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SECONDARY SUBMISSIONS



Department of City Planning

City Hall, 272 N. Spring Street, Room 525, Los Angeles, CA 90012

October 8, 2019

TO: City Planning Commission

FROM: Sergio Ibarra, City Planner

ADDITIONAL INFORMATION/TECHNICAL MODIFICATION/CORRECTION TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. CPC-2015-4557-MCUP-CUX-TDR-SPR-DD; 813-815 West Olympic Boulevard; 947-951 S. Figueroa Street

The following technical modifications are presented for your consideration to be incorporated into the Staff Recommendation Report at the City Planning Commission meeting of October 10, 2019, related to Item No. 7 on the meeting agenda. Deleted text is shown in ~~striketrough~~ and added text is shown in underline.

CONDITIONS OF APPROVAL

3. **Uses.** The mixed-use development shall consist of up to 374 residential condominiums, 373 hotel rooms, 33,498 square feet of office, 10,801 square feet of Ballroom/Conference Center and up to 65,074 square feet of commercial space. The project consists of approximately 779,173 square feet of floor area.

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<i>Hotel (Rooms 1-20)</i>	<i>20 guest rooms</i>	<i>1:2 space/guest room</i>	<i>10</i>
<i>Hotel (Rooms 21-40)</i>	<i>20 guest rooms</i>	<i>1:4 space/guest room</i>	<i>5</i>
<i>Hotel (Rooms 41-373)</i>	<i>373 333 guest rooms</i>	<i>1:6 space/guest room</i>	<i>56</i>
<i>Ballroom/Conference Center</i>	<i>10,801 sf</i>	<i>1 space/100 sf</i>	<i>108</i>
<i>Office</i>	<i>33,498 sf</i>	<i>1 space/1,000 sf</i>	<i>33</i>
<i>Retail/Commercial</i>	<i>65,074 sf</i>	<i>1 space/1,000 sf</i>	<i>65</i>
<i>Initial Total Required</i>			<i>689</i>
<i>Parking Reductions — Proximity to Light Rail</i>			<i>145</i>
<i>Parking Reductions — Provided Bicycle Parking</i>			<i>142</i>
<i>Final Total Required</i>			<i>588</i>
<i>Project Parking</i>			
<i>Below ground (eight levels for residential uses)</i>			<i>438</i>
<i>Above ground (on Levels 4-1211 for commercial, hotel, and office uses)</i>			<i>400</i>
<i>Total Project Parking</i>			<i>838</i>

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Landscaping and Open Space

The Project would provide approximately 73,848 square feet of open space and recreational amenities. The project is required to provide ~~42,650~~ **42,740** square feet of open space. Levels 13, 56, and 57 would provide a total of 42,759 square feet of indoor/outdoor open space. Private open space would total 31,108 square feet ~~on~~ **of** indoor/outdoor open space.

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Existing Land Use Designation and Zoning

The proposed project FAR is 13:1 or approximately ~~779,638~~ **779,173** square feet.

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Cottage Place is a designated Standard Local Street in Mobility Plan 2035 with a right-of-way width of 60 feet. ~~Bureau of Engineering is requesting longitudinal gutter along Cottage Place. 14 or 16 feet, depending on location. Currently Cottage Place lacks curbs, gutters and sidewalks, functioning as an alley.~~

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~~Citywide Design Guidelines~~ **Downtown Design Guide**

The ~~Citywide Design Guidelines~~ **Downtown Design Guide**, adopted by the City Planning Commission, establish a baseline for urban design expectations and present overarching design themes and best practices for residential, commercial, and industrial projects.

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Parking Podium

The Project proposes a twelve-story podium, including eight levels of above-grade parking. The above ground parking levels will be on levels 4 through ~~12~~ **11**. Levels 4 and 5 will be devoted to automobile parking and will be wrapped by glass and levels 6 through ~~12~~ **11** will be wrapped with office uses along Figueroa Street and Olympic Boulevard.

Walkability Checklist

The ~~Citywide Design~~ Guidelines complement and expand upon the Walkability Checklist, which provides guidance and tools for encouraging pedestrian activity, promoting high quality urban form, and place-making within project sites. The Checklist reinforces many of the same principles identified in the ~~Citywide Design~~ Guidelines, and addresses such topics as building orientation, building frontage, landscaping, off-street parking and driveways, building signage, and lighting within the private realm; and sidewalks, street crossings, on-street parking, and utilities in the public realm.

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Urban Design Studio Professional Volunteer Program

The Project was reviewed by Urban Design Studio staff and the Professional Volunteer Program (PVP) ~~on November 7, 2017~~ **in October, 2017**, resulting in the following comments with regard to the architectural design of the project:

The Applicant submitted an updated plan set dated ~~January 30, 2019~~ **August 22, 2019** which clarifies the following information:

- Residents will have exclusive access to amenity decks on the 13th, 56th and 57th floors. With respect to the 56th and 57th floors, the concept is to reserve these areas to be accessed exclusively by Penthouse (Floors 48 – 55/the 2- and 3-bedroom unit) owners.



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October 8, 2019

**RE: Items 7 & 8, City Planning Commission Hearing Scheduled October 10, 2019;
Olympic Tower Project (CPC-2015-4557, VTT-73966, ENV-2015-4558)**

Autumn Wind Associates has reviewed the Draft and Final Environmental Impact Report (“DEIR” and “FEIR”, respectively), inclusive of their respective appendices (“APP-##”),¹ for the referenced 57-story, 779,173-square-foot (“SF”), 373-hotel room, 374-condo Olympic Tower development (“Project”) located at 813-815 West Olympic Boulevard in Downtown Los Angeles (“Site”). Based on my review, I provide the following comments² to the City of Los Angeles (“City”) regarding the adequacy of the EIR’s analysis of the Project’s air quality and greenhouse gas (“GHG”) impacts as it relates to its compliance with California Environmental Quality Act (“CEQA”) and 14 Cal. Code. Regs. § 15000 *et seq.* (“CEQA Guidelines”). My qualifications are attached hereto as “Attachment A.”

In short, the EIR fails to properly analyze the Project’s construction air quality impacts, and fails to analyze GHG impacts consistent with evolving scientific and regulatory standards and further confirmed herein this comment letter. Furthermore, the Department of City Planning (“DCP”) response to these issues in the FEIR and the Project’s staff reports for regarding an appeal of the Project’s subdivision approval (“Appeal Staff Report”)³ and consideration of Project’s entitlement approvals (“Entitlement Staff Report”)⁴ is inadequate for the reasons discussed below.

Consistent with CEQA, the DEIR must be revised and recirculated with a complete and adequate air quality and GHG analysis that includes all feasible mitigation measures to reduce significant impacts.

A. CONSTRUCTION-RELATED HAUL TRUCK TRIPS AND RELATED AIR QUALITY EMISSIONS REMAIN SUBSTANTIALLY UNDERCOUNTED AND UNDERESTIMATED IN THE FEIR

The City has rejected written comments submitted by environmental experts SWAPE highlighting that the DEIR’s air quality analysis underestimated the total number of grading-related haul truck trips required to export by truck 115,000 cubic yards of site-excavated materials for disposal at a regional landfill (FEIR, pp. III-61), stating:

“The correct number of estimated truck haul trips is 11,550 truck trips, assuming 115,500 cubic yards of export and the use of 10-cubic-yard-capacity haul trucks. *CalEEMod assumes a return trip for every truck haul trip.*” (Emphasis added).

¹ All DEIR, FEIR, and Errata documents were accessed via City-controlled websites.

² Please note that all page citations herein are to either the page’s stated-pagination (referenced herein as “p. ##”) or to the page’s location in the referenced PDF document (referenced herein as “PDF p. ##”).

³ DCP (10/10/19) Item 6 Staff Report (DCP Case No. VTT-73966-1A), <https://planning.lacity.org/odocument/e00d4221-0a8b-4d72-a07c-b5f0a8f664c4/VTT-73966-CN-1A.pdf>.

⁴ See DCP (10/10/19) Item 6 Staff Report, <https://planning.lacity.org/odocument/e00d4221-0a8b-4d72-a07c-b5f0a8f664c4/VTT-73966-CN-1A.pdf>; see also DCP (10/10/19) Item 7 Staff Report, <https://planning.lacity.org/odocument/1dbc6157-1a75-4aab-b293-ebc88c34daf8/CPC-2015-4557.pdf>.

Contrary to this assertion, however, CalEEMod does not automatically assume a return trip for every truck haul trip. According to CalEEMod User Guidance:⁵

“If one load of material is delivered, CalEEMod assumes that one haul truck importing material will also have a return trip with an empty truck (e.g., 2 one-way trips). Similarly, a haul truck needed to export material is assumed to have an arrival trip in an empty truck and a loaded departure truck (e.g., 2 one-way trips). Thus, each trip to import and export material is considered as two separate round trips (or 4 one-way trips).” (Emphasis added).

The EIR clearly notes that excavated materials will require export from the Project Site to the landfill (FEIR, pp. III-31, III-57), and will require 59 separate 10-yard truck loads per day; logically, each haul truck trip to the landfill must require a separate return trip, either to the truck’s originating home base or to the Project Site to pick up another load of excavated materials for transport to the Chiquita Canyon Landfill and with that return trip to the Project Site to be counted as a separate one-way trip in the calculation of the Project’s haul truck-related emissions. Also, while CalEEMod Appendix A provides for combined import-export trips, noted as “phased trips”,⁶ no justification is provided in the EIR to show or explain that phasing with “double-duty” export-and-import haul trips will occur during the Project’s demolition and excavation phases. Thus, the FEIR substantially underestimates the Project’s on-road hauling emissions and vehicle-miles-traveled to dispose of its demolition and excavation materials. Because the FEIR has erroneously assumed that those 11,550 trips are calculated as round trips (rather than one-way trips), the FEIR Table IV.C-9 was revised for NOx emissions for year 2018 (showing an increase from 28 lbs./day to 56 lbs./day).

This increase is substantial and threatens the FEIR’s determination of less-than-significant construction-emission impacts. With the doubling of the excavation and demolition haul trips, both Localized Significance Threshold (“LST”) analysis and regional thresholds of significance for construction NOx and possibly other pollutants are likely to be exceeded, resulting in significant impacts for criteria pollutants that would in turn require health risk modeling to ensure that cancer- and non-cancer health risk thresholds are not exceeded.

B. THE FEIR INCORRECTLY ASSUMES AVAILABILITY OF ALL TIER FOUR-FINAL-RATED CONSTRUCTION EQUIPMENT TYPES AND IMPERMISSIBLY CLAIMS TIER-FOUR FINAL EMISSION BENEFITS

SWAPE also raised concerns and evidence of “unsupported assumptions regarding the use of Tier 4 Final Mitigated Engines”, noting that Mitigation Measure C-1 (“MM C-1”), to require Tier 4 diesel offroad equipment, was made unenforceable by use of the subjective qualifier “where available”, and by the City’s failure to provide substantial evidence that Tier 4-Final equipped construction equipment is readily available across the spectrum of equipment types modeled for Project emissions and which will be used to first demolish existing structures onsite and then build the new Olympic Tower facilities (FEIR, p. III-53 – III-55 [“Comment CREED LA 2/SWAP AQ-C”]).

⁵ CalEEMod User’s Guide, p. 35, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4.

⁶ CalEEMod Appendix A, p. 14 (“Haul trips are based on the amount of material that is demolished, imported or exported assuming a truck can handle 16 cubic yards of material. For phased trips, the truck is assumed to be full both ways. For non-phased trips, the truck is assumed to be empty one direction and thus results in more haul trips calculated.”), http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6.

The City has provided no substantial evidence to counter the substantive concerns and information provided by SWAPE, and while new Tier 4 Interim (“T4-I”) and Tier 4-Final (“T4-F”) equipment has entered the offroad equipment inventory since the 2014 inventory findings noted above, the long-lived nature of construction equipment, higher costs for new T4-I and T4-F equipment, and other factors have contributed substantially to a much slower transition of the millions of pieces of construction equipment in California to the most recent Tier 4 status used by the City to calculate and evaluate for impact significance the emissions of all Project-related diesel offroad equipment ≥ 50 hp. Realistically, Project contractors will not own nor will they rent every piece of the scores of T4-F-rated equipment necessary to maintain the accuracy of the FEIR’s CalEEMod-modeled emission estimates. The City’s unsupported assumption regarding ready availability of T4-F equipment to be required for the Project is further contradicted by information from the California Air Resources Board (“CARB”).⁷ This information from CARB clearly contradicts the City’s unsupported assumption that the Project will readily, easily, and thereby fully comply with the Tier 4 Final emission rate it used exclusively to calculate and then evaluate the Project’s construction emission impacts.

This difference is meaningful. For example, for offroad diesel engines in construction equipment, from 75hp – 175 hp, the T4-I NOx limit is 2.5 g/bhp-hr, whereas the T4-F NOx rate is .30 g/bhp-hr. For equipment ranging from 176hp – 750 hp, the T4-I NOx limit is 1.5 g/bhp-hr, whereas the T4-F NOx limit is .30 g/bhp-hr. Therefore, for the lower horsepower equipment, and because MM C-1 is written so as to not prohibit use of T4-I rated equipment during construction, each T4-I equipment piece would emit at a NOx rate between five and eight times that of the T4-F rate inappropriately used by the City to estimate the Project’s offroad diesel construction equipment (over 50 hp) NOx emissions and their relative impact significance.

Tier 4-Final diesel (≥ 50 hp) emission rates in the FEIR’s MM C-1 must be re-written to require solely T4-F equipment OR, alternatively, to revise the emissions estimates to reflect the actual, higher average emission rates for offroad construction equipment inventories in the region.⁸ In either case, MM C-1 must be revised again in order to be made consistent with the emission benefits claimed with use of the T4-F equipment emission rates for all Project-related offroad diesel equipment with greater than 50 hp.

C. THE FEIR’S GHG SIGNIFICANCE ANALYSIS IS FLAWED

During the DEIR comment period, environmental experts SWAPE commented that the DEIR’s reliance on consistency with CARB’s AB 32 Scoping Plan, SCAG’s 2016-2040 RTP/SCS, and other referenced plans was not appropriate because these regulatory plans do not meet the criteria for an officially adopted GHG reduction program as required under CEQA Guidelines § 15064.4(b)(3), commonly referred to as a Climate Action Plan (“CAP”) (FEIR, APP-A, PDF pp. 83-84). This argument was echoed by Project Appellant Unite Here, who also noted that the Project’s annual GHG emissions (11,442 MTCO₂e/yr) exceed SCAQMD’s proposed Tier 3 threshold of 10,000 MTCO₂e/yr for industrial projects (the highest proposed threshold for any kind of project), and that the Project’s service population efficiency (6.67 MTCO₂e/yr/sp) exceeds SCAQMD’s proposed Tier 4 threshold of 4.8 and 3.0 MTCO₂e/yr/sp for target years 2020 and 2035 (respectively) (Appeal Staff Report, PDF pp. 21-22).

In response, the FEIR dismissed these comments stating that the SCAQMD thresholds were never formally adopted and that consistency with CARB’s AB 32 Scoping Plan and SCAG’s 2016-2040 RTP/SCS satisfies CEQA Guidelines § 15064.4(c) (FEIR, pp. III-78 – III-79, DEIR, pp. IV.F-34 – IV.F-

⁷ CARB, 2017 Off-Road Diesel Emission Factor Update for NOx and PM, p. 4, https://ww3.arb.ca.gov/msei/ordiesel/ordas_ef_fcf_2017.pdf.

50). These arguments were echoed in the Appeal Staff Report (p. 12), where City staff also states “[n]o other significance thresholds are routinely used by the City for determining the significance of the GHG emissions impacts.” These responses are inadequate under the CEQA Guidelines and fail to meaningfully explain why the Project’s GHG emissions are not cumulatively significant (as discussed below).

1. CARB’S AB 32 SCOPING PLANS AND SCAG’S RTP/SCS CONTAIN NO BINDING, PROJECT-SPECIFIC REQUIREMENTS AND, THUS, CANNOT BE THE SOLE JUSTIFICATION FOR GHG SIGNIFICANCE

First, the EIR incorrectly characterizes CARB, SCAG, and City plans as a qualified GHG reduction plan or CAP, when none exists. Here, the City claims the EIR’s qualitative analysis “demonstrate[es] the Project’s compliance ‘with regulations or requirements adopted to implement a Statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.’” (Appeal Staff Report, p. 11). While the internal citations are taken directly from CEQA Guidelines § 15064.4(b)(3), *the City omits the Guideline’s explicit reference to CEQA Guidelines § 15183.5(b)* that was added in the most recent update to the CEQA Guidelines. As explained by the Resources Agency, the addition of the 15183.5(b) reference was “needed to clarify that lead agencies may rely on plans prepared pursuant to section 15183.5 in evaluating a project’s [GHG] emissions ... [and] consistent with the Agency’s Final Statement of Reasons for the addition of section 15064.4, which states that ‘proposed section 15064.4 is intended to be read in conjunction with . . . proposed section 15183.5. Those sections each indicate that local and regional plans may be developed to reduce GHG emissions.’ [2009 Final Statement of Reason, p. 27][.]”⁹ (2018 Final Statement of Reason, p. 19 [emphasis added]).¹⁰ When read in conjunction, CEQA Guidelines §§ 15064.4(b)(3) and 15183.5(b)(1) make clear qualified CAPs should include the following features: (1) inventorying and quantify GHG emissions, both existing and projected over a specified time period, resulting from activities (e.g., projects) within a defined geographic area (e.g., lead agency jurisdiction); (2) establishing GHG reduction goal by establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable; (3) analyzing project types by identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area; (4) crafting performance-based mitigation measures by specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level; and (5) monitoring by establish a mechanism to monitor the CAP progress toward achieving said level and to require amendment if the plan is not achieving specified levels.

These CAP features provide the necessary substantial evidence demonstrating a project’s incremental contribution is not cumulative considerable, as required under CEQA Guidelines § 15064.4(b)(3).¹¹ Here, however, none of the plans identified in the EIR include the above-listed features to be considered a qualified CAP for the City (see e.g., no inventorying the City’s GHG emissions, no establishing the City’s fair share in GHG reduction goal, no quantifying various project types, no crafting of performance-based

⁹ Resources Agency (Dec. 2009) Final Statement of Reasons For Regulatory Action: Amendments to the State CEQA Guidelines, http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf.

¹⁰ Resources Agency (Nov. 2018) Final Statement of Reasons For Regulatory Action: Amendments To The State CEQA Guidelines, http://resources.ca.gov/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf.

¹¹ See *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 200-201 (Upheld qualitative GHG analysis when based on city’s adopted its greenhouse gas strategy that contained “multiple elements” of CEQA Guidelines § 15183.5(b), “quantification of [city’s] baseline levels of [GHG] emissions and planned reductions[,]” approved by the regional air district, and “[a]t the heart” of the city’s greenhouse gas strategy was “specific regulations” and measures to be implemented on a “project-by-project basis ... designed to achieve the specified citywide emission level.”).

mitigation measures that quantifiably meet a City-specific reduction goal, no monitoring by the City to ensure plan's effectiveness). As such, the EIR leaves an analytical gap showing compliance with said plans will translate into a project-level insignificance determination for the Project, and/or that the City is meeting its fair share in reducing the State's GHG emissions required under AB 32.¹²

Second, these plans do not satisfy requirements under CEQA Guideline § 15064(H)(3), which is explicitly cited in the EIR (DEIR, pp. IV.F-25) and alluded to by the City (Appeal Staff Report, p. 11 [fn 2 quoting examples listed in subdivision (h)(3)]. Subdivision (h)(3) permits lead agencies to find projects not cumulative considerable when a project complies with an approved plan or mitigation program that “provides specific requirements that will avoided or substantially lessen the cumulative problems within the geographic area in which the project is located ... [and] the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable.” (Emphasis added). When adopted, the Resources Agency explained that this subsection provides a “rebuttable presumption” for “certain” plans, such as local CAPs (2009 Final Statement of Reason, pp. 14-15).¹³ As further explained, “consistency with plans that are purely aspirational (i.e., those that include only unenforceable goals without mandatory reduction measures), and provide no assurance that emissions within the area governed by the plan will actually address the cumulative problem, may not achieve the level of protection necessary to give rise to this subdivision's presumption.” (*Id.*, p. 16 [emphasis added]). Hence, lead agencies must “draw a link between the project and the specific provisions of a binding plan or regulation,” before subsection (h)(3) rebuttable presumption is to take effect.

