5 MR. CHILDS: I'd be happy to.

6 MS. BLEEMERS: Thank you.

7 MR. CHILDS: And that is the subdivision on the
8 historic resources should not be done, period. If
9 you do, you've -- you will facilitate their
10:55 10 elimination. And you have a choice not to be able to
11 do that. You clearly have a choice not to support
12 the fear that's there.

13 And the reasons I have articulated are part
14 of those, you'll hear other people speak about it,
10:55 15 but that's your responsibility. And other
16 organizations and preservation -- and city groups
17 have failed to do that. That doesn't mean that you
18 have to go along with the rest of them.

19 And it's time for somebody in City
10:55 20 government to understand that the loss of cultural
21 resources -- having the architect talk about
22 Christmas Tree Lane, this is part of Christmas Tree
23 Lane, this is where Christmas Tree Lane terminates in
24 the community, as a matter of fact.

10:56 25 And all of these issues are important to the

1 City. These are City resources that are being tossed
2 away like they were nothing.

3 I'll let other people talk.

4 MS. BLEEMERS: Thank you.

10:56 5 Elaine Sanchez and Lupe Solano, please feel
6 free to come up to the front.

7 UNIDENTIFIED FEMALE SPEAKER: Elaine Sanchez is
8 not present today.

9 MS. BLEEMERS: Okay. Thank you.

10:56 10 Can I have Mitzi March Mogul, please?
11 Mitzi, are you here? Okay.
12 Good morning.

13 MS. SOLANO: Good morning.

14 My name Guadalupe Solano. I've been living
10:57 15 in this place for almost 15 years.

16 Everybody is talking about the historical
17 situation in there. I'm in the process of trying to
18 figure out what's going to happen to my family.

19 I have three grandchildren that were born
10:57 20 there. I have a daughter who's 12 who is currently
21 under a lot of stress on this situation. I have to
22 get her therapy because she tried to become suicidal
23 because she thinks we are losing our home.

24 I don't think my family is worth, like they
10:57 25 say, \$50,000. I don't think that splitting my family

1 is also worth this building.

2 They say there is a lot of jobs for the
3 community. My son is a worker for the unit -- the
4 union, and he goes to work, like, very far from my
10:58 5 building right now. When he tried to apply for some
6 of these jobs that are being promoted in my
7 community, there's no jobs right there; so how are we
8 going to say that there's a lot of jobs opportunity
9 when we don't really have the opportunity to go into
10:58 10 them?

11 Affordable housing, that's only if you're
12 qualified; that's not if you are a member of this
13 business going on right now. To me, it's all
14 dollars, and if you think my family is worth the
10:58 15 \$50,000, I don't believe so; so I -- I don't agree on
16 the project, and I also don't agree on taking my
17 building down.

18 So I don't know what else to do. This is a
19 very stressful situation. We have the people coming
10:59 20 over to talk to us about signing this project, about
21 agreeing on the -- on that money. Like I said,
22 they're not telling you what --

23 You have to pay taxes on this money. You're
24 not keeping all this money. You're not going to be
10:59 25 able to afford another affordable housing where you

1 will be able to live in a situation that is stress
2 relief.

3 So if they can come and tell me that they're
4 going to build another apartment for me that is going
10:59 5 to take half of my family together, I will think
6 about it. But if you come and tell me there is going
7 to be -- there's going to be a lot of opportunities,
8 but I don't see those opportunities coming down my
9 way, I don't know what else to say about this
11:00 10 project. I am in denial of this project.

11 And, once again, my name is Guadalupe
12 Solano. Thank you very much.

13 MS. BLEEMERS: Thank you.

14 MS. MOGUL: Good morning. My name is Mitzi
11:00 15 March Mogul, and I am a historic preservation
16 consultant; in fact, I am the person who shepherded
17 the nomination through the state nomination process.

18 It was mentioned that the California
19 Historic Resources Commission designated this twice.
11:00 20 That is true. They designated it and then reaffirmed
21 it, parenthetically, despite a developer's attempt to
22 bribe the commission; so you can forgive us if we're
23 a little skeptical at public hearings.

24 That being said, the Commission did
11:01 25 designate and affirm this district. And it is no

1 small process to meet the qualifications to become a
2 California State Historic District. It is a long
3 process, it is a complicated process, and not
4 everything that gets nominated makes it through.
11:01 5 This one did. Why? Because it met a very high bar.
6 I was among the individuals also who met
7 with the -- I believe they were considered consulting
8 architects, Page & Turnbull. We had several meetings
9 in their office to discuss this project and its
11:02 10 impacts, and to try to find ways to either mitigate
11 or to leave the historic district alone altogether.
12 And, in fact, we did come up with an alternative.
13 Unfortunately, the developer has decided to
14 simply not take that path. He could. It would also
11:02 15 require asking for some variances, but no more, and
16 probably significantly less, than what he is
17 currently asking for in this laundry list of -- of
18 exceptions for this project.
19 So, yes, the -- the EIR certainly states
11:02 20 that there are unmitigated problems and that they
21 cannot be mitigated; that the effects to this
22 district will -- will be the loss of nine buildings,
23 or eight buildings if you like. It's a distinction
24 without a difference at that point because you -- you
11:03 25 have effectively eliminated half of a district, which

1 means you have no district.

2 In order to have a district, which is quite
3 different from an individual monument, it is the
4 collection of the whole that makes that district.

11:03 5 Each one of them individually may not meet the bar,
6 but collectively they form a whole that is special
7 and unique.

8 I don't see the point as having such a thing
9 as historic cultural monument or a California
11:04 10 Historic District or a National Register Historic
11 District if a group of people, whether in government
12 or -- or a private industry, can simply, with a wave
13 of their magic wand, do away with that designation.

14 Why do we have it in the first place? Is it
11:04 15 just supposed to be a temporary, until we get a
16 better offer? This makes absolutely no sense on --
17 on any level of rationality.

18 I've been living in that area since 1986,
19 and I wish I had a dime for every developer who has
11:04 20 come to the area and told us that what they're doing
21 for us is good, they're doing us a favor. How
22 insulting is that?

23 They wouldn't go to Beverly Hills or Culver
24 City or any place on the Westside or Hollywood; name
11:05 25 just about any other community, they wouldn't go in

1 and tell people there that they have come to do them
2 a favor, that they will uplift their community for
3 them.

4 I don't need them to uplift my community.

11:05 5 And the good people here who actually live in those
6 houses that will be affective -- affected don't need
7 the favor.

8 There will be restaurants. Believe me, they
9 will be restaurants that nobody who lives in that
11:05 10 area, save in those buildings, can afford to go to.

11 More parks? We have Exposition Park and
12 it -- Exposition Park is much beloved and used by the
13 community. I -- I invite you to go there on any
14 given weekend day and you will see members of the
11:06 15 community enjoying that park, having events and --
16 and just running around with their families as they
17 should be able to do in a park; so we have a
18 wonderful park.

19 People who come to visit Los Angeles and go
11:06 20 to the museums, yes, but do they have to stay right
21 next door to the museum? Because, you know what, we
22 have other museums. We have museums in Hollywood.
23 We have museums in West LA. A lot of people go to
24 Disneyland; that's not Los Angeles, although it's
11:06 25 often cited as though it were.

1 So there's -- there's -- there's no written
2 agreement with a tourist that says "You will be able
3 to stay right next door to that museum."

4 There are a lot of hotels and --

11:07 5 MS. BLEEMERS: I apologize for interrupting, but
6 if you could just summarize your comments so that we
7 can have other speakers speak, that would be great.

8 Thank you.

9 MS. MOGUL: I will summarize.

11:07 10 So again, let me -- let me just say that
11 this is a district that met a very high bar. I don't
12 believe that this proposed project meets that bar.

13 There is an alternate, or there was, on the
14 table; they can go back to that and we will be out of
11:07 15 their lives because everyone will get what they want,
16 albeit in some slightly different form for this
17 developer.

18 But he will be able to do his project, the City
19 will get the tax money, they'll be able to have this
11:07 20 housing, and the good people who currently live there
21 will be able to continue to live in their homes and
22 not be displaced by a developer with a lot of money
23 to spread around.

24 Thank you.

11:08 25 MS. BLEEMERS: Thank you very much.

1 I have -- is it Gema Valdespino and Elyse
2 Valenzuela?

3 UNIDENTIFIED FEMALE SPEAKER: Gema is not here
4 today.

11:08 5 MS. BLEEMERS: Gema? Okay, thank you.
6 I'm going to go ahead and call up Roland
7 Suiza? Or Souza? Sorry.
8 Is Roland here?

9 UNIDENTIFIED FEMALE SPEAKER: Roland has not
11:08 10 arrived yet.
11 MS. BLEEMERS: Okay. We'll go ahead and put him
12 aside; if he comes, please let me know.
13 Carmen Barajas.
14 Is Carmen here?

11:08 15 UNIDENTIFIED FEMALE SPEAKER: She's outside with
16 the baby.
17 MS. BLEEMERS: Okay. I'll go ahead and put her
18 aside; if you don't mind just letting me know when
19 they return.

11:09 20 Terry James. Sorry, it's hard to read the
21 writing.
22 Terry? Okay.
23 Go ahead.

24 MS. VALENZUELA: Good morning. My name is
11:09 25 Elyse Valenzuela. I was born and raised on the

1 39th block -- on the historical 39th block on
2 South Flower Drive.

3 I --

4 Everyone understands the emotional and
11:09 5 the -- the emotional aspect of this situation.
6 I'm -- I just want to elaborate a little bit more on
7 that.

8 You know, I have -- I have a brother that
9 has cerebral palsy, and, you know, my -- my father
11:09 10 passed away of cancer, you know, where -- where we
11 were born and raised at. I want to continue to
12 express the importance of how valuable the apartments
13 are to the families that have lived there over
14 40-plus years, and to myself and my family that
11:10 15 lived there over 30 years.

16 You know, it's important to -- to preserve
17 any community. We lean against each other, you know,
18 for support within our -- our community. You know,
19 we've seen the -- the block be developed from people
11:10 20 not wanting to walk past that South Central area to
21 ourselves being the ones to develop it the way that
22 it is now.

23 We've been able to experience and be able to
24 see the -- the positive change -- changes that we've
11:10 25 been a part of and -- and contributed to into our

1 community. We don't want that to just get thrown
2 away and -- and tossed out for the financial gain of
3 people that have not even experienced these type of
4 upbringings.

11:10 5 It's important to conserve this -- this type
6 of growth. It has taught --

7 Personally, it has taught me to have
8 integrity and morals and not forget from where we've
9 come from; so I believe future families could learn
11:11 10 from my experiences and -- and -- and the other
11 tenants of pretty much seeing the development of
12 low-income, rent-stabilized communities.

13 Another thing that I'm going touch upon is
14 Mr. Delvac mentioned that there was 11 families that
11:11 15 voluntarily agreed to leave. That is completely
16 false. It's actually been based on fear, feeling
17 cornered and pressured to have these families sign.

18 You know, we've been told "Listen, and --
19 you know, "This is" -- "This is something that's
11:11 20 going to happen. You have to agree to it; if not,
21 you're basically left" -- "left out and you're out on
22 your own."

23 You know, it's been people knocking on our
24 doors -- actually, Paragon is the businessmen
11:12 25 knocking on our doors, way beyond business hours.

1 Numerous letters. Constant beating in our minds, in
2 our emotional, in our stress, constantly, you know,
3 saying "Hey, time is ticking. Time is ticking."

4 What do you think these families are going
11:12 5 to do that have no other form of economic -- I guess
6 they have no other form of -- of getting money. What
7 do you think they are going to feel? "Well, should I
8 take this deal or" -- "or do we fight?"

