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SECONDARY SUBMISSIONS



Department of City Planning

City Hall, 200 N. Spring Street, Room 763, Los Angeles, CA 90012

October 24, 2022

TO: City Planning Commission

FROM: Stephanie Escobar, Planning Assistant

TECHNICAL MODIFICATIONS TO THE COVER SHEET OF THE STAFF REPORT FOR CASE NO. DIR-2021-9356-TOC-SPR-VHCA-1A; 975 MANHATTAN PLACE

The following typographical modifications are to be incorporated into the staff recommendation report to be considered at the City Planning Commission (CPC) meeting of October 27, 2022, related to Item No. 12 on the meeting agenda.

The typographical errors to be corrected are only found on the cover sheet of the staff report. All information throughout the project materials provided in the record are correct, including but not limited to City Planning Commission Agenda, Hearing Notice, and Appeal Application.

The requested changes on the cover sheet include the following revised Applicant, Appellant, and Council District:

- Applicant: Korea Town, LP
Representative: Allen Park
- Appellant: Supporter Alliance for Environmental Responsibility
Representative: Rebecca Davis, Lozeau Drury, LLP
- Council District should be CD5 - Koretz

These recommended modifications do not change the project as discussed in the Recommendation Report.

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VIA E-MAIL

October 25, 2022

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RE: City of Los Angeles's 1848 South Gramercy Place (Case Nos. CPC-2020-2115-DB-HCA; ENV-2020-2116-CE; Related Case Nos. PAR-2020-3292-VHCA & CHC-2018-3217-HCM); Planning Commission Hearing, Agenda Item No. 7

Honorable Ms. Millman and Planning Commissioners:

On behalf of the Southwest Regional Council of Carpenters ("**Southwest Carpenters**" or "**SWRCC**"), my Office is submitting these comments for the City of Los Angeles's ("**City**") October 27, 2022 Planning Commission meeting for the 1848 South Gramercy Place Project ("**Project**").

The SWRCC is a labor union representing 57,000 union carpenters in six states, including California, and has a strong interest in well-ordered land use planning and in addressing the environmental impacts of development projects.

Individual members of SWRCC live, work, and recreate in the City and surrounding communities and would be directly affected by the Project's environmental impacts.

SWRCC reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearing and proceeding related to this Project. Gov. Code, § 65009, subd. (b); Pub. Res. Code, § 21177, subd. (a); see *Bakersfield Citizens for Local*

Control v. Bakersfield (2004) 124 Cal.App.4th 1184, 1199-1203; see also *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.

SWRCC incorporates by reference all comments raising issues regarding the Environmental Impact Report (EIR) submitted prior to certification of the EIR for the Project. See *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal.App.4th 173, 191 (finding that any party who has objected to the project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, SWRCC requests the City provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (**CEQA**) (Pub. Res. Code, § 21000 *et seq.*), and the California Planning and Zoning Law (“**Planning and Zoning Law**”) (Gov. Code, §§ 65000–65010). California Public Resources Code Sections 21092.2, and 21167(f) and California Government Code Section 65092 require agencies to mail such notices to anyone who has filed a written request for them with the clerk of the agency’s governing body.

The City should require the Project to be built using local workers who have graduated from a Joint Labor-Management Apprenticeship Program approved by the State of California, have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program, or who are registered apprentices in a state-approved apprenticeship training program.

Community benefits such as local hire can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project site can reduce the length of vendor trips, reduce greenhouse gas emissions, and provide localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site. [EXHIBITS A-C](#)

Workforce requirements promote development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and University of California, Berkeley Center for Labor Research and Education found:

[L]abor should be considered an investment rather than a cost—and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well-trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Further, workforce policies have significant environmental benefits given they improve an area’s jobs-housing balance, decreasing the amount and length of job commutes and associated greenhouse gas (GHG) emissions. On May 7, 2021, the South Coast Air Quality Management District found the “[u]se of a local state-certified apprenticeship program” can result in air pollutant reductions.²

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.³

Moreover, local hire mandates and skill-training are critical facets of a strategy to reduce vehicle miles traveled (VMT). As planning experts Robert Cervero and Michael Duncan have noted, simply placing jobs near housing stock is insufficient to

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.

³ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

achieve VMT reductions given that the skill requirements of available local jobs must match those held by local residents.⁴ Some municipalities have even tied local hire and other workforce policies to local development permits to address transportation issues. Cervero and Duncan note that:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing. The city's First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

Recently, the State of California verified its commitment to workforce development through the Affordable Housing and High Road Jobs Act of 2022, also known as Assembly Bill No. 2011 (“**AB2011**”). AB2011 amended the Planning and Zoning Law to allow ministerial, by-right approval for projects being built alongside commercial corridors that meet affordability and labor requirements.

The City should consider using local workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, improve air quality, and reduce transportation impacts.

Construction work is defined as a Lower to High-risk activity for COVID-19 spread by the Occupational Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.⁵

⁴ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? *Journal of the American Planning Association* 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCTI-825.pdf>.

⁵ Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, *available at* <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

SWRCC recommends the Lead Agency adopt requirements to mitigate public health risks from the Project's construction activities. SWRCC requests the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

SWRCC recommends the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- Clear signage will be posted at the project site directing you through temperature screening.
- Provide hand washing stations on the construction site.

Testing Procedures:

- The temperature screening used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.

- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.
- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require development of an Infectious Disease Preparedness and Response Plan that includes basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of more than 10 people including all-hands meetings and all-hands lunches) communication, training, and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health

Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.⁶

Finally, SWRCC has also developed a rigorous Infection Control Risk Assessment (“ICRA”) training program to ensure it delivers a workforce that understands how to identify and control infection risks by implementing protocols to protect themselves and all others during renovation and construction projects in healthcare environments.⁷

ICRA protocols are intended to contain pathogens, control airflow, and protect patients during the construction, maintenance and renovation of healthcare facilities. ICRA protocols prevent cross contamination, minimizing the risk of secondary infections in patients at hospital facilities.

The City should require the Project to use a workforce trained in ICRA protocols.

I. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is to inform decision makers and the public about the potential, significant environmental effects of a project. (CEQA Guidelines § 15002(a)(1).) “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.)

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); *see also*, *Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs* (2001) 91 Cal.App.4th 1344, 1354 (“*Berkeley Jets*”); *Citizens of Goleta Valley v. Board*

⁶ *See also* The Center for Construction Research and Training, North America’s Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, *available at* https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, *available at* https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

⁷ For details concerning Southwest Carpenters’s ICRA training program, *see* <https://icrahealthcare.com/>.

of Supervisors (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400.)

While the courts review an EIR (or CEQA exemption) using an “abuse of discretion” standard, “the reviewing court is not to ‘*uncritically*’ rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12).)

Where the Lead Agency chooses to dispose of CEQA by asserting a CEQA exemption, it has a duty to support its CEQA exemption findings by substantial evidence, including evidence that there are no applicable exceptions to exemptions. This duty is imposed by CEQA and related case law. (Guidelines § 15020; *Citizens for Environmental Responsibility v. State ex rel. 14th Dist. Ag. Assn.* (2015) 242 Cal.App.4th 555, 568; *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720, 732.)

The duty to support CEQA (and/or exemption) findings with substantial evidence is also required by the Code of Civil Procedure and case law on administrative or traditional writs. (See, Code of Civil Procedure (“CCP”) § 1094.5(b); *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.)

Further, CEQA exemptions must be narrowly construed to accomplish CEQA’s environmental objectives. (*California Farm Bureau Federation v. California Wildlife Conservation Bd.* (2006) 143 Cal.App.4th 173, 187.)

II. THE PROJECT DOES NOT QUALIFY FOR A DENSITY BONUS, INCENTIVES, CONCESSIONS OR WAIVERS, AS A MATTER OF LAW.

The Project and its CEQA exemption must be denied as it violates various laws.

A. The Project Does Not Qualify for a Density Bonus or Incentives.

State Density Law imposes a strict replacement requirement when the Project will in fact demolish the existing affordable units or displace low-income people. (Govt. Code § 65915(c)(3)(A)-(D).) The Project fails to meet this replacement requirement since it demolishes an affordable home of over 3,700 sf. and displaces over two dozens of low-income adults but provides no equivalent replacement or relocation.

B. The Project Does Not Qualify for Incentives or Waivers.

First, City can deny incentives or concessions under Govt. Code § 65915(d), if it makes written findings supported with substantial evidence that the requested

incentives “do not result in identifiable cost reductions to provide for affordable housing costs.” Here, City can make such findings since there is such substantial evidence in the record that the Project’s 33 units and incentives to support those solely seek to maximize the Applicant’s profits rather than compensate for the affordable housing costs of 3 units. The Project *reduces* rather than *provides* affordable housing.

Further, City can deny incentives since the Project, with its mass and scale, reduced setbacks, reduced open space, and close proximity to the nearby residential building, and its location within methane zone, in a commercial corner (“CDD”) while evading CDD requirements, and as well as its evasion of replacement requirements, including under the applicable Redevelopment Plan (RDP) constitutes substantial written evidence that the Project may have adverse impacts on human health and safety.

Lastly, City can deny incentives because those would violate state density bonus law, for failure to comply with replacement requirements.

Next, City can deny the Project’s *waivers* since those are allowed only when the zoning regulations physically preclude the development of the *allowed* density. As such, waivers are similar to variances (requiring specific findings including those of physical hardship and no detriment) and involve physical hardship, as compared with other lots. Here, no such physical preclusion or hardship applies. In fact, allowing such mass and scale and waivers will result in illegal spot zoning and illegal privilege to Applicant.

Finally, despite housing crisis, the State of California has made it clear that production of housing or affordable housing does not trump or override the state’s environmental concerns or human health and safety and CEQA remains a superior competing interest. (Govt. Code § 65589.5(d).) As detailed below, the Project violates CEQA.

In sum, the Project’s density bonus, incentives or waivers should not be approved.

III. THE PROJECT IS NOT ELIGIBLE FOR A CEQA EXEMPTION.

The Project should not be approved also because it does not qualify for the Class 32 CEQA exemption the City invoked under Guidelines § 15332.

A. The Project Is Not Consistent with GP and Zoning Regulations.

The Project does not meet Class 32 exemption’s *consistency* prong under Guidelines § 15332(a), as shown by the Project’s requested (and undisclosed) many incentives, waivers, variances, deviations that are not warranted by law. (*See*, Sec. II, *supra*.) The

Project is inconsistent with various RDP requirements, which City failed to properly consider, contrary to ruling in *Aids Healthcare Foundation v. City of LA, et al.*

Lastly, City's Class 32 *consistency* finding focused only on the Project's *consistencies* with GP and omits *inconsistencies* in density, open space, historical, affordability and other requirements, as prescribed by GP, recently updated Community Plan (part of GP), CPIO, RDP, CDD, and *other* zoning regulations.

B. The Project May Have Traffic, Air, Noise, Water Quality Impacts.

There is substantial evidence in the record that the Project – with its mass and scale, waivers, variances and evasions (e.g., RDP, CUP/CDD) – will have significant traffic, air, and noise. City's contrary findings are unsupported and clearly erroneous. So is the City's reliance on regulatory compliance measures.

C. Class 32 Does Not Apply In View of Applicable Exceptions.

Guidelines § 15300.2(b), (c) and (f) exclude categorical exemptions, including Class 32, if a project may have cumulative impacts, significant impacts due to unusual circumstances, and impacts to historical resources. All three apply here. First, the site is immediately across from another 64-unit project at 1375 W. Washington blvd., but is not mentioned by the City for cumulative impacts. Also, City's cumulative analysis is improperly limited to 500 feet radius. Second, due to the Project's unusual mass/scale and design features, location in methane zone, commercial corner, within RDP, the Project may have adverse impacts. Third, the Project site itself contains a building of *historical significance*, proposed to be demolished. The fact it was not registered as a *Historical Monument* is not dispositive.

IV. CONCLUSION.

In view of the aforementioned, we request to deny the Project and its CEQA exemption(s) and to require compliance with all laws, regulations, and CEQA.

If the City has any questions or concerns, please feel free to contact my Office.

Sincerely,



Stephanie Papayanis

Attorneys for Southwest Regional
Council of Carpenters

**CALIFORNIA
RENTERS LEGAL
ADVOCACY AND
EDUCATION FUND**

October 21, 2022

**City of Los Angeles
City Planning Commission**

Re: Proposed 1848 South Gramercy Place Housing Development.

Dear Commissioners,

The California Renters Legal Advocacy and Education Fund (CaRLA) submits this letter to inform the City Planning Commission that they have an obligation to abide by all relevant state housing laws when evaluating the proposed 1848 South Gramercy Place housing development. The Housing Accountability Act (GOV 65589.5) requires approval of zoning and general plan compliant projects unless findings can be made regarding specific, objective, written health and safety hazards.

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 climate crisis, but most importantly it will reduce displacement of existing residents into homelessness or carbon-heavy car commutes.

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. Consistent with the general plan, the proposed mixed-income development will provide badly needed housing and reduce reliance on private vehicles due to its proximity to neighborhood-serving amenities, employment opportunities, and public transit options. In addition, the proposed development is compatible with the surrounding neighborhood, which is developed with a combination of single-family dwellings, multi-family-residential buildings, and various storefront commercial uses.

While no one project will solve the regional housing crisis, the proposed 1848 South Gramercy Place 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.

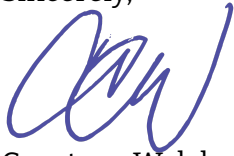
**360 Grand Ave #323, Oakland 94610
hi@carlaef.org**

Sincerely,

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

Dylan Casey
CaRLA Executive Director

Sincerely,

A handwritten signature in blue ink, appearing to read 'Courtney Welch', with a long horizontal stroke extending to the right.

Courtney Welch
CaRLA Director of Planning and Investigation

PRESERVATION VIDEO

HISTORIC PRESERVATION: RESEARCH / CONSULTING / ADVOCACY

March 21, 2022

Los Angeles City Planning Commission

RE: CPC-2020-2115-DB-HCA, 1848 S. Gramercy Place

Dear Commissioners:

My name is Jim Childs. I am very familiar with the former Community Redevelopment Agency (CRA) and its redevelopment plans, which are under state law a special kind of specific plan overlay district. I served as an elected community member of the CRA/LA Project Advisory Committee (PAC) for the Adams-Normandie 4321 Project Area located in the West Adams' University Park Neighborhoods.

For 12 years I was the Chair of the PAC's Housing and Planning Committee. Our committee reviewed ALL external development permits for projects located in the Project Area that required CRA staff sign-offs. Our reviews included compatibility issues with the Secretary of the Interior's Standards and Guidelines for historic properties and compliance with the California Environmental Quality Act. The requirements for an CRA approval were often disparate from those of normal LA City code standards. Simply put, the CRA's redevelopment goals for the community were to encourage projects that supported the economic growth of the community while not sacrificing the historic-cultural integrity of the community.

I am writing today about a proposed project at 1848 South Gramercy Place. Even though the current building itself is a 110-year-old residence that was, obviously, in a residential zone and neighborhood for most of its lifetime, at some point in recent decades it was rezoned to commercial manufacturing and then, more recently, to C1.5-CPIO. Then, thirty years ago, in the wake of the 1992 Civil Unrest, the City Council voted to adopt the Mid-City Recovery Redevelopment Plan, including 1848 S. Gramercy Place within that boundary.

Unfortunately, the proposed project does not appear to be at all compliant or conforming with the requirements of the redevelopment plan. Indeed, there has been **no effort made to try to comply**, nor to – as the Redevelopment Referral application form indicates they must – “**show compliance**.”

As you are aware, the CRA was basically dissolved about a decade ago. But its redevelopment plans – which are best described as a land use specific plan adopted by the Los Angeles City Council – live on. This includes the Mid-City Recovery Redevelopment Plan.

The Mid-City Recovery Redevelopment Plan includes specific policies, goals and requirements – including the broad rule regulation (common to all redevelopment plans) that allowing residential uses in a commercial zone is itself a discretionary action subject to both “rules” and actual decision-making. In addition, and this is also a broad, citywide regulation, when two or more incentives are requested for a Mixed-Use project, the lead agency or decision maker “shall find that the project provides for an arrangement of uses, Buildings, Structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.”

This is just one example of missing evaluations and findings for this project.

I would like to go through point by point both the transfer of the authority from the CRA to City Planning to administer the City’s redevelopment plans, and then the actual Mid-City Recovery Redevelopment plan.

The stated purpose of the transfer of authority was not to undo the CRA regulations but, rather, to ensure their continued implementation. Page 5 of the pertinent Staff Report (dated May 8, 2014) to the City Planning Commission and City Council states: *“The Department of City Planning would serve as the responsible agency for the continued implementation of the existing 21 active Redevelopment Plans, the latest of which expire in 2033.”*

It goes on to point out that doing so provides a continuity to “vulnerable communities” including our own: *“Each of the redevelopment plans have been adopted by the City and found by both the City Planning Commission and the City Council to be consistent with the City’s General Plan. Further, consolidating the land use controls in the redevelopment plans to the City Planning Department is critical to ensure that the goals of the General Plan are met by **maintaining important land use provisions in some of the City’s most vulnerable communities** and that the City retains local control over land use policy.”*

Further: *“DCP develops and administers overlay zones and specific plans that have provided more tailored land-use requirements for many of Los Angeles’ unique neighborhoods. **Similarly, most of the 21 active Redevelopment Plans have tailored requirements that specify permits cannot be issued without some level of signoff ensuring that development proposals are consistent with the governing Redevelopment Plans. Redevelopment Plans and land use review provide important protections for neighborhoods in regards to development scale, use, density, intensity, parking, design, and historic preservation. These land use tools provide standards for development in many of the City’s most economically disadvantaged neighborhoods.**”*

Also noted is that: *“Redevelopment land use approvals are therefore essential to allow property owners and applicants to utilize their full development rights, as well as to ensure community protection through careful review of design, signage, use restrictions, historic preservation and other local priorities in some of the City’s most sensitive and economically disadvantaged*

*communities.” For example, in South Los Angeles, which the Mid-City Recovery Redevelopment Plan is a part of, “South Los Angeles’ commercial corridors have land use controls regulating auto related uses, **design review of new construction**, and preserving employment land uses.”*

Importantly, “The transition of land use authority from the former CRA/LA to the City Planning Department makes certain that the Redevelopment Plans, which serve as legal expressions of public policy adopted by the City Council, will continue to be implemented to ensure continued community protection in the redevelopment plan areas.... All stakeholders that are impacted by development and uses in redevelopment project areas stand to benefit. The proposal does not change the intent or function of the regulations in the Redevelopment Plans; however, it does provide certainty to the development community and neighborhoods that land use rights and controls in redevelopment project areas will continue to be enforced in a clear and consistent manner.”

The City Planning Commission, in adopting the resolution approving the transfer of authority, included this language: *“WHEREAS, transitioning the land use controls in the redevelopment plans to the City is critical to: 1) ensure continuity and certainty for the development community; 2) ensure that the City’s economic development goals are achieved; 3) maintain important land use protections in some of the City’s most vulnerable communities; and 4) retain local control over land use policy.”*

Despite all of this broad language, the statements of policy regarding protecting vulnerable communities and ensuring continuation of the redevelopment plans, and the specific adoption of changes to the LAMC to assure that this is implemented – despite this, for this project in particular there has been basically zero attention paid to any of this OR to the actual Mid-City Recovery Redevelopment Plan itself.

The Project Objectives of the redevelopment plan (page 2, Sec. 105.5) include “architectural and urban design standards including standards for: height, building setback, continuity of street façade; building materials; compatibility of new construction with existing structures, and concealment of mechanical appurtenances.”

The proposed project does not conform to height (although we all recognize there are some exceptions under the Housing Crisis Act, the requested waiver from 3 stories to 7 stories, and from 45 feet to 75 feet, is excessive and is not in conformance with the redevelopment plan); OR building setback (requested waiver to zero feet on the frontage in lieu of 10 feet or more); continuity of street façade (the street façade is set back 40 feet).

Project Objective 105.16 (page 4) underscores the purpose of this redevelopment plan to be an economic catalyst in the wake of the Civil Unrest: “Promote a thriving commercial environment which will contribute to the economic well-being of the Project Area.”

The proposed project is asking for relief from that redevelopment objective by asking for two waivers from the zoning (CPIO) requirements: one, to reduce the height of the first-floor commercial component from 14 feet to 10 feet; and two, to reduce the frontage from the minimum required identified as a “bakery.” I do not see how this minimum space allotment could possibly lead to a contribution to the economic well-being of the community, a redevelopment plan objective.

In the redevelopment plan’s Land Use section, it acknowledges that areas shown on the map as Commercial shall be developed with commercial uses “consistent with the applicable Community Plans,” as they may be amended from time to time. (page 15, Section 503.1) The Community Plan designation for this location was amended to C1.5-1VL-CPIO. The “CPIO” is a zoning designation and not just a theoretical set of regulations and standards; in other words, it is the new zoning that new commercial (or in this case, mixed use) developments shall be consistent with, in order to be in compliance with the redevelopment plan.

With all the waiver requests to not follow the CPIO regulations, this proposed project does not show compliance with the Mid-City Recovery Redevelopment Plan.

Additionally, Section 503.5 (page 16), which describes residential uses in a commercial zone, states specifically that “The Agency may permit appropriately designed...residential and mixed-use development within commercial.”

So we are back to the phrase “appropriately designed” and the nuance of meaning where the Agency (now the Planning Department and the City) “may” permit. This is a discretionary action on the part of the decision-maker and must be based on whether or not a project meets appropriate design standards.

One standard this redevelopment plan includes is FAR, which is at a maximum of 3:1. The CPIO maxes out at 1.5:1. The Applicant is requesting 5.1:1 – 3.4 times as dense as the CPIO maximum.

This proposed project also requests waivers from, essentially, all setback requirements on all four sides. These are the required setbacks in the C1.5-1VL-CPIO zone. However, the redevelopment plan (Section 515) actually goes a bit further, granting the decision maker to “establish setback requirements for new development within the Project Area which may exceed the requirements of the City’s zoning ordinance.” This is because a major part of the former CRA’s responsibility was to ensure a good quality of life (not just aesthetics), especially for discretionary approvals.

Section 516 (page 19) specifically excludes the approval of “Incompatible Uses.” “No use or structure, which by reason of appearance...or similar factors that would be incompatible with the surrounding areas or structures, shall be permitted in any part of the Project Area.”

I believe that is a pretty clear statement – **nothing incompatible shall be permitted.**

On page 20 of the redevelopment plan, it notes (518.2) that no variation from the redevelopment plan except one that is a minor variation or minor departure from the plan except under “exceptional circumstances or conditions.” There is nothing exceptional about the parcel of this proposed project in Angelus Vista; indeed several other developers are now in the process of constructing multi-family projects on similarly sized lots without asking for all of the waivers that this applicant requests. The redevelopment plan states, “No variation shall be granted which changes a basic land use or which permits other than a minor departure...” But in essence, the Applicant is asking for so many waivers as to make the C1.5-1VL-CPIO zoning changed, e.g., it changes the basic land use.

On the same page, Section 520, Design Guidelines, the requirement is that applicable design guidelines shall be utilized. At this writing, the applicable design guidelines would be a combination of the CPIO and the citywide guidelines, and they shall be used. Moreover, the specific language of the redevelopment plan is: “...the Agency [City] is authorized to establish heights of buildings, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for the proper development of both private and public areas within the Project Area....One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open place and other amenities to enhance the aesthetic quality of the Project Area. The Agency shall not approve any plans that do not comply with this Plan.”

If the Agency could not (shall not) approve any such plans, nor should the Planning Department, or the City Planning Commission.

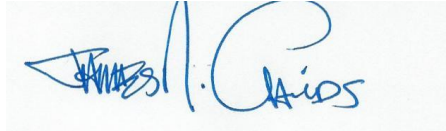
I would like to reiterate that the Planning Department and this Commission is charged with implementing the Mid-City Recovery Redevelopment Plan. So far, both Planning Staff and the Applicant have instead ignored it, avoided it, and failed to actually implement it.

I ask that the Commission therefore *deny all of the proposed project’s requested waivers*, all of which are not in compliance with the redevelopment plan (not to mention the CPIO nor any sensible urban planning standards).

Last but certainly not least, one of the most important policies in this and any redevelopment plan is to help ensure that individuals not be displaced and do remain housed. But (despite reports to the contrary) the Applicant is a housing provider (having become so by dint of acquiring this property, which has served as supportive housing for nearly two decades for more than twenty occupants, in a group/dormitory setting). The Applicant has stated repeatedly that this is a single-family home, and apparently now has told staff it is vacant. That is not true. I will let others describe the situation more fully but given that I am writing about the City’s redevelopment plans, I do want to note that any project that results in displacement

without mitigations (relocation, assurances that homelessness will not result) is not compliant with the redevelopment plan.

Thank you,

A handwritten signature in blue ink, appearing to read "Jim Childs". The signature is stylized with a large, looped "C" and a distinct "J".

Jim Childs
Preservation Video
2326 Scarff Street, LA, CA 90007
Jeanjim2341@att.net
213 747 2526



Jean Frost
2341 Scarff Street
Los Angeles, CA 90007

March 21, 2022

Los Angeles City Planning Commission
RE: CPC-2020-2115-DB-HCA, 1848 S. Gramercy Place

Dear Commissioners:

I am dismayed to learn that my colleague Laura Meyers' very thorough August 23, 2021 comment letter was not included in the Staff Recommendation Report that has been distributed to you and to the public. This overt omission could be construed as an appearance of bias. I attended the August hearing and so much of the record would justify a conclusion and recommendation other than the current staff report before you.

Ms. Meyers had submitted her comments in advance of the August public hearing; receipt of her email with this letter attached was confirmed by the Mayor's deputy as well as the Council District 10 Planning Deputy (and several neighbors, plus I was also copied on her email and received the letter). It is clear from the group of downloaded documents that resulted from Laura's Public Records Act (PRA) Request last August that staff had also received her email with the comment letter attached, because that email from Laura was included in the PRA materials.

It makes all of us wonder if there are other letters received by staff that were not included in Staff's report to the Commission?

Below this introduction I am therefore (in smaller type, to fit the CPA requirements/limits) incorporating Laura's previous email into this comment letter (*see full text below*).