Here, however, the AB 32 Scoping Plan is not City specific and of the 18 strategies identified in the EIR, ten strategies are admittedly not applicable to the Project with several other strategies only tangentially related to the Project (e.g., Cap-and-Trade, Renewables Portfolio Standard, Low Carbon Fuel Standards, City's recycling program, etc.) (DEIR, Tbl. IV.F-7). Additionally, CARB has stated it would be “misguided” to suggest Cap-and-Trade or other state regulations covers mobile emissions from local land use projects, and made it abundantly clear that its Scoping Plans are “non-binding” on local governments.¹⁴ Moreover, none of the strategies include specific, mandatory, binding requirements for the Project. Instead, they are purely optional for local governments to apply on local projects. Similarly, of the 13 RTP/SCS actions and strategies identified in the EIR, seven are admittedly “not applicable” or “not necessarily applicable” to the Project, and all others contain purely aspirational language without any binding mandatory requirements (see e.g., DEIR, Tbl. IV.F-8 [“reflect the changing population and demands ... focus new growth around transit ... plan for growth around livable corridors ... provide more options for short trips ... manage congestion ... promote zero-emissions vehicles ... promote neighborhood electric vehicles ...”). None of these actions/strategies include specific, mandatory, binding requirements for the Project. Similarly, the EIR fails to identify any Project-specific, mandatory requirements under the City's Mobility 2035 Plan or Green LA Plan (*id.* at pp. IV.F-47 – IV.F-49).¹⁵

¹² See *Golden Door Properties, LLC v. County of San Diego* (2018) 27 Cal.App.5th 892, 905 (held County's GHG threshold relying on statewide standards failed to comply with CEQA Guidelines § 15064.7(c) because it did not address the County specifically); *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 230 (“Local governments thus bear the primary burden of evaluating a land use project's impact on greenhouse gas emissions. Some of this burden can be relieved by using geographically specific greenhouse gas emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis.”);

¹³ *Supra* fn. 9.

¹⁴ See CARB (12/5/18) RE Centennial Specific Plan Final EIR, p. 3-4, 6-7, 10-11, <https://ww3.arb.ca.gov/toxics/ttdceqalist/centennialfeir.pdf>.

¹⁵ While the EIR cites “Program D7” under the City's Mobility 2035 Plan, which includes approximately 170 different programs, that program does not provide any mandatory requirements on specific projects that ensure GHG

While the Project seems consistent with the City's Green Building Codes, just because an infill project is designed to meet high building efficiency and conservation standards does not establish that its GHG emissions from transportation activities lack significant impacts.¹⁶ This concept is known as "additionality" whereby GHG emission reductions otherwise required by law or regulation are appropriately considered part of the baseline and, pursuant to CEQA Guideline § 15064.4(b)(1), a new project's emissions should be compared against that existing baseline.¹⁷ Hence, a "project should not subsidize or take credit for emissions reductions which would have occurred regardless of the project."¹⁸ In short, newer developments must be more GHG-efficient.¹⁹

In sum, none of plans relied upon are City-specific with mandatory, binding mitigation measures specific for the Project. Neither the EIR nor the City explains or draws the link between any *specific provisions that* ensure the Project's incremental contribution to climate change (11,442 MTCO₂e/yr in GHG emissions) is not cumulatively considerable. If the City wants to allow projects to tier-off GHG reduction plans, then it must first do the heavy-lifting of proposing and approving a proper CAP, subject to public CEQA review, as clearly urged in CARB's 2017 Scoping Plan.²⁰

2. THE EIR'S GHG ANALYSIS SHOULD USE SCAQMD THRESHOLDS JUST LIKE OTHER CITY PROJECTS

The SCAQMD's 10,000 MTCO₂e/yr threshold is widely acknowledge as an appropriate threshold, even by the City. In December 2008, the SCAQMD Governing Board *adopted* the staff proposal for an interim GHG significance threshold of 10,000 MTCO₂e/yr for stationary industrial projects where SCAQMD is the lead agency (DEIR, p. IV.F-13).²¹ Although not the lead agency here, SCAQMD has determined that a 10,000 MTCO₂e/yr is normally cumulative significant level of GHG emissions, *which the City has used in the past in many cases*.²² Here, the Project's 11,442 MTCO₂e/yr in GHG emissions exceeds this

reductions are achieved. See Mobility 2035 Plan (Sep. 2016) pp. 167-164 (listing all programs), https://planning.lacity.org/odocument/523f2a95-9d72-41d7-aba5-1972f84c1d36/Mobility_Plan_2035.pdf.

¹⁶ See *Newhall Ranch*, 62 Cal.4th at 229 (citing Natural Resources Agency); see also California Natural Resources Agency (Dec. 2009), *supra* fn. 9, p. 23 (while a Platinum LEED® rating may be relevant to emissions from a building's energy use, "that performance standard may not reveal sufficient information to evaluate transportation-related emissions associated with that proposed project").

¹⁷ *Supra* fn. 9, p. 89; see also CAPCOA (Aug. 2010) Quantifying Greenhouse Gas Mitigation Measures, pp. 32, A3 ("... in practice is that if there is a rule that requires, for example, increased energy efficiency in a new building, the project proponent cannot count that increased efficiency as a mitigation or credit unless the project goes beyond what the rule requires; and in that case, only the efficiency that is in excess of what is required can be counted."), <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

¹⁸ CAPCOA, *supra* fn. 17, p. 433.

¹⁹ See *Newhall Ranch*, 62 Cal.4th at 226.

²⁰ CARB (Nov. 2017) 2017 Scoping Plan, pp. 99-101 ("CARB advises that local governments also *develop community-wide GHG emissions reduction goals* necessary to reach 2030 and 2050 climate goals ... Since the statewide per capita targets are based on the statewide GHG emissions inventory that includes all emissions sectors in the State, *it is appropriate for local jurisdictions to derive evidence-based local per capita goals based on local emissions sectors and population projections* that are consistent with the framework used to develop the statewide per capita targets .. Sufficiently detailed and *adequately supported GHG reduction plans (including CAPs)* also provide local governments with a valuable tool for streamlining project-level environmental review." Emphasis added), https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

²¹ SCAQMD (Apr. 2019) South Coast AQMD Air Quality Significance Thresholds, <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

²² See e.g., Bending the River Back into the City Project (Jan. 2014) IS/MND, PDF p. 34 (applying 900 MTCO₂e/yr threshold for City project), http://clkrep.lacity.org/online/docs/2014/14-0254_misc_a_2-24-14.pdf; City (10/27/11) Inter-Departmental Correspondence, PDF p. 34 (applying 10,000 MTCO₂e/yr threshold), <http://clkrep.lacity>.

threshold, and because GHG emissions are global in nature, it is irrelevant that 11,442 MTCO₂e/yr is from this mixed-use Project rather than an industrial project—especially considering SCAQMD proposed much lower thresholds for mixed-use projects (as discussed *infra*). Given SCAQMD’s subject matter expertise in this area, its determination that projects with GHG emissions exceeding this 10,000 MTCO₂e/yr threshold are significant should be considered as substantial evidence and warrants considerable weight.

The City also routinely uses SCAQMD’s numeric Tier 3 bright-line and Tier 4 efficiency thresholds. In December 2008, SCAQMD released its Interim CEQA GHG Significance Threshold that proposed a multi-tiered approach for evaluating a project’s GHG impacts,²³ which was subsequently clarified, where SCAQMD proposed for non-exempt projects (i.e., Tier 1) not consistent with a qualified CAP (i.e., Tier 2), lead agencies should compare a project’s GHG emissions to numeric screening thresholds (i.e., Tier 3).²⁴ Under Tier 3, lead agencies may choose between two options: Option 1 use a proposed 1,400 or 3,000 or 3,500 or 10,000 MT CO₂e/yr threshold for a commercial or mixed-use or residential or industrial project (respectively); or Option 2 use a single numerical threshold of 3,000 MTCO₂e/yr for non-industrial projects. *The City has utilized Option 1 in lieu of the Option 2 numerous times.*²⁵ Where a

org/online/docs/2014/14-0106_misc_w_5-7-15.pdf; LAX Terminals 2 and 3 Modernization project (Feb. 2017) DEIR, PDF pp. 141 (applying 10,000 MTCO₂e/yr threshold), http://clkrep.lacity.org/online/docs/2017/17-0836_misc_11_07-26-2017.pdf; Van Nuys Airport Propeller Park Development (Feb. 2011) Final Negative Declaration, PDF p. 87 (applying 10,000 MTCO₂e/yr threshold), http://clkrep.lacity.org/online/docs/2011/11-1518_rpt_bac_8-30-2011.pdf; LAX Terminal 1.5 project (Nov. 2016) IS/MND, PDF p. 72 (applying 10,000 MTCO₂e/yr threshold), http://clkrep.lacity.org/online/docs/2017/17-0017_misc_5_01-13-2017.pdf; Mariondale Avenue and Lillyvale Avenue Vacation District project (2/22/18) IS, PDF p. 18, http://clkrep.lacity.org/online/docs/2017/17-0504_misc_2_03-27-2018.pdf; 15116-15216 South Vermont Avenue project (11/22/17) IS, PDF p. 81, http://clkrep.lacity.org/online/docs/2018/18-0279_misc_5_04-04-2018.pdf; North Valley Fire Station No. 7 project (10/17/11) IS, PDF p. 31, http://clkrep.lacity.org/online/docs/2012/12-0114_misc.pdf; Burbank Blvd. Widening project (Jul. 2009) IS, PDF p. 45, http://clkrep.lacity.org/online/docs/2009/09-2458_misc_4-1-16.pdf.

²³ SCAQMD (12/5/08) Board Letter, p. 5, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2); see also SCAQMD (Oct. 2008) Draft Guidance Document – Interim CEQA GHG Significance Threshold, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf).

²⁴ SCAQMD (9/28/10) Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group # 15, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf).

²⁵ See e.g., Venice Blvd. Self-Storage project (DCP Case No. ENV-2017-3855) MND, PDF pp. 49-50 (applying 1,400 MTCO₂e/yr threshold for commercial project), https://planning.lacity.org/staffrpt/mnd/Pub_101818/ENV-2017-3855.pdf; 5950 Jefferson Boulevard project (DCP Case No. ENV-2017-4170) MND, PDF pp. 112-114 (noting SCAQMD’s 3,000 MTCO₂e/yr threshold is “appropriate” and remains supported by SCAQMD’s technical analysis as a useful indicator of significance), https://planning.lacity.org/staffrpt/mnd/Pub_122018/ENV-2017-4170.pdf; 333 La Cienega Blvd. project (DCP Case No. ENV-2015-897-EIR) Initial Study, PDF pp. 89-90 (applying the 3,000 MTCO₂e/yr threshold for mixed-use project), <http://planning.lacity.org/eir/nops/333LaCienega/is.pdf>; 3063 W. Pico Blvd. project (DCP Case No. ENV-2016-1604) MND, PDF pp. 86-87 (referencing 3,000 MTCO₂e/yr threshold for mixed-use projects), http://cityplanning.lacity.org/staffrpt/mnd/Pub_033017/ENV-2016-1604.pdf; 16966 Sunset Blvd. project (DCP Case No. ENV-2017-3896) MND, PDF pp. 41 (utilizing 3,000 MTCO₂e/yr threshold), https://planning.lacity.org/staffrpt/mnd/Pub_122718/ENV-2017-3896.pdf; 756 N. Edinburgh Avenue project (DCP Case No. ENV-2016-1367-EIR) IS, PDF pp. 87-88 (applying 3,000 MTCO₂e/yr threshold), <http://planning.lacity.org/eir/EdinburghAve/DEIR/Appendix%20A%20-%20NOP%20IS%20and%20Comment%20Letters.pdf>; 1209 6th Avenue project (DCP Case No. ENV-2014-1988-EIR) Initial Study, PDF pp. 85-86 (applying the 3,500 MTCO₂e/yr threshold for residential project), https://planning.lacity.org/eir/nops/1209_6thAvenueInitialStudy/1209_InitialStudySigned_100716.pdf; 15116 S. Vermont Avenue Staff Report (DCP Case No. ENV-2017-1015-MND) PDF pp. 182, 220 (containing MND applying the 10,000 MTCO₂e/yr threshold for industrial project), <http://planning.lacity.org/StaffRpt/InitialRpts/CPC-2017-1014.PDF>; Woodley Avenue Self-Storage project (DCP Case No. ENV-2018-

project's emissions exceed the screening-level threshold, a more detailed review of the project's GHG emissions is warranted using SCAQMD's proposed per capita efficiency targets (i.e., Tier 4).²⁶ For project-level analyses, SCAQMD proposed a 2020 and 2035 efficiency target of 4.8 and 3.0 MTCO₂e/yr per service population ("MTCO₂e/yr/sp"), respectively.²⁷ *In fact, the City has utilized SCAQMD's Tier 4 efficiency analysis numerous times.*²⁸

Here, a Tier 3 and 4 Analysis shows the Project greatly exceeds applicable thresholds. Here, SCAQMD's Tier 1 and Tier 2 does not apply because the Project is not exempt and none of the plans referenced in the EIR qualify as an officially adopted CAP that meets the requirements of CEQA Guidelines §§ 15064.4(b)(3) and 15183.5(b)(1) (as discussed *supra*). As a mixed-use/non-industrial development, the Project is subject to SCAQMD's Tier 3 3,000 MTCO₂e/yr threshold under either Option 1 or 2, which the Project's 11,442 MTCO₂e/yr exceeds by more than a factor of three and, *thus, Tier 4 analysis is warranted here*. According to the California Air Pollution Control Officers Association ("CAPCOA"), service population is defined as "the sum of the number of residents and the number of jobs supported by the project."²⁹ Here, the Project includes 1,265 employees and residents (DEIR, p. IV.J-9) and approximately 373 hotel rooms. Utilizing the City's widely reported 80 percent hotel occupancy rate³⁰

4247) MND, PDF pp. 89-91 (utilizing 10,000 MTCO₂e/yr threshold for industrial project), https://planning.lacity.org/staffrpt/mnd/Pub_012419/ENV-2018-4247.pdf; but see 7720 Lankershim Blvd. project (DCP Case No. ENV-2016-2384) MND, p. IV-33 – IV-35 (utilizing 3,000 Tier 3 threshold for non-industrial project), http://clkrep.lacity.org/online/docs/2018/18-0827_misc_1_08-28-2018.0001.pdf; Lafayette Park Place Bridge Housing Facility project (3/13/19) CE, PDF p. 578, http://clkrep.lacity.org/online/docs/2018/18-0392_rpt_BOE_03-13-2019.pdf; 5750 Hollywood Blvd. project (DCP Case No. ENV-2014-4288) DEIR, PDF p. 31-32, http://planning.lacity.org/eir/5750HollywoodBlvd/DEIR/4.C_Greenhouse_Gas_Emissions.pdf; Providence Tarzana Medical Center project (DCP Case No. ENV-2016-1662) DEIR, PDF p. 50, https://planning.lacity.org/eir/ProvidenceTarzanaMedicalCtr/FEIR/files/D_IVD.pdf; Bermuda Apartments (DCP Case No. ENV-2017-628) MND, PDF p. 72-73, <https://planning.lacity.org/odocument/64056bf9-e4b7-4085-b33f-89ced0b9dac5/ENV-2017-628.pdf>;

²⁶ SCAQMD (12/5/08), *supra* fn. 23, p. 6.

²⁷ SCAQMD (9/28/10), *supra* fn. 24, p. 2.

²⁸ See e.g., 6516 W. Selma Ave. project (DCP Case No. ENV-2016-4313) MND, PDF pp. 102-104 (utilizing Tier 4 analysis and noting "SCAQMD's draft thresholds have also been utilized for other projects in the City."), http://clkrep.lacity.org/online/docs/2008/08-0887-S1_misc_7_02-22-2017.pdf; 713 East 5th Street Project (DCP Case No. ENV-2017-421-EIR) Draft EIR, PDF p. 39 (for a new residential building in the Central City Community Plan, the "City has determined to assess the significance of the Project's GHG emission by comparing them to the SCAQMD draft Tier 4 performance standards"), http://planning.lacity.org/eir/713_East_5th/DEIR/files/D_IVC.pdf; Lizard Hotel project (DCP Case No. ENV-2015-2356) Draft EIR, PDF pp. 23-24 (utilizing SCAQMD's Tier 4 analysis), https://planning.lacity.org/eir/SpringSt_Hotel/DEIR/DEIR%20Sections/Spring%20St%20Hotel%20IV.E%20Greenhouse%20Gas%20Emissions.pdf; Glassell Park Residential project (DCP Case No. ENV-2016-4394) MND, PDF pp. 164-165 (applying SCAQMD's Tier 3 and Tier 4 threshold), https://planning.lacity.org/staffrpt/mnd/Pub_121318/ENV-2016-4394.pdf; Target At Sunset And Western project (DCP Case No. ENV-2008-1421) Addendum to Certified EIR, PDF pp. 28-31, http://clkrep.lacity.org/online/docs/2016/16-0033_misc_1_01-08-2016.0001.pdf; Reef project (DCP Case No. ENV-2008-1773) DEIR, PDF p. 23-25, <http://planning.lacity.org/eir/theReef/deir/DEIR%20Sections/IV.G.%20Greenhouse%20Gases.pdf>; Museum Square Office Building project (DCP Case No. ENV-2013-194) DEIR, PDF pp. 7-19, https://planning.lacity.org/eir/MuseumSquare/DEIR/DEIR%20Sections/IV.E.%20Greenhouse%20Gases_Global%20Climate%20Change.pdf;

²⁹ CAPCOA (Jan. 2008) CEQA & Climate Change, pp. 71-72, <http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf>.

³⁰ City of Los Angeles (2017) Hotel Market Study, pp. 1, 5, https://d3n8a8pro7vhm.cloudfront.net/cd14/pages/2723/attachments/original/1508870241/CD14_Hotel_Market_Study-2017_Full_Report-Final.pdf?1508870241; see also City of Los Angeles (2017) 2017 Annual Report, p. 5, <https://ctd.lacity.org/sites/default/files/2017%20CTD%20Annual%20Report.pdf>.

and 1.5 persons per room ratio used by the City,³¹ it can be estimated that the proposed 373-room Project will typically serve 448 hotel patrons (240 rooms x 1.5 persons per room x 80 % occupancy rate). Thus, the Project's service population would be a maximum of 1,713 people. By dividing the Project's admitted GHG emissions by this service population, the Project would result in an efficiency level of approximately 6.67 MTCO₂e/yr/sp, which exceeds both SCAQMD's 2020 and 2035 efficiency threshold of 4.8 and 3.0 MTCO₂e/yr/sp (respectively). Thus, the Project would result in a significant GHG impact.

Applying bright-line screening and efficiency thresholds constitutes the current best practices of major air districts when there is no qualified CAP. Despite not being formally adopted, SCAQMD's Tier 3 and Tier 4 analysis has been replicated by multiple air districts who have adopted similar thresholds in recent years, such as the Sacramento Metropolitan AQMD,³² Bay Area AQMD,³³ Placer County APCD,³⁴ and San Luis Obispo APCD³⁵—which evidences broad consensus among these air districts of what constitutes best practices in CEQA analysis and regulatory controls over GHG emissions on local land use projects.

