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**Mailing Date:** May 27, 2020

**Last Day to File an Appeal:** June 16, 2020

**Owner/Applicant**

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Irvine, CA 92614

**Representative**

Todd Nelson  
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12100 Wilshire Boulevard, Suite 1600  
Los Angeles, CA 90025

**Case No.  
Related Case Nos.**

**CEQA:**

**Location:**

**Council District:  
Neighborhood Council**

**Community Plan Area:  
Land Use Designation:  
Zone:**

DIR-2020-2157-CLQ  
CPC-2016-2658-VZC-HD-CU-  
MCUP-ZAD-SPR, -1A;  
VTT-74193-CN, -1A, -2A  
ENV-2016-1892-EIR  
SCH. 2016071049  
3900-3972 South Figueroa  
Street; 3901-3969 South  
Flower Drive; and 450 West  
39th Street  
9 - Price  
Empowerment Congress North  
Area Neighborhood  
Development Council  
South Los Angeles  
Community Commercial  
(T)(Q)C2-2D

**CLARIFICATION OF "Q" CLASSIFICATION**

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.32 H, and consistent with the City Planning Commission Guidelines for "Q" (Qualified) Clarifications, as a designee of the Director of Planning, I hereby,

**Find**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in The Fig Project Environmental Impact Report (EIR) No. ENV-2016-1892-EIR, SCH. 2016071049, certified on June 12, 2019; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project;

**Approve** the Clarification of "Q" Conditions Nos. A.1 and A.4 of Ordinance No. 186,185, to permit the development of the Revised Project in accordance with the updated set of Exhibit A Plans dated May 12, 2020; and

**Adopt** the attached findings.

## PROJECT BACKGROUND

In June 2019, the City Council certified The Fig Project EIR, denied the appeals to the Project approvals (Case Nos. VTT-74193-2A and CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR-1A), and approved the Vesting Tentative Tract Map, the Vesting Zone Change, Height District Change, Conditional Use Permit, Master Conditional Use Permit, Zoning Administrator's Determination, and Site Plan Review, for The Fig Project which includes a seven-story development comprised of a hotel, student housing, and mixed-income housing components, within three separate buildings (Approved Project). The Zone Change and Height District Change ordinance (Ordinance No. 186185) became effective on July 29, 2019 and placed the property in a "Q" or Qualified Condition.

The Approved Project would demolish five existing multi-family structures and preserve and relocate three existing multi-family structures, seven of which are designated contributors to the Flower Drive Historic District, determined eligible for listing in the California Register of Historical Resources. Following the City Council's decision to deny the appeals and approve the Project, a lawsuit was filed by the West Adams Heritage Association (Petitioner) that challenged the Project's certified environmental clearance and approved entitlements. As part of the settlement between the Petitioner and Applicant, the Applicant has agreed to preserve three of the contributing multi-family structures on-site. This settlement is in addition to Applicant's existing obligation to relocate three other contributing multi-family structures to an off-site location.

In order to accommodate the on-site retention of the three contributors, the Applicant has submitted a revised Exhibit A plan set showing changes to the Approved Project that include modifications to the mix of uses, site plan, floor plans, elevations, and landscaping plans (Revised Project). The Revised Project would not result in any increase to the Approved Project's building envelope and would decrease the total square feet of floor area from 620,687 square feet to 620,538 square feet. Consistent with the Approved Project, the maximum height of any proposed structure would not exceed 90 feet and no change would be made to the total percentage (20 percent) of affordable housing units proposed. Proposed changes are shown in the following table:

<i>Land Use</i>	<b>Original Project</b>	<b>Revised Project</b>	<b>Change</b>
Hotel	298 guest rooms	252 guest rooms	-46 guest rooms
Student Housing Dwelling Units (d.u.)	222 d.u.	252 d.u.	+ 30 d.u.
Mixed-Income Dwelling Units	186 d.u.	78 d.u.	-108 d.u.
Affordable Units	82 d.u.	66 d.u.	-16 d.u.
Retail/Restaurant	55,326 sf	63,453 sf	+8,127 sf
Office	20,364 sf	32,307 sf	+11,943 sf
Meeting Rooms	7,203 sf	0	-7,203 sf
<b>Total Floor Area</b>	<b>620,687 sf</b>	<b>620,538 sf</b>	<b>-149 sf</b>

Design changes include an expanded public plaza along Figueroa Street and modifications to the layout of the on-site buildings and a reorganization of amenity spaces in order to accommodate the preservation of the three contributing multi-family structures of the Flower Drive Historic District. In addition, the Applicant requests that the "Q" Clarification clarify that the Revised Project's long-term stay hotel rooms are permitted to include kitchens and cooking facilities, as

reflected in the Approved Project's Conditional Use Findings (see page F-9 of City Planning Commission Letter of Determination dated March 26, 2019).

