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SECONDARY SUBMISSIONS

April 7, 2022

File Number: 41ME-267697

VIA ELECTRONIC MAIL ONLY

Ilissa Gold
President
Central Area Planning Commission
City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012
E-Mail: apccentral@lacity.org

Re: Response to Luna & Glushon Letter

Dear President Gold and Commission Members:

As you know, we represent Third Fairfax, LLC ("Applicant") regarding its proposed mixed-use residential development located generally at 300-370 S. Fairfax Avenue and 6300-6370 W. 3rd Street ("Property") in the City of Los Angeles ("City"). This letter responds to the recent letter submitted by Luna & Glushon ("Glushon Letter"), on behalf of Barbara Gallen ("Appellant"), to the Central Area Planning Commission ("Commission") on April 4, 2022.

On April 1, 2022, we submitted a detailed letter ("Sheppard Mullin Letter") that rebutted all of the claims raised in Appellant's original appeal. We trust that the Commission has read that important letter. As we discuss below, the new Glushon Letter repeats most of the same issues and raises a few new points that we respond to herein. Once again, the Appellant has failed to raise legitimate claims and not met its burden to prove that the City erred or abused its discretion while certifying the Environmental Impact Report ("EIR") or approving the Third & Fairfax project ("Project"). Accordingly, we request that the Commission deny the appeal based on the strong evidence in the record, prior approvals by the City, and as recommended in the staff report for this case.

As we pointed out in the Sheppard Mullin Letter, the Applicant has worked in good faith with Ms. Gallen for several years trying to appease her desires. As you will see during the hearing, the Applicant modified the Project to include several items requested by Ms. Gallen. We also want the Commission to know that we have contacted Ms. Gallen's counsel several times to see if there was an amicable way to resolve this matter. Ms. Gallen would not authorize her counsel to speak with us. These tactics are the hallmark of a NIMBY that will oppose the Project on personal grounds no matter how good the Project is for the community and the City. Thus, we ask the Commission to deny the appeal so the Applicant can implement the Project and redevelop the aging site with much needed housing and new commercial uses.

I. THE CITY PROPERLY APPROVED THE WAIVER OF DEDICATION AND IMPROVEMENT FOR A PORTION OF THE SITE AND THAT DECISION IS UNAPPEALABLE.

The Appellant tries in vain to argue that the Applicant is developing the entire Town and Country Shopping Center. That is legally impossible for the Applicant to do even if it wanted to because the Applicant has no legal rights to own or control the western portion of the center. Accordingly, the only portion of the center that the Applicant has any right to develop is the eastern portion, which the City rightfully considered the Development Site for impact analysis in the Draft EIR.

The Appellant acts as if any development proposal, on any portion, of any site, necessitates considering all of a site for environmental review. That thinking is too simplistic for complicated land use projects, not consistent with City precedent, and ignores the focus of CEQA, which is to examine the change in the physical environment created by the Project and the City's associated discretionary actions. Here, the Project is limited to the eastern portion of the site and the Draft EIR is abundantly clear about that point in the narrative and site plans. In addition, the City has used this same approach to delineate boundaries for impact analysis for projects on media studio campuses, retail centers, and large commercial parcels where (in each case) there are unused or underutilized portions of a large site that are subject to redevelopment while the remainder of the site continues operations. That is not an error as the Appellant claims, instead it is the reality of complex planning and environmental review methods in urbanized locations.

As a related issue, the Appellant claims the Waiver of Dedication and Improvement ("WDI") was in error because the City did not require the Applicant to improve all of the frontages around all of the shopping center. As noted above, the Applicant has no legal ability to make those improvements because it does not own all of the shopping center. And, importantly, the Project boundaries are only for a portion of the shopping center site – i.e., the Development Site. Thus, the City properly required the Applicant to improve the frontages around the Development Site to meet current development standards. The result is a vastly improved pedestrian realm around the Development Site and the creation of a modern mixed-use development that replaces an obsolete portion of the shopping center.

The Appellant gregariously asks the Commission so "when will the City require these admitted and absolutely necessary pedestrian safety improvements?" for the entire shopping center. The answer is when the City has a legal basis to require such improvements. The Commission surely understands that the City is not in the business of unlawful exactions or imposing unlawful conditions of approval. So, the City here properly applied lawful conditions of approval that require the Applicant to improve the Development Site frontages. It follows, that the City also approved the WDI for those frontages that are neither on the Development Site nor controlled by the Applicant. That approach is legally sound and consistent with City precedent.

Moreover, as noted in the staff report, the Appellant has no right to appeal the WDI decision pursuant to the Los Angeles Municipal Code. Hence, the issue is moot and the Commission need not consider it.

II. JAYWALKING AND CROSSWALKS ARE NOT CEQA ISSUES.

The Glushon Letter, on behalf of Ms. Gallen, harps again on crosswalks and jaywalking as a central theme. The Sheppard Mullin Letter addressed those points in detail. In sum, crosswalks and people jaywalking are not CEQA issues for this Project, especially considering that it has no significant impacts on transportation or any other environmental issue.