In sum, the City has routinely used SCAQMD's Tier 3 screening and Tier 4 efficiency thresholds.³⁶ notwithstanding SCAQMD not adopting them or serving as the lead agency, and numerous major air districts have followed suit. This inconvenient fact cannot be ignored. The EIR and City must justify—with substantial evidence—why it refuses to apply these applicable thresholds here, explain why the Project's 11,442 MTCO₂e/yr is not cumulative considerable despite exceed all relevant thresholds, and explains why its shoddy qualitative analysis relying on aspirational, non-binding plans is more in step with evolving scientific knowledge and regulatory schemes.

CONCLUSION

In short, the EIR's air quality and GHG analysis are inadequate. The issues discussed herein must be resolved in a revised and recirculated EIR. Should you have any questions or comments regarding this comment letter, please feel free to contact me at your convenience.

Sincerely,



Greg Gilbert, Autumn Wind Associates

³¹ Lizard Hotel (DCP Case No. ENV-2015-2356-EIR) Draft EIR, PDF p. 24, <https://planning.lacity.org/eir/SpringStHotel/Deir/DEIR%20Sections/Spring%20St%20Hotel%20IV.E%20Greenhouse%20Gas%20Emissions.pdf>.

³² SMAQMD (May 2018) Guide to Air Quality Assessment in Sacramento County, pp. 6:1-3, 6:10-12 (1,100 and 10,000 MTCO₂e/yr for non-stationary and stationary operational emissions, respectively), <http://www.airquality.org/LandUseTransportation/Documents/Ch6GHGFinal5-2018.pdf>; see also SMAQMD Thresholds of Significance Table, <http://www.airquality.org/LandUseTransportation/Documents/CH2ThresholdsTable5-2015.pdf>.

³³ BAAQMD (May 2017) CEQA Air Quality Guidelines, p. 2:1-4 (1,100 MTCO₂e/yr bright-line or 4.6 MTCO₂e/yr/SP for non-stationary sources, and 10,000 MTCO₂e/yr for stationary sources), http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.

³⁴ PCAPCD (Oct. 2016) CEQA thresholds of Significance Justification Report, pp. E-2, 2, 17-22 (10,000 MTCO₂e/yr bright-line threshold for all projects, and various residential and non-residential efficiency thresholds depending on urban or rural context), <https://www.placer.ca.gov/DocumentCenter/View/2061/Threshold-Justification-Report-PDF>; see also PCAPCD (11/21/17) CEQA Thresholds And Review Principles, <http://www.placerair.org/landuseandceqa/ceqathresholdsandreviewprinciples>.

³⁵ SLOAPCD (Mar. 28, 2012) GHG Threshold and Supporting Evidence, p. 5, 25-30, 42 (1,150 MTCO₂e/yr bright-line or 4.9 MTCO₂e/yr/SP for residential/commercial sources, and 10,000 MTCO₂e/yr for industrial sources), <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Greenhouse%20Gas%20Thresholds%20and%20Supporting%20Evidence%204-2-2012.pdf>.

³⁶ See *supra* fn. 22, 25, 28.

STATEMENT OF QUALIFICATIONS

Greg Gilbert

Autumn Wind Associates

Greg Gilbert is director and founder of Autumn Wind Associates, located northeast of Sacramento, CA. AWA provides expert review, analysis, and estimation of potential air quality and related environmental impacts of proposed land-use development projects involving indirect- (mobile) and stationary (operating under air agency permit) sources of air pollution. He has consulted on air quality land use planning, mobile, and stationary source matters and projects to private and public clients since leaving public service as an air agency manager in 2000. Previously, he was national marketing director for an emissions catalyst products and technology firm with international markets in mobile and stationary sources. Between 1990 and 2000 Mr. Gilbert was employed in two California air agencies, most recently as project manager in the Mobile Source Division of the Sacramento Metropolitan Air Quality Management District (SMAQMD). While at SMAQMD Mr. Gilbert was responsible for managing development and implementation of the agency's heavy-duty diesel vehicle low-emission incentive program that would later evolve into the statewide Moyer Program; the evaluation of land use-related air quality emission impacts and control strategies, development of California Environmental Quality Act (CEQA) thresholds of significance and mitigations to reduce, offset, or eliminate air quality impacts of new land use; development of air-related CEQA guidance; and creation of the first air quality CEQA mitigation fee program with percentage-based emission reduction mitigation choices provided to the developer.

Since 2001, AWA has provided consulting expertise to private entities and air agencies, conducted research on construction practices and equipment emissions, assisted with development of CEQA land-use guidance documents and mitigation strategies for CA air quality agencies, and provided analysis and modeling of potential air quality impacts identified primarily in Mitigated Negative Declarations and Environmental Impact Reports for proposed land use development projects throughout California. Mr. Gilbert reviews and provides expert written and testimony on CEQA- and development-related project-specific environmental analysis, mitigation, and documentation for a wide range of public-, private-, and environmental-sector clients, including law firms specializing in CEQA-NEPA cases.

UNITE **HERE!** Local 11

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October 7, 2019

City Planning Commission, City of Los Angeles
200 N. Spring Street, Council Chamber Rm. 340
Los Angeles, CA 90012
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**RE: ITEMS 7 & 8, CITY PLANNING COMMISSION HEARING SCHEDULED OCTOBER 10, 2019;
OLYMPIC TOWER PROJECT (813-815 WEST OLYMPIC BOULEVARD, 947-951 S. FIGUEROA STREET);
DCP CASE NOS. CPC-2015-455, ENV-2015-4558, VTT-73966**

Dear City Planning Commission:

UNITE HERE Local 11 ("Local 11" or "Appellant"), respectfully provides the City of Los Angeles ("City") the following comments¹ concerning the Department of City Planning ("DCP") staff reports for the referenced Item 6 ("Appeal Staff Report")² and Item 7 ("Entitlement Staff Report")³ concerning the 57-story, 779,173-square-foot ("SF"), 373-hotel room, 374-condo Olympic Tower development ("Project") located at 813-815 West Olympic Boulevard in Downtown Los Angeles ("Site") proposed by Olymfig26, LLC ("Applicant"). As raised in our subdivision appeal (the "Appeal"), Local 11 is concerned with the Project's compliance with the California Environmental Quality Act ("CEQA") and Los Angeles Municipal Code ("LAMC" or "Code").

While Local 11 finds DCP's response lacking on all of our Appeal arguments, we want to focus the City's attention on two arguments. First, the Project's lack of affordable housing cannot be cured by relying on the Transfer of Floor Area Rights ("TFAR") Public Benefit Payment when the City fails to assess the payment in accordance with the TFAR provisions under Article 4.5 of the Code. Here, the City fails to assess all of the TFAR square footage requested for the Project and relies on an outdated sales price. When compared to similar Downtown TFAR projects, the *Project's Public Benefits Payment may be under-assessed by as much as \$ 17+ million*. These are funds the City could use to provide real public benefits to City stakeholders, such as affordable housing and public parks. Second, the greenhouse gas ("GHG") analysis contained in the Project's Environmental Impact Report ("EIR") fails to comply with the CEQA Guidelines. Specifically, the GHG plans relied upon in the EIR are entirely aspirational and lacking any binding, project-specific requirements. *Despite the Project's GHG emissions exceeding thresholds routinely used by the City for other City projects*, the City erroneously refuses to apply the same thresholds now to this Project.

¹ Please note that pages cited herein are either to the page's stated pagination (referenced herein as "p. ##") or the page's location in the referenced PDF document (referenced herein as "PDF p. ##").

² DCP (10/10/19) Item 6 Staff Report (DCP Case No. VTT-73966-1A), <https://planning.lacity.org/odocument/e00d4221-0a8b-4d72-a07c-b5f0a8f664c4/VTT-73966-CN-1A.pdf>.

³ DCP (10/10/19) Item 7 Staff Report (DCP Case No. CPC-2015-4557-MCUP-CUX-TDR-SPR-DD), <https://planning.lacity.org/odocument/1dbc6157-1a75-4aab-b293-ebc88c34daf8/CPC-2015-4557.pdf>.

As discussed herein, substantial evidence shows the Project is not complying with its Public Benefit Payment obligations and, therefore, the City cannot make its Code-required findings. Nor does the City provide substantial evidence demonstrating that the Projects GHG emissions are not cumulatively considerable. Local 11 urges the City Planning Commission to withhold its approval of the requested TFAR and EIR until the issues discussed herein are addressed in a recirculated EIR and TFAR findings.

I. PROJECT IS NOT COMPLYING WITH ITS TFAR PAYMENT OBLIGATIONS

In response to our argument that the Project lacks any affordable housing in the midst of an affordable housing crisis, DCP claims the Project needs only to be consistent and or in harmony with the City's General Plan, and that the Project's Public Benefit Payment would further the General Plan's affordable housing goals (Appeal Staff Report, pp. 7-8).

This response does not address CEQA's requirement that EIRs fully identify any inconsistency between a proposed project and the general, specific, regional, and other applicable plans. See CEQA Guidelines § 15125(d); see also *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1566; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 881. Here, the EIR's land use impact section (DEIR, Tbls. IV.H-1 – IV.H-6) fails to identify any of the affordable housing goals, policies, objectives, issues, or purposes identified in the Appeal. Moreover, the Project fails to satisfy its entire Public Benefit Payment required under the Code, as discussed below.

A. BACKGROUND ON THE PROJECT AND TFAR

Here, the Project will contain up to 779,173 SF of floor area on a 37,031-SF lot, for a Floor Area Ratio ("FAR") of 13:1 (Entitlement Staff Report, pp. 1, A-1). To this end, the Project requires various land use entitlements including a TFAR approval to allow a purported 455,161-SF of TFAR to be transferred from the Los Angeles Convention Center (i.e., Donor Site) to the Project Site (i.e., Receiver Site) to permit the maximum 13:1 FAR (*id.*, at p. A-9). To grant the requested TFAR, the City must make specific land use findings and impose certain conditions of approval, including but not limited to:

- The finding that the TFAR transfer serves the public interest by complying with the requirements of LAMC § 14.5.9; and
- The condition that the TFAR transfer shall provide a Public Benefit Payment in conformance with LAMC § 14.5.9.

(See LAMC § 14.5.6.B.2 subds. (a)(3) & (b)(1))

Under the Code, "public benefit" means amenities provided to the public including but not limited to providing for affordable housing, public open space, job training and outreach programs, local hiring, payment of prevailing wages, and other similar provisions (LAMC § 14.5.3 [definition of "Public Benefit"]; see also LAMC § 14.5.9.A). The total Public Benefit Payment is calculated in accordance with the formula provided under LAMC § 14.5.9.C (see Tbl. 1 on the following page).

TABLE 1: PUBLIC BENEFIT PAYMENT FORMULA (SEE LAMC § 14.5.9.C)

(Public Benefit Payment)		=	$\frac{(\text{Purchase or Sale Price})/(\text{Lot Area})}{(\text{High Density Floor Area Ratio Factor})} \times (40\%) \times (\text{TFAR Transferred})$
Notes:			
<i>Purchase or Sale Price:</i> The sale price of the Receiver Site, if it has been purchased through an unrelated third-party transaction within 18 months of the date of submission of the request for approval of the Transfer, or an Appraisal if it has not.			
<i>Lot Area:</i> Prior to any dedications of the Receiver Site.			
<i>High Density Floor Area Ratio Factor:</i> Means a denominator of six and is used in calculating the amount of any TFAR Transfer Payment.			
<i>TFAR Transferred:</i> The number of square feet of Floor Area Rights to be transferred to the Receiver Site.			
(See LAMC §§ 14.5.3, 14.5.9.C)			

B. THE PROJECT DOES NOT COMPLY WITH ITS PUBLIC BENEFIT PAYMENT OBLIGATIONS

According to Applicant's TFAR Application submitted on *December 16, 2015*,⁴ the Project's Public Benefit Payment was calculated at \$ 22,158,132 based on: a \$ 22,000,220 sale price on *May 1, 2014*; a lot area of 37,031 SF; a High-Density Floor Area Ratio Factor of six; and a proposed 781,638-SF development inclusive of an *estimated 559,452-SF of TFAR* (see Fig. 1 below). According to the Entitlement Staff Report (p. A-16), the Applicant is now proposing only a 779,173-SF development inclusive of 455,161-SF of TFAR—thus reducing the Applicant's Public Benefit Payment to \$ 18,027,494. However, as explained below, this Payment is not properly assessed because it (1) undercounts requested TFAR, (2) relies on outdated sale transaction, that (3) undervalues the Project Site when compared to appraisals for similarly situated properties.

FIGURE 1: ORIGINAL TFAR APPLICATION EXCERPTS⁵

3. RECEIVER SITE VALUATION Check valuation method: ☒ Sales Price^a ☐ Appraisal^a 3.1 Sales Price <i>If a Sales Price valuation method was used, please complete this Section 3.1</i> Sales Price: <u>\$22,000,220</u> Date of Sale: <u>May 1, 2014</u> * * * 8. ESTIMATED PUBLIC BENEFITS PAYMENT 8.1 Payment Calculation Values <i>Please list the following values to calculate the estimated Minimum and Maximum Public Benefits Payments in Section 8.2:</i> (a) Value [from Section 3.1 or 3.2]: <u>\$22,000,220</u> (b) Lot Area (sq. ft.) [from Section 1.2]: <u>37,031 sf</u> (c) High Density Floor Area Ratio Factor:¹⁷ <u>6</u> (d) Estimated Transfer Minimum Sq. Ft. [from Section 4.4 (a)]: <u>559,452 sf</u> (e) Estimated Transfer Maximum Sq. Ft. [from Section 4.4 (b)]: <u>559,452 sf</u> * * *

⁴ Applicant's TFAR Application is located in the City's Project files. For your convenience, a copy is available at the following Dropbox link: <https://www.dropbox.com/s/070ln5705e1foya/TFAR%20Application.pdf?dl=0>.

⁵ *Ibid.*, PDF pp. 1-3, 6-7.

8.2 Calculation of Public Benefits Payment

8.2.1 Estimated Minimum Public Benefits Payment¹⁸

Please calculate the "Minimum Public Benefits Payment" according to the following formula:

$$(\text{Value [8.1(a)] } 22,000,220 / \text{Lot Area [8.1(b)] } 37,031 / 6) \times .40 \times \text{Minimum Sq. Ft. [8.1(d)] } 559,452 = \$ 22,158,132$$

1. CITY OMITTS 101,826-SF OF REQUESTED TFAR, AMOUNTING TO A \$4.03 MILLION ERROR

Here, absent TFAR, the 37,031-SF Project Site is limited to a 6:1 FAR or 222,186-SF of development (Entitlement Staff Report, p. A-8). Thus, to allow the proposed 779,173-SF Project, the Applicant would need to request 556,987-SF of TFAR ($779,173 - 222,186 = 556,987$) (Entitlement Staff Report, p. A-8 [explicitly stating "TFAR requested is 556,987 square feet (from both the Convention Center and a CRA donor site)."]). However, the City's \$ 18.02 million Public Benefit Payment reflects only 455,161 SF of TFAR was assessed, essentially exempting 101,826 SF of proposed development from the Code's Public Benefit Payment requirement. This error alone amounts to \$ 4.03 million undervaluation of Applicant's Public Benefit Payment.

2. THE PROJECT'S SALE TRANSACTION IS OUTDATED

Here, the \$ 22.0 million sales transaction occurred on May 1, 2014—19 months and 15 days before the Project's TFAR Application was submitted.⁶ This violates the Code. The Code gives applicants two options. They may either base the valuation of the property on the sale price in an unrelated sale that took place within 18 months of the application, or they may conduct a new appraisal that establishes "the fair market value of the Receiver Site as of the date the application was submitted." LAMC §§ 14.9.3 (emphasis added), 14.5.9. A sales transaction conducted more than five years ago, and more than 18 months before the application, does not comply with the Code.

3. SALES PRICE IS UNDERVALUED COMPARED TO SIMILAR TFAR PROJECT PROPERTIES, RESULTING IN A PUBLIC BENEFIT PAYMENT UNDERASSESSED BY AS MUCH AS \$ 17.43 MILLION

Here, at a \$ 22,000,220 sales price for the 37,031-SF Site, the Project Site was valued at \$ 594 per SF. This is very low. When compared to similar Downtown TFAR projects within approximately one mile of the Project Site, Downtown property values range between \$ 690 to \$ 955 per SF with an average valuation of \$ 817 per SF (see Tbl. 2 on the following page). When utilizing the average valuation (\$ 817/SF) and the highest valuation (\$ 955/SF) of similar properties, the 37,031-SF Project Site would be appraised at approximately \$ 30.25 and \$ 35.36 million (respectively). At these assessed values, the Project would be subject to a total Public Benefit Payment of approximately \$ 30.34 and \$ 35.46 million (respectively), or approximately \$ 12.31 and \$ 17.43 million (respectively) – far more than what the Project now intends to pay (see Tbl. 3 on the following page).

⁶ *Supra* fn. 4.

TABLE 2: SIMILAR TFAR PROJECT VALUATIONS

Project Case No. (Primary Address)	Appraised or Purchase Price	Lot Area (SF)	Price per SF
ZA 2014-0562 & ZA-2018-2852 (1155 S. Olive St.) ⁷	\$ 64,702,388*	93,723	\$ 690
CPC-2017-173-TDR-BL-MCUP-SPR (913 S. Figueroa St.) ⁸	\$ 62,400,000	85,317	\$ 731
DIR-2015-2690-TDR (801 S. Grand Ave.) ⁹	\$ 52,517,830*	58,906	\$ 892
ZA-2016-4203-TDR-CUB-SPR (926 W. James M. Woods Blvd.) ¹⁰	\$ 13,518,980	14,156	\$ 955
Lowest Valuation			\$ 690
Highest Valuation			\$ 955
Average Valuation			\$ 817
Notes:			
* Calculated based on known values utilizing the Public Benefit Payment formula.			

TABLE 3: PUBLIC BENEFIT PAYMENT (ACTUAL V. POTENTIAL VALUATION)

	Outdated Sale Price (\$ 594/SF)	Appraised at Average Valuation (\$ 817/SF)	Appraised at Highest Valuation (\$ 955/SF)
Appraised or Purchase Price	\$ 22,000,220	\$ 30,257,111	\$ 35,364,605
divided Lot Area (SF)	37,031	37,031	37,031
divided High Density Floor Area Ratio Factor	6.0	6.0	6.0
multiply 40 Percent	0.40	0.40	0.40
multiply TFAR Transferred (SF)	455,161*	556,987**	556,987**
Total Public Benefit Payment	\$ 18,027,494	\$ 30,340,017	\$ 35,461,505
<i>Difference between Actual v. Potential</i>		\$ 12,312,523	\$ 17,434,011
Notes:			
* TFAR Actually Assessed			
** TFAR That should Have Been Assess			

⁷ See DLANC (for 9/20/18 PLUC meeting) Project Materials, PDF pp. 1, 55 (noting 93,723-SF lot area, 15,186-SF of TFAR transferred, and \$ 698,918.06 Public Benefit Payment), http://www.dlanc.org/sites/dlancd7.localhost/files/309%20W%2012th%20ST%20Final%20-%20SITE%201A_DLANC%20PACKAGE.pdf.

⁸ See DLANC (for 2/19/19 PLUC meeting) Project Materials, PDF p. 28 (appraised \$ 62.4 million for 85,317-SF lot area), <http://www.dlanc.org/sites/dlancd7.localhost/files/CPC-2017-173%20913%20Figueroa%20DLANC-R.pdf>.

⁹ See DCP (2/25/16) Director's Determination TFAR, pp. 2, 5, 8 (noting 58,906-SF lot area, 5,700-SF of TFAR transferred, and \$ 338,790.20 Public Benefit Payment), <https://planning.lacity.org/pdiscaseinfo/Home/GetDocument/YWNhMTBmODltZTg5ZC00MTUxLTg1NTMtNWY1MmYzMjAwNDI40>.