9 Some families are scared. And I truly
11:12 10 believe that if they voluntarily were to sign
11 something, they would -- they would voluntarily sign
12 something that is more morally appropriate for us.

13 So I oppose of this project. I -- I -- I
14 can't see something that has been there for so long
11:13 15 just be taken away from us like if we were nothing;
16 so I really bring it upon you guys to make that
17 morally and integrity decision to oppose this
18 project.

19 Thank you.

11:13 20 MS. BLEEMERS: Thank you.

21 MS. JAMES: Good morning. My name is Terry
22 James. I -- I was born in Los Angeles. I'm 64 years
23 old. And where I live now, I've been there six
24 years, as matter of fact, this December 3rd; so it's
11:13 25 been six years. And I've learned a lot.

1 This is a -- a community that I -- I
2 cherish. But personally, I cannot afford the rent
3 that is now. One-bedroom, it runs like 2,000. I
4 don't have 2,000. I'm on a fixed income; so what's
11:14 5 going on, I would be out in the street.

6 I'm not trying to be homeless that I can
7 help it. I am not trying to be homeless. The
8 homeless people, there's -- they come from all walks
9 of life; so it's not just drugs, it's not just
11:14 10 alcohol. It's a lot of people that have jobs but
11 they're homeless. It's because of the rent. It's
12 too -- it's -- it's out of control.

13 So these buildings, they're rent-controlled,
14 they're rent-controlled; so you get rid of these
11:14 15 buildings, where are we supposed to go?

16 A lot of us are on a fixed income. A lot of
17 families are working, two -- two jobs each parent.
18 That tells you something. That tells you something.

19 So like I said, personally, I'm not trying
11:15 20 to be homeless. I'm not homeless and I'm not trying
21 to be homeless. The way it's going, that's what
22 they've got all of us going to is to be homeless.

23 So, no, this is not good, this project is
24 not good. They can work around it. They definitely
11:15 25 can work around it.

1 My -- I've said before, my grandchildren
2 come over to visit. I have four grandchildren.
3 We've gone to the care center, I mean -- excuse me,
4 to the Science Center, to the museum. I -- they're
11:15 5 different ages and they enjoy it, they enjoy it.
6 It's a learning experience for them.

7 But this is really -- and they're very
8 concerned about their grandmother; so I just tell
9 them, I say, "Well, just pray for your grandmama,
11:15 10 she'll be okay."

11 But I -- you know, when this all goes --
12 This community I'm in is just dear to my
13 heart. I only been there six years, but I've learned
14 a lot of my -- my neighbors. Some of them I didn't
11:16 15 know, some of them I didn't know their names, but I'm
16 learning a lot.

17 We're -- we're -- we're a community, at
18 least, I know I am. I'm close to them, I got close
19 to them, I learned a lot; so this is really, really a
11:16 20 bit much.

21 But, no, I oppose the project. I oppose it.
22 And thank you. And you all have a good day.

23 MS. BLEEMERS: Thank you very much.

24 I'd like to call up Marcello Vala- -- Vavala
11:16 25 and Juan (sic) Ampig.

1 Juan?

2 UNIDENTIFIED FEMALE SPEAKER: June is coming.

3 MS. BLEEMERS: Roland?

4 Roland, you can go ahead and speak after
11:17 5 these two speakers. Thank you.

6 MR. VAVALA: Good morning. Marcello Vavala with
7 the Los Angeles Conservancy.

8 With the Fig project located in both the
9 Exposition Park/University Park Redevelopment Plan
11:17 10 and Southeast Los Angeles Community Plan areas, which
11 both provide goals that encourage the protection and
12 reuse of historic properties, we are disappointed
13 that a greater priority has not been placed on
14 retaining and adapting the historic buildings of the
11:17 15 Flower Drive California Register Historic District.

16 Sure.

17 The Conservancy has previously commented on
18 both the project's NLP and Draft EIR and has
19 consistently raised concerns about -- about it, which
11:17 20 calls for the demolition of nearly of half the
21 historic district. Despite our pressing for
22 meaningful consideration of potentially feasible
23 preservation alternatives to demolition, we believe
24 the EIR has not adequately addressed this fundamental
11:18 25 concern and requirement of CEQA.

Testimony-12
(Cont.)

1 We disagree that Alternative 2 is considered
2 to be infeasible because it fails to achieve two
3 project objectives. Nonetheless, Alternative 2 is
4 able to meet the majority of the seven project
11:18 5 objectives.

6 We are also disappointed that a higher
7 density alternative that may have been able to reduce
8 impacts and meet additional project objectives was
9 prematurely dismissed from consideration in the EIR,
11:18 10 when elsewhere the EIR states that the City supports
11 redevelopment of the project site with high-density
12 uses and has utilized various planning tools to
13 maximize developable area on the site.

14 The Conservancy, along with local
11:18 15 neighborhood advocates, believes a win/win
16 opportunity combining new construction with the
17 adaptive reuse of the historic structures on the site
18 could easily have been achieved.

19 We do not support the project as proposed.

11:18 20 MS. BLEEMERS: Thank you.

21 MR. AMPIG: Good morning. My name is June, I'm
22 one of the tenants of the 3900 block.

23 So I heard testimonies about how the
24 negotiations are going with the tenants; is that
11:19 25 correct? Like --

1 The -- well --

2 Well, they're -- they're --

3 Actually, they're not really negotiating in
4 good faith just because the fact that they stopped
11:19 5 negotiating us -- with us as a group, they want to
6 negotiate individually with us.

7 The reason they're doing this, because their
8 representative, which is Paragon, is -- the tactics
9 they're using is, first of all, they're harassing the
11:19 10 tenants that live there. What they do is call them
11 several times a day. They show up unannounced in
12 their doorstep.

13 What they do is they identify individuals or
14 tenants that are very vulnerable in our -- in our
11:19 15 neighborhood and kind of contact them almost non-stop
16 every day.

17 We received --

18 After our negotiations broke down, we
19 received five letters from them stating that we're
11:19 20 going to get evicted if we don't sign by this
21 particular date. They're going to send these
22 letters, they're gonna -- the terms of the contract
23 that supposedly we agreed upon or they -- they --
24 they proposed.

11:20 25 So after harassment --

1 After harassing us with phone calls and
2 showing up unannounced, they would actually then
3 coerce and intimidate those tenants by the stating
4 that -- threatening them with evictions. They don't
11:20 5 even mention that --

6 Once we get that eviction notice you get
7 120 days, but they don't mention the fact that
8 they -- if you're an elderly or disabled in that
9 neighborhood, you could apply for an extension for a
11:20 10 year. They don't mention that at all, because one of
11 our tenants asked that and they didn't mention that.

12 Another thing that they actually -- one of
13 the tenants is in Section 8 and they asked if it
14 would affect their eligibility for that. They said
11:20 15 no, but the tenant knew better, he said that would
16 affect it. They recommended to actually have that
17 check deemed to another person. Those are the
18 tactics they're doing.

19 The thing they're doing is they're lying to
11:20 20 us; flat out, they're lying to us.

21 They told us that this tax -- this money is
22 not taxable. I don't know if it's taxable or not.
23 Do you guys know, by any chance? Okay.

24 They sent us letters, E-mails, stating that
11:21 25 it's not taxable. I even asked one of their

1 representatives and they -- I asked them if this
2 money is taxable or not and they flat out told me
3 it's not. They have letters stating that it's not
4 taxable.

11:21 5 But at the same time, when our neighbors
6 sign that contract they have them sign a W-9 form,
7 which indicates that they're going to file something
8 to that effect, that it's going to be taxable income.

9 So all that stuff that they're doing is
11:21 10 like --

11 So what we want is -- actually is we want --
12 we want to negotiate with them in more of like a --
13 like in --

14 Like I lost my thoughts.

11:22 15 -- like in good faith or in --

16 Stop lying to us. Stop telling us all this
17 stuff that's not true. Stop intimidating us.

18 We're asking them because they --

19 I understand also they have to move three --
11:22 20 three buildings from this project; is that correct?

21 We want to identify those three buildings.
22 Could we move --

23 Is it possible for us to move with those
24 buildings or not?

11:22 25 MS. BLEEMERS: This will be addressed as a part

1 of the representative's response; for now, we'll just
2 go ahead and take your testimony --

3 MR. AMPIG: Okay.

4 MS. BLEEMERS: -- so these comments --

11:22 5 These questions that you have will -- will
6 be addressed.

7 MR. AMPIG: Because some of the tenants would
8 like to move with the property if they gonna -- if
9 the -- if the -- if the rent is in tact, like if it's
11:22 10 the same rent; so in order for us to make an educated
11 decision about this, we want to know the facts about
12 the properties.

13 And I understand also they testified that
14 11 of our -- 11 of our neighbors signed this
11:23 15 contract.

16 Well, first of all, if you talk with them,
17 they signed this contract because of -- they're
18 tired, they're tired of the harassment, they're tired
19 of all these phone calls; so basically, they signed
11:23 20 this contract because -- they signed it under duress,
21 pretty much.

22 Some of the people that actually signed this
23 contract thought that it's gonna be a -- it's not
24 taxable.

11:23 25 MS. BLEEMERS: Sir, I apologize for interrupting

1 you. This is for the vesting tentative tract map.

2 I understand that there's a lot of, you
3 know, comments about the relocation.

4 So if you could just summarize your
11:23 5 comments, or if you have comments directly related to
6 the subdivision portion, that would be great, so that
7 we can take additional speakers.

8 MR. AMPIG: Well, the reason I'm saying this is
9 because their lawyers actually said that they
11:23 10 negotiated in good faith and a lot of -- a lot of the
11 tenants, actually. I'm just rebutting what he's
12 saying; so if you allow him to talk to you about it,
13 I want to respond to his argument.

14 So this contract, most of them, I would
11:24 15 assume, were signed under duress or under false
16 pretense so --

17 And that's it, basically.

18 Thank you.

19 MS. BLEEMERS: Thank you.

11:24 20 Roland, if you'd like to go ahead and step
21 up.

22 And can I call Mitchell Tsai, please.

23 MR. SOUZA: Good morning. My name is Roland
24 Souza. I'm representing the West Adams Heritage
11:24 25 Association and we are opposed to this tract

1 redevelopment.

2 The findings cannot be made for the DAA to
3 support this tract map request. The merger of lots
4 should be rejected without adequate environmental
11:24 5 review and adaptation of a preservation alternate,
6 which the FEIR does not provide.

7 Merging all lots on the project site
8 together is the first is step toward eliminating the
9 Flower Drive Historic District. The proposed
11:25 10 demolitions cannot be supported in the context of the
11 goals of the Community Plan and the CRA Hoover
12 Project area goals.

13 West Adams Heritage Association strongly
14 objects to the demolition of eight multi-family
11:25 15 residences within the Flower Drive Historic District.
16 These impacts are avoidable and one could never know
17 by that information in the FEIR.

18 There is no preservation alternate reviewed
19 that also fulfills project goals. Decision makers
11:25 20 are shortchanged and directed.

21 The response to comments claims that because
22 the application for The Fig was deemed complete prior
23 to the adaptation of the Southeast Los Angeles
24 Community Plan Update, and it is a vested property
11:26 25 tract map, the update should not apply. There is,

1 however, an exception to this rule.

2 Here, the Southeast Los Angeles Community
3 Plan Update, prior to September 8, 2016, the date on
4 which the City found that -- The Fig project
11:26 5 application to be complete. The City also provided
6 proper notice of the pending update to this Community
7 Plan prior to this date; thus, pursuant to Government
8 Code Section 66474.2(b), the updated community plan
9 does not apply to the vesting tentative tract map.