In accordance with Ordinance No. 186,185, "Q" Condition A1, "the use and development of the property shall be in substantial conformance with the Plot Plan, Site Plan, Floor Plans, Unit Plans, Building Elevations, Courtyard Plans, and Landscape Plans (Exhibit A, dated February 14, 2019) of the subject case file. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing." Therefore, in accordance with the "Q" Conditions and LAMC Section 12.32 H, Amendments of the T Classification and Clarifications of the Q Classification or D Limitation, the following changes shall be made to Q Conditions A.1 and A.4, and to Exhibit A (dated February 14, 2019) of the Original Project.

Additions are in underline and **bold**, deletions are in ~~strikeout~~.

### **CLARIFICATION OF THE Q CLASSIFICATION CONDITIONS**

#### A. Development Conditions:

1. **Site Development.** The use and development of the property shall be in substantial conformance with the Plot Plan, Site Plan, Floor Plans, Unit Plans, Building Elevations, Courtyard Plans, and Landscape Plans (Exhibit A, dated ~~February 14, 2019~~May 12, 2020) of the subject case file. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions. The project shall be constructed in a manner consistent with the following project description:
  - a. Limit the proposed development to up to ~~298~~252 guest rooms (including up to ~~160~~175 short-term and ~~138~~77 long-term stay rooms **with kitchens**), up to ~~222~~252 student housing units, up to ~~186~~78 dwelling units (including up to ~~82~~66 units reserved for Very Low and Low Income households), up to ~~55,326~~63,453 square feet of retail/restaurant uses, **and** up to ~~20,364~~32,307 square feet of office, ~~and up to 7,203 square feet of meeting rooms~~, totaling up to ~~620,687~~620,538 square feet of floor area.
4. **Landscaped Plaza.** A minimum 7,900 square-foot landscaped plaza shall be provided adjacent to Figueroa Street, as shown in Exhibit A - Project Plans, dated ~~February 14, 2019~~May 12, 2020.

### **MANDATED "Q" CLARIFICATION FINDINGS**

Pursuant to LAMC Section 12.32 H and City Planning Commission Guidelines, I hereby find the following:

#### **1. The request is consistent with the Guidelines of the City Planning Commission.**

Clarification of "Q" Conditions may be considered by the Director of Planning provided they conform to the following guidelines that have been adopted by the City Planning Commission:

- a. Changes in height which do not exceed (5) feet.
- b. Changes in floor area which do not exceed three (3) percent of the total gross floor area of a building.
- c. Revisions of setback and open space requirements which do not exceed ten (10) percent of the setback or open space requirement.
- d. Modifications of wall or fence requirements where a change in circumstances no longer justify their necessity.
- e. Modification of "T" procedures of conditions
- f. Modifications to an approved plot plan or landscape plan, when adherence to such plan is a condition of the zone change. These requirements shall be submitted to the Director for determination. Notification shall be given in the same manner as for a Director's determination.
- g. Clarification of any word or term used in a condition, when such term is not defined in the Municipal Code or the clarification of the intent of any condition that is ambiguous.

The requested "Q" Clarifications conform to the above guidelines, specifically to Guideline (f), as they result in only minimal changes to the Approved Project's site and landscape plans, with corresponding modifications to the Project Description, for which the Project is required to comply with pursuant to the Project's "Q" Conditions A1 and A4. The proposed changes would include preservation of three existing on-site multi-family structures, modifications to the layout of the other on-site buildings to accommodate the preservation of these buildings, an expanded public plaza along Figueroa Street, and a corresponding reorganization of amenity spaces. The proposed changes would not result in an increase in the Project's height nor total floor area nor would they result in changes to required setbacks or open space. Furthermore, this "Q" Clarification also serves to clarify that the Revised Project's long-term stay hotel rooms are permitted to include kitchens and cooking facilities, as reflected in the Approved Project's plans and Conditional Use Findings (see page F-9 of City Planning Commission Letter of Determination dated March 26, 2019). This clarification is consistent with Guideline (g), as while it was clear in the project application materials, plans, and findings that kitchens would be included in the long-term stay guest rooms, Condition A1 was not explicit in reflecting the kitchen component of long-term guest rooms. Therefore, language to clarify that long-term guest rooms would include kitchens has been added to the condition. The requested "Q" Clarifications are therefore consistent with the guidelines of the City Planning Commission.

