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June 22, 2021

**VIA EMAIL**

Los Angeles City Council  
Attn: City Clerk  
200 N. Spring Street, Room 395  
Los Angeles, CA 90012

Clerk.CPS@lacity.org, Clerk-ENSLA@lacity.org

**Re: Case No. CPC-2019-4908-DB-SPR; CF 20-0680 (1309-1331 South Pacific Avenue) – Applicant’s Response to June 14, 2021 Appeal Letter, June 15, 2021 Appeal Letter, and Additional Communications from Public**

Honorable Members of the City Council:

This firm (“AGD”) represents RKD 13 PAC., LP (the “Applicant”), the applicant for the above-referenced project (the “Project”) located at 1309-1331 South Pacific Avenue (the “Site”). The Project is the construction of a four-story, 45-foot and five-inch residential building with 102 dwelling units (including 12 Very Low-Income affordable units). This letter supplements AGD’s previous Appeal Response Letters, dated April 16, 2021, May 19, 2021, and June 1, 2021.

On June 14, 2021, counsel to appellant Citizens Protecting San Pedro (“Appellant”) sent a letter to the Council (the “June 14 Appeal Letter”) responding to AGD’s previous Appeal Response Letters, attaching new consultant reports, and making further arguments that the Project is not eligible for a Categorical Exemption under CEQA. Note that the consultant reports attached to the June 14 Appeal Letter all actually pre-date the June 1, 2021 hearing at which the Planning & Land Use Management (“PLUM”) Committee of the City Council voted to recommend denial of the appeal. Nevertheless, Appellant’s counsel held these reports until one day prior to the previously scheduled June 15, 2021 City Council hearing, in an attempt to “sandbag” the Applicant and City and force a continuance.

On June 15, 2021, Appellant’s counsel sent another letter to the Council (the “June 15 Appeal Letter”) attaching certain reference materials cited or relied upon by Appellant’s air quality consultant. In addition, on June 14 and June 15, 2021, members of the public sent additional communications to the Council in support of the appeal.

The arguments in the June 14 Appeal Letter, June 15 Appeal Letter, and the additional public communications are meritless, and this letter rebuts them.

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**I. The Project is Eligible for a Class 32 Categorical Exemption.**

Appellant alleges that the Project is not eligible for a Class 32 Categorical Exemption because it would result in significant air quality, traffic, and noise impacts. (June 14 Appeal Letter, at 2.)

Judicial review of an agency’s CEQA decisions focuses narrowly on whether the agency prejudicially abused its discretion. (*Laurel Heights Improvement Ass’n v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1132-33; Cal. Public Resources Code (“PRC”) § 21168.5.) An agency abuses its discretion if it has not proceeded in a manner required by law or if its determination or decision are not supported by substantial evidence. (PRC § 21168.5.) Under this standard, a reviewing court “adjust[s] its scrutiny to the nature of the alleged defect, depending on whether the claim is predominantly one of improper procedure or a dispute over the facts.” (*Vineyard Area Citizens for Resp. Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.) An agency’s decisions are presumed correct and given substantial deference, and a challenger bears the burden of proving otherwise. (*San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 674.)

The courts will uphold an agency’s determination that a categorical exemption specified in the CEQA Guidelines (14 Cal. Code of Regs. § 15000 *et seq.*) applies to a project if it is supported by substantial evidence in the administrative record. (PRC § 21168.5; *North Coast Rivers Alliance v. Westlands Water Dist.* (2014) 227 Cal.App.4th 832, 852.) CEQA defines substantial evidence as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (CEQA Guidelines § 15384(b).) Substantial evidence includes facts, reasonable assumptions based on facts, and expert opinion supported by facts. (PRC § 21080 subd. (e); CEQA Guidelines § 15064(f)(5),(6).) It does not include argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous. (*Id.*) “[T]he reviewing court must resolve reasonable doubts in favor of the administrative finding and decision.” (*Laurel Heights Improvement Ass’n v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 393.) Substantial evidence may be found in staff reports, opinions, and agency members’ comments. (*Browning-Ferris Indus. v City Council* (1986) 181 Cal. App.3d 852, 866.)

When an agency establishes that the project comes within a categorical exemption, “the burden shifts to the party challenging the exemption to show that the project is not exempt because it falls within one of the exceptions listed in Guidelines section 15300.2.” (*Fairbank v. City of Mill Valley* (1999) 75 Cal.App.4th 1243, 1259.) An agency determination that the project falls within a categorical exemption includes an implied finding that none of the exceptions apply and shifts the burden to the challenger to produce substantial evidence showing that one of the exceptions apply. (*Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 694.)

As discussed below, substantial evidence in the administrative record—including the supplemental expert analysis provided with this letter—supports the City’s determination that the

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Project is eligible for a Class 32 Categorical Exemption, and that none of the applicable exceptions apply. Given the substantial deference that applies to the City's determination, Appellant has not met its heavy burden of proving that the City's decision was not supported by substantial evidence, or that one of the applicable exceptions to a Class 32 categorical exemption applies.