11:26 10 The EIR fails to adequately analyze
11 cumulative impacts.

12 The City claimed that it did not have to
13 analyze the 3800 Project -- Figueroa Project on the
14 site of the remaining contributors to the Flower
11:27 15 Historic District because the application was not
16 submitted until after the NOP for this project was
17 published. This is not the standard for evaluating
18 cumulative impacts. The EIR must analyze reasonable,
19 foreseeable, probable future projects.

11:27 20 This alternative, which we'll call the
21 Page & Turnbull alternative, meets all of the plan
22 objectives, the preservation objectives and the
23 project objectives. It is not in the FEIR. The only
24 preservation alternative in the FEIR, Alternative 2,
11:27 25 is a scaled-down project that is dismissed because it

1 does not meet the project's development objectives.

2 The Page & Turnbull alternative needs to be

3 considered.

4 Thank you.

11:27 5 I have documents.

6 MS. BLEEMERS: Sure.

7 MR. TSAI: Good morning, Committee Members and

8 Advisory Agency. My name is Mitchell Tsai. I'm an

9 attorney here on behalf of the SAJE, one of the --

11:28 10 who -- which is an organization that's -- that tries

11 to preserve affordable housing stock and dis- -- and

12 fight displacement here in South Los Angeles.

13 I'm -- I'm a CEQA -- I'm a CEQA and land-use

14 attorney. And in --

11:28 15 I believe that based upon -- that there is a

16 pattern and practice in the City of systemically

17 ignoring the City's planning and environmental laws

18 here within South Los Angeles as well as certain

19 other economic dis- -- economically disadvantaged

11:28 20 areas.

21 In light of the concerns that were raised --

22 I respectfully disagree with the staff

23 reports, staff -- staff's presentation, which said

24 that written comments did not raise legal issues with

11:28 25 regards to the state of the tract map.

1 The City has plentiful legal discretion to
2 deny the vesting tentative tract map today and order
3 the developer to take -- to take their application
4 and revise and recirculate the environmental impact
11:29 5 report for this project.

6 I'm going to raise -- out of the interest of
7 time, I'm going to raise two particular legal grounds
8 for -- for doing so.

9 First of all, the City recently released a
11:29 10 Notice of Errata which constitutes significant new
11 information that should have been presented to the
12 public at the very beginning of this public process
13 and requires a full revision and recirculation to
14 allow the public to consider it.

11:29 15 First of all, the project -- the project's
16 environmental impact report falsely disclosed the
17 zoning for this project, claiming that the entire
18 project site is zoned for commercial when, in fact,
19 the current zoning for the project is R4-1L which
11:29 20 would require that on the project -- effectively,
21 that this part should be rezoned in order to allow
22 restaurants, the conference center, and retail uses
23 that are being proposed as a part of this project.

24 In addition, the project changes -- the
11:29 25 Notice of Errata alerted -- alerted the City to the

1 fact that the public had been misinformed concerning
2 the size of this project. In particular, the EIR
3 claims that this project is only merely 78 feet in
4 height when, in fact, the project is, in fact,
11:30 5 83 feet in height. This Notice of Errata alerted the
6 City to this -- alerted the public to this process.

7 Finally, significant -- finally, the City
8 also adopted significant changes in its environmental
9 analysis for the project, adding mitigation measures
11:30 10 for the Theodore T. Alexander Science Center. All of
11 these are -- are --

12 And, finally, the City, also, on this Notice
13 of Errata, proposed significant changes to the text
14 of the EIR itself, changing -- changing numerous
11:30 15 pages in the EIR.

16 The public needs a new opportunity to be
17 able to comment upon these changes. And the City has
18 ample discretion to order the City to -- order the
19 Applicant to go back and do so before re- -- and
11:30 20 reconsider the vesting tentative tract map as a
21 result since essentially, for all intents and
22 purposes, this project is entirely different.

23 Both the environmental baseline of this
24 project has been changed as far as the zoning. The
11:31 25 project itself has been changed in terms of its size

1 and scope, dramatically increased in height, as well
2 as its own environmental analysis in the EIR has
3 changed. The public deserves more oppor- -- another
4 opportunity to go back through a public review
11:31 5 process for this project.

6 Finally, second thing is that this project
7 unlawfully ignores the North University
8 Park/Exposition Park/West Adams Neighborhood
9 Stable -- Social (sic) Overlay Zone. In particular,
11:31 10 if I could refer --

11 In particular, if I could refer you to
12 paragraph 8 of the staff report, if we could turn to
13 that very quickly.

14 The City incorrectly concludes that -- that
11:31 15 the project is not subject -- subject to the
16 additional findings --

17 I'll get -- I'll wrap up very quickly.
18 Thank you.

19 MS. BLEEMERS: I'm sorry, which page on the
11:31 20 staff report?

21 MR. TSAI: Page 8 of the staff report --

22 MS. BLEEMERS: Okay.

23 MR. TSAI: -- second paragraph from the bottom.

24 In particular, the City concludes that
11:32 25 the -- that this project is not subject to the North

1 University Park/Exposition Park/West Adams
2 Neighborhood Stabilization Overlay District and its
3 numerous other legal findings that are required for
4 projects that are occurring within this district
11:32 5 based upon the site -- based upon the fact that,
6 quote, "Although the Project Site is located within
7 the boundaries of the Overlay District, pursuant to
8 Section 1 of Ordinance Number 180,218, the Project is
9 exempt from the development regulations of the
11:32 10 Overlay District due to its frontage along Figueroa
11 Street."

12 Now, Ordinance Number 180,218 does exempt
13 any lot except properties fronting on Figueroa
14 Street; however, let me point out that this project
11:32 15 fronts numerous streets, by its own admission.

16 If you turn to page 1 of the staff report,
17 under "Project Summary," the project states -- the
18 project summary specifically states "The Fig project
19 is located along the Figueroa Corridor in the
11:33 20 Southeast Los Angeles Community Plan area, with
21 approximate frontages of 720 feet along Figueroa,
22 280 feet along 39th Street to the north, and
23 665 feet along Flower Drive to the east where it
24 abuts the 110 Harbor Freeway."

11:33 25 The staff report by its own -- is internally

1 contradictory in its own analysis and requires that
2 the City deny this vesting tentative tract map today.

3 Thank you.

4 MS. BLEEMERS: Thank you.

11:33 5 I'd like to call up Inez Alcazar and
6 Maria Ochoa.

7 Good morning.

8 MS. ALCAZAR: Good morning. My name is
9 Inez Alcazar. I live on 38th and Flower Drive. The
11:34 10 reason I'm here is because I came to support my
11 neighbors on 39th.

12 My godmother -- my children's godmother
13 lives there. She called me about four days ago
14 crying in the middle of the night, maybe it was like
11:34 15 1:00 or 2:00 o'clock in the morning when she called
16 me. And she expressed that she was very stressful --
17 she was very stressed out, and she didn't know what
18 else to do.

19 I feeled (sic) really bad about it because I
11:34 20 couldn't do anything about it at that time. And I
21 just told her to pray and we will keep coming to
22 these meetings and we'll see what happens; hopefully
23 everything will turn for the best.

24 I'm sorry.

11:35 25 And due to all the stress that she's going

1 through, and she told me that she was being called
2 and she's being, like, cornered to sign and all of
3 that; unfortunately, she give in and she sign out of
4 stress. And -- that was one thing that's going on
11:35 5 over there.

6 I also have my 94-year-old mother living
7 and -- on 39th -- on 38th, but we been knowing these
8 people on that block through our lives, we been
9 living there since the 1960s; so you can imagine, we
11:35 10 know everybody in that block and in our block.

11 And my mother was, like, very stressed out.
12 And she say "Well, now they're developing over
13 there," and the comments and all the information,
14 whether it's true or not, which I believe 80 percent
11:36 15 of the information it's -- it's true, they -- they're
16 going to also develop on 38th; so that's coming up.

17 So my mother get, like, so stressed out of
18 what's going on over there that she end up going to
19 the hospital the day before yesterday.

11:36 20 And it's not only stressing those -- our
21 neighbors out, but it's also stressing us in the next
22 block.

23 And my worry is now that -- how I'm going to
24 tell my mother "Your social security check is not
11:36 25 going to be enough for you to live whatever years you

1 have left"? How I'm going to be able to help her?
2 How I'm going to be able to support myself when I'm
3 on a -- under a fixed income as well because I became
4 disabled at my job and I only have my social security
11:37 5 check right now? How am I going to afford affordable
6 housing when affordable housing right now is not
7 rent-controlled?

8 It could -- you know, I could move into an
9 affordable housing unit, yes, but who -- what
11:37 10 guarantees me then in a year or so the rent is not
11 going to go up to a certain level that I can't pay
12 anymore?

13 So all of these things are in my mind. And
14 I sympathize of what they're going through on the
11:37 15 other block because soon enough, or later -- sooner
16 or later it's coming up to my block as well and I'm
17 going to be in the same -- walking in their shoes.

18 So I completely opposed to this project that
19 not only is going to take away our affordable housing
11:38 20 or our -- our lives (sic), but also it's taking the
21 history of a lifetime having to live and experience
22 the whole impact that it has been having on us living
23 there for this many years, like, when somebody else
24 said, just earlier, that that neighborhood was, like,
11:38 25 really bad. And I lived through all those changes.

1 We -- we worked together. We cleaned that
2 area, cleaned it as in -- as in get rid of all the
3 people that were, like, causing problems there.

4 Not only get rid of them in a -- in a -- in
11:38 5 that sense, but we educated them. We worked
6 together. We formed dance groups. We formed, like,
7 singing groups or --

8 We did work with the children to -- to come
9 to this level that we are now.

11:39 10 Our neighborhood is safe. Our
11 neighborhood -- and our neighborhood is peaceful.
12 You can -- we can walk alone there and be sure that
13 nothing is going to happen to us no matter what time
14 is it. Before it was, like, 7:00 everybody would be
11:39 15 in their houses inside, nobody would be able to -- to
16 walk alone.

17 MS. BLEEMERS: I apologize for interrupting, but
18 if you could summarize your comments so we can allow
19 for other speakers who wish to speak today, that
11:39 20 would be great.

21 MS. ALCAZAR: Yes. Okay.

22 I completely -- I completely opposed to this
23 project, like, because -- like a young -- one of my
24 neighbors said I don't looking forward to become
11:39 25 homeless, but that's what it look like -- looks like

1 because we can't afford to live in another place.

2 If we took care of our neighborhood to be
3 able to live there safe and in an affordable place,
4 we can continue doing that.

11:40 5 And we don't oppose to the -- the
6 development, yes, but there is a lot of other places
7 they can go and develop. Or they can also develop
8 Figueroa, which is currently nothing there but
9 parking lots.

11:40 10 Thank you very much.

11 MS. BLEEMERS: Thank you.

12 MS. OCHOA: Hello, my name is Maria Ochoa. I'm
13 a community advocate with SAJE.

14 I have been working with the tenants at the
11:40 15 3900 block at their own behest and request to be able
16 to sort of muddle through all of the letters that
17 they've been receiving.

18 You know, this is a very complex situation
19 for them, a very emotional situation for them. I've
11:40 20 seen them in some places that I don't wish upon
21 anyone else, emotionally and physically. I've seen
22 some of the tenants actually being unable to eat, to
23 sleep.

24 There's a connection with housing issues,
11:41 25 with housing concerns, and mental health, I believe;

1 that's one thing that has saliently come out of this,
2 seeing just the duress that these folks have been
3 under.