## **2. The amendment or clarification is necessary in order to carry out the intent of the City Council in adopting the T or Q Classification or D Limitation.**

On June 13, 2019, the City Council adopted the Approved Project's requested Vesting Zone Change and Height District Change (Case No. CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR) to allow for the development of a mixed-use project. The Zone Change and Height District Change ordinance (Ordinance No. 186185) became effective on July 29, 2019 and placed the property in a "Q" or Qualified Condition. The intent of "Q" Conditions A1 and A4 are to ensure that the project be developed in substantial conformance with the plans presented to the City Council and that any proposed changes to the Approved Project be reviewed by the Director of Planning.

As shown in the Exhibit A plan set dated February 14, 2019 and as approved by the City Council, the Approved Project's site plan and landscape plans did not include the preservation and rehabilitation of three on-site multi-family structures identified as contributors to the Flower Drive Historic District. However, as part of a settlement between a Petitioner and the Applicant, the Applicant has agreed to preserve these three on-site multi-family structures. In order to accommodate the retention and rehabilitation of the three contributing multi-family structures, the

Applicant has submitted a revised Exhibit A plan set dated May 12, 2020, showing changes to the Approved Project that include the site plan, floor plans, elevations, and landscaping plans (Revised Project). Specifically, these changes would not result in any increase to the Approved Project's building envelope and while it would decrease the total square footage approved under the Approved Project, the clarifications to "Q" Conditions A1 and A4 would not result in changes to the approved mix of uses, including the percentage of affordable housing units, and overall Project design. Minor design changes include some reconfiguration of the buildings on-site, an expanded public plaza along Figueroa Street, and a reorganization of amenity spaces in order to accommodate the preservation of the three multi-family structures located along Flower Drive.

In addition, this "Q" Clarification also serves to clarify that the Revised Project's long-term stay hotel rooms are permitted to include kitchens and cooking facilities, as reflected in the Approved Project's Conditional Use Findings (see page F-9 of City Planning Commission Letter of Determination dated March 26, 2019). As stated in the findings and the EIR analysis, and as shown on the Project plans, the guestrooms are described as both short- and long-term. The clarification serves to merely confirm that these types of long-term stay rooms are defined as guestrooms which may also include kitchens and cooking facilities.

Further, as the Project Site is located within the Community Redevelopment Area City of Los Angeles (CRA/CLA) Exposition/University Park Redevelopment Plan (Redevelopment Plan), as described in detail below, retaining the three contributing multi-family structures under the Revised Project would be consistent with the land use, design, rehabilitation, and historic requirements of the Redevelopment Plan and would further ensure that the Revised Project would not result in a significant or substantial deprivation of the adjacent owners' property rights.

#### Conformance with Requirements of the Exposition/University Park Redevelopment Plan

The former CRA/LA Hoover Expansion Redevelopment Project Plan was adopted in January 1966, and was amended multiple times thereafter. In 2005, the name of the plan was changed to the Exposition/University Park Redevelopment Plan. The Redevelopment Area encompasses approximately 574 acres of land located just southwest of Downtown Los Angeles. The Redevelopment Project Area is divided into four areas: the original Hoover Redevelopment Project Area, which comprises portions of the northern and western areas of the University of Southern California (USC) Campus core, and three expansion areas. The Project Site is located within Expansion Area 3.

Pursuant to Ordinance No. 186,325, as of September 30, 2019, the land use-related plans and functions of the Designated Local Authority, the former local CRA/LA, have been transferred to the City of Los Angeles. Therefore, the City can take action regarding any Redevelopment Plan Amendment or land use approval or entitlement pursuant to Section 11.5.14 and other applicable provisions of the LAMC, including LAMC Section 14.5.6.