**A. The Project Would Not Result in Significant Air Quality Impacts.**

Appellant previously submitted an analysis from SWAPE, dated October 30, 2020, alleging certain inaccuracies in the Project's Air Quality Technical Report. AGD's April 16, 2021 Appeal Response Letter rebutting these allegations included supplemental expert analysis from Douglas Kim + Associates, LLC ("DKA").

Appellant submitted a further memorandum from SWAPE, dated May 28, 2021, responding to DKA's detailed Response to Comments which refuted all of SWAPE's comments and assertions. Appellant also submitted the June 15 Appeal Letter, which attaches certain reference materials cited or relied upon by SWAPE.

As set forth in the expert technical response memorandum from Douglas Kim of DKA (Exhibit A), all of SWAPE's new comments are similarly without merit and continue to be based on numerous errors and incorrect assumptions. When correct project specific data and assumptions are used, as is appropriate as per the CalEEMod User's Guide, as opposed to generic default values, there are no air quality significant impacts.

As to SWAPE's comment on Page 7 of its May 28, 2021 memorandum regarding the purported need for a cumulative health risk analyzing both construction and operational emissions, as discussed in detail in Air Quality Dynamics' March 29, 2021 Construction Health Risk Assessment ("HRA"; Exhibit I to AGD's April 16, 2021 Appeal Response Letter), there are no diesel particulate emissions ("DPM") from project operations, PM<sub>10</sub> is not a surrogate for DPM emissions, and the full term of construction (276 days) was fully accounted for using the most conservative age grouping. All relevant and appropriate OEHHA factors were incorporated into the HRA analysis. The Construction HRA demonstrates that construction of the proposed project will not result in unacceptable localized impacts.

Finally, as set forth in DKA's March 22, 2021 Response to Comments (Exhibit B to AGD's April 16, 2021 Appeal Response Letter), the guidance from the State and City on Class 32 Categorical Exemptions does not require the preparation of GHG analyses for projects eligible for exemptions.

Appellant's and SWAPE's arguments are without merit. Moreover, as discussed above, the City's determination that the Project would not result in any potentially significant air quality impacts was supported by substantial evidence and its decision is presumed correct. Even if SWAPE had produced substantial evidence of air quality impacts—which it has not—the Project's expert analysis and conclusions would still be entitled to deference under the substantial evidence standard for categorical exemption impact conclusions.

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**B. The Project Would Not Result in Significant Traffic Impacts.**

Appellant previously alleged certain inaccuracies in the Project's transportation analysis. AGD's April 16, 2021 Appeal Response Letter rebutted these allegations, and included supplemental expert analysis from Linscott, Law & Greenspan, Engineers ("LLG").

The June 14 Appeal Letter attaches a memorandum from Infrastructure Group, Inc. ("IG"), dated May 31, 2021, commenting on LLG's original City-approved traffic impact study (dated September 26, 2019), as opposed to LLG's City-approved vehicle miles traveled (VMT) assessment (dated April 15, 2021). Although the VMT assessment supersedes the September 2019 traffic impact study, LLG prepared a detailed response to IG's comments which demonstrates that the traffic impact study: (1) fully comported with LADOT guidelines, including the use of trip credits for existing uses and an ambient growth factor to account for typical growth in traffic volumes, in addition to the LADOT approved list of cumulative development projects and (2) provided additional analysis without trip credits that also demonstrated less than significant impacts. (Exhibit B.)

In addition, Jonathan Lonner of Burns & Bouchard, Inc., the Project's land use consultant, prepared a response to IG's comments in its May 31, 2021 letter regarding the Project's parking, driveways, and transitional height. (Exhibit C.) This analysis demonstrates that the Project's parking, driveways, and transitional height would comply with all applicable requirements.

As these analyses demonstrate, Appellant's and IG's arguments are without merit, and the Project would not result in any potentially significant traffic impacts. Pursuant to California Public Resources Code Section 21099 and Section 15064.3 of the CEQA Guidelines, vehicle miles traveled, not intersection levels of service or other measure of automobile delay, is the appropriate measure of transportation impacts under CEQA. Even if a level of service analysis were a valid basis for CEQA impact conclusions—which it is not—as discussed above, the City's determination that the Project would not result in significant traffic impacts is presumed correct, and LLG's analysis is entitled to deference under the substantial evidence standard for categorical exemption impact conclusions.

**C. The Project Would Not Result in Significant Noise Impacts.**

The June 14 Appeal Letter includes a comment letter from RK Engineering ("RKE"), dated April 14, 2021, purporting to critique the Project's thorough construction and operational noise analysis (Noise Technical Report, November 2019). As set forth in the expert technical response memorandum from Douglas Kim of DKA (Exhibit A), none of RKE's critiques have merit, and RKE submitted no substantial evidence of a significant impact. The Noise Technical Report establishes that the Project would have less than significant noise impacts. Moreover, as noted above, even if RKE had produced substantial evidence of significant noise impacts—which it has not—the Project's expert analysis and conclusions would still be entitled to deference under the substantial evidence standard for categorical exemption impact conclusions.