The Glushon Letter further litters the record with pictures of people breaking the law and jaywalking. But that personal behavior does not change the required scope of CEQA analysis under the law. Moreover, if the Appellant genuinely wants the Applicant to voluntarily fund new crosswalks, then you would think she would allow her counsel to at least discuss that solution with us. Yet, our attempts to further appease the Appellant go unanswered as noted above. Nonetheless, the Applicant remains committed to funding crosswalks as part of the voluntary benefits for the community.

Finally, like the WDI issue above, the City cannot arbitrarily exact conditions or mitigation measures that do not bear a sufficient nexus to the impacts of the Project. That is partly why the City has not, and cannot, impose crosswalk conditions on the Project. The City is respecting the law. Simply stated, there are no impacts that legally necessitate such an improvement. And still, the Applicant remains committed to voluntarily funding crosswalks if LADOT approves and that process is outside of the administrative review associated with the Project.

Therefore, we urge the Commission to deny the appeals for the legal grounds set forth in our letters and based on the overwhelming evidence in the administrative record, so the Applicant can proceed with the Project and deliver its benefits to the community.

III. THE DRAFT EIR PROPERLY ANALYZED RELATED PROJECTS AND CUMULATIVE IMPACTS PURSUANT TO CEQA.

The Appellant makes two claims about cumulative impacts including one about Whole Foods and the other about Television City Studios. Both claims are inaccurate and not supported by fact or law.

Regarding Whole Foods, the Appellant claims that the EIR "misled decisionmakers and has failed in its vital informational function" for failing to analyze the impact of the currently existing Whole Foods Market on the western portion of the shopping center potentially relocating into the commercial space in the Project. The Appellant also claims the "EIR feigns no knowledge of this fact." First of all, the Appellant is speculating about what commercial tenant would occupy the commercial space in the Project once built. That fact aside, the Draft EIR conservatively analyzed a supermarket as a potential commercial tenant in the Project. See Draft EIR, page IV.I-42, which expressly references supermarket use a potential component of the Project for analytical purposes. Also see Draft EIR, Appendix H.2(A), page 32, which identifies the Supermarket ITE Land Use Code 850 as a modeling assumption for Level of Service ("LOS") analysis of potential vehicle trips. Let us not forget that vehicle trip assumptions are mostly an old method of LOS analysis, and the City has now switched by law

to VMT analysis. Also, see Draft EIR, Appendix H.1(B), which explains how the Los Angeles Department of Transportation ("LADOT") Vehicle Miles Traveled ("VMT") calculator considers supermarket land uses in mixed-use projects. The City included these supermarket assumptions because that is the most conservative way to analyze potential retail tenants, considering that supermarkets have unique trip characteristics and can be (but are not always) higher trip generators than other retail uses. Stated differently, the Draft EIR used supermarket assumptions to ensure that the impact analysis covered the highest intensity use that could occupy the new commercial space. That envelope of analytical coverage would allow a supermarket, or any other less intense commercial use, to move into the Project under the scope of the EIR. That method also fully informs the decisionmakers about potential impacts and is conservative. Thus, the Appellant is simply wrong by stating that the EIR did not consider a potential supermarket use.

Moreover, it is a faulty logic jump for the Appellant to then claim that the Draft EIR must analyze the vacancy created on the western portion of the shopping center if in fact the Whole Foods did move into the Project. The Draft EIR noted repeatedly that the western portion of the shopping center is a functional commercial center and the operator and tenants will have ongoing activities, including but not limited to, tenant improvements and actions that require ministerial building permits and approvals from the City. As with any functioning commercial center, tenants come and go periodically and those type of tenant movements do not trigger discretionary actions when the center is zoned for fluctuating commercial tenancies by-right. Therefore, the Appellant's attempt to characterize potential tenant movements or improvements as a cumulative impact does not square with the law.

Regarding Television City Studios, the Appellant claims that the City erred by not including the Television City Studios redevelopment ("TVC 2050 Project") in the list of related projects, or as part of the cumulative impact analysis for the Project. The Appellant's position is legally wrong. The basic standard for compiling the list is to include past, present, and probable future projects when it is reasonable, feasible, and practical to do so. A probable future project is typically one that is undergoing environmental review or has at least progressed to the stage where an application is filed publicly. The lead agency has discretion to select a reasonable cutoff date for the future projects for cumulative impacts analysis.

The City can use the date of the Notice of Preparation ("NOP") as the cutoff date for purposes of the list of related projects. Here, the City published the NOP on February 20, 2019, which is more than two years before the TVC 2050 Project filed an entitlement application on May 13, 2021. Here, as is standard practice, LADOT created the list of related projects and the Department of City Planning vetted and approved that list, at the latest, in February 2020 during preparation of the Draft EIR. Even at that time, the TVC 2050 Project still had not filed an entitlement application. Thus, it was not a reasonably probable future project, and the City properly excluded it from the list of related projects. Going further out, if the City selected the date that LADOT approved the Transportation Impact Assessment for the Project on March 26, 2020 as the reasonable cutoff date, the TVC 2050 Project was still not filed until a year after that. Moreover, there was no application on file for TVC 2050 Project until after the City published the Draft EIR on March 29, 2021. Therefore, there is no rational basis or legally relevant timeline the Appellant can support with a straight face to claim that the City should have

included the TVC 2050 Project in the related projects list. As such, it was not reasonable, feasible, or practical to do in the chronology and legal procedure of the Project.