4 And I don't know if it's been a willful
11:41 5 stress and duress that these folks have been put
6 under through disingenuous and deceptive practices at
7 worst, or ineptitude at -- at best, on behalf of the
8 fine folks at Ventus and the fine folks at Paragon.

9 Early on, folks came to me with a lease that
11:41 10 was about 18 pages long. "We have to sign these. We
11 were told we have to sign these leases."

12 "Well, you don't actually have to. Let's
13 call the City. Let's" -- "let's see what the
14 realities are."

11:41 15 We got answers from HCID. We explained to
16 folks under RSO, you know, what their rights were,
17 whether they did or didn't have to sign.

18 And really what it looked like was 18 pages
19 of brand-new rules designed to make life harder for
11:42 20 people. Taking away existing things such as pets and
21 plants and whatnot and giving them nothing in return.
22 It was completely unilateral and material changes
23 that were not conducive to a comfortable and private
24 life for the tenants there.

11:42 25 And, you know, we did ask Ventus about this

1 early on. I -- I asked them, maybe Mr. Delvac, I
2 don't remember exactly, or was it Mr. Sunkin; "Oh,
3 that was a mistake."

4 Well, there's such a thing called "abuelita
11:42 5 knowledge," or "the knowledge of your elders." And
6 my grandmother used to say that "If people give you
7 wrong information one time, it could be an accident.
8 But if they do it twice, there's intent there." And
9 that lease was sent to people not once but twice and
11:42 10 people tried to force them to sign it. And, you
11 know --

12 So we, you know, helped people through that.
13 It was all clarified that it was a mistake and so
14 people went on with their lives.

11:42 15 But through this time I have heard people be
16 told things and given paperwork that says that
17 "Oh, you don't have to pay taxes." Well, you know
18 what, there's two things assured in life. I think it
19 was Ben Franklin who said that "Death and taxes will
11:43 20 come for everyone."

21 And so I would say "People," you know, "look
22 at a tax professional, talk to a tax lawyer."

23 I -- I think that, you know, when you have a
24 company like Paragon, who is actually hired by the
11:43 25 City to provide excellent service to help with

1 rehab- -- relocation matters, they should have some
2 form of formal expertise on these questions that I'm
3 sure are common to everyone. And it worries me that
4 perhaps there may be some ethical reasoning or an
11:43 5 ethical agreement that is missing from some of these
6 contracts. I'm sure this is the way that some of
7 these companies do their business.

8 I would ask of the City to consider the
9 impact of these practices upon the community before
11:44 10 agreeing to the requested changes because I think
11 that first you have to deal not only ethically but
12 respectfully with the community. Because while
13 \$50,000 may sound wonderful, and it may be more than
14 some people see in a year now, because they're either
11:44 15 disabled or on a fixed income, these are not folks
16 who are malingerers, these are not folks who are
17 asking for handouts. They are asking for each year
18 that they've spent there building up a community to
19 be respected.

11:44 20 These are not arguments that are refuted by
21 bootstrapping alternatives or ideas. There -- there
22 is no prosperity gospel that says that these people
23 are in this situation because they're bad people.

24 No. They're good, decent human beings who
11:44 25 worked really hard, who are now living off of their

1 retirement, and, unfortunately, their dollars don't
2 stretch the way that they used to.

3 The fact is that we're living in the middle
4 of a housing crisis.

11:45 5 This project seeks to take away
6 32 rent-controlled, rent-stabilized units.

7 It is my personal opinion, it may not be
8 SAJE's, it may not be anyone else's in this room,
9 that rent control is one of the strongest --
11:45 10 strongest factors in helping middle and lower class
11 families become financially stable because they can
12 count year to year on what their living costs will
13 be.

14 They can factor in for being able to afford
11:45 15 a better education for their children. They can
16 factor in for medical costs. They can factor in for
17 being -- paying for training programs or professional
18 advancement programs that could give them a better
19 future.

11:45 20 And for those folks who are retired, it can
21 help them to think about, you know, God forbid, their
22 passing, and how to handle that in such a way that is
23 respectful and leaves no burden upon their loved
24 ones.

11:46 25 And so, you know, pointing the finger at

1 tenants and saying that it is their own fault that
2 they are where they are is -- is not okay and it is
3 not acceptable.

4 And the fact is that if Ventus wants to show
11:46 5 this community that they really want to bring in
6 shared prosperity, that they really want to bring in
7 a progressive view for South Central/South LA, then
8 they should sit down again and negotiate in good
9 faith with their tenants, have a simple face-to-face
11:46 10 meeting out of respect to come to a place of
11 agreement, because sitting down with someone for an
12 hour or an hour and a half and abruptly walking away
13 is not good faith.

14 MS. BLEEMERS: Is it -- are we poss- --
11:46 15 Is it possible to close that door or are
16 people waiting out there?

17 It's -- it's hard to hear.

18 MS. OCHOA: So we are asking this committee that
19 for this and all future projects that plan to come
11:47 20 into South LA there should be a marker of ensuring
21 that they are working with the community in a
22 respectful way because the way that they come in,
23 displacing people and treating them, will show the
24 rest of -- what can be expected of their involvement
11:47 25 and their exchanges with that community.

1 And if there is a willful misunderstanding,
2 or a willingness to ignore the outcry of the
3 community, then this is not the sort of development
4 that we need.

11:47 5 It is a beautiful project. I would
6 personally love to see something like this perhaps in
7 the community in a place where there could be no
8 displacement. There are so many under-developed
9 places in South LA; perhaps there's a better site.

11:47 10 I don't -- I don't have these answers.

11 But it seems like WAHA and other folks have
12 given alternative solutions for how do we avoid this
13 displacement? How do we avoid the destruction of
14 rent-controlled homes in a neighborhood that really,
11:48 15 direfully, needs them? Really, just --

16 You know, they need to have these homes
17 because folks are afraid of joining their homeless
18 neighbors.

19 And so we want to be able to say to people,
11:48 20 in a proud way, that LA is the anti-displacement
21 city; that we care for our own more than we care for
22 people who are coming here to spend three days or a
23 week.

24 Yes, we want you to have a great time at
11:48 25 Disneyland; yes, we want you to enjoy the Lucas

1 Museum, but not on the backs of people who need
2 homes.

3 So we ask you to deny the request as it is
4 currently stated.

11:48 5 Thank you.

6 MS. BLEEMERS: Thank you.

7 Can I have Mynor Ruiz and Natividad Aranda
8 please come to the front?

9 Thank you.

11:48 10 And just, in the sake of time for our other
11 speakers, if you've heard comments that you also
12 believe in, please just say, you know, "I agree with
13 previous speakers on this point."

14 I'd like to hear everybody's comments today.

11:49 15 Thank you.

16 MS. NAJAR: Okay. My name is Rita Najar. I am
17 here for my mother, Natividad Aranda. She's here
18 present, but she's not speaking because she has a
19 couple medical issues.

11:49 20 So with that said, pretty much, she has
21 lived in the community for going on 50 years. I, her
22 daughter, was born and raised on 39th Street and so
23 were my kids.

24 Ever since we pretty much found out about
11:49 25 this whole situation, what's going on, she has been

1 rushed to the hospital numerous of times.

2 She's going through mental depression.

3 She's going through deep anxiety. She doesn't sleep

4 at night. She's already lost over 25 pounds; so this

11:50 5 is pretty much very devastating for me and my kids.

6 She's --

7 You know, I'm afraid she's going to end up

8 dying before all this is -- especially with all the

9 stress that's she's been going through, that they are

11:50 10 pressuring her, that she needs to sign. Again, she's

11 on a fixed income and she's an elderly person.

12 Now, if this does happen, where is she going

13 to go and live? I mean, again, she lives on a fixed

14 income.

11:50 15 What Maria, the speaker -- the speaker that

16 was just here right now, I agree with everything she

17 had to say.

18 It is pretty sad. And I'm pretty much

19 pretty devastated for my mother. I don't know what's

11:50 20 going to happen to her.

21 So at this point I'm just pretty much

22 denying the request. And I want you guys to please

23 just think about --

24 I mean, it's not just her. This is a lot of

11:50 25 the -- a lot of our -- our neighbors. We became a

1 family. And she's not the only one that has over
2 50 years there. We're talking about Mynor's
3 grandmother; she's been there for also 50 years.

4 Again, we're family. And I really want you
11:51 5 to consider what's going on.

6 And this -- this is our lives we're talking
7 about.

8 So with that said, thank you very much. And
9 please consider --

11:51 10 Deny this request.

11 MS. BLEEMERS: Thank you.

12 MR. RIOS: Good morning.

13 Just for the record, my name is Mynor Rios.
14 It's spelled incorrectly on the form.

11:51 15 But, yeah, my family has been there since
16 the '60s. I've been there myself for 30 years. I
17 have a four-year-old daughter; so that's a fourth
18 generation there in this house.

19 My wife and I are long -- longtime staff
11:51 20 members of USC, going on ten years, both of us. My
21 daughter goes to school at Exposition Park. This is
22 our lives that are being affected here.

23 You know, I support my grandmother there.
24 She was there for me when I was growing up; so it's
11:52 25 just my turn to take care of her.

1 Without getting into any repeating of
2 anybody's stories, you know, I do want to go ahead
3 and also state that it's the harassment that's forced
4 a lot of the tenants to sign.

11:52 5 I have five letters here, all dated from
6 November 6th, that we got within two days, whether
7 they were being FedEx'd to us or their reps actually
8 coming to our homes; so it's not that we're not
9 willing to negotiate with them, it's just that their
11:52 10 tactics that they're taking, again, they're coming
11 and -- and speaking to elderly people who don't
12 understand the language, who don't understand what
13 they're really signing, and not really providing that
14 information to them.

11:52 15 So like -- like her here, you know, it's --
16 it's great that our parents have us to take this on
17 for them who understand more about what's going on
18 and don't feel threatened when these people are
19 coming and telling us "You need to sign. Today is
11:53 20 Friday the 30th, you need to sign. Even if you sign
21 the 1st, we'll backdate it. Just sign."

22 So, again, without repeating anything else,
23 I am against the project, and just thank you for your
24 consideration.

11:53 25 MS. BLEEMERS: Thank you.

1 I'd like to call up Joe Donlin and
2 Isabel Tecum.

3 UNIDENTIFIED FEMALE SPEAKER: Isabel Tecum will
4 need a translator.

11:53 5 MS. BLEEMERS: Translation request for a
6 speaker.

7 (As translated through the
8 interpreter.)

9 MS. TECUM: Good morning, everyone. Good
11:54 10 morning. Thank you very much for listening our
11 community's concern.

12 I also -- I also opposed to the project
13 because they're displacing many families and not
14 taking into consideration our feelings. They're
11:54 15 displacing many families. They're not making the
16 fair decision. There are other places where they can
17 carry out their projects without affecting families
18 and then -- without harassing them.

19 I have -- I have some recommendations. You
11:55 20 should look for another place to carry out your
21 project because we -- we are not against them
22 starting up new projects, we just -- we just want
23 them to look for other sites where they won't affect
24 families, so we can all live peacefully.

11:55 25 That's -- that's -- my comment. Thank you

1 very much, and I hope you take it into consideration.

2 Excuse me and thank you.

3 MS. BLEEMERS: So if I could have Joe come on up
4 and Rita Aranda.

11:56 5 MS. NAJAR: I'm Rita. And I just spoke in
6 behalf of myself and my mother.

7 MS. BLEEMERS: Oh, you were --

8 Okay. Great.

9 Natalie Schuman, please.

11:56 10 MR. DONLIN: Good morning. My name is
11 Joe Donlin. I'm the associate director with
12 Strategic Actions for a Just Economy, also known as
13 SAJE.