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**II. The Project is Consistent with the Pacific Corridor Redevelopment Plan and Complied with the Review Requirements for Projects in a Redevelopment Project Area.**

The June 14 Appeal Letter alleges that the Project is not consistent with the Pacific Corridor Redevelopment Plan (“Plan”) and has failed to comply with the compliance review requirements for projects within a Redevelopment Project area. (June 14 Appeal Letter, at 6-8.)

As stated in AGD’s April 16, 2021 Appeal Response Letter, the Applicant initially filed an application for Redevelopment Plan Project Compliance to confirm that the Project conformed to the Plan (Case No. DIR-2020-5031-RDP), but withdrew this application after the City subsequently issued an Administrative Review and Referral form for the Project that concluded: “The proposed project generally conforms to the objectives of the Pacific Corridor Redevelopment and DFD. Administrative Review only.” (Exhibit D, Redevelopment Project Area – Pacific Corridor, Administrative Review and Referral, October 20, 2020.)

Appellant alleges that certain technical errors in the Administrative Review and Referral form mean the Project does not comply with the Plan, and that these errors invalidate the Project’s Redevelopment Project compliance. (June 14 Appeal Letter, at 6-7 and Attachment E.) Section 2 of the Administrative Review and Referral form, the Project Background, accurately describes the Project as a 102-unit multi-family residential project with 12 Very Low-Income affordable units and refers to the correct Environmental Review case number. The form also refers to the correct entitlement case number for the Project.

Appellant correctly notes that Section 3 of the Administrative Review and Referral form and the Additional Staff Notes include certain references to a mixed-use project. However, these are mere scrivener’s errors that do not invalidate the substantive basis for determining the Project is consistent with the Plan and therefore subject to only Administrative Review. Notably, Section 503.4 of the Plan (Residential Uses within Commercial and Industrial Areas) states that “[t]he Agency may permit appropriately designed and properly located residential and mixed use development within Commercial . . . areas, consistent with the applicable Community Plan as it now reads or as it may be amended from time to time in the future” (emphasis added), provided that the proposed use conforms with various criteria identified in the Plan. As the Administrative Review and Referral form correctly notes in Section 3 under Section 503.4, “Residential uses permitted in Commercial Areas and per C2-1XL-CPIO.”

The Additional Staff Notes includes the additional finding that “[t]he proposed project generally conforms to the objectives of the Pacific Corridor Redevelopment and DFD.” The Administrative Review and Referral form also attaches, as additional evidentiary support, CRA/LA Resolution No. 16 dated June 21, 2012 and a related staff memorandum, which clarify that within the specified Redevelopment Project areas (including the Pacific Corridor Plan area), the Community Plan land use designations prevail over the Redevelopment Plan map designations, and that “future CRA/LA review of development projects shall not require discretionary land use approvals within these projects areas.” Therefore, the Administrative Review and Referral form

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accurately concluded that the Project complies with the Plan and did not require additional discretionary review associated with the Redevelopment Plan, such as Redevelopment Plan Project Compliance or otherwise.

In its hand-marked annotations to the Administrative Review and Referral form, Appellant also appears to make various other allegations regarding alleged technical deficiencies with the form. These allegations are unsupported by any substantial evidence. As set forth in the Administrative Review and Referral form, the City accurately determined that the Project complies with the Plan. Appellant has not provided substantial evidence to rebut this determination, and mere scrivener's errors in the forms do not substantively render the Project inconsistent with the Plan or the City's determination inadequate.

The June 14 Letter further alleges that the Project would inhibit the City's ability to comply with California Health & Safety Code ("HSC") Section 33413(b)(2)(A)(i). (June 14 Appeal Letter, at 7-8.) As previously stated in AGD's June 1, 2021 Appeal Response Letter, this section applies in the aggregate, and not on a project-by-project basis. The City was not required to determine that the Project complied with this section as part of its review and approval of the Project.

There is no inclusionary housing requirement applicable to the Project. Rather, the Project is voluntarily providing Very Low-Income affordable units to obtain benefits and incentives under the State Density Bonus Law. As stated in AGD's June 1, 2021 Appeal Response Letter, the State Density Bonus Law, not the Community Redevelopment Law, governs the Project's affordable housing requirement. Even if the Community Redevelopment Law did require the Project to provide 15% affordable units—which it clearly does not—the Project would still satisfy this requirement, because the State Density Bonus Law requires that any affordable housing calculation be assessed against the Project's base density only, and the Project does provide 15% affordable units calculated based upon the base density. It would violate the State Housing Accountability Act to obligate the Project to provide more affordable housing than the State Density Bonus Law requires. As stated in AGD's June 1, 2021 Appeal Response Letter, the Project is not individually subject to HSC Section 33413 and we respectfully submit that the City cannot deny approval of the Project on that basis.