In addition, the Draft EIR clarifies in the cumulative impact analysis that the related projects within the City would be subject to the City's standard development review process and would be required to comply with the Transportation Assessment Guidelines ("TAG") to ensure consistency with applicable traffic, transit and pedestrian safety-related policies. The Draft EIR also states that if any of the related projects result in a significant VMT impact, the project would be required to mitigate such impacts through a Transportation Demand Management program to reduce vehicle trips. The TVC 2050 Project (like the related projects analyzed in the Draft EIR) would be required to go through this same standard development review process to ensure consistency with the TAG as well as any applicable traffic and transit policies.

Additionally, as if that was not enough, the Draft EIR protected against unknown related projects. For example, the Transportation Impact Assessment used a conservative ambient growth factor to account for unknown future related projects. The ambient growth factor is based on general traffic growth factors provided in the 2010 Congestion Management Program for Los Angeles County ("CMP Manual") and determined in consultation with LADOT. Based on the CMP Manual, for the West/Central Los Angeles area, existing traffic volumes are expected to increase at an annual rate of less than 0.20% per year between the years 2015 and 2023. The Draft EIR applied an aggressive annual growth factor of 1.0% to provide a conservative, worst-case forecast, of future traffic volumes in the area. That growth rate assumption substantially exceeds the annual traffic growth rate published in the CMP Manual and sufficiently captures unknown projects. The Draft EIR used a blended methodology whereby it applied both the related projects list and cumulative growth factors. That is a belt and suspenders approach to ensure adequate analysis and high legal defensibility. Therefore, in any case, the City properly analyzed cumulative impacts pursuant to CEQA and used conservative analytical methods to do so.

In closing, we respectfully request the Commission to deny the appeal and uphold the City's prior approvals.

Best regards,

A handwritten signature in blue ink that reads "James E. Pugh". The signature is fluid and cursive, with the first name "James" being more prominent than the last name "Pugh".

James E. Pugh
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP



Fwd: Case number: ZA-2019-7715-ELD

1 message

Renata Ooms <renata.ooms@lacity.org>

Wed, Apr 6, 2022 at 4:22 PM

To: Planning APC Central <apccentral@lacity.org>, nzinman1@yahoo.com

Hi Central APC Staff,
Please see the below forwarded communication received for ZA-2019-7715-ELD-1A going to Commission on April 12.
Thank you,
Renata



Renata Ooms

Pronouns: She, Hers, Her

City Planner

Los Angeles City Planning

200 N. Spring St., Room 763

Los Angeles, CA 90012

T: (213) 978-1222 | Planning4LA.org



----- Forwarded message -----

From: **Nicole Zinman** <nzinman1@yahoo.com>

Date: Wed, Apr 6, 2022 at 4:09 PM

Subject: Case number: ZA-2019-7715-ELD

To: <renata.ooms@lacity.org>

4-6-2022

Re: Proposed project at **843-847 South Sherbourne Drive**

Case number: ZA-2019-7715-ELD

CEQA number: ENV-2019-7716-CE

Dear Renata,

I am writing to vocalize my objection to the current zoning administrator at the proposed development of **843-847 South Sherbourne Drive**.

As someone who works in an industry where the mere suggestion of impropriety is not just frowned upon but is not tolerated full stop, I was quite surprised to learn of the close personal relationship between the assigned ZA, Charlie Rausch and the NUR Development's, Daniel Ahadian. This is a clear conflict of interest and must be addressed

if there is to be any neutrality, or at the very least the perception of neutrality, as project discussions move forward.

Given the nature of their close relationship, which was disclosed on a call, the current ZA is NOT a neutral party and his actions to date don't lead me to believe otherwise. In truth, during this entire process, the voices of the community have been utterly ignored. It's been disappointing as a citizen and infuriating as resident of the area affected.

Based on every communication to date it's evident the concerns of and suggestions of the people residing in the area affected are irrelevant. If our voices are going to be ignored, which they are, at the very least we should expect to be assigned a zoning administrator that has no conflict of interest, let alone an ongoing personal friendship with the project developers/consultants.

I trust this will be addressed immediately and I do appreciate your attention and follow up to this matter.

Regards,

Nicole Zinman

S. Sherbourne Dr. Resident

DAY OF HEARING SUBMISSIONS

April 12, 2022

File Number: 41ME-267697

VIA ELECTRONIC MAIL ONLY

Ilissa Gold
President
Central Area Planning Commission
City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012
E-Mail: apccentral@lacity.org

Re: Voluntary Condition of Approval for Crosswalks - Case No. DIR-2018-2770-SPR-WDI

Dear President Gold and Commission Members:

As you know, we represent Third Fairfax, LLC ("Applicant") regarding its proposed mixed-use residential development ("Project") located generally at 300-370 S. Fairfax Avenue and 6300-6370 W. 3rd Street ("Property") in the City of Los Angeles ("City"). This brief letter proposes a solution to concerns we have heard from certain appellants, and other community stakeholders, requesting crosswalks around the Property.