¹⁰ See DCP (7/3/17) Letter of Determination, p. 15 (noting 14,156-SF lot area), <https://planning.lacity.org/pdiscaseinfo/Home/GetDocument/YjRkYTlIMTgtNzc4Zi00NTk5LTlmYTtNTcx0GEzMjRmZmEy0>; see also DCP (9/11/17) Letter of Clarification, PDF p. 3 (noting recent sale price of \$13,518,980), <https://planning.lacity.org/pdiscaseinfo/Home/GetDocument/OWQ0N2VmZjgtNTVIMC00OGRhLTg2YTtNGM1MGUwNDFmYjBi0>.

C. THE CITY CANNOT MAKE CODE-REQUIRED FINDINGS WITHOUT RESOLVING THE PUBLIC BENEFIT PAYMENT ISSUE

As noted above, the City cannot grant the Project's requested TFAR approval without the Project satisfying its Public Benefit Payment requirements in accordance with LAMC § 14.5.9 (see LAMC § 14.5.6.B.2 subds. (a)(3) & (b)(1)). As discussed above, substantial evidence demonstrates that the City fails to assess all requested TFAR square footage, that the Project relies on an outdated sale price, which is also out of line with various appraisals and valuations of similar Downtown TFAR projects. This results in the loss of millions of dollars of public benefits to Downtown City stakeholders in the form of direct/indirect funds to the City's Department of Housing & Community Development Affordable Housing Trust Fund and redevelopment of Pershing Square Park (Appeal Staff Report, p. 8; Entitlement Staff Report, pp. A-16 – A-17). Without resolving this issue, the City cannot make the Code-required land use findings.

II. FAILURE TO PROPERLY ASSESS AND MITIGATE GHG IMPACTS.

In response to the argument that Project's GHG emissions are improperly analyzed and likely significant, DCP claims the proposed thresholds cited in our Appeal were never adopted, that CARB's AB 32 Scoping Plan and SCAG's 2016-2040 RTP/SCS satisfy CEQA Guidelines § 15064.4(c) for GHG analysis, and that the City does not routinely use any other significance thresholds (Appeal Staff Report, pp. 11-12). These claims lack merit.

While CEQA Guidelines § 15064.4(a) provides lead agencies the discretion to select a quantitative and/or qualitative analysis, both shall be "based to the extent possible on scientific and factual data" and "must reasonably reflect evolving scientific knowledge and state regulatory schemes." CEQA Guidelines § 15064.4 subds. (a) & (b). So too, the selection of any threshold must be supported by substantial evidence. CEQA Guidelines § 15064.7(c) Here, however, the City's qualitative and quantitative analysis fails to stay in line with evolving scientific knowledge and regulatory schemes, and not supported by substantial evidence.

First, CEQA Guidelines § 15064.4(c) relates to the discretion lead agencies have in determining the modes and methods to "estimate" or quantify a project's GHG emissions, as made clear by the California Natural Resources Agency ("Resources Agency").¹¹ Perhaps, the EIR and City meant to referenced the discretion to use consistency with *qualified* plans as envisioned under CEQA Guidelines §§ 15064.4(b)(3), 15183.5(b), and 15064(h)(3). However, as explained below, those sections do not provide agencies unfettered discretion to select just any plan—rather only qualified plans with binding, project-specific measures.

Second, none of the plans cited in the EIR (i.e., AB 32 Scoping Plan, SCAG's 2016-2040 RTP/SCS, City's ClimateLA Plan, City's Green Building Ordinance, City's Mobility 2035 Plan, and City's Green LA Plan) contain vital features of a Climate Action Plan (pursuant to CEQA Guidelines §§ 15064.4(b)(3) and

¹¹ See Resources Agency (Nov. 2018) Final Statement of Reasons for Regulatory Action: Amendments to The State CEQA Guidelines ("2018 Final Statement of Reasons"), p. 20 http://resources.ca.gov/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf; see also Resources Agency (Dec. 2009) Final Statement of Reasons For Regulatory Action: Amendments to the State CEQA Guidelines ("2009 Final Statement of Reason"), p. 21, http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf.

15183.5(b)(1)).¹² Nor do any of the plains contain the mandatory, project-specific measures that satisfy CEQA Guidelines § 15064(h)(3). As explained by the Resources Agency (emphasis added), “consistency with plans that are purely aspirational (i.e., those that include only unenforceable goals without mandatory reduction measures), and provide no assurance that emissions within the area governed by the plan will actually address the cumulative problem, may not achieve the level of protection necessary to give rise to this subdivision’s presumption.”¹³ Here, the EIR cites measures and strategies that are mostly not applicable to the Project, and all are purely aspirational goals lacking any project-specific mandatory reduction measures. The EIR fails to “draw a link” between these non-binding plans and the Project’s cumulative effects on climate change.¹⁴

Third, the City has used South Coast Air Quality Management District (“SCAQMD”)’s 10,000 MTCO₂e/yr threshold, as well as SCAQMD’s Tier 3 and Tier 4 thresholds numerous times¹⁵—despite those thresholds never being formally adopted. Here, the EIR and City fail to explain why these thresholds—which the City uses in so many other cases—should not be applied here.

¹² See *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 200-201 (Upheld qualitative GHG analysis when based on city’s adopted its greenhouse gas strategy that contained “multiple elements” of CEQA Guidelines § 15183.5(b), “quantification of [city’s] baseline levels of [GHG] emissions and planned reductions[,]” approved by the regional air district, and “[a]t the heart” of the city’s] greenhouse gas strategy was “specific regulations” and measures to be implemented on a “project-by-project basis ... designed to achieve the specified citywide emission level.”).

¹³ See 2009 Final Statement of Reason, *supra* fn. 11, pp. 14-16.

¹⁴ *Ibid.*, pp. 16-17.

¹⁵ See e.g., 15116-15216 South Vermont Avenue project (DCP Case No. ENV-2017-1015) Initial Study (“IS”), PDF p. 81 (utilizing 10,000 MTCO₂e/yr threshold), http://clkrep.lacity.org/online/docs/2018/18-0279_misc_5_04-04-2018.pdf; 333 La Cienega Blvd. project (DCP Case No. ENV-2015-897) IS, PDF pp. 89-90 (applying 3,000 MTCO₂e/yr threshold for mixed-use project), <http://planning.lacity.org/eir/nops/333LaCienega/is.pdf>; 3063 W. Pico Blvd. project (DCP Case No. ENV-2016-1604) Mitigated Negative Declaration (“MND”), PDF pp. 86-87 (applying 3,000 MTCO₂e/yr threshold for mixed-use projects), http://cityplanning.lacity.org/staffrpt/mnd/Pub_033017/ENV-2016-1604.pdf; 7720 Lankershim Blvd. project (DCP Case No. ENV-2016-2384) MND, p. IV-33 – IV-35 (utilizing 3,000 Tier 3 threshold for non-industrial project), http://clkrep.lacity.org/online/docs/2018/18-0827_misc_1_08-28-2018.0001.pdf; 5750 Hollywood Blvd. project (DCP Case No. ENV-2014-4288) DEIR, PDF p. 31-32 (utilizing 3,000 Tier 3 threshold for non-industrial project), http://planning.lacity.org/eir/5750HollywoodBlvd/DEIR/4.C.Greenhouse_Gas_Emissions.pdf; Bermuda Apartments (DCP Case No. ENV-2017-628) MND, PDF p. 72-73 (utilizing 3,000 Tier 3 threshold for non-industrial project), <https://planning.lacity.org/odocument/64056bf9-e4b7-4085-b33f-89ced0b9dac5/ENV-2017-628.pdf>; 6516 W. Selma Ave. project (DCP Case No. ENV-2016-4313) MND, PDF pp. 102-104 (utilizing Tier 4 analysis and noting “SCAQMD’s draft thresholds have also been utilized for other projects in the City.”), http://clkrep.lacity.org/online/docs/2008/08-0887-S1_misc_7_02-22-2017.pdf; Lizard Hotel project (DCP Case No. ENV-2015-2356) Draft EIR, PDF pp. 23-24 (utilizing SCAQMD’s Tier 4 analysis), <http://planning.lacity.org/eir/SpringStHotel/DEIR/DEIR%20Sections/Spring%20St%20Hotel%20IV.E%20Greenhouse%20Gas%20Emissions.pdf>; Glassell Park Residential project (DCP Case No. ENV-2016-4394) MND, PDF pp. 164-165 (applying SCAQMD’s Tier 3 and Tier 4 threshold), <https://planning.lacity.org/pdiscaseinfo/Home/GetDocument/MGEwYjZiMtNTI3MS00YmYxLTlmMmYtMjk3OTMyNTIjYzVm0>; Target at Sunset and Western project (DCP Case No. ENV-2008-1421) Addendum to Certified EIR, PDF pp. 28-31 (applying Tier 3 and Tier 4 thresholds), http://clkrep.lacity.org/online/docs/2016/16-0033_misc_1_01-08-2016.0001.pdf; Reef project (DCP Case No. ENV-2008-1773) DEIR, PDF p. 23-25 (applying Tier 3 and Tier 4 thresholds), <http://planning.lacity.org/eir/theReef/deir/DEIR%20Sections/IV.G.%20Greenhouse%20Gases.pdf>.

Fourth, SCAQMD's Tier 3 (screening thresholds) and Tier 4 (efficiency thresholds) analysis track the same approach taken by several other air districts, including Sacramento Metropolitan Air Quality Management District ("SMAQMD"),¹⁶ Bay Area Air Quality Management District ("BAAQMD"),¹⁷ Placer County Air Pollution Control District ("PCAPCD"),¹⁸ and San Luis Obispo Air Pollution Control District ("SLOAPCD")¹⁹—all adopting screening/efficiency thresholds.

In any event, the City must justify its GHG significance threshold with substantial evidence and in compliance with the CEQA regulations. Here, therefore, the City must answer the hard questions, such as:

- Why is the Project's 11,442 MTCO₂e/yr not cumulative significant when SCAQMD, other air districts, and even the City has determined 10,000 MTCO₂e/yr is normally considered significant?
- What mitigation measures (if any) in CARB's AB 32 Scoping Plan or SCAG's RTP/SCS are binding, mandatory, and specific to the Project that ensures its GHG emissions are not cumulatively considerable?
- Why is the City refusing to apply SCAQMD's Tier 3 and Tier 4 thresholds in the instant case despite applying them for other similar projects?
- How is the City's GHG analysis in keeping with the evolving scientific knowledge and methods of CEQA analysis?

¹⁶ SMAQMD (May 2018) Guide to Air Quality Assessment in Sacramento County, pp. 6:1-3, 6:10-12 ("(GHG) emissions adversely affect the environment through contributing, on a cumulative basis, to global climate change ... *the District recommends that lead agencies address the impacts of climate change on a proposed project and its ability to adapt to these changes in CEQA documents* ... [thus urging] evaluating whether the GHG emissions associated with a proposed project will be responsible for making a cumulatively considerable contribution to global climate change." [emphasis original]), <http://www.airquality.org/LandUseTransportation/Documents/Ch6GHGFinal5-2018.pdf>; see also SMAQMD Thresholds of Significance Table, <http://www.airquality.org/LandUseTransportation/Documents/CH2ThresholdsTable5-2015.pdf>.

¹⁷ BAAQMD (May 2017) CEQA Air Quality Guidelines, p. 2:1-4 ("No single project could generate enough GHG emissions to noticeably change the global average temperature [but rather] [t]he combination of GHG emissions from past, present, and future projects contribute substantially to the phenomenon of global climate change and its associated environmental impacts."), http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.

¹⁸ PCAPCD (Oct. 2016) CEQA thresholds of Significance Justification Report, pp. E-2, 2, 17-22 ("CEQA requires that the lead agency review not only a project's direct effects on the environment, but also the cumulative impacts of a project and other projects causing related impacts. When the incremental effect of a project is cumulatively considerable, the lead agency must discuss the cumulative impacts in an EIR. [citing CEQA Guidelines § 15064]"), <https://www.placer.ca.gov/DocumentCenter/View/2061/Threshold-Justification-Report-PDF>; see also PCAPCD (11/21/17) CEQA Thresholds And Review Principles, <http://www.placerair.org/landuseandceqa/ceqathresholdsandreviewprinciples>.

¹⁹ SLOAPCD (Mar. 28, 2012) GHG Threshold and Supporting Evidence, p. 5, 25-30, 42 ("No single land use project could generate enough GHG emissions to noticeably change the global average temperature. Cumulative GHG emissions, however, contribute to global climate change and its significant adverse environmental impacts. Thus, the primary goal in adopting GHG significance thresholds, analytical methodologies, and mitigation measures is to ensure new land use development provides its fair share of the GHG reductions needed to address cumulative environmental impacts from those emissions."), <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Greenhouse%20Gas%20Thresholds%20and%20Supporting%20Evidence%204-2-2012.pdf>.

III. CONCLUSION

Local 11 appreciates the opportunity to provide these comments. Local 11 works to make our City a place of opportunity for all—a place where its members can work and afford to live. Local 11's members have a direct interest in seeing that the State's environmental laws and the City's land-use laws are being followed, that the City satisfies its affordable housing obligations, and that new development not contribute to the climate-change crisis that threatens a livable future. For the reasons discussed herein, and elsewhere in the Project's record, Local 11 urges the City Planning Commission withhold approval of the Project's TFAR request and EIR until the City recalculates the Applicant's Public Benefit Payment in accordance with the Code, and recirculates the EIR with an adequate GHG analysis. Please put this letter in the Project's administrative record.

Sincerely,



Charles Du
Staff Attorney
UNITE HERE Local 11



Letter regarding case: ZA-2018-2453-CU-DB

Alexandra Bitterlin Reisman <a.bitterlin@usc.edu>
To: "nicholas.ayars@lacity.org" <nicholas.ayars@lacity.org>
Cc: "cpc@lacity.org" <cpc@lacity.org>

Fri, Oct 4, 2019 at 2:20 PM

RE: ZA-2018-2453-CU-DB, 806 West Adams Boulevard
(758 – 832 West Adams Boulevard; 2610 South Severance Street)

To the Members of the Los Angeles City Planning Commission:

I am submitting this letter as a concerned parent of an 14-month-old child who attends the University of Southern California's/Bright Horizons Child Care Center on [2716 Severance Street](#), directly south and abutting the property line of the proposed development at [806 West Adams Boulevard](#). I am deeply dismayed that the presence of infants, toddlers, and pre-school-aged children was not specifically mentioned or considered in the zoning administrator's evaluation of the development's environmental impact, nor the developer's appeal to the planning commission.

The USC UPC Child Care Center serves over one hundred USC faculty, staff, and graduate student families who enroll their children for year-round care. I, and many other parents, are extremely distressed about the environmental and health impacts that the proposed development would have on the hundreds of children, some as young as 4 months of age, who regularly play in one of the many designated play areas abutting the southern property line of the proposed development.

First and foremost, I am concerned that demolition of the existing on-site structure, excavation for the new development, and construction of the residential towers will pose an extended threat to the safety and well-being of the children who enjoy daily outdoor play right along the property line. As a doctoral student in education psychology, I can attest that regular outdoor recreation is essential to early childhood development. I would not want to see our children barred from their much-needed play time due to the presence of hazardous construction conditions next to their playgrounds, or potentially harmful particulates blowing into the school's courtyard. Further, some of the children who attend the center have chronic asthma and other respiratory conditions that could be exacerbated during construction, posing a potentially life-threatening impact.

Second, the proposed development calls for the creation of several rooftop entertainment decks that would pose a significant environmental and safety concern for our children. Specifically, these rooftop decks will provide a platform for both responsible and irresponsible enjoyment of the space. Placing a rooftop deck anywhere near the vicinity of the child care center's playgrounds and courtyard would put children at risk. Allowing for such a launching pad to exist in proximity to infants and toddlers is dangerous and

irresponsible. Further, I have some concern that amplified music coming from the rooftop decks would be detrimental to the children's well-being, unnecessarily exposing them to profane language and other words and ideas that should be enjoyed by adults only.

Third, and last, the proposed development creates far too few parking spaces given the number of beds, and there is real concern that teachers, parents, and employees who work at or drop off their children at the center will not be able to find parking at crucial times. In addition to the USC UPC Child Care Center on Severance Street, there is the USC Early Childhood Program – a state-sponsored Head Start school – on West 27th Street, directly east of the proposed development. During pick-up and drop-off times a major stretch of West 27th is fully double parked with parents trying to enter the parking lot. I fear that the currently unsafe traffic situation at the uncontrolled intersection of West 27th and University Avenue (directly in front of the USC UPC Child Care Center) may become tragically unsafe if more residents park up the unmetered streets for extended periods of time.

In conclusion, I and many other parents feel that the proposed development is incompatible with an active child care center directly alongside it, as well as a Head Start school one hundred feet away. Although I am in support of the zoning administrator's finding against the site plan review, I am greatly dismayed that the presence of infants, toddlers, and pre-school-aged children was not mentioned in the zoning administrator's evaluation of the development's environmental impact, nor the developer's appeal to the planning commission. Further, I urge the Commissioners to find against the CEQA document, a categorical exemption, and ask for the Commission to require a higher level of review.

I thank the Commission for their time and strongly encourage them to consider the environmental, health, and safety concerns affecting the hundreds of children who will play within mere inches of this proposed development.

Sincerely,

Alexandra Reisman

Alexandra Reisman, Associate Athletic Director

Trojan Athletic Fund

Heritage Hall, 203B | Los Angeles, CA 90089

213.740.4168



INVESTING IN TODAY'S CHAMPIONS

AND TOMORROW'S LEADERS

October 4th, 2019
Los Angeles City Planning Commission
200 N. Spring Street
Los Angeles, CA 90012

**RE: ZA-2018-2453-CU-DB, 806 West Adams Boulevard
(758 – 832 West Adams Boulevard; 2610 South Severance Street)**

Members of the Los Angeles City Planning Commission:

I am writing to echo the concerns of fellow parents of children at the University of Southern California's University Park Campus Child Care Center on 2716 Severance Street, directly south and abutting the property line of the proposed development at 806 West Adams Boulevard. I was distressed to learn that the presence of infants, toddlers, and pre-school-aged children was not specifically mentioned or considered in the zoning administrator's evaluation of the development's environmental impact, nor the developer's appeal to the planning commission. My barely one-year-old is at the center, and I am very concerned.

The idea of massive demolition, construction, and heavy impact housing being mere feet from the youngest and most vulnerable among us as they try to learn and grow is completely untenable. I, and many other parents, are extremely distressed about the environmental and health impacts that the proposed development would have on our children, potentially limiting them from playing outside.

We parents are concerned that demolition of the existing on-site structure, excavation for the new development, and construction of the residential towers will pose an extended threat to the safety and well-being of the children who enjoy daily outdoor play right along the property line. Regular outdoor recreation is essential to early childhood development. Construction is messy, dirty, hazardous business and a building on this scale would have ongoing and serious impact on our little ones.

We are also concerned that the proposed development calls for the creation of several rooftop entertainment decks that would pose a significant environmental and safety concern for our children. Placing a rooftop deck anywhere near the vicinity of the child care center's playgrounds and courtyard could well put our children at risk. From amplified music, to the risk of objects being thrown or knocked off, to issues with our children's privacy, all of this seems like a serious liability.

We are also worried that the proposed development creates far too few parking spaces given the number of beds, and there is real concern that teachers, parents, and employees who work at or drop off their children at the center will not be able to find parking at crucial times. I have personally witnessed accidents and parking issues up and down that street already. It would be naïve in the extreme not to recognize how seriously this will impact child care centers already in place.