Courts have agreed with this interpretation of Section 33413's requirements. In a decision regarding challenges to the proposed "Crossroads" expansion project in the Hollywood Redevelopment Area, the Los Angeles County Superior Court held, among other things, that Section 33413 "did not compel the City to condition the Project's approvals on the inclusion of more affordable housing." (*AIDS Healthcare Foundation v. City of Los Angeles* (Super. Ct. Los Angeles County, 2019, No. 19STCP00520), at 13; attached as Exhibit E.) As the court noted in that decision, Section 33413 mandates that affordable housing shortages be resolved prior to the time limit on the effectiveness of the redevelopment plan: "How the City satisfies this requirement – e.g., imposition of strict affordable housing conditions on other developments or developments dedicated solely to affordable housing – is inferably a matter of discretion." (*Id.*) As the court noted, the City had over seven years to meet the affordable housing requirements prior to the expiration of the Hollywood Redevelopment Plan. Similarly, here, the City has more than 10 years

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remaining to meet the affordable housing requirements prior to the expiration of the Plan. As in the “Crossroads” decision, here the Appellant has failed to show that the City has abused its discretion.

In its decision affirming the Superior Court’s decision in the “Crossroads” decision, the California Court of Appeal cited with approval the Superior Court’s analysis and conclusion regarding Section 33413. (*AIDS Healthcare Foundation v. City of Los Angeles* (Cal. Ct. App. 2020) 264 Cal.Rptr.3d 128, 144 n.16 [review denied and ordered not to be officially published].) Although the Court of Appeal’s decision is not published and the “Crossroads” decisions are not binding authority, they are nonetheless persuasive in rebutting Appellant’s arguments about Section 33413.

The June 14 Appeal Letter claims that the One San Pedro project discussed in AGD’s June 1, 2021 Appeal Response Letter would not go towards satisfying the 15% affordable requirement under HSC Section 33413(b)(2)(A)(i), because any units under that project would be housing “developed by an agency” and would therefore only count towards the 30% affordable requirement under HSC Section 33413(b)(1).

However, contrary to the June 14 Appeal Letter, HACLA is not an “agency” for purposes of the Community Redevelopment Law. HSC Section 33003 defines an “agency” as “a redevelopment agency created by this part or its predecessor, or a legislative body which has elected to exercise the powers granted to an agency by this part.” HSC Section 33100 provides, “There is in each community a public body, corporate and politic, known as the redevelopment agency of the community.” (Emphasis added.) The former Community Redevelopment Agency of the City of Los Angeles (“CRA/LA”), not HACLA, is the City’s sole redevelopment agency. Rather, HACLA is a housing authority created under the Housing Authorities Law (HSC Sections 34200-34380). Although HACLA was created by a City resolution, it is a state-chartered public agency and not an agency of the City. (See HSC §§ 34240 and 34310.)

Appellant cites to HSC Section 34173(i), which transferred land use related plans and functions of the former redevelopment agencies to the city that authorized the creation of a redevelopment agency. Appellant appears to suggest that the statute transferring the former CRA/LA’s authority to the City means that any agency with any connection to the City qualifies as an “agency” for purposes of Section 33413(b)(1). But, even if HACLA were a City agency—which it is not—HACLA still would not qualify as an “agency” for purposes of HSC Section 33413. The City’s “agency” is the former CRA/LA, not HACLA.

Rather, HACLA would appear to qualify as a “public . . . entit[y] . . . other than the agency” under Section 33413(b)(2)(A)(i). Thus, contrary to Appellant’s arguments, it appears that the units HACLA develops in the One San Pedro project would count towards the 15% affordable housing requirement under that section.

Appellant notes that the opening year for the first constructed building in the One San Pedro project is expected to occur in 2025, and suggests that the project would result in a temporary loss of affordable housing in the San Pedro area and would not be completed until after expiration

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of the Pacific Corridor Redevelopment Plan. (June 14 Appeal Letter, at 8 n.11.) However, even if the first building in the project were not completed until 2025, that would still leave approximately seven years prior to the expiration of the Plan for the City to comply with Section 33413's affordable housing requirements. As discussed above, how the City complies with these requirements is a matter of discretion.

Even if the units in the One San Pedro project did not count towards the 15% requirement, compliance with HSC Section 33413(b)(2)(A)(i) would still not be a valid basis to deny the Project, because, as discussed above, the 15% requirement is assessed on an aggregate, not project-by-project basis, and the Project does provide 15% affordable units per the State Density Bonus Law base density calculation.

### **III. Additional Communications from Public**

On June 14 and June 15, 2021, members of the public sent various additional communications to the Council in support of the appeal. Several of these communications raise general objections to City planning policies and procedures and do not specifically concern the Project. Moreover, none of these communications raise any new issues that the City has not previously considered or are not addressed above, and none rebut the substantial evidence to support the findings required to approve the Project entitlements, including the determination that the Project is eligible for a Class 32 Categorical Exemption and that none of the applicable exceptions apply. Subject to the State Density Bonus Law incentives approved for the Project, the Project is required to comply with all provisions of the Community Plan, Zoning Ordinance, and CPIO, and all building code requirements. Technical conformance with individual code requirements will be confirmed through the plan-checking process.