14 A little bit about our organization and our
11:56 15 role.

16 As has been alluded here, or talked about
17 here a little bit today, our organization has worked
18 with residents in the community for over 21 years,
19 really focusing on how equitable development can
11:57 20 really be a strategy to uplift communities and -- who
21 have been rooted for decades here, as we've heard
22 from some of the tenants today.

23 We support tenants and their rights and have
24 been really -- you know, just really wanting to be in
11:57 25 support of the tenants at the 3900 Flower block who

1 came to us seeking, you know, support. But as you've
2 heard from them today, they know how to hold their
3 own.

4 So we stand with the tenants in the
11:57 5 3900 Flower community, as we heard who have lived
6 here for -- for decades; black and brown families who
7 have seen three, four generations living in the same
8 home together.

9 We stand with the tenants who face
11:58 10 harassment that we've heard about today from the
11 developers and from their agents.

12 We stand with the families on the block who
13 have experienced severe stress due -- due to the
14 threatened evictions and loss of their homes,
11:58 15 families who include older adults, young children,
16 people with -- managing differing abilities and
17 disabilities.

18 And we stand with the tenants who fear the
19 loss of large and rent-controlled homes. These are
11:58 20 beautiful homes that folks live in. It's very hard
21 to find apartments this size, certainly at these
22 rents. They're located next to Exposition Park in a
23 transit-rich area close to employment centers that
24 have been referred to already.

11:58 25 The displacement of these families would

1 serve to further destabilize a community by
2 destroying 32 valuable rent-controlled homes.

3 The displacement would push local workers
4 further from their jobs, including those located
11:59 5 across the street or just down the block. The threat
6 of displacement has already caused severe stress and
7 anxiety for families.

8 For these and other reasons, we oppose the
9 project, reject the findings of the EIR, and call on
11:59 10 you to not approve the vesting tentative tract map.

11 As was discussed at the last hearing,
12 displacement is one of the greatest harms a developer
13 and a city can afflict (sic) upon a family. The EIR
14 and the vesting tract map application, and all
11:59 15 associated planning documents, make no mention of the
16 nearly 30 families who live on the site where the
17 project is proposed, and we -- we know that is
18 intentional.

19 The intention really is for it to be an
11:59 20 empty site and for the City to -- to think about it
21 as an empty site, as if it weren't a home, as it
22 weren't a community.

23 The project description and project plans
24 and the City's analysis assume, rather harshly and
12:00 25 inhumanly, that the site will just be empty. This is

1 not only false but it's a devastating attack against
2 families everywhere when they are erased from the
3 developer plans and the City's analysis.

4 The loss of community, the loss of home, the
12:00 5 loss of proximity to work, the loss of memories in a
6 place where multiple generations of families have
7 grown up and lived together, are incalculable losses.

8 Along with the loss of families in a
9 tight-knit community, the development would remove
12:00 10 32 rent-controlled homes. These, of course, are
11 scarce resources that the City is losing at five
12 units per day.

13 As was mentioned last time, the developers
14 are including affordable housing because they have
12:01 15 to, not because they are contributing any community
16 benefits. These affordable units are required by law
17 when you eliminate rent-controlled housing;
18 therefore, the affordable housing in the project
19 should not interpreted as allotable (sic) elements of
12:01 20 the project. They are doing only the bare minimum,
21 while requesting a very significant zone change from
22 the City.

23 The impact from this project on the
24 surrounding neighborhoods has also not been assessed
12:01 25 and recognized for how it will contribute to

1 increased gentrification. There are ways to address
2 this.

3 We've talked about -- a lot about them in
4 the past hearing, yet the developers are doing no
12:01 5 such thing to include these kinds of measures. And
6 the City has not utilized its ability to request
7 these kinds of contributions in a -- in a development
8 agreement.

9 On top of all this, the City is considering
12:02 10 to publically subsidize this project.

11 A motion was passed in April to explore the
12 use of public monies to fill financing gaps for this
13 project; so the City is actually talking about
14 publically financing and facilitating the
12:02 15 displacement of the long-time, low-income families of
16 color that we just heard from.

17 And we don't have any information about how
18 large this public subsidy will be. We have not seen
19 this information, yet at the same time the developers
12:02 20 are pressuring the tenants to leave.

21 And the developers propose moving three or
22 more of the buildings in an effort to circumvent
23 historic preservation law. No details have been made
24 public about this arrangement. We don't know where
12:02 25 the properties will -- would go, who owns the land,

1 who would control the buildings, and how they would
2 be managed and under what law.

3 The tenants, under RSO, cannot be legally
4 evicted in -- from buildings that are being moved.

12:03 5 The project approval should not move forward
6 at all until the developers identify which buildings
7 are being moved and what is going to happen to them.
8 And until they clarify where the buildings will go,
9 what will the rents be, and will the developers
12:03 10 comply with the law and allow current tenants to stay
11 after the buildings are moved with the same lease
12 terms -- terms and rent-control protections.

13 Connected to this lack of transparency is a
14 harmful game of eviction that the developers and
12:03 15 speculators are playing with the tenants.

16 There's a very well-defined and coordinated
17 approach that developers know about and use in
18 Los Angeles in terms of how to displace tenants in
19 order to make things easier for them.

12:03 20 From their perspective, the Ventus Group
21 speculators have a number of significant problems
22 that are made much easier if there are no tenants
23 present. And we know that's their preference, and it
24 seems to be the City's preference at this time,
12:04 25 because the project application, materials, and the

1 EIR, make no reference to anyone living on the site.

2 Let me explain how -- how the game works;
3 this is -- this is what's happening right now.

4 MS. BLEEMERS: Sir, if you could summarize your
12:04 5 comments related to the vesting tentative tract map,
6 that would be great. We still have a few more
7 comments to get through.

8 MR. DONLIN: I'll do my best. Thank you.

9 So the --

12:04 10 First, the developers threaten Ellis Act
11 eviction, then they send a specialist to their homes,
12 two times a week, three times a week, sometimes every
13 single day of the week, mailing multiple letters to
14 them to pressure and harass the tenants into signing
12:04 15 a cash-for-keys agreement.

16 The re- -- relocation specialist tells them
17 all sorts of things to try to convince them to sign.
18 They create arbitrary deadlines for tenants. They
19 suggest that tenants can only sign an agreement up
12:04 20 until a certain date, which isn't true.

21 They intentionally do not tell the tenants
22 that they may actually be legally permitted to stay
23 in their building if it is among the buildings the
24 speculators intend to move to another site. Then
12:05 25 one-by-one they pressure the tenants into signing

1 agreements that may be against their best interests.

2 Most tenants have said they would prefer to
3 stay in their home, a sentiment pretty much anyone
4 here could relate to. They have said this is where
12:05 5 they've grown up, this is where they've raised their
6 children, this is where their children come to visit
7 and have had the most special of memories.

8 And then once the speculators have displaced
9 an entire building, that's one building they don't
12:05 10 have to worry about when it comes to honoring
11 tenants' rights to remain and their right to stay on
12 the same lease once the building is moved.

13 You see, the developers do not want to be
14 transparent about which buildings they intend to move
12:05 15 because then they would have to honor the rights of
16 the tenants in those building. It is much easier for
17 them to erase the tenants from the buildings in the
18 community so that they can do what they want with
19 them. They would much prefer to not use the Ellis
12:06 20 Act if they can avoid that because that actually
21 affords some rights to tenants, and they'd rather not
22 deal with those either.

23 So for these and -- and many other reasons
24 that we've shared and others have shared, we call on
12:06 25 the City to -- to not approve the vesting tentative

1 tract map, to return the EIR for resubmission because
2 many legal questions are not answered, and as we see,
3 much harm is being done to tenants in the community.

4 Thank you.

12:06 5 MS. BLEEMERS: Thank you.

6 MS. SCHUMAN: Hi. My name is Natalie Schuman,
7 and I'm speaking today on behalf of over
8 30,000 workers represented by UNITE HERE Local 11,
9 workers in the hospitality industry.

12:06 10 We're speaking today in support of the
11 proposed hotel project. The area is in need of hotel
12 rooms and the project will help bring the City closer
13 to its goal of 8,000 rooms within walking distance of
14 the LACC by the year 2020.

12:07 15 The project will provide good jobs and treat
16 its workers with dignity and respect.

17 We urge you to deny -- to approve the
18 project.

19 Thank you.

12:07 20 MS. BLEEMERS: Thank you.

21 I'd like to call up Noreen McClendon and
22 Laura Meyers.

23 Did Carmen ever come back?

24 If anybody knows Carmen, could you just let
12:07 25 Carmen know that we'd still like to hear from them?

1 Go ahead.

2 MS. McCLENDON: Hi. I'm -- I'm Noreen
3 McClendon. I'm the executive director of Concerned
4 Citizens of South Central Los Angeles.

12:07 5 And I have spent the better part of -- well,
6 an entire 26 years actually developing, operating,
7 and managing affordable housing in South Central
8 Los Angeles. I also worked with SAJE on getting
9 community benefits from the Grand Avenue project many
12:08 10 years ago.

11 After that project, they no longer called me
12 and I believe -- to -- to work on any community
13 benefits agreements or anything else, and I think
14 part of the reason is I'm a developer. And when I
12:08 15 would make suggestions on things that made sense, or
16 that affected the bottom line of the developer, I was
17 no longer welcome in their efforts to, quote-unquote,
18 work on behalf of the tenants.

19 SAJE works on behalf of SAJE. SAJE extorts
12:08 20 developers.

21 The -- you know, the Reef project, it was,
22 "You're not offering enough affordable housing.
23 You're tangentially, by extension, displacing
24 families" because there were no homes on those -- on
12:09 25 those sites, but they opposed that as well on behalf

1 of the tenants because those tenants are going to be
2 displaced because the property values are going to go
3 up, so on and so forth, but there was actually no
4 homes on those properties. Okay?

12:09 5 SAJE sued. What they do is they sue, they
6 get community benefits, they get paid. They rile up
7 the tenants, they put fear in the tenants and all of
8 those things.

9 And, listen, I house people every single
12:09 10 day. I have devoted my career to housing and
11 developing affordable housing. The notion that
12 because it is by law it cannot be counted that there
13 are 86 affordable housing units gonna be on this site
14 is absurd to me.

12:09 15 If I am a tenant who is in potentially --
16 who is potentially going to be displaced, I would
17 rather have more information than less; so telling me
18 that I'm being harassed because I'm being sent four,
19 five, six, seven, eight letters to tell me what my
12:10 20 options are is absurd to me.

21 You're saying "Okay. Well, they come after
22 business hours." If the people -- the people are
23 either all on fixed income and not working, or
24 they're working and they need to have somebody come.

12:10 25 And relocation laws are what they are.

1 Okay? There are things that are required.

2 I've done relocation. I've done it for our
3 tenants existing and everything else. I am a
4 proponent, not just a proponent, but a developer and
12:10 5 a responsible developer of affordable housing.

6 Real estate is about location, location,
7 location. Okay? So to say "You can pick up the
8 project and move it somewhere else," not necessarily
9 so.

12:10 10 Despite the fact that it sounds like the
11 developer has billions of dollars just sitting around
12 and -- it doesn't -- doesn't mean that they can
13 just -- there's an endless stream of funds available
14 just to do whatever anybody wants them to do for this
12:10 15 particular project. Okay? Nothing is -- this is the
16 sad part for me.

17 I have a lot of empathy for the mental state
18 and the -- and the stress that the tenants are
19 facing. I have a 118-unit senior building; I know
12:11 20 the difficulty in moving people around when they're
21 seniors. I understand it, I respect it.