The Redevelopment Plan includes goals aimed at encouraging the retention and development of affordable housing, improvement of neglected community facilities and the promotion of economic development opportunities, and includes specific objectives that focus on preserving and protecting historic structures, encouraging commercial development, and to make provisions for well-planned community uses, facilities, pedestrian and vehicular circulation, and adequate parking, particularly as these relate to Exposition Park. The Project supports and is consistent with the following objectives of the Redevelopment Plan:

**a) Sections 1300 et seq. – Land Uses Permitted in Project Area**

Sections 1300 et seq. of the Redevelopment Plan describe the permitted land uses within the Redevelopment Plan area. The Redevelopment Plan's map identifies the Project Site as being designated for commercial uses; however, in accordance with Section 1301A, "Land uses within the Expanded Project Area which are designated by letter on the Redevelopment Map shall be permitted to the extent consistent with the applicable Community Plan, as they now read or as they may be amended from time to time." Currently the Site is located within the South Los Angeles Community Plan and is designated for Community Commercial land uses corresponding to the C2, C4, RAS3, R3, RAS4, and R4 Zones. The Project Site is zoned (T)(Q)C2-2D. The Project would develop the Site with several mixed-use buildings comprised of hotel, student housing, residential units, office, and ground floor commercial uses and would be consistent with the uses, density, and development type envisioned by the South Los Angeles Community Plan.

Additionally, pursuant to Section 1307 of the Redevelopment Plan, the CRA/LA, and therefore the City, is authorized to permit new residential uses within a commercially designated area as long as the residential development meets all design and location criteria specified by the Agency.

**b) Section 1315 – Design for Development**

Section 1315 requires that all new improvements to existing and proposed developments be in accordance with the Redevelopment Plan and any other applicable design guidelines and development control. As clarified by the CRA/LA, land use regulations shall defer to and are superseded by the underlying General Plan, Community Plan, and Zoning Ordinance.

The Framework's Long-Range Diagram identifies the Project Site together with adjacent commercial areas along Figueroa Street, as a Regional Center and as a focal point of regional commerce, identity, and activity. Regional Centers typically contain a diversity of uses, act as transportation hubs, and fall within a range of floor ratios from 1.5:1 to 6:1, characterized by building heights of six to 20 stories.

The Project would be consistent with the uses, density, and development type envisioned by the General Plan Framework. The Project Site is currently developed with surface parking and eight multi-family residential buildings within the Flower Drive Historic District, with a FAR of 0.6 over the developed portion. The Project would be an in-fill development resulting in a FAR of up to 3.25:1, with building heights between seven and eight stories, and comprised of a balanced mix of hotel, retail, restaurant, office, student housing, and residential uses. The Project consists of the type of development envisioned by the Framework Element within a Regional Center; namely, "housing with commercial uses...in concert with supporting services, recreational uses, open spaces and amenities." The project would intensify the use on the site and would providing a diverse mix of housing and employment to the area, consistent with the Regional Center designation of the site.

In addition, the Figueroa Corridor is envisioned as a significantly developed urban environment and seeks to establish a "[m]ixed use center that provide[s] jobs, entertainment, culture, and serve[s] the region" and meets the demand for new housing and employment opportunities, as well as lodging options, in proximity to the University of Southern California campus, downtown Los Angeles, and the regional attractions located in Exposition Park. The Revised Project involves the construction of an integrated seven-story mixed-use development consisting of up to 252 hotel guestrooms (including up to 175 short-term and 77 long-term stay rooms with kitchens), up to 252

student housing units, up to 78 dwelling units (including up to 66 units reserved for Very Low and Low Income households), up to 63,453 square feet of retail/restaurant uses, and up to 32,307 square feet of office uses, totaling up to 620,538 square feet of floor area.

Therefore, the Project conforms to Section 1315 of the Redevelopment Plan.

**c) Section 1321 – Rehabilitation and Retention of Properties**

Section 1321 requires that any existing structure located in an Expanded Project Area, including the Project Site, shall be rehabilitated so that it is safe and sound in all physical respects and reflect an attractive design that is not detrimental to the surrounding uses. The Project would rehabilitate and retain three existing multi-family structures which have been identified as contributors to the Flower Drive Historic District and eligible for listing in the California Register of Historic Resources. The structures would be rehabilitated in accordance with the City of Los Angeles Department of Building and Safety building code and standards. Sensitivity to building materials and aesthetic alterations would maintain the integrity of the structures' historic character and three additional structures would also be preserved and relocated offsite.