### **IV. Conclusion**

Contrary to the arguments in the June 14 Appeal Letter, the June 15 Appeal Letter, and in the additional communications from the public, the Project would not result in any significant air quality, traffic, or noise impacts. The CPC determined that the Project qualified for a Class 32 Categorical Exemption, which the PLUM Committee upheld on appeal. These determinations complied with CEQA. As set forth in AGD's previous Appeal Response Letters, in this letter, and in the attached supporting materials, the Project meets the requirements for a Class 32 Categorical Exemption, and none of the exceptions to a Class 32 Categorical Exemption apply.

*[Signature Follows]*

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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,



Dave Rand

cc: Connie Chauv, Department of City Planning  
Michelle Singh, Department of City Planning  
Jonathan Lonner, Burns & Bouchard  
Damon Mamalakis, AGD  
Daniel Mandel, AGD

Enclosures:

Exhibit A – DKA, 1331 Pacific Avenue Response to Comments, June 16, 2021

Exhibit B – LLG, 1331 South Pacific Avenue Residential Project – Responses to Comments, June 21, 2021

Exhibit C – Burns & Bouchard, Inc. – 1331 Pacific Avenue – Response to Appeal Comments, June 22, 2021

Exhibit D – Redevelopment Project Area – Pacific Corridor, Administrative Review and Referral, October 20, 2020

Exhibit E – *AIDS Healthcare Foundation v. City of Los Angeles* (Super. Ct. Los Angeles County, 2019, No. 19STCP00520)

# EXHIBIT A



DOUGLASKIM+ASSOCIATES,LLC

**To: File**  
**From: Douglas Kim, AICP**  
**CC:**  
**Date: June 16, 2021**  
**Re: 1331 Pacific Avenue Response to Comments**

This memo provides responses to Noise, Air Quality, and GHG comments for the Proposed Project at 1309-1331 South Pacific Avenue in the City of Los Angeles (“Project”) contained in and attached to the June 14, 2021, from the Channel Law Group. Consistent with our prior evaluation of the Project and comments from the Channel Law Group, the Project qualifies for the Class 32 CEQA Exemption and all of the comments claiming significant impacts are meritless.

RK Engineering Group, April 14, 2021

Page 2, Comment 1

- **Comment:** “[p]er the City’s own CEQA policy, the presence of sensitive uses within 500 feet of the proposed construction site indicates that the potentiality for significant environmental impacts exists and an expanded CEQA review should be provided.”
- **Response:** The potential for a noise impact on sensitive receptors within 500 feet of the Project Site was fully analyzed and presented in the November 2019 Noise Technical Report (Noise Report) which determined no significant noise impacts. The Noise Report provides a rigorous level of review that includes noise modeling that complies with all City guidelines for noise analysis under CEQA and looked at several sensitive receptors within 500 feet of the Project Site, including a worst-case scenario analysis of the residences at 524 West 14<sup>th</sup> Street that are ten feet away from the Project Site. The Noise Report also analyzed a sensitive receptor that is more than 500 feet from the Project Site, addressing the 15<sup>th</sup> Street Elementary School that is 660 feet away. This additional analysis was done given the sensitivities of a school. Further, the analysis utilized sound attenuation methodologies certified by the International Organization for Standardization (ISO) that provides peer-reviewed, industry-accepted protocols for evaluating noise impacts at sensitive receptors, using methodologies prescribed in ISO 9613-2. The Commenter presents no substantial evidence of a potential noise impact.

Page 2-3, Comment 2

- **Comment:** “All of these immediately surrounding land uses are considered key noise sensitive receptors that should be included in the evaluation of impacts.”
- **Response:** Per City of Los Angeles guidelines, the noise analysis models the construction impacts at several sensitive receptor locations within 500 feet, including a worst-case scenario analysis of the residences at 524 West 14<sup>th</sup> Street that are ten feet away from the Project Site. The proximity and orientation of this analyzed receptor reveals construction noise impacts that would be greater than either of the most distant receptors cited in the comment. Noise impacts were determined to be less than significant. As the commentor knows, while there is an endless number of sensitive receptors in the vicinity of the Project Site, the CEQA analysis is not required to analyze every last receptor. Instead, the analysis looked at those receptors most likely to be impacted by the Project’s construction given their proximity, line-of-sight, and presence of other attenuating factors. This was done with the selection of representative sensitive receptors that surround the Project Site. Any more distant receptors would have lesser impacts due to the many factors that would attenuate any noise from the Project Site. In addition, as noted above, 15<sup>th</sup> Street Elementary School was included as a sensitive receptor. The Commenter presents no substantial evidence of a potential noise impact.