To be clear, the City and the Los Angeles Department of Transportation ("LADOT") reviewed the Project during preparation of the Environmental Impact Report ("EIR") and determined that the Project did not have significant traffic or circulation impacts. Accordingly, neither the City nor LADOT required the Project to install crosswalks because there was no legal nexus supporting that position pursuant to the California Environmental Quality Act ("CEQA").

However, to continue its good-faith community engagement efforts, the Applicant will voluntarily agree to study, and implement if feasible and approved by LADOT, up to two crosswalks around the Property that enhance pedestrian circulation. That effort is outside of, and unrelated to, the CEQA process. With that understanding, the Applicant proposes that the City include a voluntary condition in the final Letter of Determination ("LOD") for the Project as follows:

Voluntary Crosswalks. *The applicant agrees to prepare, and submit to the Department of Transportation for review, a marked crosswalk warrant analysis to determine the feasibility of implementing pedestrian crosswalks across: (a) 3rd Street between Ogden Drive and Gilmore Lane; and (b) Fairfax Avenue between Blackburn Avenue and 4th Street. If LADOT produces a Traffic Control Report ("TCR") that confirms feasibility and approves one or both of the proposed crosswalks, then the applicant shall implement, or*

cause to be implemented, such crosswalk(s) prior to issuance of a final certificate of occupancy for the project as a voluntary community benefit.

As we mentioned in our prior letters, the Applicant has been committed to community engagement from the start of the administrative process years ago. This voluntary commitment to study, and implement crosswalks if feasible and approved, is more proof that the Applicant will deliver an excellent project that improves the Property and the community. We question, however, whether that will finally appease certain appellants or merely create another instance where the Applicant provides benefits and the appellant continues to oppose the Project on other grounds. We note that scenario for the record because we think it is important for the Area Planning Commission ("Commission"), and other City decision makers, to recognize that the time has come to approve the Project as a final act. The City needs housing and the Property needs redevelopment so it can become a better amenity for the community.

Therefore, we respectfully request that the Commission deny the appeals and approve the Project consistent with prior City approvals and staff's recommendation.

Best regards,

A handwritten signature in blue ink that reads "James E. Pugh". The signature is fluid and cursive, with the first name "James" and last name "Pugh" being clearly legible.

James E. Pugh
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Cindy Ross

April 7, 2022

855 S. Sherbourne Drive Apt. 1
Los Angeles, Ca. 90035

RE: Eldercare Facility Permit ZA-2019-7715-ELD-1A

My name is Cindy Ross and I live at 855 S. Sherbourne Drive Apt. 1 which is on the south side of the current two story building/property located at 843-847 S. Sherbourne Drive, Los Angeles, Ca. 90035 which an eldercare facility is proposed seven stories tall to be built on this site.

Many months ago I had a telephone call with Daniel Adhadan the consultant for the property owner at the above address to seek information regarding the project. Daniel informed me that he went to high school with Charlie Rauche and was friends with Charlie when he worked in the planning department at the City of Los Angeles.

I feel that this friendship has caused the ZA to be bias and giving special favors to this case as the meeting scheduled with the ZA on January 25, 2022 was canceled as Daniel attended the meeting late and the ZA announced to everyone that his wife had just had a baby three days prior. The original meeting was scheduled on November 9, 2021 and postponed to January 25, 2022 so Daniel had plenty of time to prepare for this case. He did not and asked Charlie Rauche for a continuance and that meeting is now scheduled for April 12, 2022.

I am requesting that a new ZA be assigned to this case that doesn't know the consultant Daniel Adhadan from his past employment at the Los Angeles City Planning Department.

This letter is being sent to Renata Ooms case file manager at renata.ooms@lacity.org as well as the Chief Zoning Administrator Estineh Mailian at estineh.mailian@lacity.org This ZA Charlie Rauche has shown that he is bias in his findings to approve this project due to his association and involvement with Daniel Adhadan.

Cindy Ross



2021-2022 TERM

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Walter Dominguez

P.I.C.O. NEIGHBORHOOD COUNCIL AREA REPRESENTATIVE

Lisa Kaye

April 10, 2022

Illissa Gold, President
Los Angeles City Council
City Hall
200 N. Spring Street
Los Angeles, California 90012

Re: DIR-2018-2770-SPR-WDI/ENV-2018-2771-EIR
300-370 South Fairfax Avenue; 6300-6370 West 3rd Street; and 347 South Ogden Drive,
Los Angeles, CA 90036 (Known as "Town and Country" Development)

Dear Honorable Commissioners:

The South Carthay Neighborhood Association ("SCNA") supports the concerns raised in the appeal filed by the Park La Brea Impacted Residents Group (PLBIRG) concerning the above-referenced Project. The SCNA is immediately adjacent to La Cienega Blvd on the west, the S. Crescents Hts. Blvd on the east, Olympic Blvd on the north, Pico Blvd on the south. Our main thoroughfare north is S. Fairfax Ave and many of us regularly shop at Whole Foods, the Farmer's Market and the Grove. As such, we are directly affected by any new or re-development at the Town and Country location.