In conclusion, I and many other parents feel that the proposed development is incompatible with

RE: ZA-2018-2453-CU-DB, 806 West Adams Boulevard

October 4th, 2019

an active child care center directly alongside it, as well as a Head Start school one hundred feet away. We were disturbed to hear that the presence of infants, toddlers, and pre-school-aged children was not mentioned in the zoning administrator's evaluation of the development's environmental impact, nor the developer's appeal to the planning commission. Please, for the sake of our children, ask for the Commission to require a higher level of review.

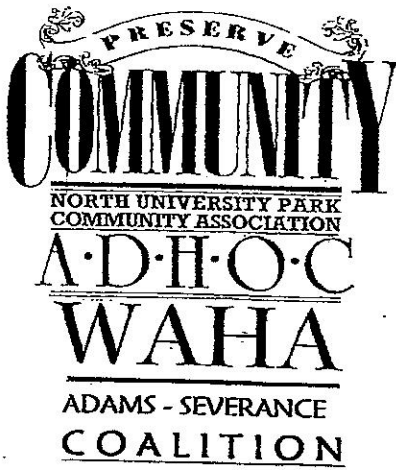
I thank the Commission for their time and strongly encourage them to consider the environmental, health, and safety concerns affecting the hundreds of children who will play within mere inches of this proposed development.

Sincerely, a fellow concerned parent,

Amy K. Cannon

Concerned Parent

amy.katherine.cannon@gmail.com



Los Angeles Department of City Planning
Attention: Nicholas Ayars / City Planning Associate
Tel: 213-978-1347 / Email: nicholas.ayars@lacity.org
Commission's executive assistant / cpc@lacity.org
200 North Spring Street, Room 763 / LA, Calif. 90012

October 07, 2019,

RE: PUBLIC HEARING, 8:30am Thursday, October 10 2019, City Hall Room 340
Case No. ZA-2018-2453-CU-DB / ENV-2018-2454-CE
Project Site: 758-832 West Adams Boulevard & 2610 South Severance Street
Hearing by: City Planning Commission

Honorable Commissioners,

I am writing as Chair of the Adams Dockweiler Heritage Organizing Committee (A.D.H.O.C.) regarding my concerns about issues I have previously addressed to the Zoning Administrator (ADHOC letter 12/18/18). Of particular concern is the Project's proposed Podium-Parking. It is imperative to any potential resolution of the myriad of failed design issues the Project has proposed, that the required parking (whatever the final requirement may be) is relocated underground where it belongs.

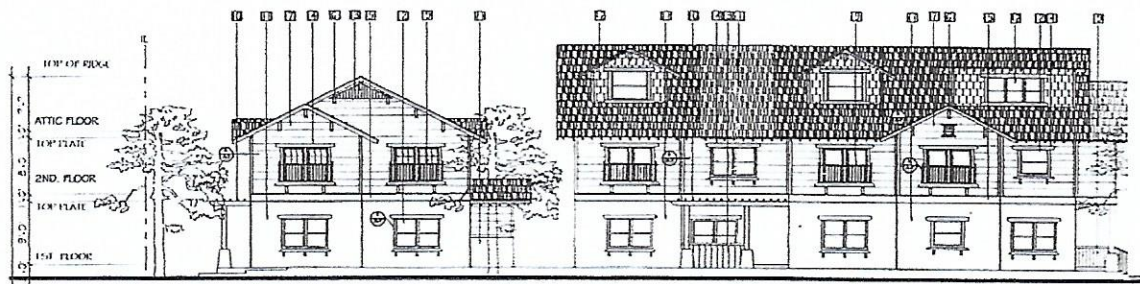
In my letter of 12/18/18 I stated: *"I also serve on the NANDC Policy Committee and was present at its' meeting, November 27, 2018, when the representatives of the project-developer presented some basic information about the plans. One of my first questions was why the developer was not placing the parking component underground where it belonged? The answer was 'It costs a lot of money to do underground parking.' I replied that I was aware of the costs of subterranean parking and also aware that it was however a common development requirement throughout historic University Park and cited several nearby examples of various residential projects that included underground parking:*

- *2323 Scarff Street. Less than 2-blocks north of the subject site this is a 7-unit condominium project with 22 subterranean parking spaces.*
- *2317 Scarff Street. Also less than 2-blocks north of the subject site this 4-unit market rate student apartment has 10 subterranean parking spaces*

- 2000 Oak Street. Less than 4-blocks north of the subject site this 29-unit affordable housing complex has 79 parking spaces on 2-levels of subterranean parking.
- 1190 West 29th Street. Less than 4-blocks west of the subject site this 14-unit market rate student apartment has 28 subterranean parking spaces.
- 1264 West Adams, Less than 6-blocks west of the subject site this 12-unit market rate student apartment had 22 subterranean parking spaces.
- 3800 South Figueroa Street. South-east of campus this student housing apartment has 79-units (8-extremely low) with 79 subterranean parking spaces.

I informed the applicants the 29th Street example was in fact presented by the applicant & project that had just preceded them at the meeting. I asked them why it was that a small time developer had to afford the underground parking for his 14-unit project while a multi-million dollar project should be excused from the same responsibility. There was no answer. There is no answer. There is no excuse for new development not putting their cars where they belong, underground. I ask that you as the Zoning Administrator in granting any approval for this project make subterranean parking a condition for approval."

Clearly the elimination of the 1st story at-grade parking will be an excellent start in reducing the Project's objectionable scale and massing. This desired action immediately reduces the non-compatible 4-story height to a comparable 3-story configuration that relates to the surrounding historic properties. I am including several illustrative examples of nearby subterranean parking solutions for four projects just across Adams Boulevard for your comparatives.



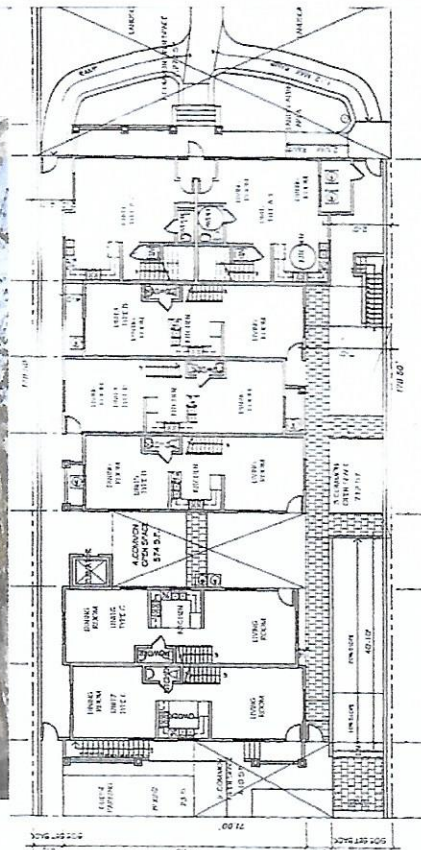
REAR BUILDING NORTH ELEVATION

SCALE: 1/8" = 1'-0"

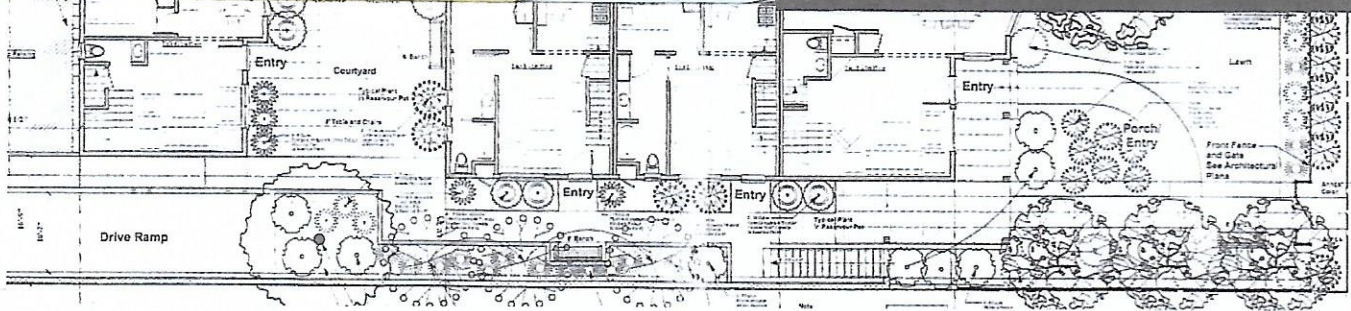
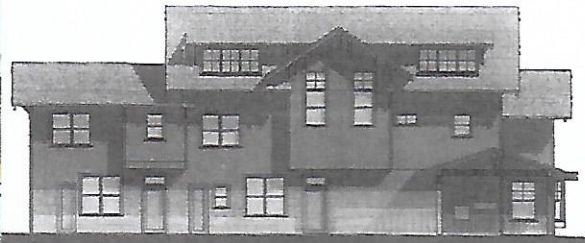
FRONT BUILDING NORTH ELEVATION

SCALE: 1/8" = 1'-0"

2-blocks from Project
2323 Scarff Street
Condos: 7-units / 38 beds
Lot 12,568 sq. ft. / 2&3 story
TT-69695-CN / ENV-2008-MND
22 subterranean parking spaces



2-blocks from Project
 2317 Scarff Street
 Market-rate: 4-units / 14 beds
 Lot 8,886 sq. ft. / 2&3 story
 DIR-2008-3375 / ENV-2008-3376-MND
 10 subterranean parking spaces



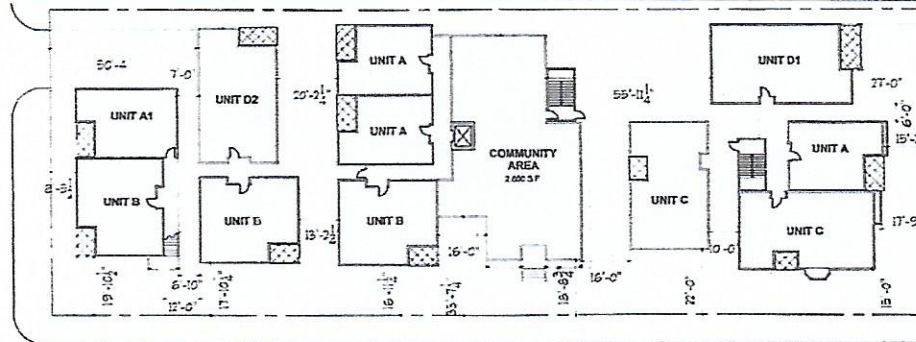
BUILDING 1
CRAFTSMAN

BUILDING 2
CRAFTSMAN

BUILDING 3
DUTCH COLONIAL

BUILDING 4
DUTCH COLONIAL

BUILDING 5
CRAFTSMAN



4-blocks from Project
 2003 Oak Street
 Affordable:: 29-units / 54 beds
 Lot 31,851 sq. ft. / 2&3 story
 DIR-2012-1217-CCMP / ENV-2012-8
 72 subterranean parking spaces

Fiber Cement Shakes
 Asphalt Roofing Shingle



OAK STREET

BUILDING 3

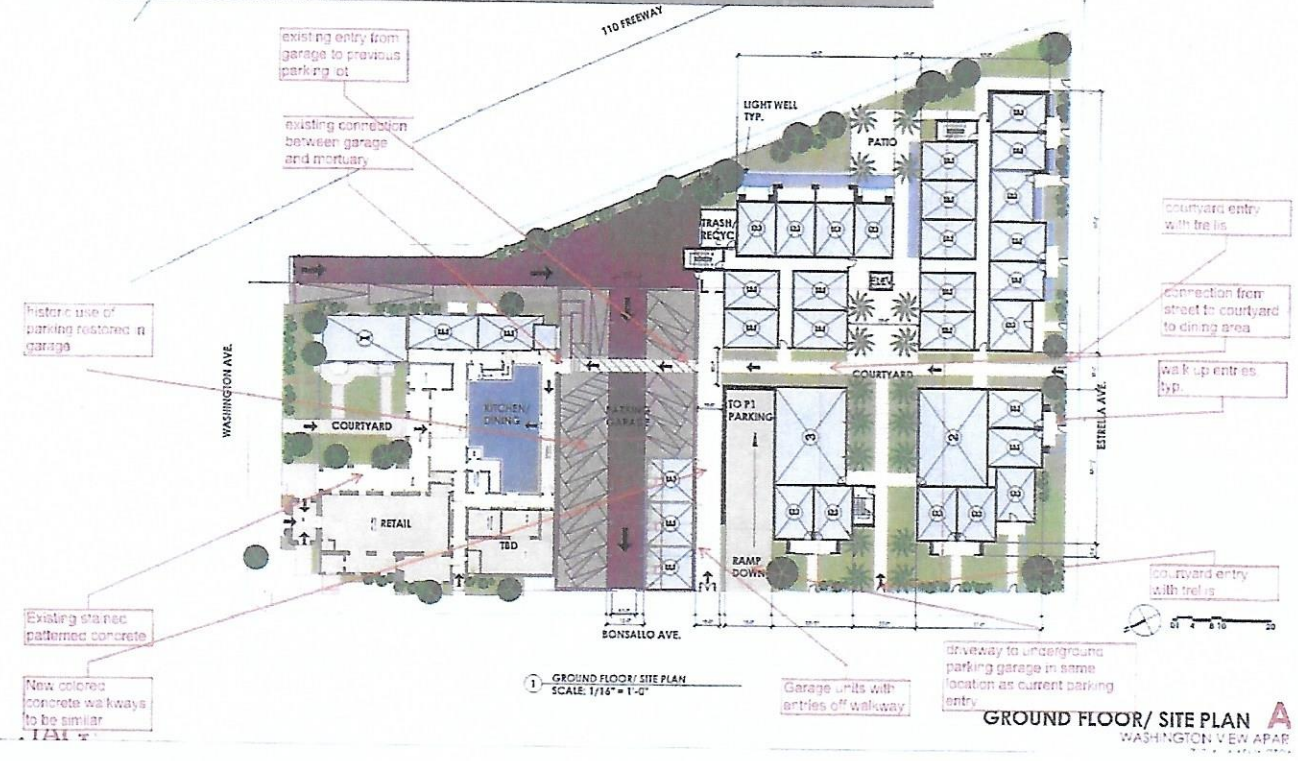
BUILDING 5



Washington View Apartments
Washington View, TP



**6-blocks from Project
720 W. Washington Blvd.
Senior Housing: 115-units
25-beds 90-efficiency
Lot 54,564 sq. ft. / 2&3 story
45 subterranean parking spaces**



Although these projects are within the University Park H.P.O.Z. and therefore have defined design requirements, they represent universal compliance resolutions for the Secretary of the Interior's Standard's and Guidelines that both the CRA and the South Community Plan require. These illustrated examples include various representative economic development possibilities all of which have a subterranean parking resolution:

- A single-lot, Market rate, 4-unit configuration at 2317 Scarff.
- A double-lot, Condominium, 7-unit configuration at 2323 Scarff.
- A through block-face, Affordable, 29-unit configuration at 2003 Oak.
- A whole-block, Senior, 115-unit configuration.

The applicant states that subterranean parking is both expensive and not a code requirement. These issues alone however cannot justify an approval determination that also mandates design compliance with the complexities of an historic setting. As I have reported the utilization of subterranean parking can easily allow for the immediate reduction in the Project's height incompatibility with the historic setting. The illustrated examples also show variations in a project's height massing, scale, materials and architectural styles, which is another problem this Project creates.

Currently this infill Project is a negative intrusion to the character defining historic streetscape of West Adams Boulevard. It also does not respect the historic streetscape of Severance Street. All new infill building must be compatible with the surrounding historic setting in order to satisfy the still overriding requirements of the CRA/LA Hoover (now Exposition/University Park) Project Area and the Southwest Community Plan.

I ask that the Commissioners, whatever else they may determine, require that the Project's parking be placed underground where it belongs and reject the Planning Department's improper use of a Categorical Exemption and require that a new environmental study be undertaken that includes evaluation of the ignored negative impacts to the surrounding historic setting.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Jim Childs".

Jim Childs, Chair A.D.H.O.C.
213-748-1656 / jeanjim2341@att.net
2341 Scarff Street, University Park 90007



ADAMS-SEVERANCE COALITION

October 7, 2019

RE: ZA-2018-2453-CU-DB-SPR-VTT-82114, ENV-2018-2454-CE, 806 W. Adams Boulevard, 758-832 West Adams Boulevard, 2610 Severance, a for rent 99 unit townhouse project by Champion Development

Honorable Commissioners, c/o Nicholas Ayars
City Planning Commission, cpc@lacity.org

On behalf of the Adams Severance Coalition (ASC), an unincorporated association of organizations, individuals and stakeholders who are united by their concerns on the negative impact of the 806 West Adams development will have on the environment of the University Park area in which this development is sited, I would like to make the following comments and recommendations.

Environmental Review

A categorical exemption is not the appropriate level of environmental review for a project that is highly discretionary, is in a historically sensitive environmental, located on a scenic highway, and fails to meet objectives of the community plan and redevelopment plan.

The project will have a demonstrable significant effect on the environment and does not qualify under Article III, Class 32 exemption.

*** CLASS 32: IN-FILL DEVELOPMENT PROJECTS**

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

This Class may be used where above-noted conditions (a) through (e) are fulfilled, where it can be seen with certainty that the proposed project could not have a significant effect on the environment....

Finally, exemptions shall not be applied in the following circumstances: (1) a categorical exemption shall not be used for a project which may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway¹

The developer has engaged historic consultants who solely looked at the site itself and not the context of the site, ignoring the development patterns and historic districts and sites immediately surrounding the area. We reference the ADHOC comment letter to the ZA of January 4, 2019 which provides the details of the setting and gives the underlying rationale for what is “compatible.” The consultant ignores its adjacency to the University Park HPOZ, the North University Park Specific Plan, the Fraternity Sorority Row surveyed history district, and its importance within the CRA Redevelopment Project Area. The ZA agreed that podium parking, massing and scale would not be compatible but rather would “overwhelm those multi family structures immediately abutting the subject project on Severance Street.”²

Finally the developer’s historic assessment report only passingly refers to Carolina Severance. The Severances, Carolina and Mark, were two of the most prominent historic personages of North University Park. Additionally Mark’s home, preceding the John Tracy Clinic, the BIG RED HOUSE was one of our community’s most celebrated houses.

The project is also within a City Scenic Highway (Arlington to Figueroa) which should effect the proposed design. Given all of the documentation of the importance of the historic setting for this Project, the issuance of a CE is completely insufficient and should be rejected.

The Project is Not by Right

At public meetings the developer has insisted that this is a “By Right” project which is simply misleading. If that were the case, we would not be participating in hearings before the CPC. And with the CRA Exposition/University Park overlay which is an operative land use overlay which sets standards over and above the RD1.5 zoning. *“Whenever the Redevelopment Regulations conflict with provisions contained in Chapter 1 of this Code or any other relevant City ordinances, the Redevelopment Regulations shall supersede those provisions.”³*

Of particular interest in the conditions set for approval of any density bonus within the Project Area which is elaborated upon by the NUPCA comment letter:⁴

“The Redevelopment Plan does allow density bonuses [Sec. 1334], and is not specific as to the percentage. However, the Plan is quite specific as to the circumstances and mandatory requirements under which such density bonuses are to be approved.

The Agency approval of such development shall:

- 1). Contribute to the revitalization goals of the Plan.*
- 2). Contribute to a desirable residential environment, neighborhood stability, and not adversely impact the neighboring environment.*
- 3). Provide units with adequate living area and avoid excessively dense development.*

¹ List of CEQA Exemption Types,[Revised and Adopted by the San Francisco Planning Commission Resolution No. 14952, August 17, 2000], CATEGORICAL EXEMPTIONS FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

² ZA Determination Letter, May 17, 2018, Henry Chu,

³ The City’s CRA Takeover Ordinance, CF 13-1482-S3

⁴ NUPCA Letter, December 19, 2018 to ZA

4). *Provide adequate parking.*”

Findings need to be made that support each of these requirements, noting that these findings would be “and” not “or” for each of the above-listed requirements.”