Page 3, Comment 3

- **Comment:** “The Noise Study only evaluates the existing ambient noise environment based on four 15-minute noise level measurements during daytime hours, which is not enough to get the full picture of ambient conditions...”
- **Response:** The establishment of the noise environment for construction activities complies with the City’s requirements. Specifically, Section 111.01 of the LAMC requires ambient noise “shall be averaged over a period of at least 15 minutes at a location and time of day comparable to that during which the measurement is taken of the particular noise being measured.” These LAMC standards are appropriate, as construction activities would occur during periods of the day when ambient noise levels are generally stable near the Project Site. As such, a 15-minute averaging period over a one hour period is sufficient to capture any minor deviations in ambient noise levels. In addition, the sound level measurements comply with Section 111.02 of the LAMC that calls for “A” weighting of measurements, location of microphones, calibration. The commenter is incorrect that 24-hour CNEL noise levels needed to be established for nighttime noise evaluation because the “project will operate 24-hours a day.” This is a residential project – not a commercial or retail project. As such there are no 24-hour operations. Moreover, construction is not permitted 24-hours a day. There is no Project nighttime noise source that needed to be evaluated and as such no nighttime noise measurements needed to be taken. The Commenter presents no substantial evidence of a potential noise impact.

Page 3-4, Comment 4

- **Comment:** “The Noise Study inaccurately analyzed on-site construction noise impacts at 50 feet from the property line.”

- **Response:** This is incorrect. The Noise Report cites reference noise levels that have been established by the LAMC at a 50-foot distance. However, the Noise Report analyzes the specific noise impacts at each of the receptor locations based on their actual distance to the Project Site, proximity of nearby buildings, and other factors that would attenuate noise. The noise modeling for construction impacts at each sensitive receptor is based on industry-accepted ISO 9613-2 methodologies that estimate noise attenuation based on distance, presence of intervening structures, topography, and other environmental factors. The Commenter presents no substantial evidence of a potential noise impact.

Page 4, Comment 5

- **Comment:** “The Noise Study does not adequately account for the impact of heavy duty trucks loading, staging, and circulating near the site.”
- **Response:** The Noise Report looks at both off-site noise impacts of construction haul equipment on local routes likely to be used for hauling demolition material and soils. On-site noise associated with loading and staging activities are addressed in the noise modeling of construction impacts. This analysis factors in the LAMC’s limitation of 75 dBA of noise from powered equipment at 50 feet of distance, then uses industry-accepted ISO 9613-2 methodologies to estimate noise attenuation to nearby sensitive receptors based on distance, presence of intervening structures, topography, and other environmental factors. Noise impacts from construction hauling activities was fully evaluated and determined to be less than significant. The Commenter presents no substantial evidence of a potential noise impact.

Page 4, Comment 6

- **Comment:** “The Noise Study asserts that construction best practices can reduce noise levels by 20 dBA. This assumption is entirely unsubstantiated and practically infeasible.”
- **Response:** The Noise Report references the potential benefits from best practices but uses the SoundPLAN Essential model to estimate noise from the construction site, relying on the LAMC’s limitation of 75 dBA of noise from powered equipment at 50 feet of distance. This City requirement will reduce noise levels from the construction site, which are then used to estimate off-site noise impacts during construction using industry-accepted ISO 9613-2 methodologies to estimate noise attenuation to nearby sensitive receptors based on distance, presence of intervening structures, topography, and other environmental factors. Furthermore, up to 20 dBA attenuation from a sound barrier has been established. (Caltrans, Technical Noise Supplement (TeNS), 2009, Chapter 2.1.4.2.) Construction noise impacts were determined to be less than significant. The Commenter presents no substantial evidence of a potential noise impact.

Page 4, Comment 6

- **Comment:** “Given that the project will construct a 4-story/45-foot high building, it would be practically infeasible to build a screening wall high enough to block that much construction noise.”
- **Response:** Construction noise levels will peak during the demolition and grading phases, when diesel-fueled heavy-duty equipment like excavators and dozers are

needed to move large amounts of debris or dirt. As the structures are framed and built to their ultimate height, noise impacts are generally significantly less than during demolition and grading because they are less reliant on using heavy equipment with internal combustion engines. Smaller equipment such as forklifts, generators, and various powered hand tools and pneumatic equipment would generally be utilized. Further, LAMC limits noise from powered equipment at 50 feet of distance to 75 dBA which the Project would comply with. This includes equipment likely to be used in the framing and buildout of structures, including compressors or pneumatic equipment and powered equipment of 20 hp or less (e.g., powered hand tools). As such, no construction noise impacts will occur including from vertical construction. The Commenter presents no substantial evidence of a potential noise impact.

Page 5, Comment 7

- **Comment:** “The findings of significance shown in Table 4 are misleading, as they do not take into consideration the existing ambient noise levels at adjacent sensitive receptors.”
- **Response:** The commentor misunderstands the information in Table 4, which identifies reference noise levels for various types of construction equipment and how they comply with LAMC Section 112.05. These reference noise levels do not represent the findings for significance. Instead, Table 5 identifies construction noise levels at sensitive receptors at sensitive receptor locations based on compliance with LAMC Section 112.05, which substantially reduces noise levels from construction equipment. The Commenter presents no substantial evidence of a potential noise impact.