I would also like to express concern regarding the Staff Report's reference to 15 speakers at the public hearing, but without including any real specifics and just a two-sentence summary of the comments. The usual procedure, including recent ZA reports by way of example, would have staff include a discussion of the comments made and then perhaps staff's rebuttal to same, but that is the only way the Commissioners would know the content of the public hearing. This should be a transparent process. Instead, it looks like a biased process designed to diminish community input and expressions of concern, opinion and, yes, facts, all in order to reach a preconceived, foregone conclusion. I was present at the (virtual) hearing and I can tell you that a great deal of relevant and important information was communicated to Staff. Moreover, the Council District 10 representative's comments regarding concerns have also not been addressed in the Staff Report.

I hope you will take the time to read Laura's original letter below. She has asked staff to also submit it, but as of close of business on Friday had not received a response.

Thank you for your consideration,

Jean Frost
indiejean@att.net

LAURA MEYERS

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August 23, 2021

City Planning Commission
CPC Hearing Officer
200 North Spring Street, Room 721
Los Angeles, CA 90012
Via email: sergio.ibarra@lacity.org
Rafael.fontes@lacity.org
cpc@lacity.org

RE: CPC-2020-2115-DB (HCA)

Dear Honorable Commissioners and City Planning Staff:

I am writing to express my very strong, personal concerns about this proposed project. As proposed, it is objectively completely out of compliance with the City's adopted regulations, the zoning for the parcel, the two specific plans that overlay the zoning, the neighborhood character, and, importantly, it is out of compliance all policies designed to prevent displacement of low-income persons.

No reasonable person would consider a dozen requests for "waivers" from the requirements of the zoning and the parcel's overlays/specific plans as inconsequential. These requested waivers – which are not all properly stated in the Hearing Notice – include waivers from lot coverage; setbacks; height; transitional height requirements; common open space (stated as a requested waiver to 1,500 feet in lieu of 3,700 feet, however that is not true because the 1,500 square feet is comprised of private balcony space – not common open space); FAR; required commercial frontage; landscape buffers; and more. What is not included in the Hearing Notice as a subject matter is the project's compliance (or, rather, lack thereof) with either the Mid-City Corridors Recovery Redevelopment Project OR the CPIO. (The case should have been filed as a Multiple Approvals Case, but appears not to have been).

Indeed, it would seem that in practical fact the Applicant is requesting a Zone Variance but is attempting to utilize waiver requests to avoid filing a Variance application or making the required Findings to support that request.

I support increased housing production, but not at the expense of all reasonable adopted standards. I especially do not support a project that will increase displacement rather than solve our increasing problem of unhoused individuals.

I will try to summarize my concerns in this letter in advance of today's hearing, but reserve the right to submit further comments after the case is presented and others may have also testified.

Zoning Conflicts:

The zoning is C1.5-1VL-CPIO. The 1VL zoning designation is Height District 1, "very low." Very low means a maximum of three stories, and 45 feet. The Applicant desires to build a 7-story, 76-foot building, more than 100% out of compliance in terms of the number of stories, and represents an approximate 69% increase in height as measured in feet. This is not a mere "waiver" of a development standard.

Too, in the adopted CPIO ordinance, it is stated explicitly that the CPIO itself shall govern any conflicts between height and/or transitional height requirements in any other portion of the LAMC. The matter before the City Planning Commission hearing officer appears to not include an application for an "Exception" (or other variation) to the CPIO. Noting also, to gain a CPIO Exception, the Director of Planning shall make a Finding that the project substantially complies the CPIO's design guidelines or other applicable design guidelines (this will be discussed further, below).

The CPIO designation is an overlay or Specific Plan that changes certain general requirements of the C1.5 zone to requirements that are more particular and exacting to “Subarea A, Neighborhood Serving Corridor.” This Subarea does allow for more multi-family housing, along with “a refined range of commercial uses that serve the needs of the surrounding neighborhood. Development standards promote neighborhood activity and facilitate a more pedestrian-oriented environment.”

However, this project offers zero pedestrian amenities, and does not promote neighborhood activity.

For clarity and to give current staff some historical background they may not be aware of, the Community proposed and presented supporting materials for a Washington Boulevard Specific Plan (from Normandie to Crenshaw) almost two decades ago, in 2004. There were a series of approximately three dozen community meetings over several years with business owners, homeowners associations, two neighborhood councils, the Community Redevelopment Agency, and the Planning Department throughout the process. This process led to both mapping and a written proposed Specific Plan based on the Colorado Boulevard Specific Plan, the CRA/City Council-adopted Urban Design Guidelines for Adams-Normandie 4321 (University Park) and the comments received in the series of community meetings.

Faisal Roble, currently the City Planning Department’s Chief Equity Officer, led the Planning Department team that was evaluating the Washington Boulevard Specific Plan proposal. In the end (the “end” was years in the making) Mr. Roble informed the Community that the new CPIO for Washington Boulevard would adopt the Specific Plan’s proposed development requirements, and that the CPIO would be utilized as a Specific Plan.

The reason for this long discourse is, quite simply put: If Planning Staff informs and confirms with the Community that it achieved its goal of having specific plan requirements adopted, *and Planning Staff did do that*, then it is completely improper to even consider dispensing with those requirements at the first opportunity. How does a citizenry trust its government when what is said (and adopted) can be so easily ignored? How is this equitable in a diverse BIPOC community where the evidence of prior racist zoning within this community/neighborhood is evident in the very history of zoning on this particular parcel?

Design

There is nothing in the renderings included in the initial Application packet in February 2020 (the only architectural/design information available to me; the current renderings are not online in the City Planning Department’s Case Summaries section) that would indicate that any thought was given to the requirement of neighborhood compatibility (per the CPIO) nor the Redevelopment Plan’s requirements and policies related to “architectural and urban design standards including standards for: height, building setback, continuity of street façade; building materials; [and] compatibility of new construction with existing structures....”

Moreover, Staff may not be aware that within this (and most) Redevelopment Plans, the approval of a project that does not fully comport with the underlying zoning is itself a discretionary action. In other words, approving residential uses in a commercial zone is possible, but discretionary (see **503.5** of the Redevelopment Plan: The Agency may permit appropriately designed and properly located Residential and mixed use development within Commercial...areas...). So a project to be approved must also meet certain design standards. Now that the CRA’s jurisdictional authority has transferred, the “Agency” is now Planning Staff, the Director of Planning and/or the City Planning Commission. At **515** of the Plan, it is also stated that the decision maker may establish setbacks in excess of the zoning requirements (see discussion about the 40-foot Building Line below).

No project may be approved that is “incompatible” for a number of reasons, including “by reason of appearance” (**516**). For land use entitlements (**521**), none *shall* be issued “unless and until” the project is “determined to be in conformance with this Plan and any applicable design guidelines.” Those Design Guidelines (**520**) include an analysis of land/lot coverage, setbacks, design criteria, and height. “One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such [project/improvement] plans *shall* give consideration to good design, open space and other amenities to enhance the aesthetic quality of the Project Area. The Agency *shall* not approve any plans that do not comply with this Plan.”

For the review and approval of discretionary requests within the CPIO, the decision makers should make Findings “related to neighborhood compatibility, the degradation or benefit of the Project to surrounding properties and the community, and conformity with the intent and purpose of the Community Plan.”

I recognize that objective standards are required in these evaluations, but objectively the absolute lack of common open space; the lack of side yard and rear setbacks; the utter disregard of the 40-foot Building Line on the east side of Gramercy Place, technically the *prevailing setback* which is also the actual setback for all properties without exception located between Venice and Washington on the east side of South Gramercy Place (1600-1848 S. Gramercy Place); and the failure to include any sort of Transitional Height design adjacent to the RD2-zoned, two-story, 1920s fourplex north of the property are all objective standards that are being dispensed with in the proposal.

Objectively, a 7-story building at this location would be the only building of that height on Washington Boulevard between Downtown (Figueroa) Los Angeles and Culver City, a many-miles stretch of road. The landmark Oddfellows Hall (Casa Vertigo), located at Washington and Oak, is only six stories. Ross Plaza, located on Western at 18th Street, is only five stories. This project’s uninspired, block-like masonry design is not iconic (I hesitate to evaluate it further on architectural merits), but would dominate the Washington Boulevard corridor.

The **Citywide Design Compliance form** was not included in the package nor is it online. The project therefore does not demonstrate alignment with the City’s Design approach. The project is out of compliance with many of the current guidelines, as well as the narrative guidelines in the prior iteration AND the Redevelopment Plan guidelines.

In cases where the Citywide Design Guidelines conflict with a provision in a Community Plan’s Urban Design chapter, specific plan, overlays, or other local design guidelines the community specific requirement shall prevail. Applications that do not substantially conform to specific guidelines should provide rationale for an alternative design approach.

Here’s my attempt to drill down to the Citywide Guidelines for this project:

Guideline 3: Design projects to actively engage with streets and public space and maintain human scale.

RESPONSE: A 7-story building with a 0-foot setback does not maintain human scale and the design does not actively engage with the street nor create a public space.

Guideline 4: Organize and shape projects to recognize and respect surrounding context.

RESPONSE: This project design does not respect the surrounding context.

Guideline 5: Express a clear and coherent architectural idea

The design of the site and the building should have a comprehensive concept experienced through scale, proportion, enclosure, and compositional clarity

Building Design

- *Shape building design to respond to the setbacks, fenestration patterns and important horizontal datums of adjacent structures.*
- *Select materials and develop façade details that consider the views of the building from all sides*

RESPONSE: This project does not respond in any way to adjacent structures. Its scale and proportion is not compatible with anything in the neighborhood or along the Washington Boulevard Streetcar Commercial Corridor, which dates to the 1920s. The materials do not align with anything nearby. The Applicant does not seem to have considered the views of the building from all sides.

Guideline 6: Provide amenities that support community building and provide an inviting, comfortable user experience.

Design to create livable places and desirable environments where people want to spend time engaging in social, civic, and recreational activities. Projects that encourage connections with a variety of transit modes and enhance their immediate environment with amenities are highly encouraged.

For buildings with six units or more, cluster code-required common open space areas in a central location, rather than dispersing smaller less usable areas throughout the site.

RESPONSE: There is no common open space. There are no pedestrian amenities. This is not a project that encourages connections with a variety of transit modes.

Objective 1: Consider neighborhood Context & Linkages in Building and Site Design

1.1 Site Planning

>> ... where additional setback is necessary or a prevailing setback exists, activates the area with a courtyard or “outdoor room” adjacent to the street by incorporating residential amenities such as seating or water features, for example

>> Locates a majority of code-required open space at the ground level in a manner that is equally accessible to all residential units to promote safety and the use of outdoor space. [podiums may be used.]

1.2 Building Orientation

>> Locate gathering spaces such as gyms....at the ground level and accessible to the street

1.3 Entrances

>> Maintain an active street presence for ground floor retail establishments in mixed use projects by incorporating at least one usable street-facing entrance with doors unlocked during regular business hours

>> In mixed use projects, ensure that ground floor uses maintain a high degree of transparency and maximize a visual connection to the street by providing clear and unobstructed windows, free of reflective glass coatings....

1.4 Relationship to Adjacent Buildings

>> Ensure that new buildings are compatible in scale, massing, style, and/architectural materials with existing structures in the surrounding neighborhood. In older neighborhoods, new developments should likewise respect the character of existing buildings with regards to height, scale, style and architectural materials

RESPONSE: The project violates each of these Bullet points.

Issues with Submitted Plans:

There are conflicts between the submitted plans (even internally, comparing the landscape plans to the primary plans) and the other Application materials.

For example:

1). The amount of square footage for the commercial portion varies on different pages and in different forms, ranging from 204.4 square feet to 260 square feet to 360 square feet. What is the correct number? [The space is clearly very small, compared to the total 28,000 square feet for the project. Noting again that this proposed project is within the Mid-City Recovery Redevelopment Plan, in a commercial zone.]

2). One of the entitlement requests is for a 0-foot setback on the south side of the project. But on the plans page L3, it shows “perm pavers or permeable concrete walk” and a sweet bay laurel hedge in that same location (at the first floor level)

3). There is also conflict in the stated FAR numbers. On the Application, the request is for an FAR of 3.4:1 in lieu of 1.5:1. Elsewhere in the submitted materials 3.25:1 is mentioned. But on the Hearing Notice it states 5.1:1. Which figure (request for incentive, in this case) is correct?

The Setback (or lack thereof):

To place this commentary into the record (although it has been in several emails sent by me and, to-date, unanswered by the Planning Department), the east side of Gramercy Place between Washington Boulevard and Venice Boulevard (1600-1800 blocks) has a 40-foot Building Line.

The 40-foot setback was originally established on the deeds circa 1903. In 1919, the California Supreme Court (in the landmark case, *Fritz Werner v. Mary M. Graham, et al*) determined that conditions set forth on deeds are not enforceable. This had many implications throughout Los Angeles and the state, but for this section of South Gramercy Place the simple result appears to be that the City Council, 100 years ago, adopted **by ordinance** the enforceable 40-foot Building Line.

That building line designation was not only on ZIMAS, it also appeared as an attachment in the first application by this self-same Applicant for his TOC case. (2018 ZIMAS report attached, see page 2 near the top of the page).

To be clear, every single property on the east side of Gramercy is built behind and respects the 40-foot setback building line, including the adjacent liquor store facing Washington Boulevard.

Subsequently at an unknown date with no notice to the property owners on the east side of Gramercy, the 40-foot Building Line was removed from this parcel (as well as the parcel to the south), thus showing a termination of the Building Line at 1844 S. Gramercy. I see no City Council action in the Clerk's online file management system, and of course none of us were notified that such an action was pending (if an action was pending). Did a voted-upon action to amend the original ordinance happen? If yes, I would like a copy. If not, WHO changed the ZIMAS record?

A Building Line is not a “development standard” for which a waiver should be given. And, as detailed above, for a project to be compatible in situ at this location, it should not jut 40 feet forward beyond the properties both to its north and south.

Environmental and CEQA Concerns:

I will be brief.

The residence was not declared a City of Los Angeles Historic Cultural Monument (HCM) in 2018. There were several legal and political issues that swirled around the situation, but that would not be pertinent to CEQA. What is pertinent are two facts:

1). As a part of his response to the HCM nomination, the owner/Applicant for this project had hired several representatives who in turned submitted a false document purporting that this property had been evaluated and rejected as a Contributor to the National Register. It turned out that the evaluation had been for a property in Hollywood located at 1848 North Gramercy Place. Unfortunately, that document was not removed from the file; and it was not made clear that it was an incorrect assessment. It may not have made a difference, but the situation does demonstrate the lack of rigor in the 2018 evaluation by Planning (OHR) staff.

2). Conversely, Planning Staff is well aware that its own 1996 Historic Resources Survey for this Community – prepared by a well-known Historic Consultant firm – identified as a potential historic district the “18th Street Neighborhood,” which basically comprises the Angelus Vista tracts. That survey did not differentiate between properties zoned residential and properties zoned industrial (unlike the later South Los Angeles SurveyLA, which excluded properties – like 1848 S. Gramercy – which were zoned commercial manufacturing at the time). And, 1848 S. Gramercy Place was identified as a Contributor to that District. Staff is aware of this and has had the paperwork for some time. The bulk of the identified properties now sit within the new Angelus Vista Character Residential Overlay District CPIO – a socalled “HPOZ Lite” district – but because 1848 S. Gramercy Place sits within the commercial zoning, it was excluded from the protections of the Character Residential District. That does not exclude its proposed demolition from CEQA consideration, and indeed the Redevelopment Plan does require a further evaluation as well. (One component of the Redevelopment Plan is historic preservation – see Objective 7 and other references).

3). Then there is the matter of the two-level, above-ground parking structure. As proposed, it would have a mere 5-foot setback from the small apartment building to the north. That building, in turn, is set back only five feet from the

property line – so ten feet total separation, for the residents, from the fumes vented (through the grilles showing on the renderings) by the cars in this parking garage. A mitigation (assuming staff is inclined to approve the requested reduction of side yard setback) is readily available: put the parking underground. That, of course, would also reduce the height. But for this comment, I am addressing the environmental concern/CEQA.

Displacement:

How long can the Department pretend that this project would NOT displace 20-25 individuals from their longtime supportive housing?

As you are aware, I was engaged by (the former) Council District 10 staff to represent the City in its above-referenced application for Historic Cultural Monument status for this property. I do want to remind you that in addition to myself, many city family members toured this house and took official photos of its interior. Present on the tour were OHR staff members; two Cultural Heritage Commissioners; CD10's field deputy (prior) for the area; several city interns; Applicant and Applicant's representatives; and maybe others. City staff and I all took photos; this documentation is part of the City's records. There are many photographs available to you that show occupied "dormitory" rooms with multiple beds and dressers. On the first floor, the dining room, the large rear addition, and perhaps one other room were all in use as dormitory-style bedrooms or units. On the second floor, all four bedrooms were similarly set up. In addition, while we were not able to take photos in the third-floor attic space, there appeared to be a similar set-up.

I am inserting several (albeit random) photos of the dorm rooms at 1848 S. Gramercy Place from that site visit that were taken by staff (not me) and which are a part of the public file.







I want to emphasize that while these are random photos, and there are more, it is clearly evident in the pictures that the residence is used for multiple persons.

As of today, Monday, August 23, 2021, we (the neighbors) still do not know of the gentlemen who reside at the property are even aware of this project. The property was not posted for the public hearing.

A few “clean up” items. First, I am writing this letter as an individual, and not on behalf of any organization I may be associated with.

Second, I am happy to provide Planning Staff with a copy of the Redevelopment Plan, or a version I annotated to call out elements that are relevant to the approval of this project.

Third, I am able to share a Dropbox link to the CHC/staff photos for 1848 S. Gramercy Place. However, I suspect you may wish to acquire the photos directly from the Department. Please just let me know how you wish to proceed on that.

And last, again I do reserve the right to submit further comments after we see and hear the presentation from Applicant at today's hearing, noting that the files online were incomplete.

Thank you very much,

Laura Meyers

Cell 323-868-0854

LAURA MEYERS

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October 24, 2022

City Planning Commission
RE: CPC-2020-2115-DB (HCA), 1848 S Gramercy Place

Dear Commissioners:

I am writing you today, once again, about this proposed massively-oversized, 31,263-square-foot, seven-story, 75-foot tall building on a single city parcel with nearly 100% lot coverage, little to no setbacks, two above-ground levels of parking, for 33 units, 3 of which are affordable building that essentially covers the entire lot with a minimal 5-foot setback at the rear. It is a project that dislodges longtime residents (my neighbors) who are members of a protected class; a project that is actually inconsistent with the underlying zoning; and is a project that also is inconsistent with the still-extant redevelopment plan.

Appended to this letter are a few selected pages from the Mid-City Recovery Redevelopment Project Redevelopment Plan, which overlays this parcel (thus its land use regulations govern the project, along with other zoning requirements). I have also included some recommendations for alternative Findings at the end of this letter.

As I have previously noted, and despite the repeated statements by Planning Staff, you are NOT required to approve all of this project's requested waivers and incentives (see discussion below).

Applicant asks for 2 incentives (the maximum allowed under both state and city regulations for this level of affordability) and then a self-described additional 8 "waivers," some of which are not waivers of development standards but rather are requests to vary from the zoning. This is beyond unreasonable.

In the face of an out-of-character, out-of-scale project that will displace neighbors and tower over a neighborhood, please find the strength to *just say no*.

You are able to do so.

I read with interest a prior letter submitted by attorney Mitchell M. Tsai, representing the Southwest Regional Council of Carpenters, in which he noted that the City can deny both the incentives and the waivers.

Regarding the incentives, he writes that the "*City can deny incentives or concessions under Govt. Code 65915(d), if it makes written findings supported with substantial evidence that the requested incentives 'do not result in identifiable cost reductions to provide for affordable housing costs.'* Here, City can make such findings since there is such substantial evidence in the record that the Project's 33 units and incentives to support those solely seek to maximize the Applicant's profits rather than compensate for the affordable housing costs of 3 units. The Project in fact reduces rather than provides affordable housing."

Indeed, the requested incentives do appear only to be necessary to achieve Applicant's personal vision or, rather, Applicant's challenge to the City wherein Applicant demands to be allowed to build whatever Applicant can think of, no matter the zoning.

Even the updated Staff Recommendation report prepared for this October 27th hearing acknowledges that the Applicant[s] “*view this option [to reduce the number of units and/or parking spaces] as contrary to their financial interests, claiming that it is only a matter of time until much of Washington Boulevard in this area has taller buildings.*”

Whether or not Applicant’s crystal ball predicting the future comes true at some point...this project is **NOT on Washington Boulevard**, but rather is placed adjacent to and facing the residential properties on South Gramercy Place.

In addition, according to Tsai (and I concur), the “*City can deny incentives since the Project, with its mass and scale, reduced setbacks, reduced open space, and close proximity to the nearby residential building, and its location within methane zone, in a commercial corner (“CDD”) while evading CDD requirements, and as well as its evasion of replacement requirements, including under the applicable Redevelopment Plan (RDP), constitutes substantial written evidence that the Project may have adverse impacts on human health and safety.*”

Regarding the Applicant’s requested waivers, my opinion is that many of these particular requests actually constitute variances to the underlying zoning (and, in the case of the redevelopment plan, “variations” – a different word with the same core meaning). The Redevelopment Plan makes clear that the “Agency” – now the City as the Successor to the Agency – may decide to approve a variance/variation when certain conditions are met, and it may not do so if those conditions are not met.

For purposes of the Redevelopment Plan, no variations are allowed except minor departures from the Plan’s provisions, and only when there are “exceptional circumstances... that do not apply generally to other properties.” Inarguably, every parcel in this zone is subject to the same (not different or exceptional) requirements of FAR, setbacks, height, lot coverage, etc.

Aside from the Redevelopment Plan, the zoning itself is C1.5-1VL-CPIO. Let’s examine that zoning designation: the 1VL height is a part of the zoning (e.g. not a development standard) and limits the height to 45 feet or 3 stories. The CPIO zoning does the same, while making exceptions for affordable housing, but limited exceptions. To vary from the zoning would require a “variance” – not a “waiver.”

The Staff Report references two housing laws/ statutes, *CA Govt. Section 69515(c)(1)*, and *LAMC 12.22 Sec. 25*, as the fundamental reasons for approving Applicant’s requests. *LAMC 12.22 Sec. 25* states in its preamble that it was adopted to implement *Gov. Code section 69515 through 65918*, in order “to increase the production of affordable housing, consistent with City policies.”

But contrary to the recommendations and the instructions in the Staff Recommendation Report, *Section 69515(c)(1)* does NOT require that you approve any and all requested incentives. Rather, *Section 69515(c)(1)* says that only “When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete,” does the decision-maker need to do an additional, over-riding finding of adverse effect to deny a project. Given that this proposed project does not comply with any of this, the Commission is able to deny, or approve the density bonus but none of the incentives, without a separate finding of adverse effect.

Furthermore, as Tsai writes, the “City can deny the Project’s waivers since those are allowed only when the zoning regulations physically preclude the development of the *allowed* density. As such, waivers are similar to variances (requiring specific findings including those of physical hardship and no detriment) and involve physical hardship, as compared with other lots. Here, no such physical preclusion or hardship applies. In fact, allowing such mass and scale and waivers will result in illegal spot zoning and illegal privilege to Applicant.”

For clarity, under both state and city statutes, this project qualifies automatically for two incentives only. But instead of selecting On-Menu incentives, the Applicant is requesting off-menu incentives that are wildly out-of-compliance with the zoning, the CPIO Neighborhood-Serving Corridor Subarea. The CPIO contains additional regulations for ground floor and building height (including transitional height), floor area, and building design.

Also, the aforementioned Mid-City Recovery Redevelopment Plan includes specific policies, goals and requirements, including a requirement when two or more incentives are requested that the decision-maker “shall find that the project provides for an arrangement of uses, Buildings, Structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.” Based on the application, other evidence presented, and testimony, the Commission cannot make that Finding.

You have received multiple other communications objecting to this project, and its CEQA clearance (e.g., that it does not qualify for a Categorical Exemption). I won’t repeat everything here.

But as I requested in June, I once again ask that the Commissioners **DENY** the requested actions, **FIND** that the requested incentives do not comply with *Government Code Section 69515(c)(1)*, and *LAMC Section 12.22 A.25(c)*, **FIND** that the requested waivers do not meet the criteria set forth in *LAMC Section 12.22 A.25(c)*, and that the Commission **NOT ADOPT** the categorical exemption as a CEQA clearance for this proposed project.

I therefore ask that you please make these (or similar) Alternative Findings:

1). **That LAMC Section 12.22.A.25 does not permit an off-menu incentive to “permit a Floor Area Ratio of 5.1:1 in lieu of 1.5:1 permitted in the LAMC.”** This code section only permits a “not to exceed” FAR of 3:1.¹

2). **That LAMC Section 12.22.A.25 does not allow an off-menu incentive to “permit a 7-story building with a height of 75 feet (to the rooftop parapet) in lieu of 45 feet otherwise permitted in the C2 zone.”** This code section states that in zones that limit the height, such as the subject zoning, it only permits “a maximum of 11 feet or one story, whichever is lower.” Applicant is requesting an 80% increase in height.² Additionally, when approving a height increase, it is coupled with the requirement of increased setbacks; since this is an ordinance, requesting relief as a “waiver” for

¹ (4) **Floor Area Ratio.**

(i) A percentage increase in the allowable Floor Area Ratio equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35%; **or** (ii) In lieu of the otherwise applicable Floor Area Ratio, a Floor Area Ratio not to exceed 3:1, provided the parcel is in a commercial zone in Height District 1 (including 1VL, 1L and 1XL), and fronts on a Major Highway as identified in the City’s General Plan, **and** a. the Housing Development Project includes the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus, **and** b. 50% or more of the commercially zoned parcel is located in or within 1,500 feet of a Transit Stop/Major Employment Center.

² (5) **Height.** A percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Housing Development Project is eligible. This percentage increase in height shall be applicable over the entire parcel regardless of the number of underlying height limits. For purposes of this subparagraph, Section 12.21.1 A.10. of this Code shall not apply.

(i) In any zone in which the height or number of stories is limited, this height increase shall permit a maximum of eleven additional feet or one additional story, whichever is lower, to provide the Restricted Affordable Units.

(a) No additional height shall be permitted for that portion of a of a building in a Housing Development Project that is located within fifteen feet of a lot classified in the R2 Zone.

(b) For each foot of additional height the building shall be set back one horizontal foot.

Waivers Nos. B and C is not allowed because this is not a development standard when coupled with an incentive, but rather it is a requirement of the incentive.