PLBIRG's appeal raises serious concerns that this project will make the already hazardous conditions for pedestrians even worse. Even LADOT acknowledges that the narrow sidewalks along 3rd Street and Fairfax, the lack of proper crosswalks at Ogden and 3rd Street, and the T-intersection of Blackburn and Fairfax, are dangerous and violate city standards. In fact, LADOT admits that these crossings should have been remedied long ago. LADOT is also aware – and the developer itself has admitted – the number of pedestrians jaywalking between the Farmer's Market and the Grove and the developer's parcel on the south side of 3rd Street, far exceed the city's own requirements for additional crosswalks. One death has already occurred there. The expanded Whole Foods store which will offer a full-service restaurant and bar, an additional restaurant, and gym, sitting directly across from the Gilmore Lane entrance to the Grove, so more jaywalking and injured pedestrians are inevitable. The SCNA believes this development should not be permitted to proceed without addressing the existing and added hazardous conditions admitted by the City's own Department of Transportation and the developer.

This luxury development will add thousands of car trips a day to a set of streets where walking is already dangerous and uncomfortable. At the same time, the City of Los Angeles has an express commitment to getting people out of their cars and making our streets more, not less, friendly to pedestrian, bicycle, and public transit. Thus, it is arbitrary and capricious to allow the Project to avoid the necessary public safety improvements, unless the City is abandoning its own Vision Zero and other safety initiatives.

The SCNA also joins in the other issues raised by PLBIRG's appeal, namely the failure of both the EIR and Planning Director to properly consider cumulative traffic impacts; to properly administer the City's General Plan, the Wilshire Community Plan, and the City's Mobility Plan 2035; and to follow CEQA requirements to consider surrounding developments, on-site hazardous materials, and Greenhouse Gas Emissions.

For these reasons, the SCNA strongly urges this Commission to consider the lack of diligence and accurate information in both in the Planning Director's Letter of Determination and the Project EIR before you, the grave lack of pedestrian safety precautions implemented by this Project in one of the most pedestrian-heavy intersections of the City, and the over-all failure to comply with environmental and planning safeguards as required by law.

Sincerely,



Brad Kane

President, South Carthay Neighborhood Association

CC: Council Member Paul Koretz – District 5

Email: joan.pelico@lacity.org

**BEVERLY-WILSHIRE
HOMES ASSOCIATION, INC.**

8443 West Fourth Street ● Los Angeles, CA 90048-4101 ● Phone 323/653-6254

From: Beverly Wilshire Homes Association
8443 West Fourth Street
Los Angeles, California, 90048
Phone: 323-653-6254
Email: bwha@beverlywilshirehomes.com

To: Ilyssa Gold, President
Los Angeles Central Area Planning Commission
200 North Spring Street
Los Angeles, California 90012

Re: DIR-2018-2770-WDI/ENV-2018-2771-EIR
300-370 South Fairfax Ave.; 6300-6370 West 3rd Street and 347 South Ogden Drive
Los Angeles, California, 90036 (Known as "Town and Country" Development)

April 8, 2022

Dear Honorable Commissioners,

Beverly Wilshire Homes Association represents the area directly west of this project from Fairfax to La Cienega and from Wilshire to Willoughby on the north. We also represent the area East of the project from 3rd Street as far east as La Brea and again north to Willoughby.

We were invited by then Councilmember Ryu to participate in a two year study group that met monthly to review this project. Over those two years we studied the various impacts this development would have on the adjacent Hancock Park School and the surrounding community. Of primary concern were the impacts of the planned residential tower on the adjacent Hancock Park Elementary School. The developer was responsive to the concerns of the school community and we were pleased with the modifications and community benefits conferred on Hancock Park Elementary School.

To our dismay we feel that all other concerns no matter how grave fell on deaf ears. For 2 years we discussed the dangers of people jay walking to and from Farmers Market to the north across 3rd Street and again jay walking west across Fairfax to businesses or toward residences.

Many buses travel east on Fairfax and stop at Town and Country. When the buses stop, two lanes of eastbound traffic get backed up for blocks. This goes on all day, every day. Pedestrians waiting at the bus stop must wait dangerously close to the street and oncoming traffic because the sidewalk is so narrow. It is too narrow to be wheel chair accessible.

Presently, vehicles have two driveway entrances to the shopping center on 3rd Street. When the project is completed there will be only one. We fail to grasp the reasoning of more cars yet less accessibility. Cars waiting to turn into the lot block the buses from departing backing up the street. The additional density of this project will only exacerbate the situation. We repeatedly asked that the street be widened as is done in so many projects built today. We were told they did not want to do this. We asked that they carve out a space for the buses to pull over and move the bus waiting area back so that it was safer and more comfortable for the bus riders to wait. They said they could not do this.