Page 4, Comment 8

- **Comment:** “The Noise Study makes no mention of vibration impacts that may result from the construction of the project.”
- **Response:** Pursuant to the July 23, 2018 “Special Requirement Criteria” guidance regarding Class 32 Categorical Exemptions for Infill Development Projects, the City does not require vibration analyses for eligible infill development projects. As shown in the excerpt, the City calls on analyses to focus only on noise impacts. The Commenter presents no substantial evidence of a potential vibration impact.

c. **Noise Study.** Depending on the size, scope and features of the project and the project site, the City may require additional documentation or analysis to provide substantial evidence supporting a determination that the project will not have significant impacts related to noise, which may include but is not limited to, the preparation of a Noise Study by a qualified consultant.

Page 4, Comment 9

- **Comment:** “Therefore, the rooftop HVAC equipment has to (SIC) potential to increase ambient noise levels by more than 10 dBA, causing a potential noise violation per LAMC Section 112.02 and resulting in a significant impact under CEQA.”
- **Response:** As noted in the Noise Report, noise levels at nearby receptors from HVAC equipment placed away from the edges of the roof of the Project Site and shielded as shown on the Roof Plan would be nominal, as noise from HVAC equipment would

have to match ambient noise levels to potentially increase 3 dBA or more, the threshold at which humans can notice changes. The roof edge on all elevations would create a natural noise barrier that reduces (attenuated) noise levels from rooftop HVAC units by 10 dBA or more and reduces any noise exposure for nearby receptors.

Regulatory compliance with LAMC Section 112.02 would further ensure that noises from sources such as heating, air conditioning, and ventilation systems not increase ambient noise levels at neighboring occupied properties by more than 5 dBA. Given this regulation, the ambient noise levels along Pacific Avenue and 14<sup>th</sup> Street, the relatively quiet operation of modern rooftop-mounted HVAC systems, and distances to receptors, it is unlikely that noise from the Project's HVAC systems would be audible at off-site locations. Nearly all of the Project's surrounding commercial and residential land uses contain similar rooftop-mounted HVAC units. The Project's HVAC systems would be consistent with its surroundings and would not alter the environmental profile of the neighborhood or significantly impact any of the analyzed sensitive receptors. The Commenter's calculated noise level is flawed for a number of reasons. First, RK looks to have assumed that HVAC equipment was placed at the closest edge of the roof to the sensitive receptor; as noted above, this is incorrect. Second, the RK did not take into account the attenuation from the roof edge which will be 10 dBA or more. With those 2 attenuating factors (distance to the sensitive receptor due to placement of HVAC equipment and a sound barrier (roof edge)), HVAC noise would be reduced by at least 15 dBA, which would result in a noise level below 40 dBA, the presumed nighttime ambient noise level.

SWAPE, May 28, 2021

Page 4, Comment 1

- **Comment:** "...[t]he architectural coating phase length was increased by approximately 2,100%. However, the revised individual construction phase lengths remain unsupported..."
- **Response:** As noted in our March 22, 2021 Response to Comments that specifically addressed the assertion that a five-day period for application of coatings is required for analysis, SWAPE has no basis to assume that the Applicant provided construction schedule is inaccurate. The schedule provided is the most accurate schedule that can be provided at this time and is appropriate for air quality construction modeling as opposed to using a generic set of default assumptions that are not specific to the Project at issue. The developer's construction schedule includes 112 days of architectural coating work. Given the scale of the Project and its structures, including 220,725 square feet of indoor surfaces and 73,575 square feet of outdoor surfaces, applying sealants, paints, and other coatings will take far more than five days, which is a default assumption offered by the CalEEMod developers when there is no better project-specific information. As discussed in the CalEEMod User's Guide (Pages 30 through 31), the construction tab contains default information obtained from a survey conducted by SCAQMD of construction sites with a range of project types and sizes and provides default construction equipment list and phase length data based on the total lot acreage of a project. The Guide states: "**If the user has more detailed site-specific equipment and phase information, the user should override the default values.**" This is precisely

what was done here. SWAPE has provided no basis, reasonable or otherwise, to revert to CalEEMod default values that are not specific to this Project. The citation of a 2,100% increase in the duration of architectural coatings is therefore a misleading citation based on an unrealistic baseline of five days to apply coatings to this Project.

Page 4, Comment 1

- **Comment:** "...by artificially increasing the individual construction phase lengths, the model dilutes the emissions associated with architectural coating..."
- **Response:** As noted in our March 22, 2021 Response to Comments, SWAPE has no basis to assume that the Applicant provided construction schedule is inaccurate. The commentor's artificial compression of a multi-month process to CalEEMod five-day default not specific to this Project misleadingly overstates the actual impacts from the process of applying coatings to a development of this scale. Again, the CalEEMod User's Guide states: "If the user has more detailed site-specific equipment and phase information, the user should override the default values."