In an examination of the record, it is clear that these requirements cannot be met by the current development scenario. The entire comment record supports not approving the project and it is presently designed, and we ask that the CPC:

- Support the Appeal by NUPCA
- Support the ZA’s Denial of the Site Plan Review Approval
- Find the Categorical Exemption inadequate to meet the legal requirements of CEQA to protect the environmental and commence an environmental assessment.

We join with other stakeholders (the Empowerment Congress North Area Development Council –NANDC, the North University Park Community Association - NUPCA, the West Adams Heritage Association -WAHA, the Adams Dockweiler Heritage Organizing Committee –ADHOC , the University Park HPOZ Board, numerous University Park residents, the University of Southern California - USC, the Severance Child Care parents, Robinson Residences, City Living Realty, and numerous others, objecting to the CPC approval of the project and ask you to sustain the appeal by NUPCA (Jim Childs).

Ed Conery for the Adams Severance Coalition (ASC)

P.O. 15881

LA, CA 90015



Case ZA-2018-2453-CU-DB

Catherine Gao <cgao@usc.edu>

Fri, Oct 4, 2019 at 12:14 PM

To: "nicholas.ayars@lacity.org" <nicholas.ayars@lacity.org>

Cc: "cpc@lacity.org" <cpc@lacity.org>

RE: ZA-2018-2453-CU-DB, 806 West Adams Boulevard

(758 – 832 West Adams Boulevard; 2610 South Severance Street)

Members of the Los Angeles City Planning Commission:

I am submitting this letter as a concerned parent of an 23-month-old child who attends the University of Southern California's University Park Campus Child Care Center on [2716 Severance Street](#), directly south and abutting the property line of the proposed development at [806 West Adams Boulevard](#). I am deeply dismayed that the presence of infants, toddlers, and pre-school-aged children was not specifically mentioned or considered in the zoning administrator's evaluation of the development's environmental impact, nor the developer's appeal to the planning commission.

The USC UPC Child Care Center serves over one hundred USC faculty, staff, and graduate student families who enroll their children for year-round care. I, and many other parents, are extremely distressed about the environmental and health impacts that the proposed development would have on the hundreds of children, some as young as 4 months of age, who regularly play in one of the many designated play areas abutting the southern property line of the proposed development.

First and foremost, I am concerned that demolition of the existing on-site structure, excavation for the new development, and construction of the residential towers will pose an extended threat to the safety and well-being of the children who enjoy daily outdoor play right along the property line. As a doctoral student in education psychology, I can attest that regular outdoor recreation is essential to early childhood development. I would not want to see our children barred from their much-needed play time due to the presence of hazardous construction conditions next to their playgrounds, or potentially harmful particulates blowing into the school's courtyard. Further, some of the children who attend the center have chronic asthma and other respiratory conditions that could be exacerbated during construction, posing a potentially life-threatening impact.

Second, the proposed development calls for the creation of several rooftop entertainment decks that would pose a significant environmental and safety concern for our children. Specifically, these rooftop decks will provide a platform for both responsible and irresponsible enjoyment of the space. Placing a rooftop deck anywhere near the vicinity of the child care center's playgrounds and courtyard would put children at risk. There have been bottles, chairs, televisions, and even five-gallon water jugs thrown out of windows and from rooftops as a USC resident advisor. Allowing for such a launching pad to exist in proximity to infants and toddlers is dangerous and irresponsible. Further, I have some concern that amplified music coming from the rooftop decks would be detrimental to the children's well-being, unnecessarily exposing them to profane language and other words and ideas that should be enjoyed by adults only.

Third, and last, the proposed development creates far too few parking spaces given the number of beds, and there is real concern that teachers, parents, and employees who work at or drop off their children at the center will not be able to find parking at crucial times. In addition to the USC UPC Child Care Center on Severance Street, there is the USC Early Childhood Program – a state-sponsored Head Start school – on West 27th Street, directly east of the proposed development. During pick-up and drop-off times a major stretch of West 27th is fully double parked with parents trying to

enter the parking lot. I fear that the currently unsafe traffic situation at the uncontrolled intersection of West 27th and University Avenue (directly in front of the USC UPC Child Care Center) may become tragically unsafe if more residents park up the unmetered streets for extended periods of time.

In conclusion, I and many other parents feel that the proposed development is incompatible with an active child care center directly alongside it, as well as a Head Start school one hundred feet away. Although I am in support of the zoning administrator's finding against the site plan review, I am greatly dismayed that the presence of infants, toddlers, and pre-school-aged children was not mentioned in the zoning administrator's evaluation of the development's environmental impact, nor the developer's appeal to the planning commission. Further, I urge the Commissioners to find against the CEQA document, a categorical exemption, and ask for the Commission to require a higher level of review.

I thank the Commission for their time and strongly encourage them to consider the environmental, health, and safety concerns affecting the hundreds of children who will play within mere inches of this proposed development.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized, cursive 'L' shape with a loop at the top and a horizontal stroke at the bottom.

Neil Ferreira

Catherine Gao

District 9 Resident and Concerned Parent

cgao@usc.edu

2 attachments



image001.png
2K



806 W Adams Project - CPC Letter.pdf
21K

October 10th, 2019
Los Angeles City Planning Commission
200 N. Spring Street
Los Angeles, CA 90012

**RE: ZA-2018-2453-CU-DB, 806 West Adams Boulevard
(758 – 832 West Adams Boulevard; 2610 South Severance Street)**

Members of the Los Angeles City Planning Commission:

We are submitting this letter as concerned parents with an 18-month old toddler currently attending and will have a 3-month old infant attending the University of Southern California's University Park Campus Child Care Center on 2716 Severance Street. The said childcare facility is directly south and abutting the property line of the proposed development at 806 West Adams Boulevard. We are deeply disturbed to learn that the presence of infants, toddlers, and pre-school-aged children was not taken into consideration in the zoning administrator's evaluation of the development's environmental impact, nor in the developer's appeal to the planning commission. Such oversight could expose children attending the UPC Child Care Center to extremely unsafe environment.

The USC UPC Child Care Center serves over one hundred USC faculty, staff, and graduate student families who enroll their children for year-round care. Many parents, ourselves included, are extremely distressed about the environmental and health impacts that the proposed development would have on the hundreds of children, some as young as four months of age, who regularly play in one of the many designated play areas abutting the southern property line of the proposed development. There are at least two apparent and foreseeable immediate safety concerns the proposed development could impact the nearby childcare facility: 1) safety during the demolition of the current building and construction of the proposed building and 2) potential danger imposed by future intended residents when the proposed building is open.

To speak to the first concern: the demolition of the existing structure, excavation for the new development, and construction of the residential towers will pose an extended threat to the safety and well-being of the children, especially during their time engaging in outdoor activities. Barring developing children from their outdoor activity time is, without a doubt, not an option. The presence of hazardous construction conditions next to children's playgrounds exposes children to harmful materials (e.g., nails, debris of concrete, shattered glasses, just to name a few) that could post immediate danger (e.g. children swallowing any of the said materials) to children attending the center. Further, particulate matters produced during the construction, which is known to cause irritation in their developing respiratory system, could blow into the school's courtyard and extended exposure to these matters lead to severe long term adverse health conditions, such as asthma, and can be extremely harmful, or even life-threatening, to children who already have chronic asthma and other respiratory conditions. It is simply unfathomable that the potential harm the proposed development could impose on children attending the neighboring childcare facility was not considered in the first place.

Secondly, the proposed development calls for the creation of several rooftop entertainment decks

RE: ZA-2018-2453-CU-DB, 806 West Adams Boulevard

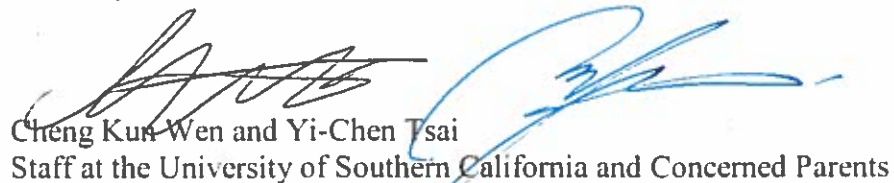
October 10th, 2019

that would pose a significant environmental and safety concern for our children. These rooftop decks will provide a platform for both responsible and irresponsible enjoyment of the space. Placing a rooftop deck anywhere near the vicinity of the childcare center's playgrounds and courtyard would put children at risk for unnecessary harms. Although the USC fraternities are in general well behaved, it only takes ONE irresponsible behavior to put growing lives in grave danger. On the day-to-day walking commute between my office on campus and the said childcare facility, I have seen bottles or chairs thrown somewhere from the first or second floor of building. Now please imagine the danger throwing small objects like a beer bottle from rooftops of a building taller than two floors could impose on any children. Allowing such a launching pad to exist in proximity to infants and toddlers is extremely dangerous and irresponsible. Further, we have some concern that amplified music coming from the rooftop decks would be detrimental to the children's well-being, unnecessarily exposing them to profane language and other words and ideas that should be enjoyed by adults only.

We feel that the proposed development is incompatible with an active childcare center directly alongside it, as well as a Head Start school one hundred feet away. Many other parents who have children attending the said childcare facility have shared the same feeling. Although I am in support of the zoning administrator's finding against the site plan review, I am greatly dismayed that the presence of infants, toddlers, and pre-school-aged children was not mentioned in the zoning administrator's evaluation of the development's environmental impact, nor the developer's appeal to the planning commission. Further, I urge the Commissioners to find against the CEQA document, a categorical exemption, and ask for the Commission to require a higher level of review.

I thank the Commission for their time and strongly encourage them to consider the environmental, health, and safety concerns affecting the hundreds of children who will play within mere inches of this proposed development.

Sincerely,



Cheng Kun Wen and Yi-Chen Tsai
Staff at the University of Southern California and Concerned Parents



Comment on 806 W. Adams 102 Unit Housing Project

David J Bottjer <dbottjer@usc.edu>

Sun, Oct 6, 2019 at 2:12 PM

To: "nicholas.ayars@lacity.org" <nicholas.ayars@lacity.org>, "cpc@lacity.org" <cpc@lacity.org>

Cc: Jim Childs <jeanjim2341@att.net>, David J Bottjer <dbottjer@usc.edu>, Sarah W Bottjer <bottjer@usc.edu>, "councilmember.price@lacity.org" <councilmember.price@lacity.org>, Janice Robinson <janice@robinsonresidences.com>

Dear Mr. Ayars,

The purpose of this e-mail is to voice my objections to the 806 W. Adams Blvd. 102 unit housing project as currently planned.

I live at 2125 Bonsallo Ave., which is a little more than a block north of this proposed residential project.

More specifically:

- 1) Although proposed as family housing, this project will end up as student housing and bring as many as 1,000 students to an area that is already overflowing with residents, particularly USC students.
- 2) These students will bring many cars to this development, to a neighborhood which already every day has no additional on-street parking to spare, with the many other renters as well as Mt. Saint Mary's University commuter students parking in the area. It is typically almost impossible for residents in this neighborhood to find street parking during the day.
- 3) Adams Blvd. is a big road through a very historic neighborhood. Already the intense traffic on Adams Blvd. has resulted in several pedestrian deaths. The new project will increase this danger. And, it will not be compatible with the existing design standards for the neighborhood.

To make this new project satisfactory for the neighborhood it needs to be reduced significantly in size to a much fewer number of residents and to also adequately accommodate the parking needs of these residents. In addition it needs to be planned for the design standards of the surrounding neighborhood, in terms of setback and height of the structures.

Please let me know if you have any questions.

David J. Bottjer
2125 Bonsallo Avenue
Los Angeles, CA 90007



RE: ZA-2018-2453-CU-DB, 806 West Adams Boulevard

Erin Jebavy <erinwill@usc.edu>

Fri, Oct 4, 2019 at 3:15 PM

To: "nicholas.ayars@lacity.org" <nicholas.ayars@lacity.org>

Cc: "cpc@lacity.org" <cpc@lacity.org>

October 4, 2019

Los Angeles City Planning Commission

[200 N. Spring Street](#)[Los Angeles, CA 90012](#)**RE: ZA-2018-2453-CU-DB, [806 West Adams Boulevard](#)****([758 – 832 West Adams Boulevard](#); [2610 South Severance Street](#))**

Members of the Los Angeles City Planning Commission:

I am submitting this letter as a concerned parent of an 2-year-old child who attends the University of Southern California's University Park Campus (USC UPC) Child Care Center on [2715 University Avenue](#), directly south and abutting the property line of the proposed development at [806 West Adams Boulevard](#). I am deeply dismayed that the presence of infants, toddlers, and pre-school-aged children was not specifically mentioned or considered in the zoning administrator's evaluation of the development's environmental impact, nor the developer's appeal to the planning commission.

The USC UPC Child Care Center serves over one hundred USC faculty, staff, and student families who enroll their children for year-round care. I, and many other parents, are extremely distressed about the environmental and health impacts that the proposed development would have on the hundreds of children, some as young as 4 months of age, who regularly play in one of the many designated play areas abutting the southern property line of the proposed development.

First and foremost, I am concerned that demolition of the existing on-site structure, excavation for the new development, and construction of the residential towers will pose an extended threat to the safety and well-being of the children who enjoy daily outdoor play right along the property line. As I am sure you can agree, regular outdoor recreation is essential to early childhood development. I would not want to see our children barred from their much-needed play time due to the presence of hazardous construction conditions next to their playgrounds, or potentially harmful particulates blowing into the school's courtyard. Further, some of the children who attend the center have chronic asthma and other respiratory conditions that could be exacerbated during construction, posing a potentially life-threatening impact.

Second, the proposed development calls for the creation of several rooftop entertainment decks that would pose a significant environmental and safety concern for our children. As a 15-year staff member of USC's University Park campus located in District 9's North University Park community, I can attest to the realities of student life. Specifically, these rooftop decks will provide a platform for both responsible and irresponsible enjoyment of the space. Placing a rooftop deck anywhere near the vicinity of the child care center's playgrounds and courtyard would put children at risk. I have seen bottles, chairs, televisions, and even five-gallon water jugs thrown out of windows and from rooftops. Allowing for such a launching pad to exist in proximity to infants and toddlers is dangerous and irresponsible. Further, I have some concern that amplified music coming from the rooftop decks would be detrimental to the children's well-being, unnecessarily exposing them to profane language and other words and ideas that should only be enjoyed by adults.

Finally, the proposed development creates far too few parking spaces given the number of beds, and there is real concern that teachers, parents, and employees who work at or drop off their children at the center will not be able to find parking at crucial times. In addition to the USC UPC Child Care Center on University Avenue, there is the USC Early Childhood Program – a state-sponsored Head Start school – on West 27th Street, directly east of the proposed development. During pick-up and drop-off times a major stretch of West 27th is fully double-parked with parents trying to enter the parking lot. I fear that the currently unsafe traffic situation at the uncontrolled intersection of West 27th and University Avenue (directly in front of the USC UPC Child Care Center) may become tragically unsafe if more residents park up the unmetered streets for extended periods of time.

In conclusion, I and many other parents feel that the proposed development is incompatible with an active child care center directly alongside it, as well as a Head Start school one hundred feet away. Although I am in support of the zoning administrator's finding against the site plan review, I am greatly dismayed that the presence of infants, toddlers, and pre-school-aged children was not mentioned in the zoning administrator's evaluation of the development's environmental impact, nor the developer's appeal to the planning commission. Further, I urge the Commissioners to find against the CEQA document, a categorical exemption, and ask for the Commission to require a higher level of review.

I thank the Commission for their time and strongly encourage them to consider the environmental, health, and safety concerns affecting the hundreds of children who will play within mere inches of this proposed development.

Sincerely,

A handwritten signature in black ink, appearing to be 'A. J. M.' or similar, written in a cursive style.

A handwritten signature in blue ink that reads "Neil Ferreira". The signature is written in a cursive, flowing style.

Erin Jebavy

Concerned Parent



RE: ZA-2018-2453-CU-DB, 806 West Adams Boulevard ,(758 – 832 West Adams Boulevard; 2610 South Severance Street)

1 message

Ellis Meng <ellismen@usc.edu>

Mon, Oct 7, 2019 at 10:21 PM

To: "nicholas.ayars@lacity.org" <nicholas.ayars@lacity.org>

Cc: "cpc@lacity.org" <cpc@lacity.org>, Neil Patrick Teixeira <teixeira@usc.edu>, tuan Hoang <tuanqhoang@gmail.com>

October 10th,
2019
Los
Angeles City Planning Commission
200
N. Spring Street
Los
Angeles, CA 90012

RE:
ZA-2018-2453-CU-DB, 806 West Adams Boulevard
(758
– 832 West Adams Boulevard; 2610 South Severance Street)

Members
of the Los Angeles City Planning Commission:

I
am submitting this letter as a concerned parent of a 2 year old child who attends the University of Southern California's University Park Campus Child Care Center on [2716 Severance Street](#), directly south and abutting the property line of the proposed development at [806 West Adams Boulevard](#). I am deeply dismayed that the presence of infants, toddlers, and pre-school-aged children was not specifically mentioned or considered in the zoning administrator's evaluation of the development's environmental impact, nor the developer's appeal to the planning commission. I already lived through the earlier demolition of buildings on that site at a time when I had two children enrolled in the center. That was extremely disruptive to the operation of the center and utilization of the outdoor spaces by the children for an extended period of time.

The
USC UPC Child Care Center currently serves over one hundred young children as young as 6 weeks up to 5 years old whose parents are USC faculty, staff, and graduate student families. At full capacity, the center will serve well over two hundred young children.
I am extremely distressed about the environmental and health impacts that the proposed development would have on the children who regularly play in one of the many designated play areas abutting the southern property line of the proposed development.

Demolition
of the existing on-site structure, excavation for the new development, and construction of the residential towers will pose an extended threat to the safety and well-being of the children who enjoy daily outdoor play right along the property line. Regular

outdoor recreation is essential to early childhood development and an integral part of our center. I would not want to see our children barred from their much-needed play time due to the presence of hazardous construction conditions next to their playgrounds, or potentially harmful particulates in the air resulting from the construction. Further, some of the children who attend the center have chronic asthma and other respiratory conditions that could be exacerbated during construction, posing a potentially life-threatening impact.

The proposed development calls for the creation of several rooftop entertainment decks that would pose a significant environmental and safety concern for our children. There are no safety precautions or guarantees that will prevent deck users from discarding dangerous objects into the adjacent playground. Allowing for such a launching pad to exist in proximity to infants and toddlers is dangerous and irresponsible. Further, I have some concern that amplified music coming from the rooftop decks would be detrimental to the children's well-being, unnecessarily exposing them to profane language and other words and ideas that should be enjoyed by adults only.

Finally, the development includes far too few parking spaces for the number of beds proposed, and there is real concern that teachers, parents, and employees who work at or drop off their children at the center will not be able to find parking at crucial times. In addition to the USC UPC Child Care Center on Severance Street, there is the USC Early Childhood Program – a state-sponsored Head Start school – on West 27th Street, directly east of the proposed development. During pick-up and drop-off times a major stretch of West 27th is fully double parked with parents trying to enter the parking lot. I fear that the currently unsafe traffic situation at the uncontrolled intersection of West 27th and University Avenue (directly in front of the USC UPC Child Care Center) may become tragically unsafe if more residents occupy the unmetered streets for extended periods of time.

The proposed development is incompatible with the adjacent child care center and Head Start school one hundred feet away. Although I am in support of the zoning administrator's finding against the site plan review, I am greatly dismayed that the presence of hundreds of infants, toddlers, and pre-school-aged children was not mentioned in the zoning administrator's evaluation of the development's environmental impact, nor the developer's appeal to the planning commission. Further, I urge the Commissioners to find against the CEQA document, a categorical exemption, and ask for the Commission to require a higher level of review.

I thank the Commission for their time and strongly encourage them to consider the environmental, health, and safety concerns affecting the hundreds of children who will play within mere inches of this proposed development.