Beverly Wilshire Homes supports the appeal filed by the Park La Brea Impacted Residents Group (PLBIRG). We do not oppose the project but we feel that the increased pedestrian and vehicle uses will exacerbate an extremely dangerous situation and require further thought in the planning of the perimeter of the project.

We urge you to reject this project as planned.

Sincerely,
Diana Plotkin
President, Beverly Wilshire Homes Association



California Renters Legal Advocacy and Education Fund

360 Grand Ave, #323
Oakland, CA 94612
hi@carlaef.org

April 11, 2022

City of Los Angeles
Area Planning Commission

Re: S. Fairfax Avenue, W. 3rd Street, and S. Ogden Drive Housing Development

Dear Commissioners,

The California Renters Legal Advocacy and Education Fund (CaRLA) submits this letter to inform the Area Planning Commission that they have an obligation to abide by all relevant state housing laws when evaluating the proposal to develop housing at 300-370 South Fairfax Avenue; 6300-6370 West 3rd Street; and 347 South Ogden Drive. The Housing Accountability Act requires approval of zoning and general plan compliant projects unless findings can be made regarding specific, objective, written health and safety hazards.¹ (Cal. Gov. Code § 65589.5). These findings must be unmitigable, based on written health and safety standards, and supported by a preponderance of evidence in the record. If a court reviews a local denial of housing, it will not defer to local judgment on these questions but instead “afford the fullest possible weight to the interest of, and the approval and provision of, housing.”²

In this case, none of the grounds for the appeal identifies impacts associated with this project that could justify a denial of housing. The environmental analysis of the project is complete and more than sufficient under the law. The Area Planning Commission should therefore deny the appeals and approve the project as proposed.

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit; it will bring increased tax revenue, new customers to local businesses, decarbonization in the face of the climate crisis, but most importantly it will reduce displacement of existing residents into homelessness or carbon-heavy car commutes. The appeal in this instance does not identify any health or safety impacts caused by the project, therefore the Area Planning Commission is under a legal obligation to approve of the project, and not attach any conditions that would result in a reduction of density. We ask that the Commission deny the appeal and allow for the creation of these new homes.

¹ Cal. Gov. Code § 65589.5.

² § 65589.5(a)(1)(L), *see, e.g., California Renters Legal Advocacy & Education Fund v. City of San Mateo* (2021) 68 Cal.App.5th 820.

CaRLA is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. While no one project will solve the regional housing crisis, the proposed 300-370 South Fairfax Avenue; 6300-6370 West 3rd Street; and 347 South Ogden Drive development is the kind of housing Los Angeles needs to mitigate displacement, provide shelter for its growing population, and arrest unsustainable housing price appreciation. You may learn more about CaRLA at www.carlaef.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dylan Casey', with a long horizontal line extending to the right.

Dylan Casey
Executive Director
California Renters Legal Advocacy and Education Fund

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Post Office Box 361295, Los Angeles CA 90036
www.MiracleMileLA.com info@MiracleMileLA.com

April 8, 2022

Illissa Gold, President
Los Angeles City Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Re: DIR-2018-2770-SPR-WDI/ENV-2018-2771-EIR
300-370 South Fairfax Avenue; 6300-6370 West 3rd Street; and 347 South Ogden Drive,
Los Angeles, CA 90036 (Known as "Town and Country" Development)

Honorable Commissioners:

I am the president of the Miracle Mile Residential Association (MMRA). I am writing on behalf of the MMRA to put on record our support of the appeal filed by the Park La Brea Impacted Residents Group (PLBIRG) concerning the above-referenced Project. The Miracle Mile is the neighborhood directly south of Park La Brea, and our residents not only experience the affects of development at 3rd and Fairfax, but are also regular patrons of the venues in and surrounding the Project Site. As such, we are direct stakeholders affected by any new or re-development at the Town and Country location.

As the appeal submitted to the Commission by PLBIRG on April 4, 2022, states, there are grave concerns that this project will make already hazardous conditions for pedestrians even more hazardous. As the appeal notes, LADOT acknowledges that the narrow sidewalks along 3rd Street and Fairfax, the lack of proper crosswalks at Ogden and 3rd Street, and the T-intersection of Blackburn and Fairfax, are perilous and violate city standards. Indeed, LADOT acknowledges that these crossings should long ago have been remediated. LADOT is also aware – and the developer itself has admitted – the number of pedestrians jaywalking between the Original Farmer's Market and The Grove and the developer's parcel on the south side of 3rd Street, far exceed the city's own requirements for additional crosswalks. One death has already occurred there. Such jaywalking will only increase significantly with the expanded Whole Foods store which will offer a full-service restaurant and bar, an additional restaurant, and gym, sitting directly across from the Gilmore Lane entrance to the Grove. The MMRA believes this development should not be permitted to proceed as approved by the City's Director of Planning without addressing the existing and added perilous, physically hostile, and hazardous conditions admitted by the City's own Department of Transportation and the developer.