3). Regarding the requested waivers, **That LAMC Section 12.22.A.25 does not permit nor require the Commission to approve reductions in setbacks, open space or lot coverage when the “landscaping for the Housing Development Project” is not “sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines ‘O.’”** The Commission is not required to approve waivers of development standards when a project is subject to other discretionary approvals; the approval of the requested off-menu incentives is discretionary.

4). Additionally, that the request to vary so far from the underlying zoning of 1VL **constitutes a variance from the zoning**, and is not in fact a request for an incentive or waiver.

5). That **the project DOES NOT provide for an arrangement of uses**, Buildings, Structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood, as required by the Mid-City Recovery Redevelopment Plan.

6). That the applicant has not provided written documentation in the record that any waivers or modifications of development standards are required to make the affordable units economically feasible, as required by **LAMC Section 12.22.A.25 (8)(g)(3)**.

Thank you very much,

Laura Meyers

REDEVELOPMENT PLAN
FOR THE
MID-CITY RECOVERY REDEVELOPMENT PROJECT

ADOPTED: 5/10/96
ORDINANCE NO. 171064

PREPARED BY THE

THE COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF LOS ANGELES, CALIFORNIA

03-27-96

§ 105. Project Objectives

The objectives of this Project with respect to the Project Area are as follows:

1. Promote the elimination and prevention of blight and deterioration, and promote the conservation, rehabilitation, renewal and redevelopment of the Project Area to the extent permitted by law and specified in this Plan.
2. Encourage the involvement and participation of residents, business persons, property owners, public agencies, and community organizations in the redevelopment and revitalization of the community.
3. Preserve and increase employment, business, and investment opportunities through redevelopment programs, and to the greatest extent feasible, promote these opportunities for all residents.
4. Support and encourage the development of social service facilities and programs, with special consideration given to projects involving community based organizations that serve the homeless and senior citizens, and that provide child care services and other social services, such as gang prevention and intervention, counseling and programs for teenagers, to enable the development of a community with a variety of lifestyles.
5. Improve the quality of the environment, promote a positive image for the Project Area, and provide a safe environment through mechanisms such as:
 - a. adopting land use standards;
 - b. promoting architectural and urban design standards including standards for: height; building setback; continuity of street facade; building materials; compatibility of new construction with existing structures; and concealment of mechanical appurtenances;
 - c. promoting landscape criteria and planting programs;
 - d. encouraging maintenance of the built environment;
 - e. promoting sign and billboard standards;
 - f. coordinating the provision of high quality public improvements;
 - g. promoting rehabilitation and restoration guidelines;
 - h. integrating public safety concerns into planning efforts, including standards for fences and barriers, and investigating alternative security measures;

Policy of this Plan includes urban design standards including building setbacks, continuity of street facade and compatibility of new construction with existing structures, along with concealing mechanicals

§ 513. Utilities

The Agency shall require that all utilities be placed underground when physically and economically feasible, as determined by the Agency.

§ 514. Parking and Loading Facilities

Parking shall be provided in a manner consistent with standards for contemporary development practices, but in no case shall parking be less than the requirements of the Los Angeles Municipal Code. No parking space shall be located in a front setback area except with prior written approval of the Agency. Parking spaces shall be paved and drained so that storm and surface waters draining from parcels will not cross public sidewalks. Parking spaces visible from streets shall be landscaped in accordance with the City's zoning ordinance to prevent unsightly or barren appearance. Lighting for parking spaces shall be shielded from adjacent properties and adjoining streets.

Off-street loading facilities for commercial and industrial uses shall be located in a manner to avoid interference with public use of sidewalks and in conformance with the Los Angeles Municipal Code. Off-street loading facilities must also be screened by landscaping to the extent and in the manner required by the Agency.

Agency may establish setbacks that exceed City ordinance

§ 515. Setbacks

All setback areas shall be landscaped and maintained by the owner. Any portion necessary for access shall be paved. The Agency may establish setback requirements for new development within the Project Area which may exceed the requirements of the City's zoning ordinance.

Must be compatible in appearance

§ 516. Incompatible Uses

No use or structure, which by reason of appearance, traffic, smoke, glare, noise, odor or similar factors that would be incompatible with the surrounding areas or structures, shall be permitted in any part of the Project Area. Within the Project Area, except with the approval of the Agency, there shall be no extraction of oil, gas or other mineral substances, nor any opening or penetration for any purpose connected therewith within 500 feet of the surface.

§ 517. Resubdivision of Parcels

After rehabilitation and/or development pursuant to this Plan, no parcel, including any parcel retained by a conforming owner or participant, shall be resubdivided without Agency approval.

§ 518. Minor Variations

The Agency is authorized to permit a variation from the limits, restrictions and controls established by this Plan. In order to permit such variation, the Agency must determine that:

1. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships which would make development inconsistent with the general purpose and intent of this Plan; or

No variation allowed except one that is a minor departure from the provisions, and only if there are exceptional circumstances

2. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions and controls; and
3. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area or contrary to the objectives of this Plan or the applicable Community Plan.

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public health, safety or welfare, and to assure compliance with the purposes of this Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City codes and ordinances.

§ 519. Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon race, color, creed, religion, sex, marital status, disability, national origin or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of property in the Project Area.

Design Guidelines require open space and good design.

§ 520. Design Guidelines

Within the limits, restrictions and controls established in this Plan, the Agency is authorized to establish heights of buildings, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for the proper development of both private and public areas within the Project Area.

No new improvement shall be constructed and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated except in accordance with this Plan and any such controls, and in accordance with architectural, landscape and site plans submitted to and approved in writing by the Agency. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space and other amenities to enhance the aesthetic quality of the Project Area. The Agency shall not approve any plans that do not comply with this Plan.

Applicable design guidelines shall be utilized, look at CPIO

§ 521. Variances, Conditional Use Permits, Building Permits and Other Land Development Entitlements

No zoning variance, conditional use permit, building permit, demolition permit or other land development entitlement shall be issued in the Project Area from the date of adoption of this Plan unless and until the application therefor has been reviewed by the Agency and determined to be in conformance with this Plan and any applicable design guidelines.

No permits shall be issued for the construction of any new building or any addition to or rehabilitation of an existing building in the Project Area until the application for such permit has been processed in the manner provided. Any permit that is issued hereunder must be in conformance with the provisions and intent of this Plan.

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VIA E-MAIL

June 17, 2022

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RE: 1848 S. Gramercy Place Project (Case #s: CPC-2020-2115-DB-HCA;
ENV-2020-2116-CE; Related Case #s PAR-2020-3292-VHCA & CHC-
2018-3217-HCM); Planning Commission Hearing, Agenda Item 7.

Honorable Ms. Millman and Planning Commissioners:

On behalf of the Southwest Regional Council of Carpenters (“**SWRCC**” or “**Southwest Carpenters**”), my Office is submitting these comments on the project proposed at 1848 S. Gramercy Place (“**Project**”), which requests various approvals and actions from the City of Los Angeles (“**City**” or “**Lead Agency**”). The Project will be coming before the Planning Commission on **June 23, 2022, after 8:30 am**, seeking approvals of density bonus, incentives and waivers (Case #: CPC-2020-2115-DB-HCA) and a CEQA exemption (Case # ENV-2020-2116-CE).

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states, including California, and has a strong interest in well-ordered land use planning, addressing the environmental impacts of development projects and equitable economic development.

Individual members of the Southwest Carpenters live, work and recreate in the area and surrounding communities and would be directly affected by the Project’s environmental impacts.

SWRCC expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. (Cal. Gov’t Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.)

SWRCC incorporate by reference all comments raising issues regarding the Project and its CEQA compliance, submitted prior to the Project approvals. (*Citizens for Clean Energy v City of Woodland* (2014) 225 Cal.App.4th 173, 191 [finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties].)

Moreover, SWRCC request that the Lead Agency provide **notice** for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal. Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Pub. Resources Code Sections 21092.2, and 21167(f) and Govt. Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should require community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits.

As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of

construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.²

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”³

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.

³ City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

Also, the City should require the Project to be built to standards exceeding the current 2019 California Green Building Code and 2020 County of Los Angeles Green Building Standards Code to mitigate the Project's environmental impacts and to advance progress towards the State of California's environmental goals.

I. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is to inform decision makers and the public about the potential, significant environmental effects of a project. (CEQA Guidelines § 15002(a)(1).) “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.)

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); *see also*, *Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs* (2001) 91 Cal.App.4th 1344, 1354 (“*Berkeley Jets*”); *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400.)

While the courts review an EIR (or CEQA exemption) using an “abuse of discretion” standard, “the reviewing court is not to ‘*uncritically*’ rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12).)

Where the Lead Agency chooses to dispose of CEQA by asserting a CEQA exemption, it has a duty to support its CEQA exemption findings by substantial evidence, including evidence that there are no applicable exceptions to exemptions. This duty is imposed by CEQA and related case law. (Guidelines § 15020; *Citizens for Environmental Responsibility v. State ex rel. 14th Dist. Ag. Assn.* (2015) 242 Cal.App.4th 555, 568; *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720, 732.)

The duty to support CEQA (and/or exemption) findings with substantial evidence is also required by the Code of Civil Procedure and case law on administrative or traditional writs. (*See*, Code of Civil Procedure (“CCP”) § 1094.5(b); *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.)

Further, CEQA exemptions must be narrowly construed to accomplish CEQA’s environmental objectives. (*California Farm Bureau Federation v. California Wildlife Conservation Bd.* (2006) 143 Cal.App.4th 173, 187.)

B. Due to the COVID-19 Crisis, the Lead Agency Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts.

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings and prepare an EIR. (Pub. Res. Code § 21083(b)(3); CEQA Guidelines § 15065(a)(4).)

Public health risks related to construction work require a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupational Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.⁴

Southwest Carpenters recommend that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project’s construction activities. Southwest Carpenters request that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon Southwest Carpenters’ experience with safe construction site work practices, Southwest Carpenters recommend that the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.

⁴ Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, available at <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]

- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.
- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.⁵

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union

⁵ See also, The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, available at https://www.cpw.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, available at https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

members and apprentices conduct safe work practices. The Lead Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

Southwest Carpenters has also developed a rigorous Infection Control Risk Assessment (“**ICRA**”) training program to ensure it delivers a workforce that understands how to identify and control infection risks by implementing protocols to protect themselves and all others during renovation and construction projects in healthcare environments.⁶

ICRA protocols are intended to contain pathogens, control airflow, and protect patients during the construction, maintenance and renovation of healthcare facilities. ICRA protocols prevent cross contamination, minimizing the risk of secondary infections in patients at hospital facilities.

The City should require the Project to be built using a workforce trained in ICRA protocols.

II. THE PROJECT DOES NOT QUALIFY FOR A DENSITY BONUS, INCENTIVES, CONCESSIONS OR WAIVERS, AS A MATTER OF LAW.

The Project and its CEQA exemption must be denied as it violates various laws.

A. The Project Does Not Qualify for a Density Bonus or Incentives.

State Density Law imposes a strict replacement requirement when the Project will in fact demolish the existing affordable units or displace low-income people. (Govt. Code § 65915(c)(3)(A)-(D).) The Project fails to meet this replacement requirement since it demolishes an affordable home of over 3,700 sf. and displaces over two dozens of low-income adults but provides no equivalent replacement or relocation.

B. The Project Does Not Qualify for Incentives or Waivers.

First, City can deny incentives or concessions under Govt. Code § 65915(d), if it makes written findings supported with substantial evidence that the requested incentives “do not result in identifiable cost reductions to provide for affordable housing costs.” Here, City can make such findings since there is such substantial evidence in the record that the Project’s 33 units and incentives to support those solely seek to maximize the Applicant’s profits rather than compensate for the affordable

⁶ For details concerning Southwest Carpenters’s ICRA training program, *see* <https://icrahealthcare.com/>.

housing costs of 3 units. The Project in fact *reduces* rather than *provides* affordable housing.

Further, City can deny incentives since the Project, with its mass and scale, reduced setbacks, reduced open space, and close proximity to the nearby residential building, and its location within methane zone, in a commercial corner (“CDD”) while evading CDD requirements, and as well as its evasion of replacement requirements, including under the applicable Redevelopment Plan (RDP) constitutes substantial written evidence that the Project may have adverse impacts on human health and safety.

Lastly, City can deny incentives because those would violate state density bonus law, for failure to comply with replacement requirements.

Second, City can deny the Project’s *waivers* since those are allowed only when the zoning regulations physically preclude the development of the *allowed* density. As such, waivers are similar to variances (requiring specific findings including those of physical hardship and no detriment) and involve physical hardship, as compared with other lots. Here, no such physical preclusion or hardship applies. In fact, allowing such mass and scale and waivers will result in illegal spot zoning and illegal privilege to Applicant.

Finally, despite housing crisis, the State of California has made it clear that production of housing or affordable housing does not trump or override the state’s environmental concerns or human health and safety and CEQA remains a superior competing interest. (Govt. Code § 65589.5(d).) As detailed below, the Project violates CEQA.

In sum, the Project’s density bonus, incentives or waivers should not be approved.

III. THE PROJECT IS NOT ELIGIBLE FOR A CEQA EXEMPTION.

The Project should not be approved also because it violates CEQA and does not qualify for the Class 32 CEQA exemption the City invoked under Guidelines § 15332.

A. The Project Is Not Consistent with GP and Zoning Regulations.

The Project does not meet Class 32 exemption’s *consistency* prong under Guidelines § 15332(a), as evidenced by the Project’s requested (and undisclosed) many incentives, waivers, variances, deviations that are not warranted by law. (*See*, Sec. II, *supra*.) The Project is also inconsistent with various RDP requirements, which City failed to properly consider, contrary to ruling in *Aids Healthcare Foundation v. City of LA, et al.*

Lastly, City’s Class 32 *consistency* finding focused only on the Project’s *consistencies* with GP and omits *inconsistencies* in density, open space, historical, affordability and other

requirements, as prescribed by GP, recently updated Community Plan (part of GP), CPIO, RDP, CDD, and *other* zoning regulations.

B. The Project Site May Have Value as Habitat for Endangered Species.

There is no evidence the Project's over 9,000 sf. site, covered with only 1,780 sf. building on the first floor has no value as habitat for endangered species. City's reliance on the fact that the site is an infill site is misplaced and inaccurate.

C. The Project May Have Traffic, Air, Noise, Water Quality Impacts.

There is substantial evidence in the record that the Project – with its mass and scale, waivers, variances and evasions (e.g., RDP, CUP/CDD) – will have significant traffic, air, and noise. City's contrary findings are unsupported and clearly erroneous. So is the City's reliance on regulatory compliance measures.

D. Class 32 Does Not Apply In View of Applicable Exceptions.

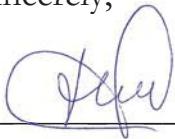
Guidelines § 15300.2(b), (c) and (f), respectively, exclude categorical exemptions, including Class 32, if a project may have cumulative impacts, significant impacts due to unusual circumstances, and impacts to historical resources. All three apply here. First, the site is immediately across from another 64-unit project at 1375 W. Washington blvd., but is not mentioned by the City for cumulative impacts. Also, City's cumulative analysis is improperly limited to 500 feet radius. Second, due to the Project's unusual mass/scale and design features, location in methane zone, commercial corner, within RDP, the Project may have adverse impacts. Third, the Project site itself contains a building of *historical significance*, proposed to be demolished. The fact it was not registered as a Historical *Monument* is not dispositive.

IV. CONCLUSION.

In view of the aforementioned, we request to deny the Project and its CEQA exemption(s) and to require compliance with all laws, regulations, and CEQA.

If the City has any questions or concerns, please feel free to contact my Office.

Sincerely,



Naira Soghatyan
Attorneys for Southwest Regional
Council of Carpenters



June 21, 2022

City Planning Commission

RE: CPC-2020-2115-DB (HCA), 1848 S Gramercy Place

Dear Commissioners:

West Adams Heritage Association has submitted several previous letters regarding 1848 S. Gramercy Place. We are appalled that any developer would think that, just because they have an overly-grand (or greedy) idea for building an oversized project anywhere they would like...that that would mean it “must” be approved. In this case, the Applicant is simply asking for too much – ten so-called “waivers” which in fact consist primarily of variances to zoning. We would therefore simply ask you to NOT APPROVE this proposed housing project, or at least NOT APPROVE the majority of the requested incentives and adjustments/waivers.

There are so many continuing issues with this project and the process that brought us here today:

- It is not true that you are required to approve all aspects of this density bonus project. Both state law and the LAMC contain “caveats” and exceptions that permit the Commission to make Findings disallowing the requested variances from the project site’s zoning. The proposed project is not consistent with the C1.5-1VL-CPIO zoning nor the stated policies and requirements of the Mid City Corridor Redevelopment Plan.
- Of strong concern: Staff has repeatedly selected only some community comments (emails & letters) to include in the Staff Recommendation Reports for the March 24, 2022 hearing and the June 23, 2022 hearing. Some letters are included. However, neither of Laura Meyers’s previous letters are included. Nor were emails from several neighbors who live 100 feet from the project, and several other WAHA members who also copied us on these communications over time. Nor was at least one other community member’s detailed letter regarding the requirements of the Redevelopment Plan. What else was excluded? A public process is to be a transparent process. What information is being hidden from the public, and the Commissioners, due to this *selectivity* on the part of Staff?
- The updated Staff Report references a meeting between Staff and Applicant in early April where the Applicant acknowledged to Staff the need to do more community outreach. First, there was between then and now no such outreach. Not only was WAHA never contacted (again, despite two letters in the file), our understanding is that none of the neighbors (many of whom belong to our organization) were contacted either. The local neighborhood associations (Western Heights, and Angelus Vista) and the Neighborhood Council (UNNC) also were not contacted. IMPORTANTLY, why would Staff only write about the promise? Shouldn’t Staff have verified whether or not Applicant really did the task before issuing this new Report – finalized two months after Staff met with Applicant?
- Similar is the continued lack of Staff effort to fact-check the assertion that the house is vacant (it is not; as of this morning, there are 7 cars visibly parked at the premises and they do move around.) Yet on page A-2 of the supplemental report it still states that the house is vacant. How many other “facts” are also not factual?

The proposed project at 1848 S. Gramercy Place proposes the construction of an over-bulked, 31,263-square-foot, seven-story, 75-foot tall building (not counting the additional 11 feet for a staircase tower that rises above the roofline) on a single city parcel with nearly 100% lot coverage, little to no setbacks, two above-ground levels of parking, for 33 units, 3 of which are affordable. Applicant asks for 2 incentives (the maximum allowed under both state and city regulations for this level of affordability) and then a self-described additional 8 “waivers,” some of which are not waivers of development standards but rather are requests to vary from the zoning.

Keep in mind that the zoning itself is C1.5-1VL-CPIO: the 1VL height is a part of the zoning (e.g. not a development standard) and limits the height to 45 feet or 3 stories. The CPIO zoning does the same, while making exceptions for affordable housing, but limited exceptions. To vary from the zoning would require a “variance” – not a “waiver.”

It will fill nearly every spec of space on its lot. It will tower over the neighborhood. At a 5.1:1 FAR, its by right square footage of 9,195 more than triples. The building will have no common open space, nor a pedestrian-oriented plaza; it will have little-to-no landscaping, and will decimate one or two mature street trees. Worse of all, it will displace low-income residents/renters who have been living in this house, which has operated as a supportive housing group home/dormitory for nearly two decades.

WAHA asks that you DENY approval of the eight requested waivers. We ask that you examine closely whether you are required to approve the two off-menu incentives, neither of which are supported in state law or the Los Angeles Municipal Code section cited by Staff in the Recommendation Report. I urge that you reject the Categorical Exemption as a CEQA clearance, given that this discretionary project does not comport with, and is not in compliance with, the zoning, the CPIO or the Redevelopment Plan. Clearly this project is an exception to the exemption.

WAHA notes that the lack of housing, including emergency shelter, is a critical statewide problem. We know that lack of supply and rising costs are compounding inequality and limiting advancement opportunities for many Californians. That's the reasoning behind recently enacted state laws that require approvals of many – but not all – proposed housing projects.

This proposed housing development project is one of the exceptions. It is inconsistent with multiple zoning ordinances and land use designations; and in multiple ways it is not in compliance, and not in conformity, with “an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision” as required by Government Code Section 69515(c)(1).

The Planning Department memos on implementing California's housing and density bonus laws note that Developers can *request* off-menu incentives and waivers of development standards that extend beyond the incentives enumerated by State law provided that applicants can demonstrate that their request is necessary to allow for the project's economic feasibility.

What the Staff memos do not say is that the requests **need not be granted** if the proposed project is objectively non-compliant with previously-adopted plans, zoning or local standards. Specifically, when one reads the entirety of the law, it says that cities, including charter cities (Los Angeles) cannot turn down a proposed development if it complies with applicable, objective zoning standards (uniform benchmarks), including design standards.

Since this project **DOES NOT** comply with those benchmarks, the City need not make a finding of specific, adverse effect.

Government Code Section 65915 does mandate that the City grant a density bonus when a project provides a specified amount of affordable housing. For this proposed project at 1848 S. Gramercy Place, which is offering 10% of the units as Very Low Income units, the City shall approve, according to Section 65915, “Two incentives or concessions for projects that include at least 17 percent of the total units for lower income households, at least 10 percent for very low income households...” The LAMC describes those specific incentives and their requirements. The Applicant is asking for “incentives” that are far in excess to those listed in the LAMC, and therefore you don't need to say “yes.”

However, the Applicant is requesting two incentives PLUS eight “waivers” (concessions). You do not need to approve any nor all of the waivers/concessions – just two out of ten of the combined incentives and waivers.

This project's Applicant is not arguing that the combined incentives and waivers/concessions are necessary for the physical construction of a project but rather, that the Applicant wants all of these concessions to build it the way the Applicant envisioned and designed it. This is circular thinking. It would lead to the conclusion that anyone can ask for anything, in any zone in the City – so long as they are also building a couple of affordable housing units – and receive a yes answer, *no matter what*. This defies logic. Why would we have any zoning at all? Or a City Planning Commission? Or so-called discretionary projects, if there is no discretion to make informed judgements?

Can anyone build a megastructure anywhere in Los Angeles, just because they want to?

Thank you for your consideration.

Jean Frost, Vice President, West Adams Heritage Association, preservation@westadamsheritage.org

Postscript dated October 24, 2022: Supplemental to this 6/21/2022 letter, a notation regarding CEQA -- Planning Staff has accepted the argument that the 1908 House at 1848 S. Gramercy Place is not historic because it was not found to be eligible as an individual “landmark” Historic Cultural Monument (HCM). However, City Planning had previously surveyed the property and found it to be a Contributor to what was then called the “18th Street District” within Angelus Vista. CEQA does apply to such properties, since CEQA addresses “historic resources” not specifically Los Angeles HCMs. It should not be categorically exempt for the CEQA clearance, and we support other comments to this effect. The Survey is attached and incorporated into this PDF. In addition, the CRA redevelopment plan regulations supercede and was in effect previous to the Applicant's requests.



March 21, 2022

Los Angeles City Planning Commission

RE: *CPC-2020-2115-DB (HCA), 1848 S Gramercy Place*

Dear Commissioners:

West Adams Heritage Association (WAHA) routinely comments on planning issues affecting the West Adams area. We are concerned about the proposal for this 33-unit, 7-story project with virtually no setbacks, no communal open space and no landscaping at this site.

WAHA supports sensitive infill housing, both market rate and affordable, but not at the expense of the soon-to-be-displaced neighbors. For clarity, the Staff Recommendation Report is mistaken in calling this house “vacant” when actual visitors to the site can testify otherwise. As of this writing, the house is occupied by a group of tenants who have been there for many years. Cars drive in and out, and park at the house; men socialize on the front porch, and every Monday morning the normal trash is set out for pick up. People visibly live there.

Regarding the project being proposed: It is so out of character with the neighborhood and so out of conformance with all the Redevelopment Plan and CPIO and zoning regulations that on its face it ought not to be subject to a categorical exemption (CE). This is described in more detail below.

To base this CE upon a Class 32 categorical exemption to environmental review under CEQA is inapplicable because the Project is inconsistent with City planning and zoning policies, goals, and regulations. The use of a categorical exemption is also unavailable because the Project may have aesthetic and cultural resource impacts on this historic West Adams neighborhood (Angelus Vista), at both a Project and cumulative level. Further, the Project is inconsistent with the Mid City Corridors Recovery Redevelopment Plan requirements for compatibility.

There are cumulative effects of multiple demolitions in the City Planning Department’s own identified historic district (e.g., the District formerly called the “18th Street Neighborhood Historic District”). For purposes of CEQA, the District need not be designated to require a further investigation into impacts and exploration of alternatives and/or mitigations. A CE is not appropriate. A categorical exemption is not the appropriate level of environmental review for a project that is highly discretionary, is in a historically sensitive environmental 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. The sheer number of waivers requested to justify this project calls into serious question any compatibility with the adopted Community Plan, its CPIO, and the Redevelopment Plan.

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. This project appears to be specifically removing a mature Camphor tree in the public realm/parkway, and also appears to endanger the adjacent (likely protected) mature Sycamore tree also in the parkway, on the lot line (its roots would not survive the construction at a zero-foot setback).

A categorical exemption also should not be issued when there are sensitive issues and the project fails to comply with the redevelopment plan, CPIO and the community plan’s stated objectives. To permit a CE in this case would cause irreparable and irreversible harm to the environment.

Here are just a few of the land use issues where the project is non-conforming and is in conflict:

The zone is C1.5-1VL-CPIO. The 1-VL is a height district ("very low") with a maximum of 3 stories and 45 feet. The normal density bonus incentive is one more story and 11 more feet. Why would 7 stories and 76 feet ever be deemed appropriate? It is out of character with any building currently existing on Washington Boulevard from Figueroa until at least Culver City, except for the one building, *Casa Vertigo* on Oak Street.

For the CPIO, there is a required front yard setback of 10 feet that seems to have disappeared from all discussions in the Staff Recommendation Report. In any case, noting there are conflicting regulations, the Mid-City Recovery Redevelopment Plan (which is also an "overlay" like a specific plan over the underlying zoning) does require that setbacks be compatible with adjacent properties as one of many components to be considered before approving a design or approving discretionary actions, and there is no language in the CPIO overriding that requirement.

The project is exceptionally over-reaching and even its two density bonus incentives are categorized as "off-menu"; it asks for multiple "waivers" (versus incentives) yet provides few public benefits in return. The project will displace, and has begun to displace, 20-25 low-income individuals. Only 3 ELI affordable units are offered in return. Why wouldn't more RSO/affordable units be required?

Why has applicant continued to state the residence is in use as a "single family home" when it is observable and provable, in the City's own records, that the use is and has been for a long-time supportive housing/boarding house/dormitory?