Sincerely,

Ellis

Meng

Professor

of Biomedical Engineering

Vice

Dean of Technology Innovation and Entrepreneurship

10/8/2019

City of Los Angeles Mail - RE: ZA-2018-2453-CU-DB, 806 West Adams Boulevard ,(758 – 832 West Adams Boulevard; 2610 South Seve...

Viterbi
School of Engineering
University
of Southern California



October 3, 2019

Cecilia Lamas
Commission Executive Assistant
City Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012
cpc@lacity.org

Via Email and Hand Delivery

RE: ZA-2018-2453-CU-DB-SPR, ENV-2018-2454-CE

Honorable Commissioners of the Los Angeles City Planning Commission:

After careful review of the above-referenced project, the Zoning Administrator denied the Site Plan Review ("SPR") component of the project. This denial was based on the Zoning Administrator's finding "*that the arrangement of buildings and structures will be compatible with existing and future development on adjacent and neighboring properties cannot be made*". The University of Southern California agrees with the Zoning Administrator's finding. We remain concerned that the proposed student housing project located at 806 West Adams is out of scale with the surrounding residential neighborhood and lacks adequate on-site automobile parking to meet the parking demand that will be generated by its student tenants.

The Proposed Project is Purpose-Built Student Housing

The project consists of 102 five-bedroom, four-bathroom apartment units, with each bedroom designed to house two students. As currently configured, the project could easily accommodate over 1,000 students. The project includes 255 parking spaces. The university believes this project will be marketed to third- or fourth-year and graduate students who have a much higher rate of automobile ownership than the typical first- or second-year student. The applicant has referenced USC generated student parking studies to support this minimal amount of parking. The USC parking analysis includes first-year students who have very low rates of automobile ownership. Applying these parking rates to off-campus, privately owned student housing would be improper. If only 40% of the student residents own an automobile, the project will be considerably under-parked, resulting in hundreds of vehicles searching for on-street parking in the residential neighborhoods in the vicinity of the project. The resulting congestion and potential increased pedestrian crossings of Adams Boulevard represent a safety risk for the student tenants of the project. Although the project applicant has added additional bicycle spaces and scooter parking spaces to its design, the fact remains that there is still inadequate parking for the project.

The Project is Incompatible with the Surrounding Neighborhood

The project consists of a podium with three levels of housing above an on-grade parking deck. This building type is not compatible with the surrounding neighborhood. The City's design guidelines specify pedestrian-oriented development with doors and windows on the ground floor. In addition, Adams Boulevard is a City designated Scenic Highway. The current design is incompatible with the Scenic Highway designation and surrounding properties, which have a significant setback from Adams Boulevard. Despite being advised of this incompatibility, the project applicant has not proposed any changes to resolve this issue.

The Proposed Project does not Comply with Standards Set by the University Park Neighborhood Stabilization Ordinance

The project is located within the boundaries of the University Park Neighborhood Stabilization Overlay ("NSO") ordinance. The intent of this ordinance was to protect campus-adjacent neighborhoods from large-scale, purpose-built student housing developments and under-parked projects. One of the tools of the NSO ordinance was to require projects to be subject to a Conditional Use Permit to allow for appropriate community and City review and to ensure that adequate parking was included in the development to meet student demand. Unfortunately, a newer State Density Bonus law now prevents the City from requiring the additional parking imposed by the NSO. As such, the project's expected parking demand substantially exceeds the proposed parking, and the project applicant has made no provision to provide additional on- or off-site parking.

The University welcomes and encourages responsible, appropriate third-party development of student housing in the area surrounding campus. We are disappointed that the applicant has not made sufficient changes to its design, in particular its parking, to address or resolve the issues raised above. In fact, the Project Applicant has made the problem worse, by increasing the number of units and reducing the amount of parking. We respectfully request that the City Planning Commission uphold the Zoning Administrator's denial of the Site Plan Review component of the project.

Sincerely,



Brian C. League
Executive Director, Land Use and Planning

cc: Henry Chu, Zoning Administration
Council District 9

October 10th, 2019
Los Angeles City Planning Commission
200 N. Spring Street
Los Angeles, CA 90012

**RE: ZA-2018-2453-CU-DB, 806 West Adams Boulevard
(758 – 832 West Adams Boulevard; 2610 South Severance Street)**

Members of the Los Angeles City Planning Commission:

I am submitting this letter as a concerned parent of an 18-month-old child who attends the University of Southern California's University Park Campus Child Care Center on 2716 Severance Street, directly south and abutting the property line of the proposed development at 806 West Adams Boulevard. I am deeply dismayed that the presence of infants, toddlers, and pre-school-aged children was not specifically mentioned or considered in the zoning administrator's evaluation of the development's environmental impact, nor the developer's appeal to the planning commission.

The USC UPC Child Care Center serves over one hundred USC faculty, staff, and graduate student families who enroll their children for year-round care. I, and many other parents, are extremely distressed about the environmental and health impacts that the proposed development would have on the hundreds of children, some as young as 4 months of age, who regularly play in one of the many designated play areas abutting the southern property line of the proposed development.

First and foremost, I am concerned that demolition of the existing on-site structure, excavation for the new development, and construction of the residential towers will pose an extended threat to the safety and well-being of the children who enjoy daily outdoor play right along the property line. As a doctoral student in education psychology, I can attest that regular outdoor recreation is essential to early childhood development. I would not want to see our children barred from their much-needed play time due to the presence of hazardous construction conditions next to their playgrounds, or potentially harmful particulates blowing into the school's courtyard. Further, some of the children who attend the center have chronic asthma and other respiratory conditions that could be exacerbated during construction, posing a potentially life-threatening impact.

Second, the proposed development calls for the creation of several rooftop entertainment decks that would pose a significant environmental and safety concern for our children. As a 20-year resident of District 9's North University Park community, a neighbor to three fraternities, and as a former resident advisor in USC's undergraduate dormitories and apartments, I can attest to the realities of student life. Specifically, these rooftop decks will provide a platform for both responsible and irresponsible enjoyment of the space. Placing a rooftop deck anywhere near the vicinity of the child care center's playgrounds and courtyard would put children at risk. I have seen bottles, chairs, televisions, and even five-gallon water jugs thrown out of windows and from rooftops as a USC resident advisor. Allowing for such a launching pad to exist in proximity to infants and toddlers is dangerous and irresponsible. Further, I have some concern that amplified music coming from the rooftop decks would be detrimental to the children's well-being,

RE: ZA-2018-2453-CU-DB, 806 West Adams Boulevard

October 10th, 2019

unnecessarily exposing them to profane language and other words and ideas that should be enjoyed by adults only.

Third, and last, the proposed development creates far too few parking spaces given the number of beds, and there is real concern that teachers, parents, and employees who work at or drop off their children at the center will not be able to find parking at crucial times. In addition to the USC UPC Child Care Center on Severance Street, there is the USC Early Childhood Program – a state-sponsored Head Start school – on West 27th Street, directly east of the proposed development. During pick-up and drop-off times a major stretch of West 27th is fully double parked with parents trying to enter the parking lot. I fear that the currently unsafe traffic situation at the uncontrolled intersection of West 27th and University Avenue (directly in front of the USC UPC Child Care Center) may become tragically unsafe if more residents park up the unmetered streets for extended periods of time.

In conclusion, I and many other parents feel that the proposed development is incompatible with an active child care center directly alongside it, as well as a Head Start school one hundred feet away. Although I am in support of the zoning administrator's finding against the site plan review, I am greatly dismayed that the presence of infants, toddlers, and pre-school-aged children was not mentioned in the zoning administrator's evaluation of the development's environmental impact, nor the developer's appeal to the planning commission. Further, I urge the Commissioners to find against the CEQA document, a categorical exemption, and ask for the Commission to require a higher level of review.

I thank the Commission for their time and strongly encourage them to consider the environmental, health, and safety concerns affecting the hundreds of children who will play within mere inches of this proposed development.

Sincerely,



Neil Teixeira
District 9 Resident and Concerned Parent
teixeira@usc.edu

RE: ZA-2018-2453-CU-DB
October 10th, 2019

**806 W Adams
Proposed
Development**

**USC UPC Child
Care Center Play
Areas**

UPC Child Development
Center at USC

Egg Company
Building II

**USC Early
Childhood
Program/ Head
Start School**

USC Early
Childhood Program

**Child Care & School
Drop Off & Pick Up**





January 4, 2019

Mr. Henry Chu
Zoning Administrator
200 N. Spring Street
LA, CA 90012

Via e mail (Henry.Chu@lacity.org)
Cc: (Nicholas.Ayars@lacity.org)

RE: ZA-2018-2453-CU-DB-SPR-VTT-82114, ENV-2018-2454-CE, 806 W. Adams Boulevard, 758-832 West Adams Boulevard, 2610 Severance, a for rent 99 unit townhouse project by Champion Development

Dear Mr. Chu,

The Empowerment Congress North Area Neighborhood Development Council (NANDC) appreciates your granting an extension of time to allow the Neighborhood Council to complete its established processes.

On January 3, 2019 the Empowerment Congress North Area Neighborhood Development Council reviewed the project and voted to oppose the project in its current form. The Board adopted the recommendation of the Policy Committee Recommendation to oppose the project in its current form because of issues raised including:

- incompatibility with neighborhood;
- orientation;
- ground level podium parking;
- density;
- failure to comply with the NSO;
- insufficient affordable units;
- inadequate setbacks;
- rooftop noise;
- lack of variation in design and population;
- failure to comply with CRA and South Community Plans;
- CEQA exemption.

The Policy Committee met with the developer's representatives on November 27 and December 20, 2018 and discussed the project. The Committee members raised an extensive range of issues with the current proposal. At the December 20 meeting the Committee had an opportunity to review materials presented on November 27 and recommended that the Board oppose the project by a vote of 5 ayes, 0 nays and 0 abstentions.

The matter was placed on the NANDC January 3, 2019 duly noticed General Board Meeting Agenda, VII. Motions & Resolutions, item a, and the Board opposed the project of 6 ayes, 0 nays, and 3 abstentions.

The initial reaction by the Committee members on November 27 raised a variety of issues: that this is dormitory style not family housing, that affordable units will not be affordable for South LA residents, the resultant increased traffic and inadequate parking, compatibility with the historic neighborhood, compliance with the NSO, design issues, compliance with applicable plans, and the appropriate level of environmental review. No elements of the project were changed at the second meeting.

NANDC has had successful design and development discussions with University Park developers but in this case could not resolve the complex issues inherent in the current project. No changes were made from the initial presentation leaving all of our issues unresolved. At the heart of the matter is the project's incompatibility, failure to comply with the intent of the NSO and CRA, and inadequate environmental review which, had it occurred, may have mitigated the severe negative impacts to the community.

We urge the Zoning Administrator to reject the project in its current form and its categorical exemption (CE.)

Thank you for your consideration.

Sincerely,

Thryeris Mason, President

Cc: Councilmember Curren D. Price Jr.
Sherilyn Correa, CD9
Nora Gutierrez, CD9
Nicholas Ayars, Planning

· N · U · P · C · A ·
NORTH UNIVERSITY PARK COMMUNITY ASSOCIATION

October 7, 2019

RE: ZA-2018-2453-CU-DB-SPR-VTT-82114, ENV-2018-2454-CE, 806 W. Adams Boulevard, 758-832 West Adams Boulevard, 2610 Severance, a for rent 99 unit townhouse project by Champion Development

Commissioners of the City Planning Commission (c/o Nicholas Ayars)
City Planning Commission, cpc@lacity.org
200 N. Spring St.
Los Angeles, CA 90012

Honorable Commissioners:

NUPCA, the North University Park Community Association, would like to make a few comments regarding this proposed project and its proposed categorical exemption (CE.)

NUPCA was founded four decades ago with the specific mission and purposes of building community, and protecting both historic resources and the character of the community in the University Park/North University Park neighborhoods. Along with efforts to establish the University Park HPOZ, NUPCA successfully advocated for the establishment of the North University Park Specific Plan and DRB, and also for the creation of the four designated National Register Historic Districts (the Menlo Avenue West 29th Street District, the St. James Park National Register District, the Twentieth Street National Register District and the North University Park District).

NUPCA served on the Community Redevelopment Agency's "Hoover" (later Exposition/University Park) Project Area Advisory Committee from approximately 1983 until the Agency's demise. Thus, as a longtime community stakeholder and advocacy organization, NUPCA is a stakeholder in this matter.

We have a few issues to address regarding this proposed 99-unit (now 102 unit) project.

The Project Is Inconsistent with the Redevelopment Plan

First and foremost, we are concerned that there is no mention of the Hoover-Exposition-University CRA Redevelopment Plan. As a land use overlay, it is very much still in place and it governs development within the adopted boundaries of the Project Area – which definitely includes the Subject property. The

Applicant failed to mention this, and has not requested any sort of project approval from the Successor Agency. The Planning Department's Staff Report also failed to mention the Redevelopment Plan.

This is important for multiple reasons, not least because the Redevelopment Plan specifically indicates that the Agency (thus, now, the Successor Agency) is the only entity that shall approve a re-subdivision of parcels [Sec. 1333]. While we at NUPCA understand that the current iteration of the CRA Agency doesn't have the staff to be a "lead" agency, certainly if it is the technical jurisdictional entity for any subdivisions within the Project Area boundaries then at minimum a report from that Agency should have been included within the documents to be approved in this case.

Importantly, as a result of ignoring the Redevelopment Plan, Staff and Applicant alike have made a major error in calculating density.

The zoning for the City is RD1.5, which is accurately stated as allowing 82 units (one unit for each 800 square feet) by right on these parcels. But the Redevelopment Plan calculates it differently [Sec. 1305]. For those parcels with a "Low Medium II" land use designation, the calculation is 24 units per gross acre. This property is 2.8 acres, which results in a unit count of approximately 67 (24 + 24 + 19).¹

A 20 percent Density Bonus for 67 units is 13 or 14 more units, for a total of 81, not 99.

The Redevelopment Plan does allow density bonuses [Sec. 1334], and is not specific as to the percentage. However, the Plan is quite specific as to the circumstances and mandatory requirements under which such density bonuses are to be approved.

The "Agency approval of such development shall:

- 1). Contribute to the revitalization goals of the Plan.*
- 2). Contribute to a desirable residential environment, neighborhood stability, and not adversely impact the neighboring environment.*
- 3). Provide units with adequate living area and avoid excessively dense development.*
- 4). Provide adequate parking."*

Findings need to be made that support each of these requirements, noting that these findings would be "and" not "or" for each of the above-listed requirements.

¹ We are aware that in 2005, the California Legislature adopted AB 2805, which changed the name of the Redevelopment Project Area from Hoover to Exposition/University Park, and which was also intended to bring its land use "zones" into more exact concurrence with the City's own zoning. The City adopted an implementation ordinance with amendments on October 11, 2005. However, excepting the name change, this ordinance amendment regarding zoning concurrence never took effect, since it was coupled with another amendment that required that a National Football League team not from California enter into a lease/written contract with the City of Los Angeles to play at the Coliseum. This did not happen while the Agency was still in existence. The current Rams agreement is temporary and is not with the City of Los Angeles.

This project will have 495 bedrooms with at least that number of beds (quite possibly, if as built it is like most other student housing projects, twice that number of beds; “*beds*” is shorthand for “*occupants*”). And yet it will only have 259 parking spaces. It would be difficult at best to make a positive finding that 259 parking spaces is adequate for somewhere between 495 and 990 occupants; the Agency would require that the bed count, not just the bedroom count, be revealed in a complete application.

On the same hand, the sheer number of proposed bedrooms combined with a project submission that does not include floor plans nor written description of, say, living rooms or other common areas within these apartments does not lead to a positive finding that this project provides units with “adequate living area.” It does appear to be an “excessively dense development.”

NUPCA is also not sure a decision-maker could make a finding that this project will contribute to a desirable residential environment or neighborhood stability. How could it? 500-plus students moving in and out annually?

Adams Boulevard is a Scenic Highway

The project as proposed is also inconsistent with the goals established by its Scenic Highway designation. (see the Mobility/Transportation Element of the General Plan). Scenic Highways, according to the Mobility/Transportation Element, “include many of the City’s iconic streets. Preservation and enhancement of these streets and their scenic resources need to be preserved.” Adams Boulevard between Figueroa and Crenshaw is a designated Scenic Highway.

The Project as proposed not only ignores this fact, but turns its new front “face” away from Adams Boulevard – which is not in keeping with the pattern of development along this Scenic Highway – and declares the Adams side (north elevation) a “side yard” with a more minimal side yard setback. Adams Boulevard along this stretch offers generous landscaped front yards with buildings set back anywhere from 15 feet to more dramatic deep setbacks in some cases (and, yes, there are exceptions – but the current built form on the site is NOT one of the exceptions).

This Project should respect the pattern of development AND the Scenic Highway designation and point its face toward Adams Boulevard.

In addition, there should not be a visible parking garage and/or parking podium on Adams Boulevard. This violates every design guideline (Scenic Highway, Community Redevelopment Agency, Citywide Design Guidelines, South Los Angeles Community Plan design guidelines and the General Plan Framework guidelines) on the books. A project like this should have doors and windows at ground level facing Adams (behind a landscaped front yard), inviting pedestrians in – even if the remainder of the project away from Adams is set upon a parking podium.

Ironically, if the Project was properly faced with Adams as its front yard, then there would be no need for the request to reduce the “required back yard” (east elevation of the project) from 15 feet to 12 feet, since the setback requirement would be seven feet.

Student Housing Overlay

NUPCA and the Exposition/University Park Project Area staff and community advisory committee were very involved with the drafting of what is now called the “North University Park – Exposition Park – West Adams Neighborhood Stabilization District.” The broad intention from the very beginning was to discourage new student housing initiatives within the community’s character neighborhoods and instead encourage such development along the Figueroa Corridor (east side of Figueroa, west side of Flower), and to require additional parking that would accommodate the number of occupants in larger projects. The effort was spurred by a proposed project within the CRA boundaries that would erect seven townhouses, each with multiple bedrooms, and each bedroom with multiple beds/occupants, but only requiring 14 parking spaces, per LADBS. Everyone was outraged; on a Planning Department staff training day we brought a busload of planning staff to the site, and soon this NSO ordinance was initiated.

There were years of hearings, and in the end we have the ordinance as written. It requires a Conditional Use Permit (CUP) for any project where there are five or more rooms (not exactly the original intent, but here we are). The stated and intended purpose of the CUP was to require parking that reflects the number of occupants, e.g. a “condition” to be imposed.

However, there is no reference in the Staff Report for this Project to a proposed additional number of parking spaces as a part of the Conditional Use Permit.

We hope that is an oversight. A project of this density (if this density is to be permitted) should have at least one parking space per bedroom. Although most students would not drive their cars to campus, they do park their cars (albeit for weeks at a time) and need somewhere to do so.

This Project is Not Housing for USC Faculty and Staff

Basically, “grown-ups” do not need five bedrooms and minimal common living areas for their rental apartments. Both faculty and staff members more likely need to live like other working people, with a nice kitchen, dining room, living room, a den/media room/study and usually two bedrooms. This Project is clearly being designed as student housing and should be honest about that fact.

Thank you for your consideration.