Los Angeles is a city that, presumably, is committed to getting people out of their cars and to making pedestrian, bicycle, and public transit the highest priorities. This luxury development will add thousands of car trips a day to a set of streets where walking is already dangerous and uncomfortable. Strangely, and at odds



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April 8, 2022

Illissa Gold, President

Los Angeles City Planning Commission

Page 2

with the city's professed objectives, the Project is being allowed to escape the required public safety improvements at the expense of the neighborhood and our city.

The MMRA also joins in the other issues raised by PLBIRG's April 4, 2022 appeal, namely the failure of both the EIR and Planning Director to properly consider cumulative traffic impacts; to properly administer the City's General Plan, the Wilshire Community Plan, and the City's Mobility Plan 2035; and to follow CEQA requirements to consider surrounding developments, on-site hazardous materials, and Greenhouse Gas Emissions.

For these reasons, the MMRA strongly urges this Commission to consider the lack of diligence and accurate information in both in the Planning Director's Letter of Determination and the Project EIR before you, the utter lack of pedestrian safety precautions implemented by this Project in one of the most pedestrian-heavy intersections of the City, and the over-all failure to comply with environmental and planning safeguards as required by law.

Thank you,

A handwritten signature in black ink, appearing to read "Greg Goldin".

Greg Goldin

President, Miracle Mile Residential Association

CC: Councilmember Paul Koretz
Supervisor Shelia Kuehl

Miracle Mile Residential Association

Post Office Box 361295, Los Angeles CA 90036

www.MiracleMileLA.com info@MiracleMileLA.com



@MIRACLEMILELA



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PROJECT WILL PREVENT BIKE LANE ON 3RD STREET- DIR-2018-2770-SPR-WDI/ENV-2018-2771-EIR

1 message

Jacqui Lemus <jacqueline.lemus.plb@gmail.com>

Sun, Apr 10, 2022 at 8:37 PM

To: apccentral@lacity.org

Cc: Councilmember Paul Koretz <paul.koretz@lacity.org>, CD5 Western District Office <jay.greenstein@lacity.org>, joan.pelico@lacity.org, gregory.martayan@lacity.org, Jill Kline <jill.kline@lacity.org>, Rob Fisher <rob.fisher@lacity.org>

Re: DIR-2018-2770-SPR-WDI/ENV-2018-2771-EIR, 300-370 S. Fairfax; 6300-6370 [W. 3rd Street](#); [347 S. Ogden Dr., Los Angeles](#), ("3rd and Fairfax")

Honorable Illissa Gold
President
Central Area Planning Commission
[200 N. Spring Street, Room 272](#)
[Los Angeles, CA 90012](#)

Re: 3rd and Fairfax Project Will Kill Any Chance for a Bike Lane on Third Street!

Dear Commissioners:

I live in Park La Brea and I support the PLBIRG appeal of the "3rd and Fairfax" Redevelopment Project. The Developer is playing Russian Roulette with the public safety by not giving us safe crosswalks and sidewalks to visit their New Project.

Commissioner Gold, as you know, Third Street is designated as a bike route in the Mobility Plan. Ogden is designated as a bike friendly local street. Yet Holland Partners have refused to create a right turn "project access" lane around their property for the large volume traffic that will be coming to their Project. This will permanently prevent the conversion of one of the existing two lanes on Third St. to a bike lane.

See the attached photo: just two lanes on Third Street in front of Town and Country.

In these two lanes will be buses, 18 wheeler trucks en route to Whole Foods' loading dock on Ogden, moving trucks, and overall a big increase in vehicles going to the property.

Where we will put the bike lane the City promised us in the Mobility Plan?

A lane of traffic must be removed to add a bike lane. Without a separate "access" lane for the New Project, if you take out one of the only two traffic lanes for a bike lane, ALL OF THOSE WHOLE FOODS SUPPLIER TRUCKS, MOVING TRUCKS, apartment

occupants, and increase in customer traffic would be stuffed into the only remaining traffic lane. How will emergency vehicles get through?

PLEASE, PLEASE, PLEASE! Require the developers to create an additional lane for the traffic turning into the New Project so the existing two traffic lanes are not crushed.

Then the City can install the promised bike lane, and there would still be one through traffic lane that is not paralyzed by all of the traffic entering the New Project.

If you approve this Project “as is,” you will have doomed us to never have our bike lane on Third Street.