The redevelopment plan specifically says its policy is to NOT displace individuals or families of low or moderate income; and that the Redevelopment Plan does not permit any variation (e.g., variances or other discretionary grants) that would be "contrary to the objectives of this Plan."

The 1907-1908 house is identified this house as a Contributor to the "18th Street Neighborhood" historic district (essentially the Angelus Vista Tracts I and II, and adjacent smaller tracts). That this is not an HCM does not dismiss its Contributor status to a potential historic district; and the Cultural Heritage Commission's action was appropriately silent as to that. Also, one of the policies within the Redevelopment plan is that the City shall "encourage historic preservation" (page 25, #700).

Unfortunately, though the City has now adopted that historic district as the "Angelus Vista Character Residential Overlay District CPIO" (excluding commercially-zoned properties in that overlay but that doesn't mean they no longer contribute to the underlying historic district) – the community has experienced since that adoption multiple demolitions of historic homes after the effective date of the Character Residential District in late December, 2018. The demolitions include 1509 S. Gramercy Pl.; 1537 S. Wilton Pl.; 1839 S. Gramercy Pl. (across from the Subject property); 1540 and 1546 S. St. Andrews Pl.; and 1660 S. Arlington, all of which were constructed between 1903 and 1910 and represent the remaining original homes. Several other homes from that era are facing demolition, including 1310 S. St. Andrews and the subject property at 1848 S. Gramercy Place. Technically, this series of demolitions is a cumulative effect that would be an exception that disallows the use of a categorical exemption.

The Redevelopment Plan also specifically states that setbacks may be established that exceed the requirements of the City's zoning ordinance(s) and it also places an emphasis on "adequate amounts of affordable housing."

It is concerning that the application seems nowhere to relate to the Redevelopment Plan which we understand to be in effect as an overlay through the year 2028.

The waiver requests appear excessive and contrary to the Redevelopment Plan and CPIO. Lot coverage is not 30% but rather 88%. The setbacks are insufficient. A 60% reduction of open space cannot be justified. Balconies are being counted as open space and this ignores the environmental need for green space and landscaping. There are significant impacts to adjacent properties in massing, scale and air quality. The developer needs to look at underground parking to reduce mass. The developer is not conforming to the area's most basic environmental needs nor responding to the CPIO and Redevelopment Plan.

If the developer proceeds with this project as currently designed and proposed, it will not meet the qualifications for a categorical exemption. Therefore, WAHA asks that the Commission send this project back to planning for environmental review and not adopt the CE.

Roland Souza, President, West Adams Heritage Association
c/o 1724 Westmoreland Boulevard, LA, CA 90006
president@westadamsheritage.org OR roland.e.souza@gmail.com

D R A F T

Historic Studies Section

Community Plan Revision Program

Historic Resources Final Report
for the
South Central Los Angeles
District Plan Area

Work Product 5D

June 21, 1996

Prepared For:

The City of Los Angeles
Department of Planning

Prepared By:

Richard Starzak
MYRA L. FRANK & ASSOCIATES, INC.

in conjunction with:

Leslie Heumann
LESLIE HEUMANN & ASSOCIATES

and:

THE LOS ANGELES CONSERVANCY

SOUTH CENTRAL LOS ANGELES DISTRICT PLAN -- LIST OF POTENTIAL HISTORIC RESOURCES

LOCATION OF RESOURCE	HISTORIC NAME	YEAR BUILT	EVALUATION	DESCRIPTION	ARCHITECT/ BUILDER	SOURCE AND/ OR SIGNIFICANCE	PHOTO NO. & DATE
1645 S GRAMERCY PL		1906 C.	eD	AMERICAN FOURSQUARE/ CLASSICAL BOX, 2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE 18TH STREET NEIGHBORHOOD	067-14 05/15/1995
1651-1653 S GRAMERCY PL		1908	eD	CRAFTSMAN/ TUDOR REVIVAL, 2 1/2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE 18TH STREET NEIGHBORHOOD	067-13 05/15/1995
1657 S GRAMERCY PL		1904 C.	c/eD	AMERICAN FOURSQUARE/ CRAFTSMAN/ QUEEN ANNE, 2 1/2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE 18TH STREET NEIGHBORHOOD	067-12 05/15/1995
1815 S GRAMERCY PL		1908	eD	CRAFTSMAN/ TUDOR REVIVAL, 2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE 18TH STREET NEIGHBORHOOD	067-21 05/15/1995
1818 S GRAMERCY PL		1904	eD	CRAFTSMAN/ TUDOR REVIVAL, 2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE 18TH STREET NEIGHBORHOOD	067-05 05/15/1995
1828 S GRAMERCY PL		1907 C.	eD	CRAFTSMAN/ FOLK VICTORIAN, 2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE 18TH STREET NEIGHBORHOOD	067-06 05/15/1995
1829 S GRAMERCY PL		1908	eD	CRAFTSMAN/ TUDOR REVIVAL, 2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE 18TH STREET NEIGHBORHOOD	067-11 05/15/1995
1829 S GRAMERCY PL		1908	eD	CRAFTSMAN/ CLIPPED GABLE, 2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE 18TH STREET NEIGHBORHOOD	067-20 05/15/1995
1834 S GRAMERCY PL		1905	eD	SHINGLE/ CRAFTSMAN/ CLEFT GABLE, 2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE 18TH STREET NEIGHBORHOOD	067-07 05/15/1995
1834 S GRAMERCY PL		1905	eD	AMERICAN FOURSQUARE, 2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE 18TH STREET NEIGHBORHOOD	067-18 05/15/1995
1835 S GRAMERCY PL		1909	c/eD	CRAFTSMAN/ TUDOR REVIVAL, 2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE 18TH STREET NEIGHBORHOOD	067-10 05/15/1995
1839 S GRAMERCY PL		1906	eD	AMERICAN FOURSQUARE, 2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE 18TH STREET NEIGHBORHOOD	067-09 05/15/1995
1848 S GRAMERCY PL	Subject Property	1905 C.	eD	CRAFTSMAN/ TUDOR REVIVAL, 2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE 18TH STREET NEIGHBORHOOD	067-08 05/15/1995
1849 S GRAMERCY PL		1906 C.	eD	SHINGLE/ CRAFTSMAN, 2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE 18TH STREET NEIGHBORHOOD	067-19 05/15/1995
2223 S GRAMERCY PL		1908	e/cD	CRAFTSMAN/ TUDOR REVIVAL, 2 1/2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE SUGAR HILL SHINGLE AND CRAFTSMAN DISTRICT SITUS ADDRESS A.K.A. 2219 S. GRAMERCY PLACE	065-09 05/09/1995
2229 S GRAMERCY PL		1908	cD	SHINGLE/ CRAFTSMAN, 2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE SUGAR HILL SHINGLE AND CRAFTSMAN DISTRICT	065-08 05/09/1995
2301 S GRAMERCY PL		1905	cD	SHINGLE/ CRAFTSMAN, 2-STORY RESIDENCE		LADOP 1995 SURVEY PART OF THE SUGAR HILL SHINGLE AND CRAFTSMAN DISTRICT	064-17 05/09/1995

SOUTH CENTRAL LOS ANGELES DISTRICT PLAN AREA

HISTORIC RESOURCES PHOTOGRAPHS -- PLATE 67

Subject
Property

Photo No.	Photo Date	Location of Resource	Historic or Common Name or Description
067-01	05/15/1995	1609 S WILTON PL	SHINGLE/CRAFTSMAN, 2-STORY RESIDENCE
067-02	05/15/1995	1614 S GRAMERCY PL	SHINGLE/CRAFTSMAN, 2-STORY RESIDENCE
067-03	05/15/1995	1618 S GRAMERCY PL	CRAFTSMAN/CENTER GABLE, 2-STORY RESIDENCE
067-04	05/15/1995	1624 S GRAMERCY PL	CRAFTSMAN/SIDE GABLE, 2-STORY RESIDENCE
067-05	05/15/1995	1818 S GRAMERCY PL	CRAFTSMAN/TUDOR REVIVAL, 2-STORY RESIDENCE
067-06	05/15/1995	1828 S GRAMERCY PL	CRAFTSMAN/FOLK VICTORIAN, 2-STORY RESIDENCE
067-07	05/15/1995	1834 S GRAMERCY PL	SHINGLE/CRAFTSMAN/CLEFT GABLE, 2-STORY RESIDENCE
067-08	05/15/1995	1848 S GRAMERCY PL	CRAFTSMAN/TUDOR REVIVAL, 2-STORY RESIDENCE
067-09	05/15/1995	1839 S GRAMERCY PL	AMERICAN FOURSQUARE, 2-STORY RESIDENCE
067-10	05/15/1995	1835 S GRAMERCY PL	CRAFTSMAN/TUDOR REVIVAL, 2-STORY RESIDENCE
067-11	05/15/1995	1829 S GRAMERCY PL	CRAFTSMAN/TUDOR REVIVAL, 2-STORY RESIDENCE
067-12	05/15/1995	1657 S GRAMERCY PL	AMERICAN FOURSQUARE/CRAFTSMAN/QUEEN ANNE, 2 1/2-STORY RESIDENCE
067-13	05/15/1995	1651-1653 S GRAMERCY PL	CRAFTSMAN/TUDOR REVIVAL, 2 1/2-STORY RESIDENCE
067-14	05/15/1995	1645 S GRAMERCY PL	AMERICAN FOURSQUARE/CLASSICAL BOX, 2-STORY RESIDENCE
067-15	05/15/1995	1808 SAINT ANDREWS PL	CRAFTSMAN/FRONT GABLE, 2-STORY RESIDENCE
067-16	05/15/1995	1814 SAINT ANDREWS PL	CRAFTSMAN, 2-STORY RESIDENCE
067-17	05/15/1995	1824 SAINT ANDREWS PL	CRAFTSMAN/SIDE GABLE, 2-STORY RESIDENCE
067-18	05/15/1995	1834 S GRAMERCY PL	AMERICAN FOURSQUARE, 2-STORY RESIDENCE
067-19	05/15/1995	1849 S GRAMERCY PL	SHINGLE/CRAFTSMAN, 2-STORY RESIDENCE
067-20	05/15/1995	1829 S GRAMERCY PL	CRAFTSMAN/CLIPPED GABLE, 2-STORY RESIDENCE
067-21	05/15/1995	1815 S GRAMERCY PL	CRAFTSMAN/TUDOR REVIVAL, 2-STORY RESIDENCE
067-22	05/15/1995	1639 S GRAMERCY PL	CRAFTSMAN/FLARED ROOF, 2-STORY RESIDENCE
067-23	05/15/1995	1615 S GRAMERCY PL	CRAFTSMAN/SIDE GABLE, 2 1/2-STORY RESIDENCE
067-24	05/15/1995	1828 S MANHATTAN PL	CRAFTSMAN/FRONT GABLE, 2-STORY RESIDENCE
067-25	05/15/1995	1838-1840 S MANHATTAN PL	CRAFTSMAN/SIDE GABLE, 1 1/2-STORY DUPLEX
067-26	05/15/1995	1831 S MANHATTAN PL	AMERICAN FOURSQUARE/CLASSICAL BOX, 2-STORY RESIDENCE
067-27	05/15/1995	1829 S MANHATTAN PL	CRAFTSMAN/TUDOR REVIVAL, 2 1/2-STORY RESIDENCE
067-28	05/15/1995	1825 S MANHATTAN PL	CRAFTSMAN/SIDE GABLE, 2 1/2-STORY RESIDENCE
067-29	05/15/1995	1326 S MANHATTAN PL	SHINGLE/CRAFTSMAN/ASHLAR MASONRY, 2-STORY RESIDENCE
067-30	05/15/1995	1400 S MANHATTAN PL	MISSION REVIVAL/COLONIAL REVIVAL, 2-STORY RESIDENCE
067-31	05/15/1995	1404 S MANHATTAN PL	CRAFTSMAN/TUDOR REVIVAL, 2-STORY RESIDENCE
067-32	05/15/1995	1510 S MANHATTAN PL	CRAFTSMAN/ASHLAR MASONRY, 2 1/2-STORY RESIDENCE
067-33	05/15/1995	1555 S MANHATTAN PL	CRAFTSMAN/TUDOR REVIVAL, 2-STORY RESIDENCE
067-34	05/15/1995	1547 S MANHATTAN PL	CRAFTSMAN/TUDOR REVIVAL, 2-STORY RESIDENCE
067-35	05/15/1995	1533 S MANHATTAN PL	CRAFTSMAN/CLASSICAL REVIVAL INFLUENCE, 2 1/2-STORY RESIDENCE

South Central District Plan Area

Date: 05/15/95

Roll: 067



LEVEL 5 IS LISTED OR APPEARS ELIGIBLE FOR LISTING UNDER A LOCAL
LANDMARK ORDINANCE

- 5 Is listed under a local landmark ordinance.
- 5P Appears eligible for listing under a local landmark ordinance as a result of a previous survey, and/or a visual analysis substantiated by research.
- e Appears eligible for listing under a local landmark ordinance as a result of a visual analysis only.
- 5D Is listed as a contributor to a locally designated historic district or preservation area.
- 5PD Appears eligible for listing as a contributor to a potential locally designated historic district or preservation area as a result of a previous survey, and/or a visual analysis substantiated by research. In a thematic group, this evaluation is meant to define that the resource was previously evaluated, although not necessarily as part of the thematic group established as a result of the LADOP 1991 Survey.
- eD Appears eligible for listing as a contributor to a potential locally designated historic district or preservation area as a result of a visual analysis only. In the case of a thematic group, this evaluation indicates that the resource had not been previously evaluated in any known documentation.

Los Angeles Planning Department, Historic Studies Section
Community Plan Revision Program
"List of Potentially Significant Historic Resources for the
South Central Los Angeles District Plan Area,"
June 21, 1996

Authors: Richard Starzak, MYRA L. FRANK & ASSOCIATES, INC.,
in conjunction with:
Leslie Heumann, LESLIE HEUMANN & ASSOCIATES

THE 18TH STREET NEIGHBORHOOD
(AKA Angelus Vista + Angelus Vista #2 tracts)

The 81 buildings that are part of the 18th Street Neighborhood were all constructed from 1904 to 1917. 89% of the buildings are 2 stories in height while 9% of the buildings are 1 story in height. Of the architectural styles represented: 19% are Craftsman; 14% are Craftsman/Tudor Revival; 11% are Shingle/Craftsman; 10% are Craftsman/Side Gable; 6% are Craftsman/Folk Victorian; 5% are American Foursquare; 4% are Shingle; 1% are Craftsman/Oriental Influence; 1% are Mediterranean Revival/Moorish; 1% are Craftsman/Shingle; 4% are Craftsman/Flared Roof; 1% are Craftsman Shed Dormer; 2% are American Foursquare/Classical Revival; 1% are Shingle/Classical Revival; 5% are Craftsman/Cross Gable; 1% are Craftsman/Arroyo Stone; 1% are Craftsman/Ashlar Masonry; 1% are Shingle/Craftsman W/Arroyo Stone Details; 1% are Colonial Revival; 1% are Craftsman/Center Gable.

Address ranges:

1619-1839 S VAN NESS AVE

1625-1841 CIMARRON ST

1609-1847 S WILTON PL

1614-1849 S GRAMERCY PL¹ See footnote below, includes 1848 S. Gramercy Place

1808-1824 SAINT ANDREWS PL

1825-1838 S MANHATTAN PL

1996 general description:

Each district, cluster, or neighborhood has been selected on the basis of some consistent theme or unifying features, whether it be style of architecture, period of construction, or even scale. Several important criteria are used to determine qualification as a type of district, namely: the group should exhibit architectural quality and integrity, that is, lack intrusions of non-compatible structures and significant alterations; the group should exhibit an overall quality of design, preferably anchored by exceptional individual examples; the group should have definable geographic boundaries; and the character and quality of the group should be significant relative not only to the immediate area, but also to the overall City of Los Angeles.... A cluster is a small group of structures, usually less than 10. A district represents a larger area, often exceeding the length of a block. A neighborhood may be much larger in size and less dense than a district, usually because many structures which have become isolated are still significant examples of style, but probably would not otherwise qualify for individual monument status.

¹ Includes 1848 S. Gramercy Place, identified as a Contributor and described as a Craftsman-Tudor. See spreadsheet.

October 23, 2022,

Honorable Commissioners,

The Advisory Agency's September 9, 2022 decision erred and abused its discretion in approving a waiver of the required dedications along the north side and a portion of the south side of the existing public alley.

While the owner may not own the entirety of the alley along the south side, they own the entirety of the alley along the north side. Requiring the 5-foot dedication along the north side would widen the alley to 15 feet making it a viable means of ingress or egress (and maybe both ingress and egress) for the proposed project, and allowing the removal of some, if not all of the proposed curb cuts/driveways along Cole Place and Wilcox Avenue. The Advisory Agency's decision in effect forces the project to use the two street frontages (Cole Place and Wilcox Avenue) for its only way to access the property, and is contrary to the City's policy to reduce the number of curb cuts along street frontages and to use alleys for vehicular access when available.¹ It would be available, but for the Advisory Agency's decision not to require to the project to comply with the Street Standards included in Mobility 2035, and as adopted by the City Planning Commission.

As for the south side, the owner may not own the entirety of the south side of the alley, but it is not unusual, in fact it's quite common, that an owner may not own the entirety of a frontage, yet they are still required by DCP to offer the dedications that are required. In this particular case, the owner owns over 30% of the length of the South side of the alley (46 linear feet) and the easternmost edge of the alley. Combined with the full required 5-foot dedication along the north side of the alley, the full required 5-foot dedication along the south side of the alley would result in a full 20-foot wide alley for over 30% of the alley and certainly allow for a viable means of ingress and/or egress for the proposed project, again resulting in removal of some, if not all of the proposed curb cuts/driveways along Cole Place and Wilcox Avenue.

Additionally, while the adjacent owners on the south side of the alley may be in support of waiving the required alley dedications, should any new development in the future be proposed for the South properties, the Advisory Agency's action makes the alley substandard, and thereby will limit its use in the future and will force any future development there to use De Longpre Avenue for any vehicular access.

¹ The recommendation of planning staff for Case No. CPC-2020-1929-ZC-HD-MCUP-SPP-SPR suggests the project is compelled to use the driveways along the street frontages, however this is only because of the Advisory Agency's decision which is now before you for consideration.

It should also be pointed out that at the September 7, 2022 Advisory Agency Hearing, the BOE official present strongly advocated for the alley dedications based in a large part due to safety concerns. BOE's November 19, 2021 letter (attached) also requests the dedications. Furthermore, PVP asks (on page A-25 of the Staff Report) if the alley is going to be improved and if there was an analysis done of the potential to use the alley to access the parking. They then point out that "LADOT's recently revised driveway design guidelines prohibit taking access from streets with Boulevard or Avenue I or II (Wilcox) designation unless there is no other feasible alternative." There is a feasible alternative, the alley, but for some peculiar reason, DCP is unwilling to support this common sense action.

Please look at the photo of the alley on page 6 of the applicant's "Initial Submitted Photos" (attached). As the saying goes- a picture is worth a 1000 words. This alley needs to be widened.

I ask the Commission to grant this appeal, thereby modifying the action of the Advisory Agency by requiring the 5-foot dedications along both the north and side sides of the alley for the subject properties.

Thank you,

David Carrera

CITY OF LOS ANGELES
INTERDEPARTMENTAL CORRESPONDENCE

Date: November 19, 2021

To: Vincent P. Bertoni, Director
Department of City Planning
Attention: Deputy Advisory Agency



for

From: Bert Moklebust, Principal Civil Engineer
Permit Case Management Division
Bureau of Engineering

Subject: **Vesting Tentative Tract Map No. 83088**

Transmitted is a print of vesting tentative map of Tract Map No. 83088 stamp-dated March 19, 2020 located at 6450 Sunset Boulevard and 1413, 1417 & 1433 Cole Place in Council District 13.

This map has been filed for merger and re-subdivision to create (2) two ground lots and (12) twelve airspace lots for the construction of commercial purposes. Dedication and improvements in this report are based on the adopted LA Mobility Plan 2035. The applicant has requested for merger of public right-of-way on Wilcox Avenue, limited depth and height dedications along De Longpre Avenue and cut corner dedications on Sunset Boulevard, and waiver of dedication in the alley adjoining the subdivision.

If Planning Department and the Department of Transportation determine that the proposed excess right of way merger of Wilcox Avenue would not be in conflict with the Community Plan and would not impact traffic circulation then these proposed merger request can be granted.

There are existing sewers available in the streets adjoining the subdivision. The construction of house connection sewers will be required to serve the tract. This tract will connect to the public sewer system and will not result in violation of the California Water Code. I therefore recommend that you make the necessary determination.

In the event you approve the vesting tentative map of Tract No. 83088, please include the engineering standard conditions issued by your department and the following special conditions:

1. That the City Department of Transportation in a letter to City Engineer shall determine that the merger area is not necessary for current and future Public Street.
2. That Department of the City Planning in a letter to the City

Engineer also determine that the proposed merger area is consistent with all applicable General Plan Elements of Highway and Circulation Elements for LA Mobility Plan 2035.

3. In the event that Department of Transportation and Department of City Planning have no objections to the street merger, then the 10-foot excess right-of-way measured beyond the 35-foot centerline right-of-way of Wilcox Avenue excluding 15-foot by 15-foot or radius 20-foot cut corner at the intersection with Sunset Boulevard permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer **(A Certified Survey Plan shall be submitted showing exact area to be merged for the final map processing)**:
 - a. That consents to the street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
 - b. That satisfactory arrangements be made with all utility agencies maintaining existing facilities within the area being merged.

Note: The Advisory Agency hereby finds that the dedications to be merged are unnecessary for present or prospective public purposes and all owners of the interest in the real property within the subdivision have or will have consented to the merger prior to the recordation of the final map.

4. That 5-foot wide strip of land be dedicated along De Longpre Avenue adjoining the tract to complete a 30-foot wide half right-of-way in accordance with Local Street Standards of LA Mobility Plan 2035.
5. That a 10-foot by 10-foot corner cut or 15-foot curve radius return be dedicated at the intersection of De Longpre Avenue and Cole Place.
6. That 5-foot wide strips of land be dedicated along the alley adjoining the subdivision to complete 10-foot wide half alley and 20-foot wide full-width alley adjacent to the Lot 8 of Lander Tract No.2.
7. That all the proposed tract map boundary lines be properly established in accordance with Section 17.07.D of the Los Angeles Municipal Code prior to the recordation of the final map satisfactory to the City Engineer (Survey Division).
8. That the subdivider make a request to the Central District

Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.

9. That any surcharge fee in conjunction with the street and subsurface merger requests be paid.
10. That a set of drawings for airspace lots be submitted to the City Engineer showing the followings:
 - a. Plan view at different elevations.
 - b. Isometric views.
 - c. Elevation views.
 - d. Section cuts at all locations where air space lot boundaries change.
11. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.
12. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - a) Improve the alley being dedicated and adjoining the subdivision by the construction of the following:
 - (1) Suitable surfacing to join the existing improvements to provide a 10-foot wide half alley and 20-foot wide full-width alley including longitudinal concrete gutter satisfactory to the City Engineer.
 - (3) Reconstruction of the alley intersections at Wilcox Avenue and Cole Place.
 - (4) Any necessary removal and reconstruction of existing improvements.
 - (5) The necessary transitions to join the existing improvements.
 - b) Improve Sunset Boulevard adjoining the subdivision by the reconstruction of full-width concrete sidewalk with tree wells and the repair and or replacement of any broken, off-grade concrete curb, gutter, and roadway pavement including necessary transition to join the existing improvements, satisfactory to the City Engineer.
 - c) Improve Wilcox Avenue adjoining the subdivision with the

repair and/or replacement of any broken, damaged/cracked or off-grade concrete curb, sidewalk, roadway pavement and the installation of tree wells including necessary transition to join the existing improvements, satisfactory to the City Engineer.

- d) Improve Cole Place adjoining the subdivision with the repair and/or replacement of any broken damaged/cracked or off-grade concrete curb, sidewalk, roadway pavement and the installation of tree wells including necessary transition to join the existing improvements, satisfactory to the City Engineer.
- e) Improve De Longpre Avenue being dedicated and adjoining the subdivision with the construction of a full-width concrete sidewalk with tree wells and the repair and/or replacement of any broken, damaged/cracked or off-grade concrete curb, gutter and roadway pavement including any necessary transition to join the existing improvements, satisfactory to the City Engineer.
- f) Construct any necessary mainline sewer satisfactory to the Central District B-Permit Engineering Office.

Any questions regarding this report should be directed to Quyen Phan of the Permit Case Management Division, located at 201 North Figueroa Street, Suite 290, or by calling (213) 808-8604.