22 I also understand that this developer, and
23 I'm a part of this development team, purchased this
24 property from somebody. Somebody sold it. They had
12:11 25 a right sell it and this developer had a right to buy

1 it. Okay?

2 I have said in -- in conversations with SAJE
3 and other groups before, I don't know how you give
4 low-income renters authority over people's property
12:11 5 that purchased it with their own money.

6 The developer didn't come in and strong-arm
7 somebody to buy the property. The property was sold.
8 Okay?

9 I would love to see SAJE working on helping
12:11 10 families to find alternatives as opposed to extorting
11 developers.

12 So I say this: Yes, it does make a
13 difference. It does make a difference. The project
14 will provide affordable housing.

12:12 15 In terms of upbringing and stress and all
16 those things, I'm a Project baby, I grew up in the
17 Projects. Okay? Everything you can say that
18 anybody -- any challenges anybody had, I've had all
19 of those challenges, but that is not an excuse to say
12:12 20 that progress can't happen or things that will make a
21 difference in the community can't happen.

22 I've been here in this community since 1992,
23 my grandfather since the -- great grandfather since
24 the 1900s. Okay? We didn't sit around and say
12:12 25 "Well, you guys got" -- "What you've gotta do for

1 me." What we did is did it for ourselves and did it
2 for other people. And so I'm appalled, I'm just
3 appalled at the constant --

4 So if there's no housing, there's an
12:12 5 indirect displacement.

6 We had a -- we had piece of property, they
7 wanted to build schools. What we decided to do is to
8 give up property. And Concerned Citizens, as an
9 organization, doesn't give up property. But the
12:13 10 reason we did it is because the alternative site
11 would have had them taking 65 single-family homes and
12 14 business. We gave up our property because it
13 would only mean 16 families.

14 Yes, there is going to be displacement
12:13 15 sometimes. Okay? A project of this size can't just
16 be up and moved to someplace else. Okay? And, yes,
17 there are finite -- a finite amount of money, whether
18 we like it or not. Okay? It sounds like a lot of
19 money to some people that they may have and it's a
12:13 20 billion-dollar whatever, but the reality is is that
21 there are finite resources for the project.

22 And so for this and other reasons again you
23 can't dis- -- you can't have it both ways. You
24 cannot have it in such a way that when there's nobody
12:13 25 being displaced it's indirect and so it's still the

1 same problem. Now that you're having -- and that
2 they're offering above and beyond what it is that is
3 required by law to these families and they're
4 providing additional information.

12:13 5 Just because you don't agree does not make
6 these people bad people. It does not mean that
7 they're automatically working -- that they're trying
8 to undercut and they're being dishonest. Okay?

9 If there's information --

12:14 10 The gentleman said here "Well, is it
11 taxable, is it not taxable?" The reality is, is if
12 you don't know, you don't know; find out. But even
13 if the income is taxable, okay, even if the income is
14 taxable, it is money -- income that is coming into
12:14 15 that household.

16 And so I just say -- I just urge everybody,
17 get -- get -- get the true information. Get the true
18 information and find out what it is.

19 But I actually urge you again, because this
12:14 20 is about a tract map. Okay? And I understand --

21 Again, I'm empathetic to all of the
22 challenges. And I -- my -- my position on that,
23 though, is to actually do something about it and so
24 that's why we have been developing affordable housing
12:14 25 since 1992.

1 And, again, I urge you to -- to approve this
2 map.

3 Thank you.

4 MS. BLEEMERS: Thank you.

12:14 5 Laura.

6 MS. MEYERS: Yes.

7 MS. BLEEMERS: Hi.

8 MS. MEYERS: My name is Laura Meyers. I'm
9 speaking here today on behalf of the North University
12:15 10 Park Community Association.

11 Just by way of background, NUPCA, or the
12 North University Park Community Association, sat --
13 was elected to and sat on the -- what was the then
14 called the Hoover Project Area for the Community --
12:15 15 Advisory Group to the CRA starting in 1983. I was
16 elected to that seat starting in 1989 until the
17 demise of the Community Redevelopment Agency.

18 And, obviously, it's not really dead, it's
19 almost dead. It would have been the lead agency if
12:15 20 that was not the case. Under State law, you wouldn't
21 have been having this hearing, they would have been;
22 so I want to make sure that the Community
23 Redevelopment Agency is not a footnote to this
24 process, as it is right now in the staff report.

12:15 25 Our prior speaker indicated that somebody

1 sold them the land, they had the right to sell it,
2 they had the right to buy it. That's true.

3 The gentleman who sold the land sat with me
4 on this advisory committee for some years. He
12:16 5 advocated against the residential zoning, the
6 Historic District designation, and he kept -- he
7 wanted to develop the whole thing, obviously. And he
8 resigned once he had to start filing, as we all did,
9 the annual ethics statements because he had a
12:16 10 conflict of interest and would have had to recuse.

11 So the seller was well aware and the buyer
12 was well aware that this would be an extraordinarily
13 difficult site to develop because of the historic
14 district.

12:16 15 The Community Redevelopment Agency, in the
16 year 2005, did an update to their historic resource
17 program for the entire project area. They did it
18 because they had to under the funding rules from
19 federal government. I mean, this was a requirement
12:16 20 of the Redevelopment Plan to identify resources.

21 They accepted the report from PCR that
22 this -- Flower Drive was a historic district. Other
23 people endeavored, spent money, hired a consultant,
24 or two, to take it all the way to the final, where it
12:17 25 was actually designated.

1 I'm concerned that in the staff report, even
2 now -- even though the staff now is well aware it's
3 designated, on your page 12 when they're describing
4 the comments, they still said, bullet point right in
12:17 5 the middle of the page, the opposition comments, "The
6 Flower Drive Historic District has been identified as
7 a historic resource." Even in this final report they
8 didn't use the "designated." People said
9 "designated" over and over again; so it's just an
12:17 10 example of what my concerns are.

11 So it is true that you can't move the
12 project to another location. Frankly, it's a --
13 conceptually a good project. We liked it when it had
14 a 22-story hotel which was, potentially, therefore,
12:18 15 less impactful to the historic district.

16 There was a way, and if you think outside a
17 box, there is still a way to retain the historic
18 district and achieve the project goals. There's
19 probably seven or eight different ways. The one I
12:18 20 suggest would be re-envision that portion of Flower
21 Drive, make it a cul-de-sac, move some of the houses
22 so they're facing, they have a little garden --

23 When I say cul-de-sac, I mean actually close
24 it, a little garden thing, delete their garages, make
12:18 25 that the circulation route and just reconfigure

1 everything.

2 Have taller housing and hotel buildings,
3 have your -- some of your parking underground.

4 Keep it all, figure it out. That was what I
12:18 5 had suggested. That is not, frankly, the compromise
6 that the group of people --

7 It was about 20 people who met together,
8 that's not in the EIR, they came up with a different
9 compromise, but they came up with alternative project
12:19 10 proposals that were not evaluated in the end in the
11 EIR; so that alone makes the EIR really one that I
12 would say you should not certify.

13 Now, as to the tract map. I appeared on
14 behalf of a client wearing a different hat just a few
12:19 15 years ago before the Deputy Advisory Agency where we
16 were trying to do a small condominium project in a
17 building that had had no tenants since the 1960s.
18 Zero tenants since the 1960s.

19 One gentleman owned it and he lived in all
12:19 20 of the four units. He died. And the people who
21 bought the building out of probate were, and
22 eventually successfully did, turn it into four
23 condominiums. This agency required that they do a
24 tenant relocation plan in advance of approval.

12:20 25 And I was there saying "Look, I've done the

1 research. We can't find any tenants. There's no
2 records of any tenants in a public way." And we were
3 instructed -- and, finally, the instruction went
4 away, but instructed to go back into old phone
12:20 5 directories, or whatever it took, to find the prior
6 tenants so there could be a relocation plan.

7 Why would this agency treat one little guy
8 with a four-unit building that way and allow this
9 proposed -- Applicant to not have a completed, in
12:20 10 advance, relocation plan? Not be trying to do what
11 the housing department, you know, now allows, which
12 is an advance cash-for-keys program; not allow a
13 cash-for-keys program, do the real relocation plan.

14 I might add, that is a requirement of the
12:21 15 Community Re- -- Redevelopment Agency as well. The
16 Redevelopment Plan is still in place.

17 In order to proceed on this project, they
18 will need some sort of owner-participation agreement,
19 if the City -- agency actually would agree to this
12:21 20 project, which we do not know; I don't know why it's
21 an after-the-fact instead of a before-the-fact, it
22 should not be a footnote.

23 But the owner-participation agreement would,
24 in fact, require the same tenant relocation plan; so
12:21 25 this notion, what I'm hearing today, that people are

1 ringing doorbells, sending letters, offering money,
2 it's completely against any rules that we would
3 normally have.

4 We are talking about the fabric of a
12:21 5 community, it's not just the historic buildings.

6 Blanca spoke to you earlier today that she's
7 lived -- I don't know, I think it's 15 years, I don't
8 know what she said. I know her because she's a part
9 of the fabric of our community. She works at the
12:22 10 True Value store on -- on Vermont and has for years.
11 Anyone who needs hardware of any sort in our
12 community goes to that store and they immediately
13 meet her because she's right there at the counter and
14 she's the friendly greeter, in effect.

12:22 15 You heard today from someone who works at
16 USC. That's what this community needs; people who
17 live in the community and who work in the community.
18 So if we're relocating them without a right of
19 return, how are they keeping their jobs? How is
12:22 20 our -- the fabric of our community being retained?

21 I'm sorry, I clipped -- I think I'm not
22 overlapping everybody, but I'm not positive.

23 So essentially in the staff report on
24 page 24 it states that sometime in the future the
12:22 25 Applicant should execute and record a covenant, an

1 agreement, with the Planning Department in the form
2 satisfactory to you regarding tenant relocation; so
3 why is there not a Housing Department report in here?
4 Because it's usually the Housing Department that does
12:23 5 that.

6 Don't answer; I know you can't. That's just
7 a question.

8 Lastly, not conforming to the historic
9 preservation plans of the City, you know, Planning
12:23 10 General Plan, not conforming to the historic
11 preservation goals of the Redevelopment Plan, not
12 conforming to the current -- maybe another couple
13 weeks' worth of Southeast LA preservation goals, and
14 certainly not conforming to the updated Southeast
12:23 15 Los Angeles Community Plan, the ordinance has been
16 released, we're just waiting for a hearing at PLUM
17 and City Council to approve the ordinance, how is
18 that less important than, quote, not conforming to
19 height limits? Because my understanding is that the
12:24 20 reason the original proposal, which had a 22-story
21 hotel and got chopped to seven- or eight-, whatever
22 it is now, is because staff said that would violate
23 the Community Plan.

24 How could that be a more important thing
12:24 25 than not destroying the Flower Drive Historic

1 District and thus, also, the homes of all these
2 families?

3 It's -- it's a matter of balance. If you're
4 going to be outbalanced -- unbalanced in what's
12:24 5 conforming to the plan and what is not, favor saving
6 the homes.

7 And I might add that statement and that
8 change in this project all happened right around the
9 same time JJJ passed and the TOC guidelines were
12:24 10 being developed and they could have used some TOC to
11 allow the height. I mean, there's ways to do their
12 project that they want and retain the Historic
13 District.

14 So I would urge you not to approve this
12:25 15 tract map, send it back for reevaluation. And not to
16 approve the EIR, not to certify the EIR, and send it
17 back as well.

18 And on that note, again, when the Community
19 Redevelopment Agency was the lead agency in this area
12:25 20 they did exactly that on the project that was
21 proposed, this is many years ago in the '80s, at
22 Adams and Vermont and Menlo.