Laura Meyers
On behalf of NUPCA
HOME: 1818 S. Gramercy Place, Los Angeles CA 90019
NUPCA: P.O. Box 15881, Los Angeles CA 90015*
lauramink@aol.com

** Please send any notices to both addresses*



Objections to development at 806 W Adams, case # ZA-2018-2453-CU-DB-SPR-1A

Sarah Bottjer <bottjer@usc.edu>

Sun, Oct 6, 2019 at 12:09 PM

To: nicholas.ayars@lacity.org, cpc@lacity.org, jeanjim2341@att.net, sherilyn.correa@lacity.org, councilmember.price@lacity.org

Dear Mr. Ayars,

I am writing to express my concern about the development at [758-832 West Adams Blvd](#), case # ZA-2018-2453-CU-DB-SPR-1A ([Adams](#) at Severance). I live at [2125 Bonsallo Ave](#), approximately one block north of the site. My home is a Los Angeles Cultural Historic Monument (No. 561, the Allen House). This development is located within a remarkable historic neighborhood north of USC, including landmark historic properties on Adams Blvd and Severance Street, in addition to many others. It is also adjacent to the University Park Historic Overlay Zone (HPOZ). The new rendering shows clearly that its design is completely out of character with the neighborhood. In addition, it is clear that the density of housing is in line with student housing and not at all with townhomes; to claim this is family housing is completely untrue. There is a lack of adequate parking, and the presence of what is essentially a student dormitory will also be accompanied by consequent problems of noise from parties and other social events. A high density of students using scooters, skateboards and bicycles (including motorized skateboards and scooters) will endanger the safety of children at the USC Childcare Center on Severance Street. Despite these several issues, the city issued a categorical exemption, which is completely inappropriate.

The design of this project is not compatible with the character of the neighborhood, it is unattractive in any context (for example, the visible parking structure is particularly unattractive and the design in general is standard high-density dormitory, lacking any architectural features that would integrate it into the neighborhood). It suffers from a high density that is at odds with several plans for the neighborhood, including the Neighborhood Stabilization Ordinance (NSO) and the Redevelopment Plan. It also fails to provide adequate housing for a diverse population and lacks adequate parking. In summary, the project is incompatible with the neighborhood in terms of any and all issues that could be considered. I strongly object to moving forward with a project that will be deleterious to my neighborhood.

Sincerely,
Sarah Bottjer
2125 Bonsallo Ave.
Los Angeles [90007](#)



October 7, 2019

RE: ZA-2018-2453-CU-DB-SPR-VTT-82114, ENV-2018-2454-CE, 806 W. Adams Boulevard, 758-832 West Adams Boulevard, 2610 Severance, a for rent 99 unit townhouse project by Champion Development

Honorable Commissioners, c/o Nicholas Ayars
City Planning Commission, cpc@lacity.org

On behalf of the West Adams Heritage Association, a non-profit organization in the area in which this development is sited, I would like to make the following comments and recommendations.

Environmental Review

A categorical exemption is not the appropriate level of environmental review for a project that is highly discretionary, is in a historically sensitive environmental, located on a scenic highway, and fails to meet objectives of the community plan and redevelopment plan.

The project will have a demonstrable significant effect on the environment and does not qualify under Article III, Class 32 exemption.

The Class 32 "Infill" Categorical Exemption (CEQA Guideline Section 15332), hereafter referred to as the Class 32 Exemption, exempts infill development within urbanized areas **if it meets certain criteria**. The class consists of environmentally benign infill projects that are consistent with the General Plan and Zoning requirements. This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts.

A CE should not be issued when there are unusual circumstances creating the reasonable possibility of significant effects; The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within an officially designated scenic highway;¹

A categorical exemption should not be issued when there are sensitive issues and the project fails to comply with the redevelopment plan and the south community stated objectives. To permit a CE in this case would cause irreparable and irreversible harm to the environment of historic West Adams.

The evaluations of impacts prepared by the developer is based solely on the development site itself and ignores its adjacency to the University Park HPOZ, the North University Park Specific Plan, the Fraternity Sorority Row surveyed history district, and its importance within the CRA Redevelopment Project Area.

The project is also within a City Scenic Highway (Arlington to Figueroa) which should effect the proposed design

Findings Cannot Be Made

¹ SLA Community Plan -- Aesthetics Chapter of EIR, page 4.1-8 Within the South Los Angeles CPA, the City has designated Adams Boulevard from Arlington Ave to Figueroa Street, as City Scenic Highways.

The proposed map is not consistent with applicable general and specific plans which includes the South Community Plan and Redevelopment Plan

The site is NOT physically suitable for the proposed type of development. It places an incompatible six buildings (plus a recreation building) in the middle of a neighborhood developed over centuries where there are front yards, rear yards, sidewalk offering pedestrian access to individualized buildings whether they are built in at the turn of this century or the last century. The project fails to enhance the character of the existing neighborhood as required by the South Community Plan. The east west orientation is also contrary to Adams Boulevard's significance as a scenic highway.²

The site is NOT suitable for the proposed density of development.³ "The Project's scale and massing, in addition to the podium level add to a development that would not be comparable to any residential project in the immediate area. In addition to the height and massing, though not deviating from the Code, the rooftop amenity would overwhelm those multi-family structures immediately abutting the subject project on Severance Street, as shown on the Overall Elevations of "Exhibit A" (page 16). As such, the finding that the arrangement of the building and associate components of this finding cannot be made."⁴

The Redevelopment Plan requires that to allow for the requested density bonus:

The "Agency approval of such development shall:

- 1). Contribute to the revitalization goals of the Plan.*
- 2). Contribute to a desirable residential environment, neighborhood stability, and not adversely impact the neighboring environment.*
- 3). Provide units with adequate living area and avoid excessively dense development.*
- 4). Provide adequate parking."*⁵

The City is adopting a CRA Takeover Ordinance (CF 13-1482-S3) that transfers the duties of all unexpired Redevelopment Plans to City Planning. This emphasizes the need to understand and implement the requirements of the applicable Plan. The Ordinance provides "*Whenever the Redevelopment Regulations conflict with provisions contained in Chapter 1 of this Code or any other relevant City ordinances, the Redevelopment Regulations shall supersede those provisions.*"

This would also include identifying as a historic resource, "*properties identified as significant per eligibility criteria in SurveyLA and the Community Redevelopment Agency surveys or any subsequent City sanctioned or accepted surveys*" which would include the Fraternity/Sorority Row historic district surveyed by architectural historian Pete Moruzzi for CRA in 2006 and adopted by CRA. "*CRA was required to complete Historic-Cultural Resource Assessment Surveys to determine the condition of those resources and their potential for certification as a historic-cultural resource either individually or collectively. Such a survey was completed by LA/CRA for their Hoover Project Area known now as the University Park-Exposition Park Project Area in 2006.*"⁶ The Fraternity/Sorority Row District is directly southerly adjacent to the subject site. We include herein by reference the extensive evaluation of the setting and the historic resources in the ADHOC letter of January 4, 2019, by preservation expert Jim Childs.

² The South Community Plan calls for development that *reinforces the distinctive and historical character of the corridors and the residential neighborhood*, Chapter 3-7

³ The CRA low medium density designation limits development to 24 units per gross acre -- this is site 2.8 acres. This CRA plan overlay sets the allowed density; RD1.5 is not the allowable density.

⁴ Determination Letter, May 17, 2019, Henry Chu, Associate Zoning Administrator

⁵ The Redevelopment Plan does allow density bonuses [Sec. 1334], and is not specific as to the percentage. However, the Plan is quite specific as to the circumstances and mandatory requirements under which such density bonuses are to be approved.

⁶ ADHOC Letter to the ZA, January 4, 2019,

The NSO

The project fails to meet the goals of the Neighborhood Stabilization Ordinance (NSO). WAHA was a participant in the creation of the NSO which sought to preserve the neighborhood residential family character. This project inserts an essentially a dormitory style building in the heart of University Park walling off the site from its neighbors with a podium design, completely out of scale with the existing neighborhood of two and three story homes and apartment buildings.

Compatible Design

Podium parking should not be permitted; it does not substantially exist in University Park; underground parking should be required. All infill in University Park development have buildings sited at grade establishing a relationship with the street and pedestrian friendly. The South Community Plan and the newly adopted plan establishes design criteria that this development ignores.

The material submitted fails in a very basic understanding that it is building within an historic area and seeks preferential bonuses that, at their core, cannot comply with the purpose and intent of the applicable plans and zoning. Whatever is built here needs to reinforce not ignore the community character.

We ask the CPC in the light of numerous omissions and inaccuracies in the record:

- To not accept a categorical exemption;
- To not grant the tract map request (if it is still being requested) as the findings cannot be made
- To require a factual evaluation of the land use designations under the redevelopment plan
- To initiate design guidelines for compatibility as the South Community Plan requires

Very Truly Yours

Roland Souza
President, WAHA c/o 1724 Westmoreland Boulevard, LA, CA 90006
ATT: Scenic Highways



NOTES

1. An inventory of these designated Scenic Highways is attached as Appendix E to the Transportation Element. Scenic Highway Guidelines are presented in chapter VI of the Transportation Element.



October 7, 2019

Marianne King, City Planning Associate
City of Los Angeles, Department of City Planning
marianne.king@lacity.org

To whom it may concern,

We are writing to you in support of the proposed projects at 4433 N. Cartwright Ave, consisting of 14 units of housing, including 2 dedicated Extremely Low Income units, cases DIR-2018-3888-TOC-1A/ENV-2018-3889-CE. We urge the city to grant Density Bonus incentives, including a 50% density bonus and reduced parking at a ratio of 0.5 parking spaces per bedroom; find the project Categorically Exempt from the provisions of CEQA; and grant three additional incentives:

- An increase in height from the allowed 45 feet to 56 feet to the top of the parapet line
- A front yard reduction to 11 feet 3 inches in lieu of the required 15-foot front yard setback
- A south side yard reduction to 6 feet in lieu of the required 8-foot side yard setback

The greater Los Angeles region is facing a severe housing shortage. These projects will provide much needed housing and will help to reduce issues of gentrification and displacement in other parts of the region. Abundant Housing LA believes that these housing challenges can only be addressed if everyone in the region does their part.

This project is in a great location for housing. There are several Metro bus routes within 3 blocks. Line 155 runs between Burbank and Sherman Oaks and stops at several employment centers, including Westfield Fashion Square, Disney and Warner Brothers Studios, and Universal City Walk. Line 656 runs between Granada Hills and Hollywood, and stops at Van Nuys airport, several Metro stations, theaters, and medical centers. Line 224 runs between Sylmar and North Hollywood, also stops at Metro stations, a medical center, and schools. In addition, many neighborhood amenities such as restaurants and retail are in easy walking and bicycling distance.

It is great to see the developer using the Density Bonus program to bring both market rate and badly needed affordable housing to the city. Affordable housing programs that depend on a percentage of new construction being affordable need a lot of new construction to have an impact, and the city should work to increase the number of developers using the Density Bonus.

These projects are good for Los Angeles and for the region. Again, we urge the city to grant the incentives and find the projects Categorically Exempt from the provisions of CEQA.

Best Regards,



Tami Kagan-Abrams
Abundant Housing LA Projects Director

DAY OF HEARING SUBMISSIONS



Department of City Planning

FILE COPY

City Hall, 200 N. Spring Street, Room 525, Los Angeles, CA 90012

October 10, 2019

**RECEIVED
CITY OF LOS ANGELES**

OCT 10 2019

TO: City Planning Commission

**CITY PLANNING DEPT.
AREA PLANNING COMMISSION**

FROM: Henry Chu, Associate Zoning Administrator
Nick Ayars, City Planning Associate

**TECHNICAL MODIFICATION TO THE STAFF RECOMMENDATION REPORT FOR CASE
NO. ZA-2018-2453-CU-DB-SPR-1A; 758 – 832 WEST ADAMS BOULEVARD & 2610
SOUTH SEVERANCE STREET**

The following is an addition to the Conditions of Approval, to be incorporated into the appeal recommendation report to be considered at the City Planning Commission meeting of October 10, 2019, related to Item No. 8 on the meeting agenda.

Condition No. 24 [ADDED] Prior to the issuance of a building permit, the Applicant shall obtain approval from the Community Redevelopment Agency of the City of Los Angeles (CRA/LA) or the Department of City Planning, as the successor to the Community Redevelopment Agency, as approved by Ordinance 186325.

OCT 10 2019

CITY PLANNING DEPT.
AREA PLANNING COMMISSION

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October 9, 2019

Via Email & U.S. Mail

City Planning Commission, City of Los Angeles
200 North Spring Street, Council Chamber Room 340
Los Angeles, California 90012

Re: **Items ⁶⁸⁷7 & 8, CPC hearing, Oct. 10, 2019 - Olympic Tower Project (CPC-2015-4557, VTT-73966, ENV-2015-4558) - Response to Additional Comments**

Dear Commissioners:

This letter is hereby submitted on behalf of the Applicant Olymfig26, LLC in support of the Olympic Tower Project, which is scheduled for consideration before the City Planning Commission ("CPC") on October 10, 2019. On October 7, 2019, UNITE HERE Local 11 ("Local 11") submitted a comment letter regarding its appeal of the approval of the Letter of Determination issued by the Advisory Agency for the Project. On October 8, 2019, Autumn Wind Associates ("AWA") submitted a comment letter that questions approval of the Project. While the Applicant appreciates public input on the Project, neither comment letter raises an issue that has not previously been considered and addressed through the environmental review and entitlement process for the Project.

First, Local 11 claims the Project does not comply with its Public Benefit Payment obligations for a Transfer of Floor Area Rights ("TFAR") under the L.A. Municipal Code. Local 11 points to the supposed omission of 101,826 square feet of requested TFAR as well as an outdated appraisal calculation for the Project in the initial application. Yet this comment does not account for the revised TFAR application submitted by the Application on September 23, 2019. In the revised application, the Applicant explains that 101,826 square feet of TFAR will come from Grand Central Square, in addition to the 455,161 square feet from the L.A. Convention Center. Further, the Applicant has agreed to an updated appraisal of the Project to ensure a proper Public Benefit Payment.

Second, both Local 11 and AWA claim the Environmental Impact Report ("EIR") for the Project improperly analyzed greenhouse gas ("GHG") emissions. The same issues concerning GHG emissions were addressed in the Final EIR. (See Final EIR at pp. III-78-III-79 ["Response to Comment Creed LA 2/SWAPE AQ-I"].) Due to the lack of adopted numerical thresholds applicable to the Project, the EIR instead demonstrated the Project's compliance "with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of [GHG] emissions."

(CEQA Guidelines, § 15064.4(b)(3).) Neither commenter offers any substantial evidence demonstrating otherwise.

Finally, AWA claims the EIR improperly analyzed certain air quality issues. In particular, AWA claims the EIR underestimated the number of truck trips that would be generated by hauling excavation materials. This same issue was addressed in the Final EIR. (See Final EIR at pp. III-61 –III-65 [“Response to Comment Creed LA 2/SWAPE AQ-E”].) The commenter expresses concern that the EIR “erroneously assumed . . . [truck] trips are calculated as round trips . . .” But this concern is answered by the CalEEMod User Guidance quoted by the commenter, which states that CalEEMod “assumes that one haul truck importing material will also have a return trip . . .” The commenter also asserts that Mitigation Measure C-1 is rendered unenforceable by the qualifier “where available.” Yet the language “where available” was deleted from Mitigation Measure C-1 as part of the Final EIR and Mitigation Monitoring Program. (See Final EIR at pp. V-3–V-4 [Monitoring Program for Mitigation Measure C-1].)

Thank you for your consideration of the Project. We look forward to addressing any additional issues at the hearing.

Very truly yours,



Edward J. Casey

EJC:npj

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October 9, 2019
BY HAND DELIVERY

City Planning Commission
200 North Spring Street, Room 272
Los Angeles, CA 90012

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Re: **CPC Meeting (10-10-19) Item #8; 806 West Adams Boulevard (758 - 832 West Adams Boulevard; 2610 South Severance Street); Case Number: ZA-2018-2453-CU-DB-SPR-1A**

Honorable Commissioners of the City Planning Commission:

I write on behalf of 806 West Adams Property, LLC ("Appellant") in the above referenced matter (the "Project") before the City Planning Commission ("CPC"). This letter is submitted on behalf of Appellant and applicant Champion Real Estate Company to request certain minor technical corrections to the Appeal Recommendation Report issued by the Department of City Planning in light of the CPC's review and action on the Project at the CPC meeting on Thursday, October 10, 2019, to ensure the CPC's final Letter of Determination is accurate.

- I. **Recommended Actions; Action #2; page 2:** The second recommended action should be revised as follows:

Proposed Revision: "Deny the appeal filed by Jim Childs and SUSTAIN the decision of the Zoning Administrator to APPROVE a Conditional Use to permit 102 dwelling units, ~~99~~ 100 of which contain more than five habitable rooms, within the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay and a 22.5 percent Density Bonus with six percent of the base number of dwelling units set aside for Very Low Income Households, requesting one On-Menu Incentive;"

Clean Revised Revision: "Deny the appeal filed by Jim Childs and SUSTAIN the decision of the Zoning Administrator to APPROVE a Conditional Use to permit 102 dwelling units, 100 of which contain more than five habitable rooms, within the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay and a 22.5 percent Density Bonus with six percent of the base number of dwelling units set aside for Very Low Income Households, requesting one On-Menu Incentive;"

Rationale: The Project as revised would include 100 dwelling units that contain more than five habitable rooms. Accordingly, the above revision is requested in order to clarify that 100 is the correct number, and not 99.

- II. **Appeal Analysis; Community Plan and Redevelopment Consistency; page A-7:** The fifth sentence of this subsection's third paragraph should be revised as follows:

Proposed Revision: "The Project would have a Floor Area Ratio (FAR) of ~~4:75~~ 1.75:1 (185,985 square feet) and is therefore consistent with the project site's maximum FAR restriction under the L.A.M.C. of 3:1 (319,362 square feet)."

Clean Revised Revision: "The Project would have a Floor Area Ratio (FAR) of 1.75:1 (185,985 square feet) and is therefore consistent with the project site's maximum FAR restriction under the L.A.M.C. of 3:1 (319,362 square feet)."

Rationale: The proposed revision would clarify that the Project's FAR is 1.75:1, and not 1:75.



Honorable Commissioners of the Los Angeles City Planning Commission
October 9, 2019
Page Two

- III. **Appeal Analysis; CEQA; page A-9:** The fourth sentence of this subsection should be revised as follows:

Proposed Revision: "Further discussion on how the project meets the conditions of the Class 32 Categorical Exemption can be found in ~~Exhibit E~~ Exhibit F."

Clean Revised Revision: "Further discussion on how the project meets the conditions of the Class 32 Categorical Exemption can be found in Exhibit F."

Rationale: The proposed revision would reference the correct Exhibit F ("CEQA Clearance (ENV-2018-2454-CE) and Supplemental Memorandum") and not Exhibit E ("Robert Champion Appeal Application").

- IV. **Appeal Analysis; Conclusion; page A-10:** The final paragraph of the conclusion should be revised as follows:

Proposed Revision: "...sustain the decision of the Zoning Administrator to approve a Conditional Use to permit 102 dwelling units, 99 100 of which contain more than five habitable rooms..."

Clean Revised Revision: "...sustain the decision of the Zoning Administrator to approve a Conditional Use to permit 102 dwelling units, 100 of which contain more than five habitable rooms..."

Rationale: As with the first technical correction, the Project would include 100 dwelling units that contain more than five habitable rooms. Accordingly, the above revision is requested in order to clarify that 100 is the correct number, and not 99.

- V. **Findings; Basis for Conditional Use Permits; page F-2:** The first sentence of the final paragraph beginning on page F-2 should be revised as follows:

Proposed Revision: "The subject site is comprised of approximately 2.8 acres of lot area and zoned RD21.5-1 with a Low Medium II Residential land use designation in the South Los Angeles Community Plan."

Clean Revised Revision: "The subject site is comprised of approximately 2.8 acres of lot area and zoned RD1.5-1 with a Low Medium II Residential land use designation in the South Los Angeles Community Plan."

Rationale: The proposed revision would clarify that the Project site is zoned RD1.5, as referenced elsewhere throughout the report, and not RD2.

Thank you for your consideration of these comments. We ask that you please incorporate the suggested corrections into the CPC's final approval.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Kyndra Casper', with a long horizontal flourish extending to the right.

Kyndra Casper