SITE PHOTOS

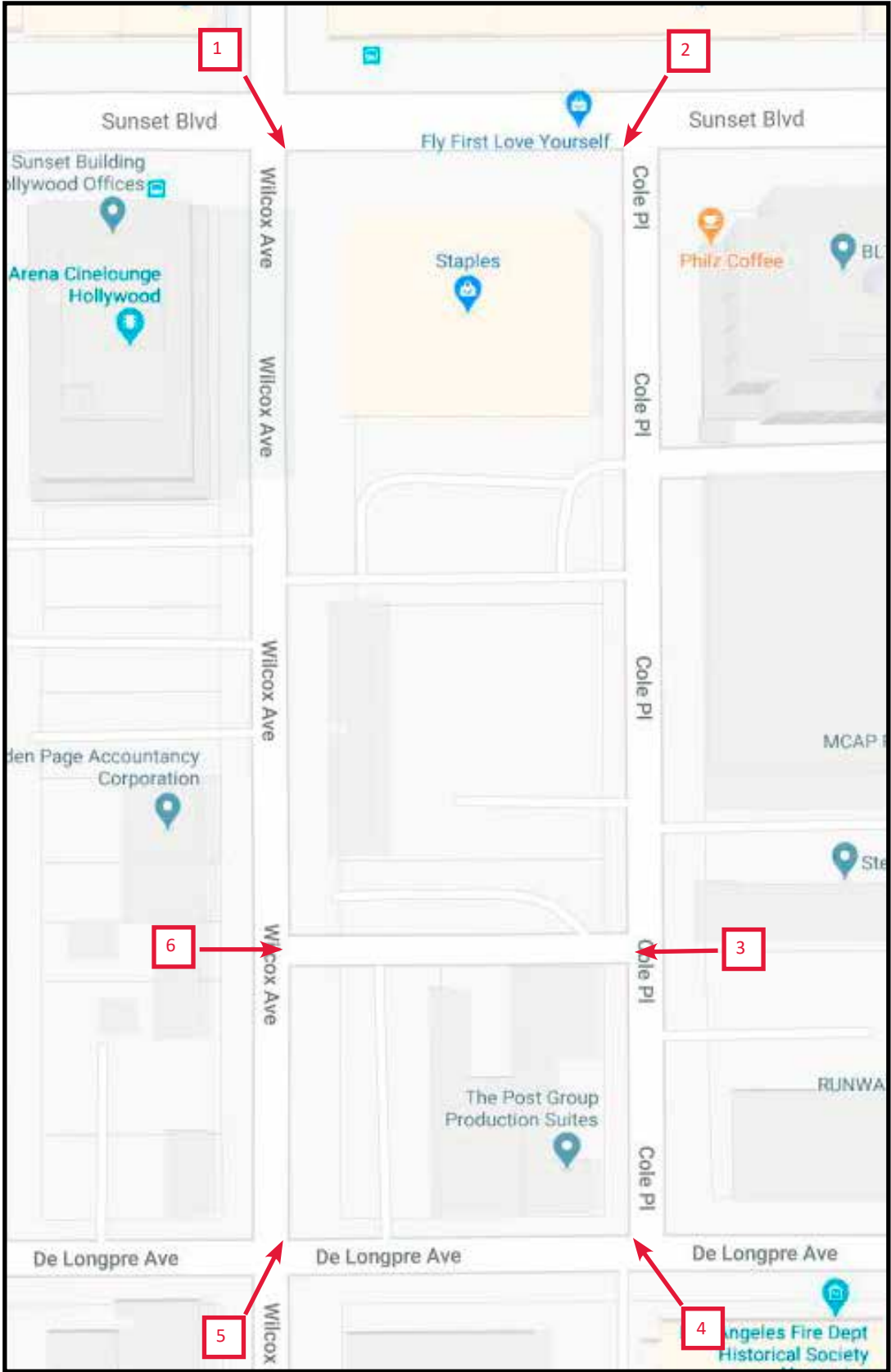


PHOTO INDEX MAP



1 VIEW SOUTH AND EAST FROM CORNER OF SUNSET AND WILCOX

SITE PHOTOS

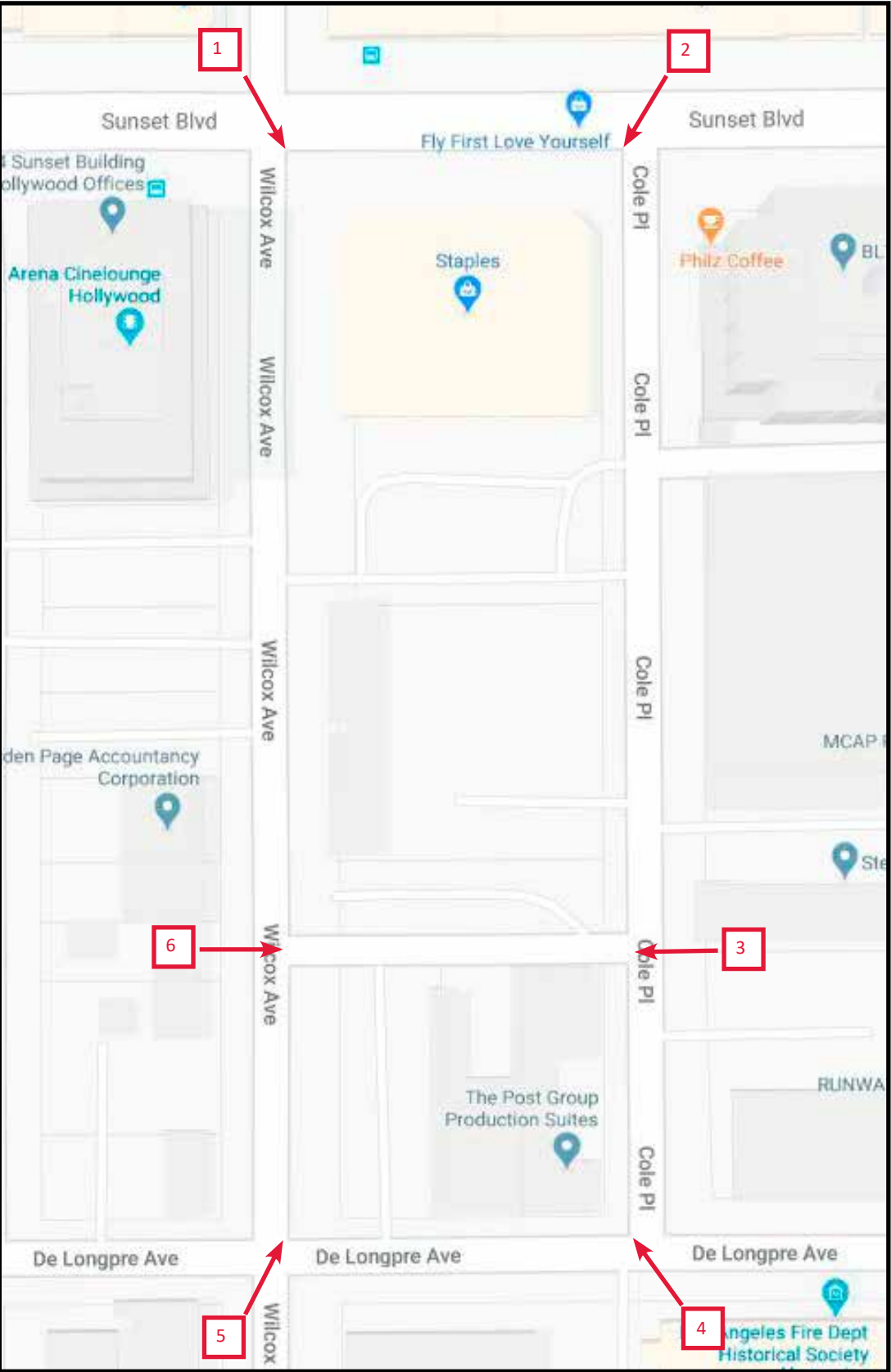


PHOTO INDEX MAP



2 VIEW SOUTH AND WEST FROM CORNER OF SUNSET AND COLE

SITE PHOTOS

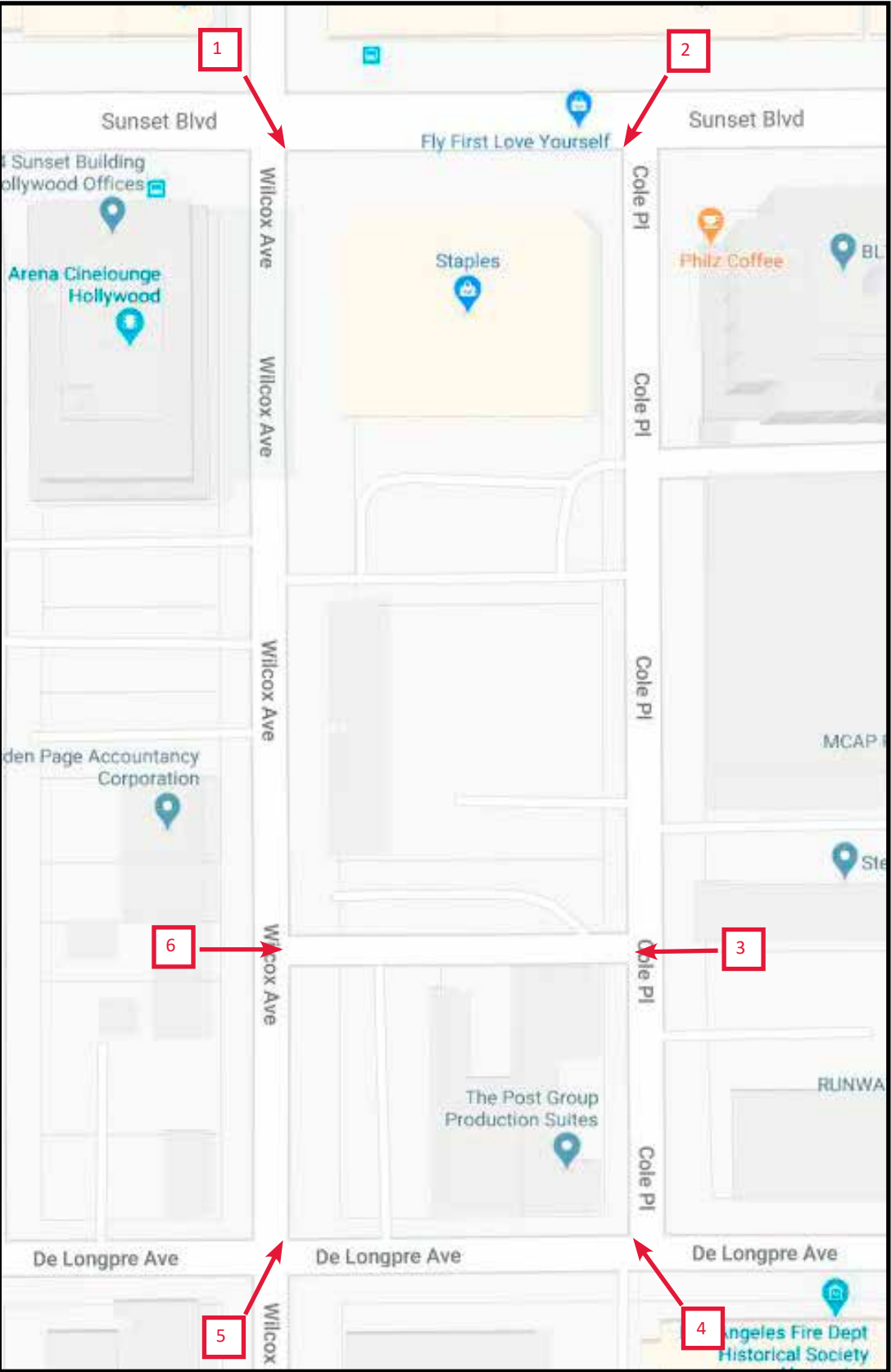


PHOTO INDEX MAP



3 VIEW WEST ON WILCOX AT ALLEY

SITE PHOTOS

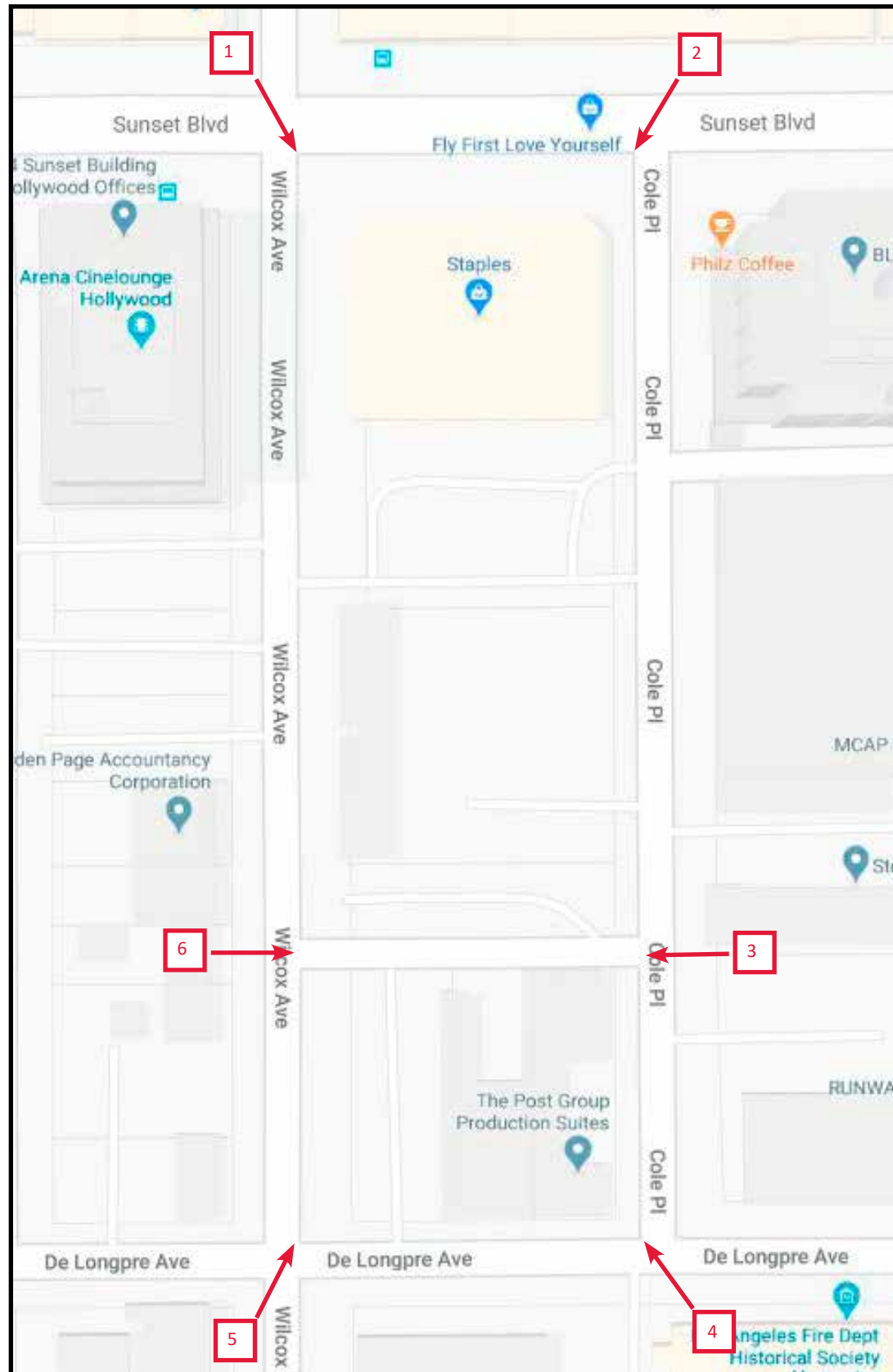


PHOTO INDEX MAP



4 VIEW NORTH AND WEST FROM THE CORNER OF DE LONGPRE AND COLE

SITE PHOTOS

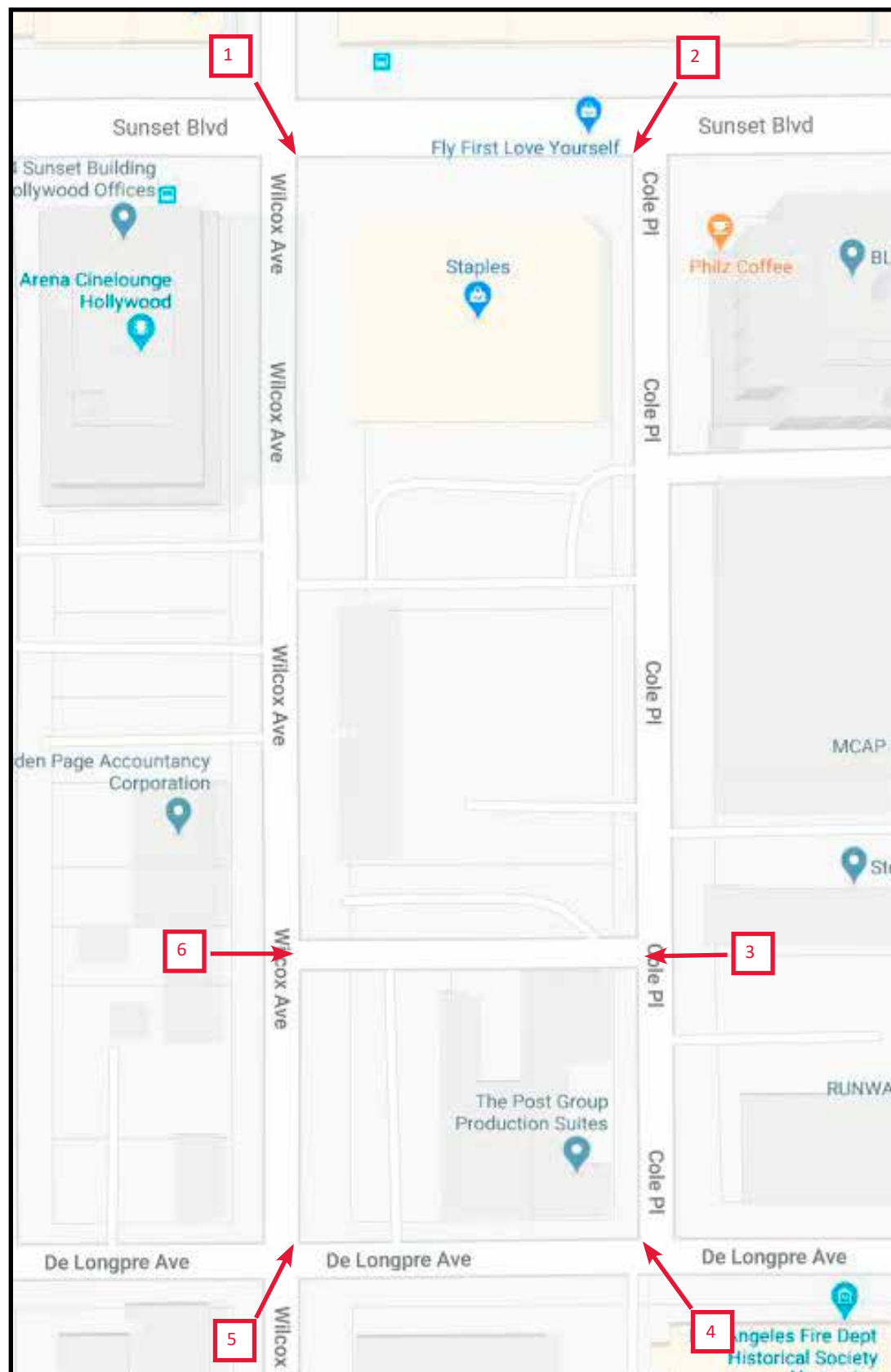


PHOTO INDEX MAP



5 VIEW NORTH AND EAST FROM CORNER OF DE LONGPRE AND WILCOX

SITE PHOTOS

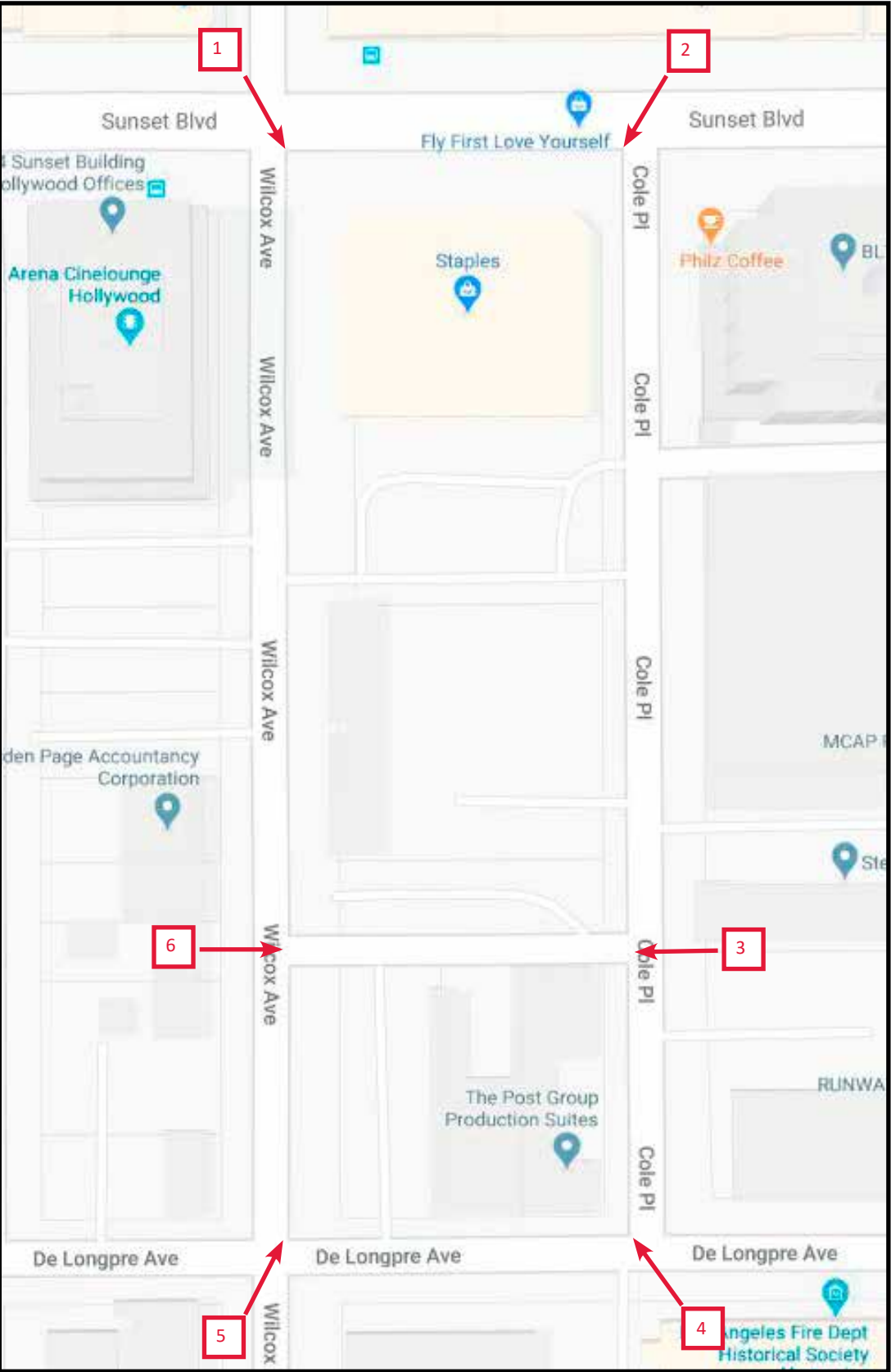


PHOTO INDEX MAP



6 VIEW EAST ON WILCOX AT ALLEY

October 23, 2022,

Honorable Commissioners,

I am not necessarily completely opposed to the project, but I would like to see a BETTER project and the local community actually benefit from the development. Moreover, the applicant failed to request all of the entitlements required by the Code that are necessary to approve the project as proposed, and the residential-only project alternative #5 in the EIR omits a vital fact.

My main issue is with the height and massing being so far South towards De Longpre Ave and the nearby residential area. It seems as if the developer and DCP have not considered this at all, and frankly, don't seem to care. As more thoughtful Planners, I hope you take the time to consider how the project relates to the adjacent 2-story buildings. If the bulk of the massing were along Sunset Blvd. and more or less in line with the large commercial buildings to the East and West, I wouldn't be writing this letter.

I think there are solutions and have offered them to the applicant directly, and are reiterated here:

- Less parking. The project is over-parked. Take off a floor, or better two, of the above grade parking. If they still want their excess parking, they should put it underground.
- The building height/massing is ballooned because of all the open space, which doesn't count as floor area but still increases the size of the building nonetheless. If the first level of terrace were reduced by 50%, and the reduction were carried upward proportionally through the other terraces, and replaced by floor area, I believe it would knock 2 stories off the building and move the massing further North.
- Less than 6:1 FAR. This is probably the least popular with you, and the applicant, but there is good legal reasoning to deny any FAR over 4.5 as I will clarify below. You can approve either Alternative #2 or Alternative #4 of the EIR.

If you review the PVP section of the Staff Report (starting on page A-22) the same concerns with relationship to the nearby 2-story buildings were raised. Sadly, very few, if any, of the ideas and suggestions of the PVP were incorporated into the project.

Secondly, there is no activation of Cole Pl. , and very little on Wilcox. Linear feet wise, these two frontages are the bulk of the building creating dead zones where there will be safety and homeless encampment problems. Seems like poor planning to me.

My third concern is the absence of any meaningful, substantial, and legitimate community benefits for any FAR over 4.5. Not only are they required by the Hollywood Redevelopment Plan, but the hotel project directly across the street (CPC-2020-5407-ZVC-HD-CUP-ZAA-RDP-SPR , 6545 Sunset Blvd.) that this very Commission ruled on 2-weeks ago at the October 13, 2022 CPC, was required to provide \$150K in extra linkage in order to increase the FAR to from 4.5 to 6:1. DCP had recommended denying that request of FAR over 4.5 based on the lack of Community Benefits. The justification of approval in this

project is flimsy beyond belief. Benches? For a project coming in at 443,000 sq.ft.? You gotta be kidding me, all the “benefits” listed in Staff Report DO NOT BENEFIT THIS COMMUNITY and are arguably inadequate in satisfying the needed finding for increased FAR above 4.5. The hotel at least ponied up \$150K for affordable housing. Please stop giving these massive entitlements away.

The applicant has proposed several commitments that the city has relied on to make a finding that the project serves a public purpose and objective. These commitments are either misleading, unenforceable, or without certainty:

- Condition #17: Electrification. The 15-story office tower shall be an all-electric office building excluding the commercial food uses for cooking purposes in the three ground floor restaurants, as stated in the Applicant’s October 14, 2022, letter to Los Angeles City Planning.

Cool. What does an all-electric building mean? The applicant’s letter states that the project “will be voluntarily and fully consistent with the draft DBS recommendations...”

The DBS recommendation (see attached) only speaks in broad terms and includes no actionable measures. And the recommendation report says, “in cases where electrical distribution for a new building construction project does not exist, or when the existing electrical distribution to the site is not sufficient to provide the necessary electrical service required by a new development, the cost of providing electrical distribution or upgrading existing distribution infrastructure is charged by LADWP to the developer, which can be a significant cost.”

So the commitment made by the applicant, and the condition imposed by the city has no standards which can be enforced. ALL-electric means a lot. And how can the applicant commit to going “all-electric” without knowing the cost and feasibility of building “all-electric”, especially without the consultation of DWP.

Plus, by the time this project is built, all-electric buildings will probably be required by law, thereby relegating this “benefit for the community” as nothing more than a standard obligation.

- Condition #41: Public Benches. The Project shall provide public benches along Sunset Boulevard, Wilcox Avenue, and Cole Place in substantial conformance with Exhibit A, subject to the approval of the Bureau of Street Services of the Bureau of Public Works.

Cool again, I guess. But where in Exhibit A are the public benches? They aren’t shown in any of the plans. They do appear in the elevations, although not called out, or in any way defined. These benches are subject to the approval of Street Services, and nothing in Exhibit A allows you to make an informed decision on whether these benches would be approved by Street Services. Either way, if installed, they’ll be great for attracting homeless, especially on the blank wall down Cole Pl.