Sincerely,

Jacqui Lemus





DIR-2018-2770-SPR-WDI/ENV-2018-2771-EIR "3rd and Fairfax" Redevelopment Project

2 messages

6th Street Miracle Mile Neighborhood Association <6thmmna@gmail.com>

Fri, Apr 8, 2022 at 5:38 PM

To: apccentral@lacity.org

Cc: Dylan Sittig <dylan.sittig@lacity.org>

Re: DIR-2018-2770-SPR-WDI/ENV-2018-2771-EIR "3rd and Fairfax" Redevelopment Project

Dear Honorable Commissioners of the Central Area Planning Commission:

I am the co-president of the Sixth Street Miracle Mile Neighborhood Association (6thMMNA). I'm writing on behalf of 6thMMNA to voice our full support for the Park La Brea Impacted Residents Group (PLBIRG) Appeal of the 3rd and Fairfax (Town and Country) redevelopment project. Our neighborhood is due east of the project, straddling Sixth Street, bounded by Third and Wilshire, Hauser, Cochran and Detroit. Our residents will directly experience the impacts of construction and ongoing operations of the project. As well, we are customers of the existing businesses at Town and Country and surrounding area (Gilmore Station, Grove, etc). As such, we are "direct stakeholders" in what happens.

PLBIRG's appeal identifies specific hazardous conditions for pedestrians—especially the disabled—that the project would make more hazardous. Their photos of the sidewalks speak for themselves. These sidewalks are as PLBIRG said, 'obstacle courses' hostile to pedestrians, especially the disabled. As the appeal makes clear, the community has tried for a while to get more crosswalks to connect Town and Country with the surrounding community: one at the Blackburn entrance on Fairfax, and another connecting to The Grove / Farmers Market at Gilmore Lane. The rates of jaywalking at these two spots far exceed the normal standard to install a marked crosswalk. It seems pretty clear that when you redevelop your location with double the retail space and a big luxury apartment building, the number of people walking to and from is going to increase.

Not long ago an [85-year old man tried to cross Third Street from Farmers Market and was struck down by a car pulling out the Town and Country driveway](#) making a left turn. (A posted sign says no left turns but somehow the man is blamed.) (Click the link to read.)

Drivers also turn left out of The Grove onto Third Street, not stopping for pedestrians in the street. Before we go blaming a man for jaywalking, let's not forget: he was jaywalking because there is no crosswalk!

It also seems as if the City is not in earnest about preparing Third St. to become a legitimate bicycle route as mentioned in the Mobility Plan 2035. They approved the project building all the way out to Third St. sidewalk, which will prevent the two-lane eastbound Third St. from ever being widened to allow a bike lane. With all of the cars, buses, and gigantic Whole Foods delivery trucks (on their way to the loading dock) in these two little lanes, bicyclists will definitely be at risk. Does the City plan to reduce through traffic from two lanes to one lane in the future to make room for a bike lane? Have you thought this through? That would leave only one lane to hold big trucks, buses, a crush of traffic headed to the project, and that's just not enough. We agree with PLBIRG that the developer needs to make a right turn lane on Third St. for his project, from the busstop all the way to Ogden. This would serve the purpose of taking the vehicles headed to the project (and

the bus stop) out of the through lanes, so if in the future the City installs a bike lane—and we hope they do!—there would still one through lane remaining that isn't overloaded with all the project's traffic.

I've attached a few pictures. Thanks for reading my letter!

Sincerely,

Maria Rodriguez
Co-President
6th Street Miracle Mile
Neighborhood Association

6th Street Miracle Mile
Neighborhood Association







Planning APC Central <apccentral@lacity.org>

Mon, Apr 11, 2022 at 8:49 AM

To: William Lamborn <william.lamborn@lacity.org>, Etta Armstrong <etta.armstrong@lacity.org>

[Quoted text hidden]



Etta Armstrong <etta.armstrong@lacity.org>

Fwd: 3rd and Fairfax redevelopment

1 message

Planning APC Central <apccentral@lacity.org>

Mon, Apr 11, 2022 at 8:50 AM

To: William Lamborn <william.lamborn@lacity.org>, Etta Armstrong <etta.armstrong@lacity.org>

----- Forwarded message -----

From: **Martha Haight** <martha.haight@gmail.com>

Date: Fri, Apr 8, 2022 at 2:26 PM

Subject: 3rd and Fairfax redevelopment

To: <apccentral@lacity.org>, <joan.pellico@lacity.org>, <paul.koretz@lacity.org>, <dylan.sittig@lacity.org>, <jay.greenstein@lacity.org>, <rob.fisher@lacity.org>

Honorable Commissioners.

I live in Park La Brea at the corner of Alandale and Ogden directly south of the Proposed 3rd and Fairfax Project. I do not have a car. I walk, ride my bicycle and use the Metro bus system. My children, ages 10 and 13, and I are somewhere around the perimeter of the 3rd and Fairfax Project every single day.

It concerns me that the City would approve the 3rd and Fairfax Project with the obvious increase in negative impacts to pedestrians on Fairfax and Third Street. There are no crosswalks planned where the community actually crosses the street to and from this Project Site.

The sidewalks on Fairfax and Third Street (especially near the Third Street bus stop) are pitiful and dangerous. How could someone who uses a wheelchair possibly navigate these sidewalks to go to the new Whole Foods that will be part of the project? Or travel on these sidewalks to visit a friend living in the luxury housing project?

I support the Park La Brea Impacted Residents Group (PLBIRG)'s appeal in its entirety and ask that the Commisssioners uphold the appeal and send the Project back to be modified so it will be safe for the community to go to and from it.