23 In 1983, they rejected the project as
24 proposed and they rejected the EIR as then proposed
12:25 25 and had them go back to the drawing board to

1 re-envision a project which is now the Ralphs on
2 the -- the grocery store. And they moved the
3 historic housing out of the way but on the same
4 block.

12:26 5 So it's not without precedent in this
6 specific project area to reject the first round and
7 send them back to the drawing board.

8 MS. BLEEMERS: Thank you.

9 And I just want to make a comment on that
12:26 10 condition, you are right, we should have added HCID;
11 so in our decision letter we will add that.

12 That was the intent of the condition. As
13 you know, all relocation will be done through HCID;
14 so thank you for spotting that.

12:26 15 MS. MEYERS: And -- and the thing with the
16 relocation services, the plan, that also involves a
17 third-party vendor relocation entity who not only can
18 answer the questions about taxability, etc., etc.,
19 but can determine how to still get them affordable
12:26 20 housing. Because it's true, you get a check for
21 \$25,000, you do not get a voucher for affordable
22 housing; so they're out on their own after that.

23 MS. BLEEMERS: Great. Thank you.

24 One last time for Carmen. Did Carmen come
25 back?

1 UNIDENTIFIED FEMALE SPEAKER: She says she's
2 feeling a little shy.

3 MS. BLEEMERS: Okay. No problem.

4 UNIDENTIFIED FEMALE SPEAKER: No, she's going to
5 go. She's going to go.

6 MS. BLEEMERS: Okay.

7 (As translated through the
8 interpreter.)

9 MS. BARAJAS: Good morning.

12:27 10 I would like to tell you that this is
11 causing a lot of stress on me. I -- I have a special
12 child who goes to the hospital back and forth, and
13 they're calling me on the phone. They go to my
14 house, so I sign, and they take checks with them.

12:28 15 They --

16 I -- I allow them into my place and they
17 show me the checks on the table as if --

18 That makes me feel bad. I know I have low
19 income, but it's humiliating for me.

12:28 20 I also have my granddaughter, she has Down
21 Syndrome. Where will they throw me at with her?

22 I can't afford paying a rent of over \$1,000.
23 My husband and I are senior citizens, and only my
24 husband works. That's all I wanted to tell you.

12:29 25 Thank you.

1 MS. BLEEMERS: Thank you.

2 At this time, are there any other speakers
3 that did not fill out a card that would wish to
4 speak?

12:29 5 Oh, okay. Thank you, Laura.

6 All right. I'm going to go ahead and close
7 the public testimony portion of this hearing.

8 UNIDENTIFIED FEMALE SPEAKER: Wait, there's one
9 more person who would like to speak.

10 MS. BLEEMERS: Oh, okay. Come on up.

11 MR. NELSON: And may we rebut on the two items?

12 MS. BLEEMERS: Yes, I'll go ahead and take that.

13 (As translated through the
14 interpreter.)

12:30 15 MS. DECADA: Good morning. My name is Melissa
16 Decada. I live on 39th and Flower Drive. I've been
17 living there since 1975 to date, but three years
18 ago -- three years ago we were sent letters regarding
19 the project they were going to do, and they said we
12:30 20 had to leave when the project started.

21 For a year now, they've been sending us
22 letters and other documents and they're threatening
23 us. For the last three months, they have come and
24 knocked at our doors two to three times a day. We
12:31 25 get letters, one to two a week, saying they're going

1 to give us a year of free rent, but --

2 And -- and -- and that's going to happen if
3 we sign the contract they carry with them; they say
4 we have to sign the contract.

12:32 5 And I asked the -- the young man who -- who
6 came to my house, "And if I don't leave within those
7 four months, if I don't sign and I don't" -- "and I
8 don't leave within those four months, what will
9 happen with me? Where am I going to? There are no
12:32 10 apartments."

11 He said "If you don't leave within those
12 four months, you will get a letter saying that you
13 will be evicted immediately. And if you don't do it,
14 the sheriff will come, he will close the doors, and
12:33 15 you will" -- "and you will be locked out and your
16 belongings will stay inside."

17 That got me so nervous I had to go to the
18 doctor. And I am seeing a psychologist right now.
19 I'm depressed. I'm taking medication for anxiety,
12:33 20 for the -- for blood pressure. The medication I'm
21 taking is not working on me anymore.

22 I'm so nervous. People knocking on my door.
23 And the last time this gentleman came he said -- he
24 said "This is the last day to" -- "you have to sign.
12:33 25 And if you don't, on" -- "on the 3rd of December,

1 we're going" -- "we're going to forward all these
2 contracts to the City and" -- "and what I told you
3 will happen; you was only have four months to leave
4 or you will be evicted."

12:34 5 I said I was not going to sign. I don't
6 find a place --

7 I don't find an apartment. I've looked and
8 everywhere this say it's 1,400, 1,500 a month. I
9 have applied for low-income housing and I -- I -- I
12:34 10 have dropped applications, I have -- and they say I
11 have to wait from five to seven years to be called
12 upon.

13 I -- I live from Social Security; that's all
14 my income. I don't even get what an apartment costs.
12:35 15 What am I going to do?

16 My daughter lives with me. She's on
17 disability, she's sick. She's not working; she was
18 disabled. My granddaughter lives with me; what are
19 we going to do? Where are we going to go?

12:35 20 I get desperate. I -- I don't know, I don't
21 know. I want to run, I want to shout, cry; I don't
22 know.

23 I have an appointment with my psychologist
24 because I can't -- I can't go on, I don't know what
12:35 25 I'm going to do.

1 That's all I wanted to say. Thank you very
2 much.

3 MS. BLEEMERS: Thank you.

4 At this time I'm going to call the Applicant
12:36 5 and/or their representative up.

6 MR. DELVAC: Again, Bill Delvac, for the record,
7 on behalf of the Applicant.

8 I think there are two primary issues you've
9 heard about today, one of which is probably the most
12:36 10 important and compelling as a matter of policy, but,
11 in fact, does not speak to the item that's before
12 you. Of course, I speak about the tenants and the
13 relocation.

14 On both issues, the tenants and
12:36 15 preservation, much of what you've heard is people
16 don't like the law. I think it's a perfectly valid
17 public policy discussion whether the relocation
18 process is right, or the historic preservation
19 process is right, but the law is the law.

12:37 20 And so in just a few specifics, I'd like to
21 address this issue of harassment.

22 I think what you're really hearing today is
23 SAJE wants to be between us and the discussions with
24 the tenants. They have visited people and urged them
12:37 25 not to settle. They sent a text saying we were

1 lying. They are trying to stop us from communicating
2 with the tenants.

3 Fine. As Mr. Gale just agreed to, we will
4 stop knocking on doors.

12:37 5 I find it quite ironic, though, that as
6 they're all testifying that they are feeling
7 harassed, they handed Mr. Gale a letter today asking
8 to reinitiate negotiations through SAJE, which we had
9 terminated because SAJE is just trying to stop the
12:37 10 settlement.

11 So I don't want to involve the Advisory
12 Agency in what really is something far outside your
13 process, but at a certain point we feel compelled to
14 speak up and say all we've tried to do is communicate
12:37 15 to tenants what we think the law is, what their
16 options are and what we're offering.

17 So anyway, I'll stop with that. I'm happy
18 to answer any questions, but --

19 On the preservation issue --

12:38 20 You know, obviously, I'm here as a lawyer
21 and an advocate, but I want to take a moment and say
22 that I'm also a historic preservation expert.

23 In the early '90s, I drafted the California
24 Register Legislation and I went to Sacramento a half
12:38 25 a dozen times until it was passed. And I want to

1 speak to some misstatements here today about the
2 California Register.

3 About affordable housing and historic
4 preservation; I'm the author of a casebook study
12:38 5 published by the National Park Service, "Affordable
6 Housing through Historic Preservation." I know these
7 issues thoroughly. My job is to advise my client as
8 to how to appropriately get through a legal situation
9 and I want to assure you that's exactly what's --
12:38 10 we've done and exactly what's before the City today
11 is an application of local process.

12 With regard to the California Register, and
13 I know the persons who spoke here today will want to
14 disagree with this, because they did in the comments
12:39 15 on the Draft EIR, this District is not listed in the
16 California Register. It was formerly determined
17 eligible for the California Register, and under the
18 law that the California Preservation Foundation, with
19 my help, drafted, that's, per se, a CEQA resource.

12:39 20 That's exactly what pages and pages and
21 pages in your EIR say; this is a historic resource.

22 When the California Register Bill was being
23 enacted there were advocates, including people I was
24 assisting, who wanted the State law to become a
12:39 25 land-use regulation. There's nothing in the

1 California Register that's a land-use regulation.
2 It's a recognition program that does, in fact,
3 trigger environmental review, which is what's before
4 you.

12:40 5 So all the noise about, you know, we're
6 doing something not allowed by law, or that the
7 buildings are designated; this is not a regulatory
8 issue, it's an environmental review issue.

9 The preservation alternate. Most of the
12:40 10 people who were in the meetings that we offered
11 voluntarily have testified here today.

12 I find it more than ironic, I find it
13 disingenuous to hear them say there's a preservation
14 alternative that works because to a person we could
12:40 15 not get them to agree on what would work. There was
16 no agreement.

17 Some people didn't want a tall tower. Some
18 people would have allowed some relocation or partial
19 demolition. We couldn't even get an agreement that
12:40 20 we could demolish later carports behind the
21 buildings.

22 So there is no agreement. There was no
23 agreement. There is no preservation alternative that
24 is being hidden that would work. And we're happy --

12:41 25 I think the findings are replete with that

1 regard.

2 One of the speakers said that the his- -- I
3 think two of the speakers said that the historic
4 designation was related to affordable housing. It
12:41 5 wasn't a designation and it was not related to
6 affordable housing; so there is just many, many
7 misstatements.

8 We fully respect their right to object to
9 the project, we fully respect their right to
12:41 10 participate in the process, but the misstatements are
11 deeply troubling.

12 I want to speak to the jobs. Someone said
13 that there won't be opportunities.

14 Under the Project Labor Agreement, there is
12:41 15 a 30 percent local hiring goal. And for the new
16 hotel workers, the new hotel workers, we are
17 committing to a 40 percent local hiring goal, with
18 job referrals and other things.

19 One speaker said that there was a bribe by
12:42 20 the developer. I want to be clear: I don't know if
21 that's true, but it wasn't us. I don't know who
22 she's talking about, but I know there were no bribes
23 by us.

24 The CRA where Ms. Meyers, who, by the way,
12:42 25 is very knowledgeable about the CRA process, I've

1 known her for 20-plus years, she said why is the CRA
2 approval after the fact? Because that's what CEQA
3 requires.

4 There has to be a certified EIR before the
12:42 5 CRA can act. The City is the lead agency and so the
6 City has to act first. This Advisory Agency has to
7 act first before the CRA can act, so --

8 I'd be happy to answer any other answers.

9 My colleague, Mr. Nelson, has some details
12:42 10 on some of the technical issues if you want us to --
11 to speak to those.

12 MS. BLEEMERS: Yes. Go ahead. And then if we
13 need to ask any additional questions, we'll go ahead
14 and do that.

12:42 15 MR. DELVAC: Yeah. We're happy to answer any
16 questions on the issues that were raised.

17 MS. BLEEMERS: Okay. Milena, did you want to
18 ask any questions?

19 MS. ZASADZIEN: I just wanted to clarify on a
12:43 20 couple of points that were raised during the -- the
21 hearing. One of them related to the vesting rights
22 of the -- of the tract map.