In full disclosure, what *is* known, per the tract map, is the sidewalk along Cole is about 9’2” and along Wilcox is 10’. Would the proposed benches comply with street standards?

- LEED Gold certification equivalent design.

Part of the city's finding that the project serves a public purpose and objective is that the project will be built to a LEED Gold certification equivalent design. There is no condition that ties the LEED Gold equivalent design to the city's finding of a public purpose and objective. It is a project design feature in the EIR, but then if found not to be necessary for environmental reasons, could go away.

If the LEED Gold equivalent design is a basis for finding the project serves a public purpose and objective, it should be a condition.

But even then, who in the city is qualified to determine if the project meets the LEED Gold "equivalent design"? Do the six design features outlined in the project design features suffice? Only LEED certified raters can be relied upon. Without a qualified and responsible third party to ensure implementation of a LEED Gold equivalence, project's public purpose is dubious and without certainty.

The entitlements requested do not permit the project as proposed:

- Redevelopment Plan Project Compliance.

On 3/19/20, the planning department originally issued an Administrative Review and Referral form (attached) indicating that the project would be required to file for a Redevelopment Plan Project Compliance to permit an FAR of 6:1, to pay the fee, and to add the RDP suffix.

Then, on 12/9/20, the department issued a revised and redacted referral form (attached page 6 only) indicating that the project was in compliance with the Redevelopment Plan and would only be subject to an Administrative Review.

The revised referral is not consistent with the LAMC or the Redevelopment Plan.

Per LAMC Section 11.5.14-C - Definitions:

"Redevelopment Plan Project Administrative Review" shall mean the issuance of a ministerial approval by the Director for a Redevelopment Plan Project that complies with the applicable Redevelopment Regulations, and **does not require the imposition of conditions or the making of findings.**

"Redevelopment Plan Project Compliance" shall mean a decision by the Director that a Redevelopment Plan Project complies with the applicable Redevelopment Regulations, either as submitted or with conditions imposed to achieve compliance with the Redevelopment Regulations.

Per Redevelopment Plan Section 506.2.3 - Regional Center Commercial Density:

"The Agency **may permit** development in excess of 4.5:1 F.A.R. up to but not to exceed 6:1 F.A.R. or such other density as may be permitted by future amendments to the Community Plan, **only if the Agency makes the following findings** and determinations..."

"No development in excess of 4.5:1 shall be permitted without a binding written agreement with the Agency which ensures that the proposed development will occur in conformity to the Redevelopment

Plan and this Section by providing for, among other things, Agency review and approval of all plans and specifications, the compliance with all conditions applicable to development in excess of a 4.5:1 site F.A.R. and the provision of adequate assurances and considerations for the purpose of effectuating the objectives of this Plan.”

Per the Redevelopment Plan, the Agency (now the City of Los Angeles) must make findings and impose conditions to allow an FAR above 4.5:1. In fact, even the revised referral form indicates that, per Section 506.2.3, “findings will be provided for 6:1 FAR.” (see page 3 of referral form) Therefore, per the LAMC, the project, at 6:1, does not qualify for the Administrative Review process. Instead, the project needs to file for, and get approval of a Redevelopment Plan Project Compliance, and City must impose conditions and make the required findings, as stated in Section 506.2.3.

The hotel project across the street previously mentioned filed for a Redevelopment Plan Project Compliance and had the RDP suffix. Why not this project?

-Unified Development Permit.

The project is located on two properties, separated by an alley. The project is then using the floor area from the smaller property for the building on the larger property. This is called a Unified Development Permit and is an entitlement required pursuant Section 12.24-W,19.

They did include a condition requiring a covenant to be recorded to guarantee the continued “operation and maintenance of the development as a unified development; shall indicate the floor area and, if applicable, density used on each parcel and the floor area, and, if applicable, density potential (if any) that would remain; shall guarantee the continued maintenance of the any unifying design elements.”

Interesting how they alluded to the word “unified” twice. The correct entitlement should be required since they have accurately identified it thus.

Lastly, the residential alternative (#5) in the EIR fails to acknowledge that the alternative would also result in 60 Very Low Income Households.

Thank you,

David Carrera
6530 Leland Way
L.A., CA 90028

4. PROJECT REVIEW REQUIREMENTS

SUBMITTAL PACKAGE (check all that apply)

☐ A. **Administrative Review for the Redevelopment Plan**

The Submittal Package includes this *Administrative Review and Referral Form*, and the *Documents and Materials* for the Administrative Review and Referral Form, listed in the Administrative Review Instruction (CP-3540)

NOTE: For an Administrative Review clearance, the project must conform to the Permitted Land Uses section of the relevant Redevelopment Plan, and if applicable the Administrative Review and Referral Design for Development.

☐ B. **Administrative Review for the Design for Development (DFD)**

The Submittal Package includes this *Administrative Review and Referral Form*, and the *Documents and Materials* for Design for Development, listed in the Administrative Review Instruction (CP-3540)

☒ C. **Project Compliance and/or Project Adjustment**

The Submittal Package includes this *Administrative Review and Referral Form*, and the *Documents and Materials* for Project Compliance and/or Project Adjustment, listed in the Administrative Review Instruction (CP-3540)

All forms and related materials shall be submitted to the Development Services Center public counter.

- CITY STAFF USE ONLY -

NOTE: Signature below only indicates that the Redevelopment Plan Unit staff reviewed proposed project. All official clearances are noted on the clearance summary sheet for issuance of a permit from LADBS on PCIS, including Administrative Sign-Off/Approval.

ADDITIONAL STAFF NOTES

Pursuant to 11.5.14 LAMC, Redevelopment Plan Project Compliance to permit U:1 FAR per SEC. 506.2.3 of the Hollywood Redevelopment Plan and show conformance to SEC. 506, 506.2, 508.2, 508.4, 510, 511, 517, 518.1, 518.2, and 519. Add RDP suffix charge fee.

CASE NUMBER: _____

Section 5 - ADMINISTRATIVE REVIEW – Project Conforms to Plan. No Referral Required – Section 6 N/A. No fee is collected.

Staff Signature	Date	Phone Number
Print Name	Email	

Section 6 - PROJECT PLANNING REFERRAL - Choose one: If Project Compliance or Project Adjustment is required. Please collect required fee(s) prior to filing.

☒ Project Compliance Required

☐ Project Adjustment Required

INITIAL REVIEW BY

Staff Signature <i>Giselle Corella</i>	Date <i>3/19/2020</i>	Phone Number <i>(213) 202-5413</i>
Print Name <i>Giselle Corella</i>	Email <i>planning.redevelopment@lacity.org</i>	

Per Sec. 502, Sec. 504, Sec. 506.2.3, and 508.1 the proposed commercial building is permitted. Per Sec. 502 of the Hollywood Redevelopment Plan, the proposed project shall comply with the LAMC and per Sec. 504, the proposed project is requesting City Planning entitlements including a Height District change to permit the 6:1 FAR. Report to describe general conformance to the Redevelopment Plan. Administrative Review only, no fee. - updated 12/9/2020

4. PROJECT REVIEW REQUIREMENTS

SUBMITTAL PACKAGE (check all that apply)

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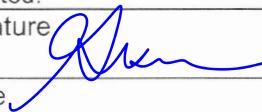
- CITY STAFF USE ONLY -

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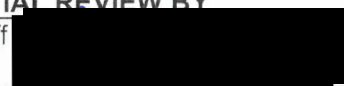
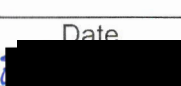
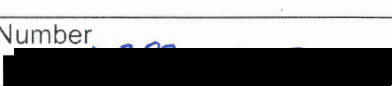
ADDITIONAL STAFF NOTES See revised comment above.

CASE NUMBER: _____

Section 5 - ADMINISTRATIVE REVIEW – Project Conforms to Plan. No Referral Required – Section 6 N/A. No fee is collected.

Staff Signature 	Date 12/9/2020	Phone Number
Print Name Giselle Corella	Email planning.redevelopment@lacity.org	

Section 6 - PROJECT PLANNING REFERRAL - Choose one: If Project Compliance or Project Adjustment is required. Please collect required fee(s) prior to filing.

☒ Project Compliance Required	☐ Project Adjustment Required	
INITIAL REVIEW BY		
Staff 	Date 	Phone Number 
Print Name 	Email 	

ARMBRUSTER GOLDSMITH & DELVAC LLP

LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

DAMON MAMALAKIS
DIRECT DIAL: 310-254-9026

12100 WILSHIRE BOULEVARD, SUITE 1600
LOS ANGELES, CALIFORNIA 90025

Tel: (310) 209-8800
Fax: (310) 209-8801

E-MAIL: Damon@AGD-LandUse.com

WEB: www.AGD-LandUse.com

October 24, 2022

VIA EMAIL

City Planning Commission
Attn: Cecilia Lamas, Commission Executive Assistant
200 North Spring Street, Room 272
Los Angeles, CA 90012-4801

cpc@lacity.org

Re: CPC October 27, 2022 Agenda, Items 10 (VTT-82463-1A) and 11 (ZA-2018-7378-ZV-TDR-SPR-1A) – Main Street Tower Project

Honorable Members of the City Planning Commission:

This firm represents Frontier Holdings West, LLC, the Project Applicant. The Zoning Administrator previously approved this project consisting of the demolition of four existing commercial/retail buildings (a total of approximately 28,110 square feet of floor area) and surface parking lot, and the new construction, use, and maintenance of a 30-story (340 feet above grade) mixed-use building with 363 residential dwelling units and 12,500 square feet of ground floor commercial/retail uses with a total of 373 vehicle parking spaces and 195 bicycle parking spaces.

We submitted supplemental analyses addressing minor modifications to the Project. The proposed modifications to include the construction of one level of subterranean parking in order to construct 363 standard vehicle parking spaces, eliminating the Zone Variance request to provide 100 percent of the stalls as compact spaces. The addition of one level of subterranean parking would require up to 30,000 cubic yards of soil to be exported from the Project Site as opposed to 5,434 cubic yards as originally proposed. Access to the underground parking would also include a second two-way driveway from the alley, providing a separate entry and egress access to the subterranean level. All other aspects of the Project would remain unchanged.

We concur with the two Recommending Reports which recommend denial of the appeals. However, the Project Applicant makes the follow requests for changes to the modified conditions of approval and to one Regulatory Compliance Measure (RCM) by inserting the text below as indicated in bold underlined type

VTT Appeal Recommendation Report

BOE Conditions, No. 2:

Provide a 3-foot wide **average** public sidewalk easement along 12th Street, **as allowed under Downtown Design Guide Section 3.A.1.**, adjoining the subdivision in accordance with Modified 1-Way Collector Street of the Downtown Street Standards including a 15-foot by 15-

CITY PLANNING COMMISSION

October 24, 2022

Page 2

foot corner cut easement or 20-foot radius property easement return at the intersection with Main Street. (Bold indicates the requested modifications.)

RATIONALE:

BOE Condition No. 2 does not allow for average width of the sidewalk width. This is inconsistent with the Downtown Design Guide and, with regard to 12th St with the DTLA Street Standards.

Downtown Design Guide Section 3.A.1. reads:

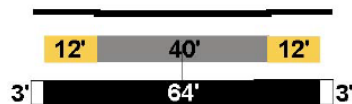
1. Provide the sidewalk width required by the Downtown Street Standards through sidewalk easements.

To provide flexibility in building design and at the same time provide space for sidewalk activity, *the required sidewalk easement may be averaged*. The easement provided on any section of the project frontage may range from zero feet to 3 times the required easement width, provide that the total area of the easement divided by the length of the property frontage equals the required average. The area of an easement beyond 3 times the required easement width may not be counted towards the required square footage of the average easement area. (Emphasis added.)

This language applies to all streets within the Downtown Design Guide area. However, the Advisory Agency generally defers to the BOE Subdivision Committee staff. Here, BOE staff only referred to the DTLA Street Standards in drafting their conditions (not the Downtown Design Guide). The Street Standards diagram for 12th St does not specifically show “av.” next to the 3 foot width notation on each end:

12TH STREET - Modified Collector – 1-way west of Wall
Looking West **2-way east of Wall**

Flower St. – Main St.



By comparison, the Main St Standards diagram specifically does refer to average:

CITY PLANNING COMMISSION

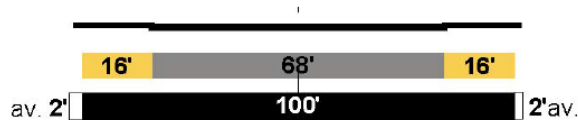
October 24, 2022

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MAIN STREET - Modified 2-Way Major Class II

Looking North

Olympic Blvd. – 10 Fwy.



We respectfully request BOE Condition No. 2 include the term average consistent with Downtown Design Guide Section 3.A.1.

Modified Conditions of Approval:

RCM-Traffic-1: Parking Requirements. In accordance with the LAMC, **as may be reduced by AB 2097**, the project shall provide ~~a total of~~ **up to** 363 residential and commercial vehicle parking spaces, 23 short-term bicycle parking spaces and 172 long-term bicycle parking spaces on-site. (Bold indicates the requested modifications; strike through indicates requested modifications.)

RATIONALE:

AB 2097 (Govt. Code section 65863.2) was recently adopted by the State and goes into effect January 1, 2023. The Applicant requests the flexibility to reduce its parking as allowed by AB 2097, when it determines what amount of demand parking maybe required by the market at the time of future occupancy (which cannot be known at this time). (Govt. Code section 65863.2(g).) Reduced parking results in reduced car ownership and therefore reduces air quality and greenhouse gas emissions.

ZA Appeal Recommendation Report

Modified Conditions of Approval No. 8:

The project shall provide the full number of automobile parking spaces required pursuant to LAMC Section 12.21 A.4, **as may be reduced by AB 2097**. (Bold indicates the requested modifications.)

RATIONALE:

As noted above, AB 2097 (Govt. Code section 65863.2) was recently adopted by the State and goes into effect January 1, 2023. The Applicant requests the flexibility to reduce its parking as allowed by AB 2097, when it determines what amount of demand parking maybe required by the market at the time of future occupancy (which cannot be known at this time). (Govt. Code section 65863.2(g).) Reduced parking results in reduced car ownership and therefore reduces air quality and greenhouse gas emissions.

ARMBRUSTER GOLDSMITH & DELVAC LLP

CITY PLANNING COMMISSION

October 24, 2022

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Thank you for your time and consideration of this matter. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Damon Mamalakis', with a stylized, looping flourish extending to the right.

Damon Mamalakis

cc: Nuri Cho, Department of City Planning
Jane Choi, Department of City Planning

**CALIFORNIA
RENTERS LEGAL
ADVOCACY AND
EDUCATION FUND**

October 21, 2022

**City of Los Angeles
City Planning Commission**

Re: 1123-1161 South Main Street and 111 West 12th Street Housing Development

Dear Commissioners,

The California Renters Legal Advocacy and Education Fund (CaRLA) submits this letter to inform the City Planning Commission that they have an obligation to abide by all relevant state housing laws when evaluating the proposal to develop housing at 1123-1161 South Main Street and 111 West 12th Street. 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 City 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 City 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.

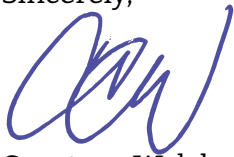
CaRLA is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. While no one project will solve the regional housing crisis, the South Main Street and West 12th Street development is the 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 blue ink, appearing to read 'Dylan Casey', with a long horizontal line extending to the right.

Dylan Casey
CaRLA Executive Director

Sincerely,

A handwritten signature in blue ink, appearing to read 'Courtney Welch', with a stylized, cursive script.

Courtney Welch
CaRLA Director of Planning and Investigation



5820 Canoga Avenue, Suite 300
Woodland Hills, CA 91367
T (818) 933-0200
F (818) 933-0222
www.gaineslaw.com

October 24, 2022

VIA EMAIL cpc@lacity.org

City Planning Commission
City of Los Angeles
Department of City Planning
200 N. Spring Street, Room 621
Los Angeles, CA 90012

Re: 1123-1161 S. Main Street and 111 W. 12th Street
ZA-2018-7378-ZV-TDR-SPR-1A/VT-82463
ENV-2018-7379-SCEA
CPC Hearing Date: October 27, 2022 – Agenda Items 10 & 11
Opposition to Project and SCEA

Dear Honorable Planning Commissioners:

This law office represents United Broadway, LLC with regard to its property at 1140 S. Broadway, Los Angeles. In 2019, United Broadway received City Planning approval for a new 139 room hotel to be constructed on their property immediately adjacent to this proposed project. Because there is substantial evidence that this proposed project will create significant adverse impacts that are not adequately addressed in the proposed Sustainable Communities Environmental Assessment (“SCEA”), United Broadway requests that the City deny the requested approvals, reject the SCEA, and require that an Environmental Impact Report (“EIR”) be prepared in accordance with the California Environmental Quality Act (“CEQA”).¹

As discussed in more detail below and in the consultant correspondence submitted herewith, the findings required to approve the project and to adopt a SCEA cannot be made. Of primary concern is that the SCEA and project analysis fail to address health risks to existing and future sensitive receptors in the surrounding area, including at our client’s adjacent hotel site. Specifically, the applicant has failed to conduct a Health Risk Analysis using dispersion modeling of Toxic Air Contaminants to assess the effects of those impacts as is required by law.

¹ It should be noted that the arguments and evidence presented herein are in addition to any other arguments or evidence which the City has received or may receive from our client or its consultants at any or all public hearings on the SCEA and/or the project.

In addition, the project has now undergone a major revision to add an additional level of subterranean parking resulting in an additional 30,000 cubic yards of grading and export, which will in turn require thousands of additional excavation truck trips. As a result, the project analysis and SCEA fail to identify the obvious air quality, noise, traffic and other environmental impacts that the proposed project will have on our client's property. Any attempt to remedy these failures will require that an EIR be prepared. To date, the superficial Addendum environmental review of these significant project changes has not been recirculated for public comment as required by law.

I.

**THE FINDINGS REQUIRED TO APPROVE A SCEA FOR THIS PROJECT
CANNOT BE MADE.**

Public Resources Code § 21155.2(b)(5) requires the following findings be made before a SCEA can be utilized as the appropriate CEQA environmental review for a project:

A sustainable communities environmental assessment may be approved by the lead agency after conducting a public hearing, reviewing the comments received, and finding that:

- (A) All potentially significant or significant effects required to be identified in the initial study have been identified and analyzed.
- (B) With respect to each significant effect on the environment required to be identified in the initial study, either of the following apply:
 - (i) Changes or alterations have been required in or incorporated into the project that avoid or mitigate the significant effects to a level of significance.
 - (ii) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

The proposed SCEA clearly fails to identify and analyze all potentially significant environmental effects of the project. Specifically, as the SCEA fails to analyze the impacts of Toxic Air Contaminants on sensitive receptors (adults and children), the SCEA cannot be approved.

The significant air quality impacts of the recently revised project's additional 30,000 cubic yards of grading and export, that will significantly increase Toxic Air Contaminants, have been swept under the rug with a SCEA Addendum that has not even been recirculated for public review. The Addendum has not received City Council approval. The SCEA Addendum also fails to meet CEQA requirements and cannot be approved.

In addition to the significant impacts from Toxic Air Contaminants under the previous design, the subterranean parking will vent methane into an area of trapped or confined Toxic Air Contaminants. This new information must be disclosed in the CEQA process through an EIR which considers alternatives for mitigation like lowering the height of the tower or reducing FAR to accommodate fewer residents and eliminate subterranean parking.

II.

AN EIR IS REQUIRED FOR THIS PROJECT.

CEQA requires a lead agency to certify a final Environmental Impact Report (“EIR”) as complete and in compliance with CEQA, and to consider the information contained therein, before approving a project. See Public Resources Code §§ 21000 *et seq.*; 14 Cal. Code of Regs. (“Guidelines”) § 15090. An adequate EIR must be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of the environmental consequences of the project being studied. See Guidelines § 15151. The EIR must include detail sufficient to enable those who did not participate in its preparation to understand and consider meaningfully the issues raised by the proposed project. See Laurel Heights Improvement Association v. Regents, 47 Cal. 3d 376, 405 (1988). Although CEQA does not mandate perfection, prejudicial abuse of discretion occurs if the failure to include relevant information in the EIR precludes informed decision making and informed public participation, thereby “thwarting the statutory goals of the EIR process.” *Id.* at 403-405. In short, CEQA requires an EIR to include a good faith effort at full disclosure. See Guidelines §15151.

Achieving the CEQA purpose of preserving and enhancing the environment requires adequate disclosure of project information and active involvement of the public at each stage of the decision-making process. Under CEQA, decisions regarding a proposed project cannot be made in a vacuum or under a veil of secrecy. Rather, they must be made under the watchful eye of the public so as to reassure “an apprehensive citizenry that the agency has, in fact, considered the ecological implications of its actions,” No Oil, Inc. v. City of Los Angeles (1974) 13 Cal. 3d 68, 86, and to affirmatively demonstrate that the environment is being protected. People ex rel. Department of Public Works v. Bosio (1975) 47 Cal. App. 3d 495, 528.

As the foundation on which project decisions are made, the EIR is the “heart” of this public review process. See County of Inyo v. Yorty (1973) 32 Cal.App.3d 795, 810; Laurel Heights Improvement Association v. Regents (“Laurel Heights II”) (1993) 6 Cal. 4th 1112, 1123; Guidelines § 15003(a). The EIR serves as an “environmental alarm bell” whose purpose it is to alert the public and its responsible officials to the environmental impacts associated with a proposed project. See County of Inyo, *supra*, 32 Cal.App.3d at 810. The public’s ability to analyze and make comments on the adequacy of the EIR is therefore critical to ensure all relevant information is considered before a decision with potentially significant and irreversible effects is made. See Laurel Heights, *supra*, 47 Cal. 3d at 392; Laurel Heights II, *supra*, 6 Cal. 4th at 1123; and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal. 3d 553, 564.

In this case, the proposed SCEA and Addendum are defective and, therefore, do not meet the requirements mandated by CEQA. The SCEA is so fundamentally flawed that CEQA's goal of meaningful public participation and informed decision making can only be achieved by preparing an EIR. Accordingly, United Broadway objects to the approval of the SCEA and, in turn, to the approval of the project without full environmental review and mitigation of impacts.

Given the failure of the SCEA to assess the risk of excess cancer deaths from Toxic Air Contaminants in the surrounding area, and specifically at our client's adjacent hotel site, and the failure of the SCEA to fully analyze and allow public comment regarding the revised project's additional 30,000 cu. yds. of grading, and the resulting additional Toxic Air Contaminants and other impacts, significant new information exists which discloses substantial new environmental impact. As a result, under Pub. Res. Code § 21092.1, project approval cannot go forward until an EIR is prepared.

III.

THE SCEA ADDENDUM MUST BE RECIRCULATED.

When significant new information is added to a CEQA analysis after the public review, the lead agency is required to recirculate the CEQA document or a portion of it for additional public review and comments. See CEQA Guidelines, Section 15088.5. Recirculation for additional public review and comment is required when the new information constitutes "significant new information" which discloses: (1) a new substantial environmental impact or new mitigation measure; (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted; (3) a feasible project alternative or mitigation measure that would lessen the environmental impacts of the project that the proponents decline to adopt; or (4) that the document was so fundamentally and basically inadequate and conclusory in nature that public comment on the document was meaningless. See Pub. Resources Code, § 21092.1; Communities for a Better Environment v. City of Richmond (2010) 184 Cal.App.4th 70; Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal. 4th 1112, 1126-1132; Western Placer Citizens for an Agr. and Rural Environment v. County of Placer (2006) 144 Cal.App.4th 890.

The SCEA Addendum allegedly contains the required analysis of the major revisions now proposed, including an additional 30,000 cu. yds. of grading and export, with the corresponding addition of thousands of excavation truck trips. But no Health Risk Assessment has been done to analyze diesel particulate, a Toxic Air Contaminant contained in the truck exhaust from both on site construction and the newly added additional excavation truck trips.

Our client and the public at large have been denied the opportunity to review and comment on the Addendum which has not been recirculated as required. Before any action is taken, the Planning Commission must direct that the SCEA and Addendum be recirculated pursuant to Guidelines § 15073.5.

IV.

CONCLUSION.

The SCEA and Addendum do not properly disclose, describe and analyze the full impacts of the project. Since impacts have not been adequately disclosed or analyzed, mitigation measures are missing or insufficient to mitigate the significant environmental impacts of the project. As a result of the lack of disclosure, analysis and mitigation, the City is required to deny the project in its entirety and not approve the SCEA. At a minimum, CEQA requires the City to prepare an EIR prior to the consideration of any approval of the project.

Our client has also been prejudiced by the inability of the current elected City Council Member for the 14th District to hear their comments and participate in this proceeding due to the ongoing racist comments scandal and the widespread calls for that City Council Member's resignation. Until this District has an active City Council representative, any decision making on this matter should be postponed.

Thank you for your time and consideration of this matter.

Sincerely,

GAINES & STACEY LLP

Fred Gaines

By
FRED GAINES

cc: Nuri Cho, City Planner (Via Email)



October 24, 2022 [vial email: nuri.cho@lacity.org, cpc@lacity.org]

**City of Los Angeles
Planning Commission**

Attn: Cecilia Lamas, Commission Executive Assistant
200 North Spring Street, Room 272
Los Angeles, CA 90012-4801

Ms. Nuri Cho, City Planner

**City of Los Angeles
Department of City Planning**

200 North Spring Street, Room 763
Los Angeles, CA 90012

Re: RESPONSES TO COMMENT LETTERS RECEIVED ON THE MAIN STREET TOWER PROJECT SCEA [ENV-2018-7379-SCEA; ZA-2018-7378-ZV-TDR-SPR, and VTT-82463]; CPC October 27, 2022 Agenda, Items 10 (VTT-82463-1A) and 11 (ZA-2018-7378-ZV-TDR-SPR-1A) – Main Street Tower Project

Dear Honorable Members of the CPC and Ms. Cho,

On behalf of Frontier Holdings West, LLC (Applicant), Parker Environmental Consultants has reviewed two comment letters that have been submitted on the eve of the City Planning Commission hearing on behalf of one of the appellants for the above referenced project. Gaines & Stacey, (representing Appellant United Broadway LLC), submitted a five page comment letter dated October 24, 2022. Kinsinger Environmental Consulting (also representing Appellant United Broadway LLC), submitted a seven page comment letter dated October 24, 2022. As preliminary matter, due to the untimely submittal of this additional information, we had limited time to review and respond to the issues presented in these letters. Nevertheless, our review concludes that the arguments and assertions presented by the Appellant's representatives do not present any new comments or substantive issues that have not already been addressed in our prior detailed responses to comments or otherwise addressed within the environmental analysis presented in the SCEA and SCEA Addendum.