Therefore, the Project conforms to Section 1321 of the Redevelopment Plan.

**d) Section 1322 – Buildings of Historical Significance**

Section 1322 requires the identification of structures of architectural and/or historic significance within an Expanded Project Area and that special consideration be given to the protection, rehabilitation, restoration, or relocation of any structure determined to be historically significant.

As approved, the Project would have demolished five existing multi-family structures and preserved and relocated three existing multi-family structures, seven of which are designated contributors to the Flower Drive Historic District and eligible for listing in the California Register of Historical Resources. Following the City Council's decision, a lawsuit was filed by a Petitioner that challenged the certified environmental clearance and approved entitlements of the Project. As part of the settlement between the Petitioner and Applicant, the Applicant has agreed to preserve three of the contributing structures to the Flower Drive Historic District. This settlement is in addition to the Applicant's existing obligation to relocate three other contributing structures to an off-site location that must meet a variety of siting requirements. Thus, as shown in the Exhibit A plan set dated May 12, 2020, the Revised Project would satisfy the requirements of Section 1322 and would rehabilitate and restore three of the on-site multi-family structures, which have been identified as contributors to the Flower Drive Historic District, as well as relocate an additional three contributing structures to an off-site location. Therefore, the Project conforms to Section 1322 of the Redevelopment Plan.

As the Revised Project proposes only minor changes to the Approved Project, the clarification carries out the intent of the City Council in that the changes shown in the Exhibit A plan set dated May 12, 2020 would continue to allow for the development of a mixed-use project with the same mix of uses as included in the Exhibit A plan set dated February 14, 2019 and approved by the City Council on June 13, 2019.

**3. The amendment or clarification would have only a minimal effect on adjacent property and would not result in a significant or substantial deprivation of the property rights of other property owners.**

The requested “Q” Clarification would not affect properties adjacent to the Project Site and would not result in a significant or substantial deprivation of the property rights of other property owners. Due to the retention of three on-site multi-family structures, which have been identified as contributors to the Flower Drive Historic District, but were approved to be demolished under the Approved Project, the Revised Project’s overall development intensity would be reduced from 620,687 square feet to 620,538 square feet. Further, as the Revised Project would retain the three on-site multi-family structures located at the northeast corner of the Site, the density at this corner, as proposed under the Approved Project, would be reduced, maintaining the massing and scale similar to the multi-family buildings located to the north along Flower Drive, as well as maintaining continuity with the remainder of the Flower Drive Historic District to the north.

Thus, the requested “Q” Clarification is consistent with this finding as the Revised Project would not affect adjacent property and it would not result in a significant or substantial deprivation of the property rights of other property owners.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

The City of Los Angeles (the “City”), as Lead Agency, has evaluated the environmental impacts of The Fig Project by preparing an environmental impact report (EIR) (ENV-2016-1892-EIR, SCH 2016071049). The EIR was prepared in compliance with the California Environmental Quality Act (CEQA) of 1970, Public Resources Code Section 21000 et seq. and the California Code of Regulations Title 14, Division 6, Chapter 3 (the “CEQA Guidelines”).

The Fig Project EIR, consisting of the Draft EIR, Final EIR, and two Errata is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and impacts of the Project, located at 3900-3972 South Figueroa Street; 3901-3969 South Flower Drive; and 450 West 39th Street. The Project, as analyzed in the EIR, involved the demolition of eight existing multi-family residential buildings and surface parking areas in order to construct a mixed-use development on an approximately 4.4-acre site located adjacent to Exposition Park and near the University of Southern California’s University Park Campus. The Project included 298 hotel guest rooms, 222 student housing units, 186 dwelling units (82 dwelling units reserved for Very Low Income households), 20,364 square feet of office space, 55,326 square feet of retail and restaurant uses, 13,553 square feet of shared guest and public amenities, and 7,203 square feet of public meeting spaces, all served by a seven-story above-ground parking structure, with a maximum building height of up to 88 feet. The Project resulted in up to 620,687 square feet of floor area, and a FAR of 3.25:1

The Draft EIR was circulated for a 45-day public review and comment period from October 12, 2017, through November 27, 2017. The Final EIR was distributed on October 12, 2018, and two Errata were released on November 2018 and January 2019. On December 7, 2018, the Deputy Advisory Agency certified the EIR (“Certified EIR”) in conjunction with the approval of the Project Tract Map (Case No. VTT-74193-CN). The decision was appealed by Jim Childs of the West Adams Heritage Association (WAHA) and Mitchell M. Tsai of Strategic Actions for a Just Economy (SAJE). The appeals were heard concurrently with Case No. CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR at the February 14, 2019 City Planning Commission meeting.