23 The Community Plan update was initiated in
24 2016 but the vesting right -- but has not -- the
12:43 25 ordinances have not been effective yet; so the vesting

1 rights of the tract map still apply.

2 Also, the Neighborhood Stabilization
3 Ordinance, it clearly says that any project that is
4 fronting on Figueroa Street is exempt. Just because
12:43 5 a property fronts on multiple streets doesn't negate
6 the fact that it still fronts on Figueroa; so it's
7 exempt from the Neighborhood Stabilization Ordinance.

8 I just wanted to also clarify that there
9 were some comments about new significant information
12:43 10 in the errata and that's just not true. The errata
11 just made technical clarifications and corrections to
12 the height and the zoning. There was also no new
13 mitigation measures; all it did was modify an
14 existing project design feature which was not used to
12:44 15 mitigate any impacts.

16 That's the conclusion of the clarifications.

17 MR. DELVAC: We concur with those comments, and
18 we would have given that as our answers; so we thank
19 Staff for that.

12:44 20 MS. BLEEMERS: Great. Thank you.

21 I do have a comment, or a question, rather,
22 on the relocation of the historic houses and
23 potentially allowing right of first refusal to
24 existing tenants to come back to those should they be
12:44 25 relocated in the area.

1 Can you just speak to that?

2 MR. DELVAC: I can speak to it; although, as
3 with all the tenant issues, I'm not entirely sure it
4 speaks to the map, but I know it does speak to the
12:44 5 land-use entitlements.

6 SAJE, through its counsel, has asserted that
7 we cannot use the Ellis Act to relocate the
8 buildings. SAJE has asked the City's RSO unit to
9 make a determination on that. We have no choice,
12:45 10 and, in fact, are prepared to abide by whatever the
11 City's RSO unit rules on that.

12 We, candidly, just don't know the answer.
13 You know, we had --

14 The HCID had been processing a relocation
12:45 15 process -- project for some time; this issue hadn't
16 come up.

17 So we stand ready to abide by whatever the
18 City's experts in this require.

19 MS. BLEEMERS: Is there any consideration for
12:45 20 voluntary allowance to have existing tenants come
21 back to the new project?

22 MR. DELVAC: Thank you for the question. I
23 should have pointed it out.

24 Any tenant who lives there now will have a
12:45 25 right to come back into the new project; however,

1 under the rules, they'll have to meet the income
2 qualifications. And if they do, we will be thrilled;
3 in fact, we've offered that.

4 I'm not inclined to discuss the various
12:45 5 discussions we've had. But in a meeting with SAJE
6 they specifically said no one wants to come back;
7 that's why we're a little surprised about this.

8 But we continue -- because we -- we have
9 tenants who, you know, aren't being blocked by SAJE,
12:46 10 we continue to offer to any tenant the right to come
11 back to the affordable units if they qualify.

12 I also want to speak to a misstatement that
13 SAJE made about whether we're offering additional
14 benefits.

12:46 15 20 percent of 186 units --

16 I'm not great at arithmetic so I had to use
17 my calculator.

18 -- is 37.2 percent. Is that -- units.

19 Is that 37 or 38 units?

12:46 20 Call it 38 units. That's what's required.

21 We're providing 82 units. I did the arithmetic on
22 this as well; that's over three times what's
23 required. And we did that as a response to the
24 Council Office and the community.

12:46 25 We don't have to count the student housing

1 units in the 20 percent calculation but we did.

2 So we're very proud of what we're doing with
3 affordable housing and we think it's a great
4 opportunity for the community. And, frankly, if we
12:47 5 weren't doing it, I think the same people who are
6 complaining about what we are doing would be
7 complaining that we weren't doing it.

8 MS. BLEEMERS: Thank you.

9 And I want to make one clarification
12:47 10 regarding condition number 27 that's in the staff
11 report regarding tenant relocation.

12 This is a vesting tentative tract map so
13 it's tentative, it will still have to be finalized;
14 so the Applicant will have to show compliance with
12:47 15 this condition to have a tenant relocation plan prior
16 to being able to finalize their map. So I just want
17 to clarify that.

18 So at this time, I'd like to go ahead and
19 open it up for deliberations from the subdivision
12:47 20 committee.

21 MS. GEJER: It's a vesting tentative tract; so
22 Recreation and Parks, the condition is accurate in
23 the staff report.

24 Thank you.

12:47 25 MS. BLEEMERS: Thank you.

1 MR. AVANESIAN: And I'd like to bring the --
2 staff attention to your staff report, page 17,
3 engineering condition number 8 and 9.

4 That number "50" should be changed to "45"
12:48 5 for 8 and "45" for 9 to match the -- the map
6 dimensions for the -- for the Flower Drive, so --

7 And also S-3(i) -- let me see, where is
8 that?

9 Yes. Good.

12:48 10 Page 31, S-3(i) -- I mean S-3(i)(f). The
11 number "12" should be changed to "8."

12 And -- and I realize that, even though it's
13 not a Bureau of Engineering concern -- I mean, a
14 condition, but I saw that one of the Building &
12:49 15 Safety zoning conditions is to submit the map
16 dimensions -- to submit the map dimensions that do
17 agree with ZIMAS, revise the map. Or -- or I think
18 the alternate language was -- was submitted that
19 "provide survey and map document establishing current
12:49 20 property lines and lot dimensions."

21 There are times, even though this is their
22 condition, but the Bureau of Engineering basically
23 has to deal with this in the final map. When they
24 want to record the final map or go through final map
12:49 25 check, they have to bring all their documents and

1 deeds and legal descriptions and -- and if it doesn't
2 match the tract boundary right now, they cannot
3 record it, they have to file a revised map.

4 So it's up to --

12:50 5 If the Advisory Agency wants to talk to the
6 Building & Safety again, or you want to just approve
7 it, I have no objection if the wording is changed to
8 as provided to you.

9 MS. ZASADZIEN: I just want to note for the
12:50 10 record that we communicated with Building & Safety
11 yesterday and they agreed to the -- the changes.

12 MR. AVANESIAN: Okay, great.

13 Yeah, I agree to that because that's -- I
14 didn't know that but that -- that really was
12:50 15 redundant we do that because we do the same thing.
16 Yeah.

17 Other than that, I have no other comments
18 and was just a little housekeeping there.

19 Thank you.

12:50 20 MS. BLEEMERS: Great.

21 So in addition to these comments that we've
22 just received, the Applicant submitted a letter dated
23 December 3rd containing various minor corrections and
24 clarifications to be made to the staff report. I
12:50 25 have reviewed those and I agree with those; so we

1 will go ahead and make those corrections as we move
2 forward.

3 With that, any more deliberation? Any more
4 comments, questions, concerns from anyone or the
12:50 5 different agency?

6 Okay. With that, I'd like to thank everyone
7 for coming out. I know this is a workday, it's
8 during work hours. It's hard to get here.

9 I appreciate everybody's comments. We
12:51 10 depend on public testimony to make our decisions.

11 This is one portion of the project. There
12 is a vesting tentative tract map, which was before us
13 today, that must follow the California Subdivision
14 Map Act, which has very specific findings that need
12:51 15 to be made for a project to be approved.

16 There is also another entitlement case
17 that's tracking with this case, and that will be
18 going before the City Planning Commission
19 January 10th, which is another opportunity for
12:51 20 additional decision makers to weigh in on that case.

21 So with that --

22 MR. AVANESIAN: Maybe I can explain, for people
23 who are not aware of the subdivision process --

24 If the translator can translate.

12:51 25 -- that this is only a tentative approval

1 with the conditions, this is not a final approval.

2 And if it's approved by the Advisory Agency,
3 all the conditions of the approval have to be met and
4 the final map has to be recorded before this is over.

12:52 5 And sometimes, based on the project, the
6 project might have anywhere between six to ten years
7 of life; so this approval only gives them that much
8 time to do their work, or earlier.

9 I just wanted to clarify.

12:52 10 MS. BLEEMERS: Thank you. I appreciate that.

11 MR. AVANESIAN: Yeah.

12 MS. BLEEMERS: So with that, I did review the
13 staff map -- staff report for the tract map. I have
14 reviewed the findings in the report, including the
12:52 15 CEQA findings, and I believe that the proposed tract
16 map, as presented in the staff report, complies with
17 the mandated Subdivision Map Act findings. And that
18 the EIR adequately analyzed and disclosed the impacts
19 associated with the project and properly mitigated
12:52 20 impacts to the event feasible -- extent feasible.

21 With that, I move to certify the
22 environmental impact report, including the Draft and
23 Final EIR and errata, as well as the mitigation
24 monitoring program and statement of overriding
12:53 25 considerations, as well as the whole of the

1 administrative record.

2 I move to approve the vesting tentative
3 tract map to permit the merger and resubdivision of
4 the subject site for condominium purposes and the
12:53 5 vacation of a portion of the existing right-of-way
6 along Flower Drive and the cul-de-sac; approve the
7 haul route for the export of 60,800 cubic yards of
8 soil as conditioned; and to approve the adjustment to
9 allow for reduced passageways between buildings of no
12:53 10 more than 5 feet; so with that --

11 MS. ZASADZIEN: The -- the reduced passageway no
12 longer applies.

13 MS. BLEEMERS: Oh, okay. So we'll withdraw
14 that.

12:53 15 With that, that concludes the public hearing
16 for this case.

17 If you receive -- if you wish to receive the
18 determination later, please fill out that pink sheet,
19 I believe it's pink.

12:53 20 Is it pink? It's white.

21 Okay. There's a sheet that you can fill out
22 to receive any correspondence regarding this case.

23 As I mentioned, there will be another
24 hearing for the entitlements that are concurrent with
12:54 25 this case going before the City Planning Commission,

1 and that hearing will be in this building on the
2 third floor January 10th.

3 So thank you again for coming out, and I
4 appreciate all of your comments.

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**RNLA and West Angeles CDC
Agreement Termination Letter**



January 28, 2019

Scott Gale
Mike O'Melveny
Ventus Group
2030 Main Street # 530
Irvine, CA 92614

Gentlemen:

RNLA and West Angeles CDC appreciate the efforts of Ventus Group and willingness to assist RNLA and West Angeles with a proposed multifamily project called Fig Gardens, located at 5215 & 5260 South Figueroa. Fig Gardens was to include the relocation of six structures from The Fig project site at the corner of Flower Drive and 39th Street. All parties have worked very hard to make the Fig Gardens project a reality.

We understand that Strategic Alliance for a Just Economy (SAJE) objected to the use of The Ellis Act in connection with the relocation of the structures and asserted that there would be a right of return for tenants at preexisting rents. RNLA and West Angeles now understand that the City of Los Angeles Housing and Community Investment Department (HCID) concurs with this assertion, with the addition that modest annual rent increases and a small cost recovery of \$55 per month would be allowable.

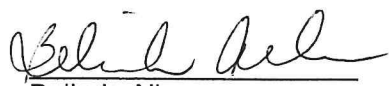
These are very different than the assumptions upon which our project was based. Therefore, it is no longer realistic for RNLA and West Angeles to undertake the Fig Gardens multifamily project. As result, RNLA and West Angeles CDC hereby terminate the Agreement Regarding Relocation of Buildings. We have notified HCID and City of Los Angeles City Council District 9 of this outcome.

RNLA and West Angeles are very disappointed at this turn of events and I am sure Ventus is too. RNLA and West Angeles wish you the best of luck with development of The Fig project.

Very truly yours,



John Perfitt
Executive Director, RNLA



Belinda Allen
Executive Director, West Angeles CDC

cc: Honorable. Curren Price Council District 9
Helmi Hisserich, HCID