Provided below is an abbreviated restatement of the issues and comments raised in the comment letters (in bold text) followed by technical responses that clarify or respond to the issues raised.

Gaines & Stacey Comment Letter (on Behalf of United Broadway)

- 1. The SCEA and project analysis fail to address health risks to existing and future sensitive receptors in the surrounding area, including at our client's adjacent**

hotel site. Specifically, the applicant has failed to conduct a Health Risk Analysis using dispersion modeling of Toxic Air Contaminants to assess the effects of those impacts as is required by law.

Response: The Appellant's claim that the SCEA and project analysis fails to address health risks to existing and future sensitive receptors in the surrounding area is incorrect and unsubstantiated. To the contrary, the Project's environmental analysis included detailed air quality modeling based on the South Coast Air Quality Management District's (SCAQMD's) recommended methodology and significance thresholds for air quality impacts. Project emissions were quantified using the California Air Quality Emissions Model (CalEEMod) as recommended by the California Air Resources Board (CARB) and by the SCAQMD. The analysis for the Approved Project (as presented in the SCEA), and the Modified Project (as presented in the SCEA Addendum) found that the Project's construction and operational impacts would be less than significant at the regional level. Localized emissions were also evaluated and found to be less than significant for construction and operation. Thus, as the Project emissions would be below the regional and local significance thresholds, it was concluded that the Project would result in less than significant air quality impacts to existing sensitive receptors.

As discussed in prior responses, the Appellant's hotel project is not included as an existing use in the SCEA or SCEA Addendum because it has not yet been constructed and is not a part of the baseline environmental conditions. This approach is consistent with Section 15125 of the State CEQA Guidelines, which provides that *"An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."*

Consistent with this guidance, the Hyatt Centric hotel was not addressed as an existing land use in the Project vicinity. Notwithstanding this approach, it should be noted that the SCEA and SCEA addendum analyzed localized air quality emissions for sensitive receptors within 25 meters and found that the Project's localized emissions would be less than significant. Thus, for the sake of the Appellant's concerns, the Project's less than significant air quality emissions would pose a less than significant impact to future visitors of the Hyatt Centric hotel if and when it is ever constructed as the proposed hotel is within the 25 meter radius addressed by the Project's air quality emissions analysis.

Additionally, the Appellant's claim that the City failed to conduct a Health Risk Analysis (HRA) using dispersion modeling of Toxic Air Contaminants to assess the effects of those impacts as is required by law is incorrect. First, as noted in prior responses, an HRA is not required by law or warranted based on the air quality modeling conducted for the SCEA and SCAE Addendum. Second, although it is not required, a quantitative HRA was prepared to address the human health risks associated with the construction activities of the Project. The HRA, prepared by Air Quality Dynamics, dated July 12, 2022, is provided as Appendix I to the SCEA Addendum. The HRA concluded that the Project's predicted carcinogenic risk and noncarcinogenic hazard estimates for the maximum exposed residential receptor would be below the significance thresholds and would thus not result in unacceptable localized human health impacts.

- 2. In addition to the significant impacts from Toxic Air Contaminants under the previous design, the subterranean parking will vent methane into an area of trapped or confined Toxic Air Contaminants. This new information must be disclosed in the CEQA process through an EIR which considers alternatives for mitigation like lowering the height of the tower or reducing FAR to accommodate fewer residents and eliminate subterranean parking.**

Response: The assertion that the Project will vent methane into an area of trapped or confined TACs is unsubstantiated and fails to acknowledge the analysis that was presented in the SCEA and SCEA Addendum addressing potential methane hazards. As concluded on page 6-115 of the SCEA, the property is classified as a Level I site with a Design Methane Pressure of 2 inches of water in accordance with LADBS guidelines. Compliance with LAMC Sections 91.7101 through 91.7109 (RCM-HAZ-2) would ensure any impacts from methane would be less than significant.

A Revised Methane Report was prepared to address potential methane hazards associated with the construction of the proposed subterranean parking level. Based on findings in the Revised Methane Report (included in Appendix F to the SCEA Addendum), the Project Site would continue to be classified as a Level I site with a Design Methane Pressure of 2 inches of water in accordance with LADBS guidelines. The Modified Project would continue to provide a methane mitigation system as required by Table 71 in Section 2. Division 71 of Article 1, Chapter IX of the Los Angeles Municipal Code based on the Site Design Level I, as stated in regulatory compliance measure RCM-HAZ-2. Therefore, the Modified Project would not result in a new significant impact related to methane, and impacts would remain less than significant.

- 3. Our client and the public at large have been denied the opportunity to review and comment on the Addendum which has not been recirculated as required. Before**

any action is taken, the Planning Commission must direct that the SCEA and Addendum be recirculated pursuant to Guidelines § 15073.5.

Response: CEQA does not require an Addendum to be recirculated for public comment. (CEQA Guidelines section 15164(c).) Moreover, the Department of City Planning's Staff Report, published October 18, 2022, contained links to the SCEA and the SCEA Addendum. As such, the public has had an opportunity to review the Addendum for nearly a week prior to the hearing. As with all CPC hearing, the public is provided an opportunity to submit public comment including the day of the hearing.

As discussed on page 56 of the SCEA Addendum, none of the conditions set forth in Section 15073.5 of the CEQA Guidelines requiring recirculation of the SCEA would occur as a result of the Modified Project. The information included in the Addendum does not constitute a substantial revision of the Project resulting in either: (1) the identification of a new, avoidable significant effect where mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or (2) a determination by the lead agency that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required. Rather, as provided under CEQA Guidelines Section 15073.5(c), the Addendum supports the conclusion that recirculation is not required in cases where measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

- 4. Our client has also been prejudiced by the inability of the current elected City Council Member for the 14th District to hear their comments and participate in this proceeding due to the ongoing racist comments scandal and the widespread calls for that City Council Member's resignation. Until this District has an active City Council representative, any decision making on this matter should be postponed.**

Response: Current political events provide no basis to postpone the properly noticed hearing of the appeals. This matter is not before the City Council, but rather the CPC and the City Council is not voting on this matter at this time.

Kinsinger Environmental Consultants Comment Letter (on Behalf of United Broadway)

- 1. Subterranean parking will require remodeling the initial Air Quality Technical study with the new information. This will provide the applicant an opportunity to correct the original Air Quality study which relied upon user-provided data inputs where model-calculated default inputs should have been used instead.**

Response: The SCEA Addendum contains updated air quality modeling reflecting the addition of subterranean parking. As determined previously, the inclusion of subterranean parking does not result in a significant air quality or health risk impact.

- 2. Consequently, HRA that should have been triggered to assess impacts on surrounding sensitive receptors was not prepared. In fact, opponents, Supporter's Alliance For Environmental Responsibility (SAFER), and their air quality consultant, SWAPE did not consider this either. The [sic] conducted a Health Risk Screening and found significance. However, that screening is for on-site impacts and doesn't consider the additional excess cancer deaths and lung diseases to off-site adults and children as sensitive receptors.**

Response: As discussed above, although it is not required, a quantitative HRA was prepared to address the human health risks associated with the construction of the Modified Project including the addition of the subterranean parking garage. The HRA, prepared by Air Quality Dynamics, dated July 12, 2022, is provided as Appendix I to the SCEA Addendum and followed all recommended protocols by SCAQMD. The HRA was not limited to only on-site receptors, but to appropriately determined off-site receptors. The HRA concluded that the Project's predicted carcinogenic risk and noncarcinogenic hazard estimates for the maximum exposed residential receptor would be below the SCAQMD's significance thresholds and would thus not result in unacceptable localized human health impacts.

- 3. An EIR would give the opportunity for a complete alternatives analysis to mitigate impacts both onsite and to sensitive receptors represented by employees and occupants of the United Broadway LLC hotel who will share the alley with the project.**

Response: Senate Bill 375 (SB 375), also known as "The Sustainable Communities and Climate Protection Act of 2008" provides various CEQA streamlining provisions for projects that are consistent with an adopted applicable SCS and meet certain objective criteria; one such CEQA streamlining tool is the Sustainable Communities Environmental Assessment (SCEA). A SCEA, unlike an EIR, is not required to provide an alternatives analysis. Therefore, an alternatives analysis is not legally required.

- 4. There are multiple analyses under air quality that are unrelated to GHG emissions, which should have been assessed. Instead, the air quality analysis for the previous design without subterranean parking used GHG as the basis for concluding that impacts were less-than significant. We respectfully request City Council to require a complete and correct analysis in the EIR or recirculated document. We further**

suggest a 3rd party peer review of the revised technical air quality study and a new 2-part Health Risk Analysis for both onsite and off-site impacts.

Response: The commenter asserts there are multiple air quality analyses required but failed to identify any that were required to be conducted but were not. (See *Assn. of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383 [“CEQA does not require a lead agency to conduct every recommended test and perform all recommended research to evaluate the impacts of a proposed project. The fact that additional studies might be helpful does not mean that they are required.”].) Also there is no legal basis to demand a 3rd party review nor a revised HRA that was compliant with SCAQMD guidance as the HRA complied with SCAQMD protocols and guidance. No substantial evidence to the contrary was provided.

- 5. The point we’re making is a Health Risk Analysis (HRA) will address those localized TAC concentrations. Another project opponent of this project, Supporter’s Alliance For Environmental Responsibility (SAFER), and their air quality consultant, SWAPE, corroborated us finding increased cancer risk for adults and children in their HRA screening.**

Response: Commenter ignores that an appropriately conducted HRA was included with the SCEA Addendum (as Appendix I) which concluded no significant impacts.

- 6. The air quality analysis for the original project did not assess impacts of the project on the environment; it assessed the impacts from construction’s regional impacts but not the adults and children in the localized area outside of the project footprint. The building’s height will concentrate TACs and methane vented from the subterranean parking lot. Only an HRA can address these impacts to adults and children in the environment surrounding the project.**

Response. This comment incorrectly asserts without any substantial evidence, that the adopted SCEA improperly assessed the impacts from construction’s regional impacts but not the adults and children in the localized area outside of the project footprint. Pursuant to the SCAQMD’s recommended methodology for CEQA analyses, the SCEA’s Air Quality modeling and analysis addressed regional and localized construction emissions. The Project’s localized construction emissions were discussed on pages 6-31 through 6-32 in the adopted SCEA, and on pages 12-14 of the SCEA Addendum. As noted above, the SCEA Addendum also included a Revised Methane Report to evaluate potential hazards associated with methane. As concluded in the SCEA Addendum, the Project Site would continue to be classified as a Level I site with a Design Methane Pressure of 2 inches of water in accordance with LADBS guidelines. The Modified Project would continue to provide a methane mitigation system as required by Table 71 in Section

2. Division 71 of Article 1, Chapter IX of the Los Angeles Municipal Code based on the Site Design Level I, as stated in regulatory compliance measure RCM-HAZ-2. Therefore, the Modified Project would not result in a new significant impact related to methane, and impacts would remain less than significant.

The commenter also speculates that there could be impacts from concentrated TACs and methane ventilation from the subterranean parking lot. No substantial evidence was submitted, and speculation is not substantial evidence. (Public Resources Code § 21080 subd. (e); Guidelines § 15384(b).) Nevertheless, although it is not legally required by law or recommended by the SCAQMD, a quantitative HRA was prepared to address the human health risks associated with the construction activities of the Project. As discussed above, the HRA concluded that the Project's predicted carcinogenic risk and noncarcinogenic hazard estimates for the maximum exposed residential receptor would be below the significance thresholds and would thus not result in unacceptable localized human health impacts.

7. The significance issue for Jade tower isn't about localized GHGs, it's about localized impacts from Toxic Air Contaminants that the SCEA omitted either through ignorance or intention. There is no link between having a less than significant impact for GHG emissions and having a less-than-significant impact for TACs as the SCEA claims. When Vehicle Miles Traveled (VMT) are used to address GHG emissions there is absolutely no link to TACs.

Response: The commenter's assertion that the SCEA's toxic air contaminant impacts are based on GHG emissions is incorrect and shows a fundamental misunderstanding of the air quality analysis presented in the SCEA. The Project's air quality impacts, which are addressed in Section 6.III of the adopted SCEA and Section 3.1 of the SCEA Addendum, are differentiated from the analysis of the Project's GHG impacts, which are addressed in Sections 6.VIII of the adopted SCEA and 3.4 of the SCEA Addendum, respectively. The Project's TAC impacts are addressed under air quality impacts. For a discussion on the Project's construction related TAC impacts, see pages 6-34 of the adopted SCEA and page 14 of the SCEA Addendum. For purposes of the air quality analysis, the Project's VMTs are only used to assess regional operational air quality emissions. With respect to operational TAC impacts, the Project's operational air quality emissions for both regional and localized impacts were determined to be less than significant. The localized air quality impacts, which were quantified based on the Project's area, mobile, and stationary source emissions in accordance with the SCAQMD's Localized Significance Thresholds, were found to be less than significant for NO_x, CO, PM₁₀ and PM_{2.5} pollutants of concern. The Project does not propose any point source pollutants that would generate toxic air emissions requiring a HRA facility permit. The proposed underground garage is not considered a

City of Los Angeles Planning Commission
Attn: Cecilia Lamas, Commission Executive Assistant, and
Ms. Nuri Cho, City Planner
City of Los Angeles, Department of City Planning
Re: Main Street Tower SCEA - Responses to Comments
October 24, 2022
Page 8 of 8

point source that would generate toxic air emissions requiring a facility permit by the SCAQMD. Subterranean garages are required to be adequately ventilated pursuant to the uniform Building Code. The commenter has submitted no substantial evidence to the contrary.

Conclusion

The comments and disputes raised by the commenters do not require an EIR. Pursuant to Public Resource Code Section 21082.2 (b), "[t]he existence of public controversy over the environmental effects of a project shall not require preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment." Section 21082.2(c) also provides that "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."

The comments summarized above are based on unsubstantiated opinion and speculation and do not provide any new substantial evidence indicating that the Project would result in a significant impact upon the environment. As such, no further analysis is warranted. Should you have any questions regarding any of the responses please contact me at (661) 257-2282 or by email at shane@parkerenvironmental.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shane E. Parker".

Shane E. Parker, Principal

10/24/2022

Los Angeles City Planning Commission
201 N Figueroa St
Los Angeles, CA 90012

cpc@lacity.org
Via Email

Re: 1123-1161 South Main Street; 111 West 12th Street
5139-017-015, 016, 017, 018, 029

Dear Los Angeles City Planning Commission,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the City Planning Commission has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

The project consists of a mixed-use building with 363 dwelling units and 12,500 square feet of commercial and retail uses. It will replace four existing commercial and retail buildings and surface parking, and will pay \$882,592 towards the TFAR Public Benefit Payment Trust Fund and \$882,592 towards the Los Angeles Housing Department's Affordable Housing Trust Fund.

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The script is fluid and cursive, with a large initial 'S' and a decorative flourish at the end.

Sonja Trauss
Executive Director
YIMBY Law

**CALIFORNIA
RENTERS LEGAL
ADVOCACY AND
EDUCATION FUND**

October 21, 2022

**City of Los Angeles
City Planning Commission**

Re: 975 Manhattan Place Housing Development

Dear Commissioners,

The California Renters Legal Advocacy and Education Fund (CaRLA) submits this letter to inform the City Planning Commission that they have an obligation to abide by all relevant state housing laws when evaluating the proposal to develop housing at 975 Manhattan Place. 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 City 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 City 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.

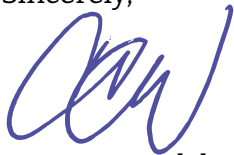
CaRLA is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. While no one project will solve the regional housing crisis, the 975 Manhattan Place development is the kind of housing Los 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 blue ink, appearing to read 'Dylan Casey', with a long horizontal line extending to the right.

Dylan Casey
CaRLA Executive Director

Sincerely,

A handwritten signature in blue ink, appearing to read 'Courtney Welch', with a stylized, cursive script.

Courtney Welch
CaRLA Director of Planning and Investigation



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
rebecca@lozeaudrury.com

October 24, 2022

Via Email

Samantha Millman, President
Caroline Choe, Vice President
Helen Campbell, Commissioner
Jenna Hornstock, Commissioner
Helen Leung, Commissioner
Yvette Lopez-Ledesma, Commissioner
Karen Mack, Commissioner
Dana Perlman, Commissioner
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Stephanie Escobar
City of Los Angeles
200 North Spring St., Room 763
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**Re: Comment on Proposed CEQA Infill Exemption for 975-987 South
Manhattan Place (ENV-2021-9357-CE; DIR-2021-9356-TOC-SPR-
VHCA);
October 27, 2022 City Planning Commission Hearing Agenda Item 12**

Dear President Millman, Vice President Choe, and Honorable Members of the Planning Commission:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the proposed Class 32 In-fill Development Categorical Exemption ("Exemption" or "Class 32 Exemption") for a 7-story, 120-unit residential development at 975-987 South Manhattan Place in the City of Los Angeles ("Project"), listed as Agenda Item No. 12 on the October 27, 2022 City Planning Commission agenda.

SAFER previously submitted comments to the Hearing Officer for the Project on May 24, 2022. In the May 24 comments, SAFER noted that the Project would have potentially significant indoor air quality impacts from formaldehyde. SAFER reiterates those comments and incorporates them by reference herein.

As discussed below, exempting the Project from CEQA based on the Class 32 Exemption violates the California Environmental Quality Act ("CEQA") because terms of the Class 32 exemption do not apply. Since the Project is not exempt from CEQA, an initial study must be prepared to determine the appropriate level of CEQA review required.

Please note that, given the CPC's rules regarding the length of comments allowed to be submitted, the expert comments supporting this letter are being separately submitted.

I. DISCUSSION

A. The City Incorrectly Applied CEQA's Class 32 In-Fill Development Categorical Exemption to the Project and Thus a Full CEQA Analysis Is Required.

The proposed Project does not qualify for a Class 32 In-fill Development Categorical Exemption under CEQA because of the Project's potentially significant environmental impacts. The City must prepare an Initial Study to determine the appropriate level of CEQA review.

The Class 32 exemption provides:

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.

14 CCR § 15332 [emph. added].

Some of the key limitations of the Exemption are that it does not apply if the project will have any significant effects relating to traffic, noise, air quality, or water quality, or if the site has value as habitat for endangered, rare or threatened species. 14 CCR § 15332(c), (d). Here, the Exemption cannot apply because there the Project site has value for rare species and will have a significant impact on air quality and noise.

- i. The Project will have significant air quality and health risk impacts, precluding reliance on the Class 32 Exemption.**

Environmental chemist Dr. Paul Rosenfeld and certified hydrogeologist Matt Hagemann of the environmental consulting firm Soil Water Air Protection Enterprise (“SWAPE”) reviewed the Environmental Assessment (“EA”) prepared in support of the Exemption. SWAPE’s comment letter is attached as Exhibit A and incorporated herein by reference.

1. Air quality impacts

SWAPE found that the EA underestimated the Project’s construction and operational emissions and therefore cannot be relied upon to determine the significance of the Project’s impacts on local and regional air quality. Ex. A, p. 3. The EA relies on emissions calculated from the California Emissions Estimator Version 2020.4.0 (“CalEEMod”). EA, Appendix D. This model, which is used to generate a project’s construction and operational emissions, relies on recommended default values based on site specific information related to a number of factors. Ex. A, p. 3. CEQA requires any changes to the default values to be justified by substantial evidence. *Id.* at 3-4.

SWAPE reviewed the EA’s CalEEMod output files and found that the values input into the model were inconsistent with other information disclosed in project documents. *Id.* at 4. As a result, the EA’s air quality analysis cannot be relied upon to determine the Project’s emissions. Specifically, SWAPE found that the following values used in the EA’s air quality analysis were either inconsistent with information provided in the EA or otherwise unjustified:

- (1) Unsubstantiated Changes to Individual Construction Phase Lengths.
- (2) Unsubstantiated Reduction to Number of Gas Fireplaces.
- (3) Unsubstantiated Reduction to Acres of Grading Value.
- (4) Unsubstantiated Changes to Construction Off-Road Equipment Input Parameters.
- (5) Underestimated Number of Operational Daily Vehicle Trips.

Ex. A, p. 4-13. In order to more accurately estimate the Project’s potential construction-related and operational emissions, SWAPE prepared a CalEEMod model using project-specific information. *Id.* at 13-14. SWAPE found that the VOC and NO_x emissions associated with the Project would exceed applicable SCAQMD thresholds. Specifically, VOC emissions would be 122.4 lbs/day, exceeding the threshold of 75 lbs/day, and NO_x emissions would be 399.7 lbs/day, exceeding the SCAQMD threshold of 100 lbs/day. *Id.* at 14. This significant air quality impact precludes the City from relying on the Class 32 Exemption.

2. Health Risk Impacts

One of the primary emissions of concern regarding health effects for land development projects is diesel particulate matter (“DPM”), which can be released during

Project construction and operation. DPM consists of fine particles with a diameter less than 2.5 micrometers including a subgroup of ultrafine particles (with a diameter less than 0.1 micrometers). Diesel exhaust also contains a variety of harmful gases and cancer-causing substances. Exposure to DPM is a recognized health hazard, particularly to children whose lungs are still developing and the elderly who may have other serious health problems. According to the California Air Resources Board (“CARB”), DPM exposure may lead to the following adverse health effects: aggravated asthma; chronic bronchitis; increased respiratory and cardiovascular hospitalizations; decreased lung function in children; lung cancer; and premature deaths for those with heart or lung disease.¹

The EA failed to prepare a quantified construction or operational health risk analysis (“HRA”), and failed to mention or evaluate the Project’s construction-related or operational toxic air contaminant (“TAC”) emissions. The failure to do so was incorrect for three reasons.

First, by failing to prepare a full quantified operational or construction HRA, the EA fails to connect air quality emissions to health impacts. Ex. A at 14. Potential emissions from the Project include DPM emissions from exhaust stacks of construction equipment and exhaust emissions from the Project’s estimated 511 daily vehicle trips. *Id.*; EA Appendix B-2 (LADOT letter), p. 6. In failing to connect TAC emissions to potential health risks to nearby receptors, the Project fails to meet the CEQA requirement that projects correlate increases in project-generated emissions to adverse impacts on human health caused by those emissions. Ex. A at 14; *See Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 510.

Second, failing to conduct an HRA for the Project’s operational and construction-related emissions violates the California Department of Justice policy. The DOJ recommends the preparation of a quantitative HRA pursuant to the Office of Environmental Health Hazard Assessment (“OEHHA”), the organization responsible for providing guidance on conducting HRAs in California, as well as local air district guidelines. OEHHA released its most recent guidance document in 2015 describing which types of projects warrant preparation of an HRA. *See* “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.”² OEHHA recommends that projects lasting at least 2 months be evaluated for cancer risks to nearby sensitive receptors, a time period which this Project easily exceeds. Ex. A at 15. The OEHHA document also recommends that if a project is expected to last over 6 months, the exposure should be evaluated for the duration of the project. *Id.* SWAPE therefore recommends that a quantified HRA be prepared to assess health risk impacts posed to nearby sensitive receptors from the Project’s DPM emissions. *Id.*

Third, in failing to prepare a construction or operational HRA, the EA also failed to compare the Project’s cancer risks to the South Coast Air Quality Management District’s

¹ *See* CARB Resources - Overview: Diesel Exhaust & Health, available at <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>).

² OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/hotspots2015.html.

threshold of 10 in one million. *Id.* Without this analysis, the EA's conclusion that the Project will not cause significant air quality effects is not supported by substantial evidence.

SWAPE prepared a screening-level HRA to evaluate potential impacts from Project construction and operation using air quality dispersion model AERSCREEN. *Id.* at 16-21. SWAPE applied a sensitive receptor distance of 25 meters and analyzed impacts to individuals at different stages of life based on OEHHA and SCAQMD guidance utilizing age sensitivity factors. *Id.* at 20. SWAPE found that the excess cancer risk over the course of Project construction and operation is approximately 219 in one million for infants, and 85.8 in one million for children. *Id.* Moreover, the cancer risk over the course of a 30-year residential lifetime is approximately 323 in one million. The infant, child, and lifetime cancer risks therefore appreciably exceed the SCAQMD threshold of 10 in one million. *Id.*

SWAPE's analysis constitutes substantial evidence that the Project may have a significant air quality and health risk impact. Accordingly, the City cannot rely on the Class 32 exemption. An initial study must be prepared to determine the appropriate level of CEQA review and to analyze and mitigate this significant impact.

ii. The evidence supporting a Class 32 Exemption for the Project is inadequate.

SWAPE found that a Phase 1 Environmental Site Assessment (ESA) was not prepared for the project, and that the project's potential for hazards and hazardous materials impacts were inadequately evaluated. Ex. A, p. 1. SWAPE concluded that a Phase 1 ESA is "necessary to disclose if conditions at the Project site exist which may be significant and require mitigation." *Id.* Phase 1 ESAs aid in the disclosure of hazardous materials impacts that may pose a risk to the public, workers, or the environment. *Id.* at 1-2. SWAPE states that a Phase 1 ESA is particularly important for the Project site because the Korean American Community Center, a sensitive use, is located less than 250 feet east of the site. *Id.* at 2. Onsite contamination may be exacerbated during construction by earth moving activities and the dust from such activities could pose health risks to individuals at the community center. *Id.*

A Phase 1 ESA should therefore be prepared to evaluate the potential for recognized environmental conditions ("RECs"). An REC is the "presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property." Ex. A, p. 2. If RECs are identified, a Phase II ESA should be prepared to identify potential contaminants in the soil. *Id.* Appropriate mitigation can then be considered to protect sensitive individuals such as those at the Korean American Community Center.

In failing to adequately assess potential hazards, the City has failed to provide substantial evidence to support a finding that the Project will result in less-than-significant air quality and water quality impacts, and it therefore cannot claim a Class 32 Exemption for the Project.

iii. The Project serves as habitat for rare species, precluding reliance on the Class 32 Exemption.

One of the key limitations of the Class 32 exemption is that it does not apply if the project has value as habitat for endangered, rare, or threatened species. Here, the exemption cannot apply because the evidence from expert wildlife biologist Dr. Shawn Smallwood demonstrates that the Project has value as habitat for rare species and may have significant impacts on biological resources. *See*, Exhibit B. The City is therefore precluded from using a Class 32 Exemption for this Project and must prepare an MND or an EIR instead.