On February 14, 2019, the City Planning Commission denied the appeals and sustained the modified actions of the Deputy Advisory Agency including certification of the Fig Project EIR, which included the Draft EIR No. ENV-2016-1892-EIR (SCH No. 2016071049) dated October 17,

2017, the Final EIR dated October 12, 2018, and the Errata, dated November 2018 and January 2019, as well as the whole administrative record; and adopted the Environmental Findings; the Statement of Overriding Considerations; and the Mitigation Monitoring Program prepared for The Fig Project EIR. Additionally, the City Planning Commission recommended approval of a Vesting Zone and Height District Change from C2-1L and R4-1L to (T)(Q)C2-D; approved a Conditional Use Permit for a hotel use in a C2 Zone within 500 feet of an R Zone; a Master Conditional Use Permit for the sale and/or dispensing of a full line of alcoholic beverages for on-site consumption at a maximum of six establishments; a Zoning Administrator's Determination to allow building heights of up to 90 feet within 100 to 199 feet of the OS Zone; and Site Plan Review for a development project which would result in over 50,000 square-feet of non-residential floor area and over 50 dwelling units.

The Commission's decisions were appealed and on June 12, 2019, the City Council denied the appeals (Case Nos. CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR-1A and VTT-74193-2A) and certified The Fig Project EIR, sustained the actions of the City Planning Commission, and approved the Project's requested Vesting Zone Change and Height District Change. The Zone Change and Height District Change ordinance (Ordinance No. 186185) became effective on July 29, 2019 and placed the property in a "Q" or Qualified Condition.

### **NO SUPPLEMENTAL OR SUBSEQUENT REVIEW IS REQUIRED**

CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and 15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or Mitigation

measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the above changes or factors has arisen since the Project approval. The Modified Project would accommodate the retention of the three contributing multi-family structures located along Flower Drive and reduce the Project's overall building envelope, while expanding the public plaza along Figueroa Street, modifying the mix of uses, and reorganizing the amenity spaces. While the Revised Project proposes minor changes to the mix of land uses and unit counts of the Approved Project, these changes do not result in any substantial changes to the Project's environmental impacts.

Construction of the Revised Project would be similar to the Approved Project, as the general scope and location of construction activities would remain the same. As such, construction impacts under the Revised Project would not be substantially different from those of the Approved Projects.

Regarding operational impacts, while there would be some changes to the mix of uses under the Revised Project, these changes would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Compared to the Approved Project, the Revised Project's hotel component proposes an increase of 15 short-term guestrooms and a decrease of 61 long-term guestrooms. Using the factors for daily trip generation and water demand from the Approved Project's EIR, these changes represent a daily decrease of approximately 168 vehicle trips and 8,500 gallons of water demand. Similarly, the Revised Project's residential component represents an increase of 30 student housing units and a decrease of 108 dwelling units compared to the Approved Project. These changes represent a daily decrease of approximately 496 vehicle trips and 11,700 gallons of water demand.

The Revised Project's commercial component proposes the removal of two commercial land uses proposed in the Approved Project, hotel meeting rooms and ancillary spaces and shared hotel/public land uses. These changes represent a daily decrease of approximately 682 vehicle trips and 4,000 gallons of water demand. The Revised Project's other commercial land uses (office, retail, and restaurant) have the following increases as compared to the Approved Project:

- Office: 11,943 square foot increase, representing a daily increase of approximately 119 vehicle trips and 1,433 gallons of water demand.
- Retail: 4,255 square foot increase, representing a daily increase of approximately 77 vehicle trips and 106 gallons of water demand.
- Restaurant: 3,872 square foot increase, representing a daily increase of approximately 336 vehicle trips and 3,871 gallons of water demand.

Therefore, the balance of the Revised Project's commercial land use increases in daily trip generation and water demand (532 vehicle trips and 5,410 gallons of water demand) and the decreases associated with the Project's hotel and residential components (664 vehicle trips and 20,200 gallons of water demand) result in overall minor changes. The Revised Project represents an overall daily net decrease of 132 vehicle trips and 14,790 gallons of water demand as compared to the Approved Project, corresponding to a decrease in criteria air pollutants, greenhouse gas emissions, energy consumption, and wastewater generation. As such, changes in the Approved Project do not involve new significant environmental effects or a substantial

increase in the severity of previously identified significant effects.

No substantial changes have been identified to the surrounding circumstances, and no new information of substantial importance has been identified since the Project was approved. There is no evidence of new or more severe significant impacts, and no new mitigation measures are required for the Project.

Accordingly, there is no basis for changing any of the impact conclusions referenced in the certified EIR's CEQA Findings. Similarly, there is no basis for changing any of the mitigation measures referenced in the certified EIR's CEQA Findings, all of which have been implemented as part of the Project's conditions of approval. There is no basis for finding that mitigation measures or alternatives previously rejected as infeasible are instead feasible. There is also no reason to change the determination that the overriding considerations referenced in the certified EIR's CEQA Findings, and each of them considered independently, continue to override the significant and unavoidable impacts of the Project.

Therefore, as the Project was assessed in the previously certified EIR, and pursuant to CEQA Guidelines Section 15162, no supplement or subsequent EIR or subsequent mitigated negative declaration is required for the Project, as the whole of the administrative record demonstrates that no major revisions to the EIR are necessary due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect resulting from changes to the project, changes to circumstances, or the existence of new information. In addition, no addendum is required, as no changes or additions to the EIR are necessary pursuant to CEQA Guidelines Section 15164.

## RECORD OF PROCEEDINGS

The record of proceedings for the decision includes the Record of Proceedings for the original CEQA Findings, including all items included in the case files, as well as all written and oral information submitted at the hearings on this matter. The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA Findings are based are located at the Department of City Planning, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90021. This information is provided in compliance with CEQA Section 21081.6(a)(2).

In addition, copies of the Draft EIR, Final EIR, and Errata are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for the environmental case number). The Draft and Final EIR may also be available at the following Library Branches:

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

## TIME LIMIT – OBSERVANCE OF CONDITIONS

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. Pursuant to LAMC Section 12.25 A.2, the instant authorization is further conditional upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits

do not lapse, the authorization shall terminate and become void.

### **TRANSFERABILITY**

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

The Applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the Applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

### **APPEAL PERIOD - EFFECTIVE DATE**

**The Determination in this matter will become effective and final twenty (20) days after the date of mailing of the Notice of Director's Determination** unless an appeal from there is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <https://planning.lacity.org/development-services/forms>.

**COVID-19 INTERIM APPEAL FILING PROCEDURES: Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described in the Interim Appeal Filing Procedures attached to this Letter of Determination.**

Planning Department public offices are located at:

**Downtown Office**  
 Figueroa Plaza  
 201 North Figueroa Street,  
 4th Floor  
 Los Angeles, CA 90012  
 (213) 482-7077

**Valley Office**  
 Marvin Braude Constituent  
 Service Center  
 6262 Van Nuys Boulevard,  
 Room 251  
 Van Nuys, CA 91401  
 (818) 374-5050

**West Los Angeles Office**  
 Development Services Center  
 1828 Sawtelle Boulevard,  
 2nd Floor  
 Los Angeles, CA 90025  
 (310) 231-2901

The Applicant is further advised that all subsequent contact with this office regarding this Determination must be with the decision-maker who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **by appointment only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

VINCENT P. BERTONI, AICP  
 Director of Planning

Approved by:

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Milena Zasadzien, Senior City Planner

Prepared by:

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Robert Keatinge, Planning Assistant

Cc: Councilmember Curren Price, Council District 9

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

March 27, 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described below.

### OPTION 1: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

#### STEP 1:

Email [planning.figcounter@lacity.org](mailto:planning.figcounter@lacity.org) with the subject line: "**Request to File Appeal.**" In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

#### STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles (\$109.47 for an aggrieved party, not the Project Applicant.)

#### Mail the appeal application to:

Department City Planning - Metro DSC  
201 N. Figueroa St., 4th Floor  
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.

### OPTION 2: DROP OFF AT DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

- Confirm that the appeal package is complete and meets the applicable provisions of the LAMC
- Provide a receipt for payment