Dr. Smallwood's comments are supported by a site visit by wildlife biologist Noriko Smallwood. Ex. B, p. 1. Noriko visited the site for 2.16 hours on July 24, 2022 starting at 6:26 am. *Id.* She walked the site's perimeter, using binoculars to scan for wildlife. *Id.*

Noriko observed the presence of 13 species of vertebrate wildlife at the Project site, three of which were special-status species. *Id.*, see Ex. B, p. 3, Table 1. These include the Allen's hummingbird (*Selasphorus sasin*) and the Western gull (*Larus occidentalis*), which are both identified by the US Fish & Wildlife Service as "Birds of Conservation Concern."³ Birds of Conservation Concern include "migratory nongame birds that without additional conservation action are likely to become candidates for listing under the Endangered Species Act (ESA) of 1973."⁴ Noriko observed and photographed the Allen's hummingbird perched at the Project site and the Western gull flying over the site.

In addition, the California Department of Fish & Wildlife (CDFW) maintains a list of special status species in California, known as the Special Animals List.⁵ This list includes the Cooper's hawk, a species which Noriko photographed and observed hunting on the Project site.⁶ As one county explains, "Special Status Species" is a universal term used in the scientific community for species that are considered sufficiently rare that they require special consideration and/or protection and should be, or have been, listed as rare, threatened or endangered by the Federal and/or State governments."⁷

³ USF&WS, Birds of Conservation Concern 2021, p. 18, 19, <https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf>.

⁴ *Id.*, p. 4.

⁵ CDFW, Special Animals List (April 2022), <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406>.

⁶ *Id.* at 67.

⁷ Sacramento County, Planning and Environmental Review, "Special Status Species," https://planning.saccounty.net/InterestedCitizens/Pages/ER_SpecialStatusSpecies.aspx.

The site therefore has value for these rare, special status bird species. As a result, the City cannot rely on the Exemption as it has not met one of the mandatory conditions.

1. The City inadequately characterized the existing environmental setting as it relates to wildlife.

The City inadequately characterized the existing environmental setting and the site's ability to provide habitat to rare, special-status species. Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. *Communities for a Better Env't. v. So. Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321.

The City did not complete a survey of the site for biological resources. Instead, it made several conclusory statements that the site would not provide habitat to any species, statements which were unsupported by any evidence, let alone substantial evidence. Categorical Exemption, p. 2-19. The environmental baseline is therefore inadequately characterized and the City lacks foundation for its statement that the site does not provide habitat for special-status species. A skewed baseline such as the one used by the City here ultimately "mislead(s) the public" by engendering inaccurate analyses of environmental impacts, mitigation measures and cumulative impacts for biological resources. *See San Joaquin Raptor Rescue Center*, 149 Cal.App.4th 645, 656; *Woodward Park Homeowners*, 150 Cal.App.4th 683, 708-711.

Dr. Smallwood points out that very few patches of open space remain in Los Angeles, and that "[e]ach one that remains available to birds and bats is undoubtedly sought for stopover and staging opportunities and for refugia and foraging to fuel long-distance flights." Ex. B, p. 7. He therefore states that a site such as the Project site is "critically important to wildlife movement because it composes an increasingly diminishing area of open space within a growing expanse of anthropogenic uses, forcing more species of volant wildlife to use the site for stopover and staging during migration, dispersal, and home range patrol (Warnock 2010, Taylor et al. 2011, Runge et al. 2014)." *Id.* at 7. Dr. Smallwood reviewed the databases eBird and iNaturalist and found that 126 species of special-status wildlife potentially used the Project site at one time or another. *Id.* at 7-10 (Table 2).

Noriko's in-person identification of species onsite and Dr. Smallwood's identification of potential species that may occur onsite present substantial evidence that the Project serves as habitat for rare, special-status species. These potential impacts must be discussed and analyzed in an EIR, or at least an MND, to ensure species are accurately detected and that any impacts are mitigated to a less than significant level.

iv. The Project will have significant noise impacts, precluding reliance on the Class 32 Exemption.

A project cannot qualify for CEQA's Infill Exemption if the project results in significant noise impacts. 14 CCR 15332(d). Noise expert Jennifer Levins of Wilson Ihrig reviewed the Project's Ambient Noise Measurements Report prepared for the Project by Douglass Kim and Associates ("Noise Analysis") and found that it failed to adequately disclose the extent of the Project's noise impacts. Wilson Ihrig's comment and Ms. Levin's CV are attached as Exhibit C. As discussed below, Wilson Ihrig concluded that the Noise Analysis (1) failed to accurately establish baseline noise levels, (2) failed to properly identify sensitive receptors, (3) failed to provide thresholds of significance, and (4) inaccurately estimated the Project's noise levels. Wilson Ihrig found that, when proper methodology was applied, the Project's noise would exceed applicable significance thresholds. Due to the Project's significant noise impacts, the Project cannot be exempted from CEQA under the Infill Exemption.

First, the Noise Analysis failed to clearly establish existing baseline conditions at the Project site. Ex. C, p. 1. The analysis relies on 15-minute mid-day measurements "without any discussion of how typical these data were for daytime conditions or how they would apply to evening or nighttime conditions." *Id.* Given that noise levels can vary widely throughout the day, these short-term, mid-day measurements are not necessarily indicative of the actual noise levels. Furthermore, without any data on the evening/night baseline noise levels, there is no way to evaluate the impacts from the proposed roof deck and pool deck, which will cause evening/night noise. *Id.*

Second, the Noise Analysis failed to include all nearby receptors when evaluating the Project's noise impacts. Ex. C, pp. 1-2. The Noise Analysis evaluated the Project's noise impacts on five receptor sites: 960 Manhattan Place (residences), 957 Manhattan Place (residences), 970 St Andrews Place (residences), Trinity Central Lutheran Church, and Whiz Preschool at 989 St Andrews Place. Noise Analysis, pp. 17, 33. The Noise Analysis inexplicably omits the private residences located at 986 S. St. Andrews Place and 966 St. Andrews Place. Ex. C, pp. 1-2. Due to these omissions, "[p]otential noise impacts to these properties have not been evaluated by the noise study." *Id.* at p. 2.

Third, although the Noise Analysis concluded that noise impacts would be less than significant, it failed to provide the threshold of significance relied upon for that conclusion. See Noise Analysis, pp. 17, 33. The public has the right to know what thresholds are being used to determine the significance of the Project's impacts and the Noise Analysis should be revised to remedy this omission. Furthermore, when the thresholds are developed, the City should ensure that thresholds for sleep disturbance for nighttime noise are incorporated into the analysis. Ex. D, p. 2.

Lastly, Wilson Ihrig identified multiple issues with the Noise Analysis' calculations. When measuring the noise impact on the five nearby receptor sites, the Noise Analysis evaluated each receptor at 60-65 meters (195-215 feet) above ground, even though there is no justification for doing so. When the noise at these sites is measured at ground level, the result

“yields significantly different values than those predicted [by the Noise Analysis].” Ex. C, p. 3. Furthermore, although the Noise Analysis’ calculations appear to account for a barrier on the north and west property lines, no information is provided about the height of the barrier. *Id.* Using the information provided in the Noise Analysis, Wilson Ihrig was unable to replicate the Noise Analysis’ calculations. *Id.* Wilson Ihrig concluded that the Noise Analysis “seems to include several errors and does not accurately assess the impact of construction noise to surrounding receptors” and that the Project’s noise impacts would be potentially significant. *Id.*

To remedy the shortcomings of the Noise Analysis, Wilson Ihrig analyzed the Project’s potential noise impacts using the Federal Highway Administration’s Roadway Construction Noise Model (“RCNM”), the most common method of predicting construction noise. Ex. C, p. 4. Using reference values for the various pieces of construction equipment, RCNM determines the average noise level from the entire construction site at the location of a sensitive receptor. *Id.* Based on RCNM calculations, the predicted construction noise levels at 970 St. Andrews Place would significantly exceed the current baseline sound levels. *Id.* This is a significant noise impact that requires mitigation in an EIR or MND.

B. The Unusual Circumstances Exception Precludes Reliance on the Class 32 Exemption.

A categorical exemption is inapplicable “where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” 14 CCR 15300.2(c). Here, the Project does not present the same general risk of environmental impacts as other projects falling under Class 32 exemptions and therefore the exemption cannot apply.

In *Berkeley Hillside Preservation v. City of Berkeley*, the California Supreme Court explained that there are two ways a party may invoke the unusual circumstances exception. First, “a party may establish an unusual circumstance with evidence that the project *will* have a significant environmental effect. That evidence, if convincing, necessarily also establishes ‘a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.’” *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105 [emph. added]. Alternatively, “[a] party invoking the exception may establish an unusual circumstance without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location. In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance.” *Id.*

As discussed above, we have submitted substantial evidence that the Project will have significant air quality, biological resource, and noise impacts. The fact that these significant impacts will occur constitutes an unusual circumstance, precluding the City’s reliance on an exemption.

II. CONCLUSION

The City cannot rely on a Class 32 exemption because the Project does not meet the terms of the exemption. Accordingly, the City must prepare an initial study to determine the appropriate level of environmental review to undertake pursuant to CEQA. Thank you for considering these comments.

Sincerely,

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

Rebecca L. Davis
Lozeau | Drury LLP

10/24/2022

Los Angeles City Planning Commission
201 N Figueroa St
Los Angeles, CA 90012

cpc@lacity.org
Via Email

Re: 975 Manhattan Place
5080-001-005, -006, -007

Dear Los Angeles City Planning Commission,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the City Planning Commission has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

The project consists of a 95,206 square-foot, seven-story, 120-unit residential development with 12 units set aside for Extremely Low Income (ELI) households.

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The script is fluid and cursive, with a large initial 'S' and a decorative flourish at the end.

Sonja Trauss
Executive Director
YIMBY Law

DAY OF HEARING SUBMISSIONS



1848 Gramercy Parking Study

1 message

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Sergio Ibarra <sergio.ibarra@lacity.org>

Tue, Oct 25, 2022 at 1:26 PM

Dear Mr. Ibarra,

I would like to postpone the October 27th CPC hearing on the Gramercy Project. I explicitly declare that this postponement would not count as an additional hearing. Please provide me the next available hearing date since my architectural plans will be ready in two weeks..

Thank you!

-AJ
310-995-4859
[Quoted text hidden]

Mayer Brown LLP
350 South Grand Avenue
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Los Angeles, CA 90071-1503
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T: +1 213 229 9500
F: +1 213 625 0248

mayerbrown.com

October 25, 2022

BY EMAIL

Jim Harris
Major Projects
Los Angeles City Planning
221 N. Figueroa St., Room 1350
Los Angeles, CA 90012

Edgar Khalatian
Partner
228053
T: (213) 229-9548
ekhalatian@mayerbrown.com

Re: 6450 Sunset: CPC-2020-1929-ZC-HD-MCUP-
SPP-SPR - Conditions of Approval

Dear Mr. Harris:

This letter is being submitted on behalf of our client, 6450 Sunset Owner, LLC (the “Applicant”) to respectfully request minor amendments to three proposed conditions of approval for the aforementioned project. Suggested deletions are in ~~strike through~~ and suggested additions are underlined.

- *Condition No. 27:*

27. Electrification. The 15-story office tower shall be an all-electric office building excluding the commercial food uses for cooking purposes ~~in the three ground floor restaurants~~, as stated in the Applicant’s October 14, 2022, letter to Los Angeles City Planning.

The Applicant respectfully requests the phrase “in the three ground floor restaurants” be deleted from Condition No. 27 to retain the ability to construct a commercial kitchen for tenant use within the building’s upper floors.

- *Condition No. 32.a:*

32. Loading Dock.

- a. The loading dock shall be located along and accessed from Cole Place, and except for the roll-up door, shall be screened with frosted or glazed glass, or similar material.

The Applicant respectfully requests the phrase “, or similar material” to be added to Condition No. 32.a. to ensure that the Applicant has the ability to develop the building consistent with the Exhibit A and the proposed conditions of approval.

Jim Harris
October 25, 2022
Page 2

- *Condition No. 35.d:*

35. Façade Elements.

- d. Glass used in building façade shall be ~~non-reflective~~ low-reflective or treated with a ~~non-reflective~~ low-reflective coating to minimize glare from reflected sunlight onto neighboring residential uses.

The Applicant respectfully requests the phrase “non-reflective” be replaced with “low-reflective” because non-reflective glass does not exist – all glass has some amount of reflectivity.

Thank you for your consideration, and happy to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edgar Khalatian', written over a horizontal line.

Edgar Khalatian
Partner

cc: City Planning Commission



9410 Topanga Canyon Boulevard, Suite 101
Chatsworth, CA 91311
Phone 310-469-6700

October 26, 2022

Los Angeles Department of City Planning
City Planning Commission
Email: cpc@lacity.org

Responses to Administrative Appeal re: 975 Manhattan Project (Project)

We write in response to the appeal (Appeal) dated October 24, 2022, submitted by appellant Supporters Alliance for Environmental Responsibility (SAFER) prepared by Lozeau Drury (Appellant), challenging the Director of Planning's (Director) adoption of a Categorical Exemption (CE) in Case No. ENV-2021-9357-CE (Related Case No. DIR-2021-9356-TOC-SPR-VHCA) for a new residential-use development pursuant to the California Environmental Quality Act (CEQA).

Appeal Point 1: *SWAPE found that a Phase 1 Environmental Site Assessment (ESA) was not prepared for the project, and that the project's potential for hazards and hazardous materials impacts were inadequately evaluated.*

Response 1: The arguments in the Appeal demanding further studies are not substantial evidence, as supported by case law under CEQA,¹ and the Appeal offers no substantial evidence to suggest potential contamination issues at the Property.

As set forth on Pages 2-107 and 2-108 of the CE, under City standards, a Phase I Environmental Site Assessment (ESA) is not required by the City if the project site was not previously developed with a dry cleaning, auto repair, gasoline station, industrial/manufacturing use, or other similar type of use that may have resulted in site contamination.² As discussed on page 2-107 of CE, the Site was previously developed with a residential building constructed in 1910, and did not include any development before that time. The residential building was demolished in 2018. Therefore, the Site did not have a previous use that may have resulted in site contamination that would warrant the preparation of a Phase I ESA.

The proximity of the Project to the Korean American Community Center also does not trigger the need for a Phase I in the absence of any evidence of potential hazardous materials contamination on the Project site.

Appeal Point 2: The Project has value as habitat for rare species and may have significant impacts on biological resources.

Response 2: The Appeal provides no evidence or information suggesting that the Project site, which is a heavily impacted and previously developed urban infill site in the middle of Koreatown, can validly be considered sensitive habitat. Notably, there are no trees on the Site and only 3 street trees along

¹ Gray v County of Madera (2008) 167 Cal.App.4th 1099, 1115, 1125; National Parks & Conserv. Ass'n v County of Riverside (1999) 71 Cal.App.4th 1341, 1363.

² City of Los Angeles, Class 32 Special Requirement Criteria: <https://planning.lacity.org/odocument/ad70d15e-11b8-49ef-aba3-b168f670a576/Class%2032%20Categorical%20Exemption.pdf>

Manhattan Place. These trees are common along the street and do not represent a unique feature fronting the Site.

As reflected on Page 2-19 of the CE, the Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 CFR Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). The City's Bureau of Street Services, Urban Forestry Division complies with the MBTA for tree pruning and tree removal.

In addition, the current landscape plans does not call for the street tree removal, but if they were removed, then the MBTA and the City's standard condition applies to protect any potential bird species. The City's standard condition is that proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1 - August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young).

SWAPE's biological claims are not supported by any map showing the specific location of the claimed sightings, and provides no evidence for habitat on the Site, instead just pointing out observations of birds in the general vicinity of the Site.

Appeal Point 3: The City inadequately characterized the existing environmental setting as it relates to wildlife.

Response 3: The CE accurately describes urbanized surrounding uses (CE, page 1-6), including the multi-family residential buildings that surround the Site directly adjacent to the north and west and across Manhattan Place to the east, and the commercial building directly adjacent to the south. The Site itself is described as a vacant lot with no onsite trees and 3 street trees (CE, page 1-9).

The Project Site complies with the CE criteria under California Code of Regulations (CCR) Section 155332(b), in that the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

There are no wildlife corridors, riparian or wetland areas nearby the Project Site. The nearest wetland is in MacArthur Park, 1.8 miles east of the Site.

The Appeal fails to meet its burden and should be denied.



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Andrew Brady
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T 213.694.3108
F 310.595.3406

October 26, 2022
VIA EMAIL

Honorable Members of the City Planning Commission
City of Los Angeles
200 North Spring St., Room 763
Los Angeles, CA 90012
Email: cpc@lacity.org

**Re: Response to Appellant's 10/24/2022 Letter
975-987 Manhattan Place Project
ENV-2021-9357-CE; DIR-2021-9356-TOC-SPR-VHCA**

Honorable Members of the Planning Commission:

We write today in response to the October 24, 2022 letter ("Appellant Letter") submitted by the Lozeau Drury firm on behalf of SAFER ("Appellant"). The Appellant Letter challenges the Director of Planning's July 8, 2022 adoption of a Class 32 "urban infill" exemption ("Exemption") under the California Environmental Quality Act ("CEQA") for the 975-987 South Manhattan Place project ("Project").

The Appellant Letter improperly and unfairly attempts to introduce new issues into its July 21, 2022 appeal ("Appeal") at the eleventh hour, raising new issues that, in addition to being procedurally invalid, lack any substantive or legal merit. The original Appeal, itself, raised only two issues: (1) alleged significant "indoor" air quality impacts from speculative alleged formaldehyde emissions, and (2) a conclusory statement about alleged noise impacts not supported by any evidence or argument. The insufficiency of these claims was fully addressed in the technical memo dated October 17, 2022 by expert environmental consultant CAJA Environmental Services, Inc. ("CAJA"). CAJA's October 17 memo demonstrates that the Appeal's alleged formaldehyde impacts rely on speculation and fail to address any valid CEQA issue, and that no facts or arguments support the alleged noise claims. The Appeal should be rejected on these grounds, alone.

On October 24, 2022, less than 48 hours before the hearing, the Appellant submitted the Appellant Letter, which attempts to raise several new issues not identified in its original Appeal.¹ This improper and unfair attempt to sandbag the City raises baseless, last minute new arguments regarding alleged Project air quality, noise, and biological resource impacts. As these issues were not raised in the Appeal, they are procedurally improper to raise now and the Appellant Letter should be rejected for this reason, alone.

¹ The Appellant attempted to submit two letters to the City on October 24, 2022, one ten-page letter and another letter with nearly 200 pages of additional "evidence" that failed to meet the Commission's submittal guidelines and was properly rejected. Because this alleged evidence is not before the Commission, the Appellant Letter is entirely lacking in any evidentiary support and should be rejected for that additional reason.



October 26, 2022

Page Two

The new issues raised in the Appellant Letter are also substantively meritless, as explained more fully in the technical memoranda submitted to the Commission by CAJA and expert air quality and noise consultant Douglas Kim and Associates, Inc. ("DKA"), both dated October 26, 2022. These memos demonstrate that the Appellant Letter is not supported by substantial evidence but instead relies on misleading, baseless and inaccurate claims that fail to meet their burden to establish any errors in the expert analysis relied on by the Director in adopting the Exemption for the Project provided by expert consultants and City staff.

The Appellant Letter also incorrectly argues that the "unusual circumstances" exception to the Exemption under CEQA Guidelines Section 15300.2(c) applies here, citing *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086. Notably, the Appellant Letter does not attempt to demonstrate the existence of an "unusual circumstance" here, nor could it, as the Project is a standard multi-family residential development on a vacant infill site. (See *Berkeley Hillside*, at 1105, 1127.]) The CE properly concludes no such unusual circumstances exist for the Project, a conclusion supported by substantial evidence in the record the Appellant makes no effort to refute. (CE, at p. 2-104).

Instead of trying to show an unusual circumstance, the Appellant Letter relies on the Supreme Court's statement in *Berkeley Hillside* that substantial evidence showing a project "will", as opposed to "may", have a significant impact can establish the exception on its own. (*Berkeley Hillside*, 60 Cal.4th, at 1105.) The Appellant Letter then attempts to rely on its invalid and unsupported claims of significant impacts to support its conclusion. However, as demonstrated in the October 26 memoranda by CAJA and DKA, the alleged "evidence" relied on in the Appellant Letter is profoundly flawed and does not even constitute valid substantial evidence that the Project "may" result in a significant impact, much less meet the much higher burden of establishing such an impact will occur with certainty, as is required to meet the secondary unusual circumstance test under *Berkeley Hillside*.

The Appellant Letter is an improper and unfair last-minute effort to sandbag the City that relies on speculation and false, misleading, and legally baseless arguments. The Appellant Letter should not be considered by the Commission and, even if it were, it does not support granting the Appeal. The Appeal should be denied.

We thank you for your time and consideration.

Best regards,

A handwritten signature in blue ink, appearing to read 'AB', with a stylized flourish at the end.

Andrew Brady

cc. Oliver Netburn (oliver.netburn@lacity.org)
Stephanie Escobar (stephanie.escobar@lacity.org)



DOUGLASKIM+ASSOCIATES,LLC

To: File
From: Douglas Kim, AICP
Date: October 25, 2022
Re: 975-987 South Manhattan Place Appeal

This memo responds to the October 24, 2022 letter from Lozeau Drury LLP and comments regarding the air quality analysis prepared for the Class 32 Categorical Exemption.

1. Page 3, Air quality impacts: “SWAPE found that the following values used in the EA’s air quality analysis were either inconsistent with information provided in the EA or otherwise unjustified...”

Response: The CalEEMod model acknowledges that there are “several opportunities for the user to change the defaults in the model...” (CalEEMod User’s Guide, Version 2020.4.0; May 2021). The updated defaults cited by the commentor were based on project-specific information that are appropriate to override generic default values and improve the fidelity of emissions estimates. First, the duration of construction phases was derived from the developer’s construction plan. Second, the number of gas fireplaces was changed from the model’s default and arbitrary split of wood, gas, and propane fireplaces based on the developer’s plans for fireplaces and the prohibition of wood fireplaces by regional Rule 445 from the South Coast Air Quality Management District. Third, the acreage of grading is based on the construction plan during the excavation and grading phase. Fourth, the off-road equipment mix input into the model reflects the operating plan for all phases of construction. Finally, the 468 daily vehicles trips input into the CalEEMod air quality model were directly taken from the City-sanctioned Los Angeles VMT Calculator (version 1.2), which estimates 468 daily vehicle trips, from the City-approved MOU (Memorandum of Understanding). The later transportation assessment used VMT Calculator (version 1.3), which estimates 445 daily vehicle trips. Therefore, the mobile trips are a conservative number.

The commentor’s CalEEMod analysis artificially distorts the air quality results by arbitrarily assuming a one-day site preparation phase, two-day grading phase, and five-day architectural coating phase. None of these unrealistic user inputs is a default value in the air quality model and are arbitrary assumptions that do not realistic or feasible.

2. Page 4, Health Risk Impacts: “The EA failed to prepare a quantified construction or operational health risk analysis and failed to mention or evaluate the Project’s construction-related or operational toxic air contaminant emissions...”

Response: The commentor incorrectly asserts that OEHHA requirements for two- and six-month projects regulated under the AB 2588 program would apply to a construction project for a residential development that is not subject to the AB 2588 program. Neither SCAQMD nor OEHHA require HRAs for residential projects that are not regulated under the Air Toxics “Hot Spots” program, which apply to major stationary sources that require SCAQMD permits. Further, construction activities that produce short-term emissions of diesel particulates or other air toxics are not required to undergo a HRA.

Further, SWAPE grossly overstates construction DPM emissions in its AERSCREEN analysis in several ways, including but not limited to:

- Artificially inflating the duration of exposure during construction, assuming construction on Sundays and 366 days of construction in 2024. These input assumptions are also inconsistent with their proposed construction schedule in CalEEMod which starts March 2023 and ends July 2023.
- Overstating operational DPM emissions far beyond that modeled in the CEQA analysis.
- Distorting the density of DPM emissions in the modeling domain.

3. Page 8, Noise Impacts: "...the Noise Analysis failed to include all nearby receptors when evaluating the Project's noise impacts..."

Response: The noise analysis identified the largest and closest sensitive receptor west of the Project Site (970 St. Andrews Place) to represent a conservative analysis when compared to the two other receptors cited by the commentor. First, the analyzed residences are closer to the common property line (ten feet) than the suggested residence at 986 St. Andrews (30 feet), ensuring a worst-case analysis. Second, the suggested residences at 966 St. Andrews Place are located further from the Project Site, as they do not share a common property line and would be partially shielded from construction noise by the residences at 967 Manhattan Place.

4. Page 8, Noise Impacts: "...although the Noise Analysis concluded that noise impacts would be less than significant, it failed to provide the threshold of significance relied upon for that conclusion ..."

Response: Pages 2-35 and 2-36 of the environmental analysis identify the significance thresholds for both construction and operational noise impacts. Specifically, it identifies four thresholds for on-site construction noise impacts consistent with guidelines from the City of Los Angeles, Department of City Planning, as well as two thresholds of significance for operational impacts. These thresholds are recognized by the City as appropriate to evaluating the significance of both short- and long-term impacts.

5. Page 8, Noise Impacts: "...When measuring the noise impact on the five nearby receptor sites, the Noise Analysis evaluated each receptor at 60-65 meters (195-215 feet) above ground..."

Response: The modeling of noise impacts was performed using the SoundPLAN Essential model, which imports topographical data from Google Maps to establish elevation throughout the modeling domain and provide accurate assessment of noise attenuation given topography and other environmental factors. The values cited by the commentor are elevations above sea level. Modeling of structures and noise sources are accordingly based on these baseline elevation data. While the commentor's Roadway Construction Noise Model analysis was not provided, it should be noted that this is a more sophisticated modeling approach than the RCNM version 1.0, which provides screening-level, generic estimates that do not factor in site-specific terrain and structures that affect sound attenuation.

6. Page 8, Noise Impacts: "...although the Noise Analysis' calculations appear to account for a barrier on the north and west property lines, no information is provided about the height of the barrier..."

Response: Pursuant to Los Angeles Municipal Code Section 112.05, construction projects must use mufflers, shields, sound barriers, and other techniques to ensure compliance with the 75 dBA noise limit at 50 feet of distance. The analysis assumes some type of barrier would be needed to ensure compliance, subject to the Department of Building and Safety's discretion and enforcement.