Page 4, Comment 2

- **Comment:** "...it still fails to include a paving phase..."
- **Response:** As noted in our March 22, 2021 Response to Comments, the modeling appropriately does not include a paving phase, as the proposed Project's design with underground parking and vehicle circulation does not generally include surface-level improvements that meet the CalEEMod model's definition of "...laying concrete or asphalt such as in parking lots, roads, driveways, or sidewalks." Emissions from the construction of underground garage levels and ramps are included in the building construction phase of analysis so these emissions were fully accounted for. Unlike the construction of actual ground-level infrastructure that produces emissions separate from the construction of structures, the development of a multi-level garage is assumed in the building construction phase where the entirety of the garage and residences above are estimated by CalEEMod.

Page 4, Comment 3

- **Comment:** "CalEEMod default values should only be changed when project-specific information, supported by substantial evidence, is available."
- **Response:** As noted in our March 22, 2021 Response to Comments, the substantial evidence is the project development schedule provided by the developer. SWAPE makes the nonsensical argument that the estimated construction schedule provided by the Applicant and contained on the Air Quality report is but a "potential" schedule and because it is only a "potential" schedule it is not accurate for the proposed Project. The estimated schedule is specific to the proposed project and based on the best available information given this stage of the process that allowed for conservative modeling assumptions. As noted earlier, the developer's construction schedule includes 112 days of architectural coating work which is appropriate given the scale of the Project and its structures, including 220,725 square feet of indoor surfaces and 73,575 square feet of outdoor surfaces, applying sealants, paints, and other coatings. Assuming a five-day process is both implausible and less reliable than the developer's project-specific construction plan. As such, the analysis relies on substantial evidence to assume the construction schedule that forms the basis of the air quality modeling.

Page 5, Comment 1

- **Comment:** “Rather, the default architectural coating phase length is 5 days. This default value is based on a SCAQMD construction survey, and thus is based on reasonable construction period data.”
- **Response:** As noted in our March 22, 2021 Response to Comments, the default coating phase duration is based on a generic compilation of sites surveyed by the air district. As noted earlier, the developer’s construction schedule includes 112 days of architectural coating work which is appropriate given the scale of the project and its structures, including 220,725 square feet of indoor surfaces and 73,575 square feet of outdoor surfaces, applying sealants, paints, and other coatings. Assuming a five-day process is both implausible and less reliable than the developer’s project-specific construction plan. As such, the analysis relies on substantial evidence to assume the construction schedule that forms the basis of the air quality modeling. It is industry standard methodology to update CalEEMod defaults with project specific data, as was done here. SWAPE provides no credible basis to question Applicant provided data as to the construction assumptions for this Project. As such, SWAPE’s use of five days for coatings was erroneous as are their results.

Page 6, Comment 1

- **Comment:** “While the Response states that the revised construction worker trips were based on “project-specific details,” both the Report and response failed to provide these project-specific details or otherwise substantiate the changes.”
- **Response:** As we detailed in our March 22, 2021 Response to Comments, the changes to the model’s default number of construction worker trips was based on the project-specific details of the anticipated workforce based on the scope of work during those phases on a given day given constraints of the relatively small Project Site. When Project specific information is available it is appropriate to revise the CalEEMod default values, which are conservative rules of thumb for these types of phases. Again, the CalEEMod User’s Guide states: “If the user has more detailed site-specific equipment and phase information, the user should override the default values.” Moreover, the reduction of 20 trips from the default assumptions is de minimis.

Page 7, Failure to Evaluate Cumulative Impacts

- **Comment:** “However, the Report and Response have not addressed or evaluated the cumulative impact resulting from the proposed Project in conjunction with both the projects nearby and the baseline risk posed to residents within San Pedro.”
- **Response:** The analysis is consistent with the SCAQMD’s guidance on cumulative impacts. The SCAQMD’s CEQA Air Quality Handbook (November 1993) provides standards, methodologies, and procedures for conducting air quality analyses under CEQA. Pursuant to that SCAQMD guidance, projects that exceed the daily localized significance thresholds (LST) would cause a cumulatively considerable increase in emissions for non-attainment pollutants. SCAQMD developed the LSTs to represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard, accounting for regional growth. The SCAQMD LSTs are established such that if every project’s air quality impacts were below the SCAQMD’s LSTs, each of those projects would not contribute to an

exceedance of ambient air quality standards. Therefore, the SCAQMD's LSTs account for cumulative air quality impacts.

The air basin is considered non-attainment for the localized pollutants PM<sub>10</sub> and PM<sub>2.5</sub> (ozone is a regional pollutant and not subject to the LST standards established by SCAQMD). The proposed Project's emissions would not result in a considerable increase in PM<sub>10</sub> and PM<sub>2.5</sub> emissions, as noted in Table 6 of the technical report. SCAQMD does not require dispersion modeling to analyze the cumulative impact of multiple construction sites. Instead, each project would be responsible for addressing construction-related impacts through the CEQA process to ensure that the Ambient Air Quality Standards (AAQS) for these localized non-attainment pollutants are not exceeded.

#### Page 10, Updated Analysis Indicates Significant Air Quality Impact

- **Comment:** "Thus, our model demonstrates that the Project would result in a potentially significant air quality impact..."
- **Response:** As documented in our March 22, 2021 Response to Comments, SWAPE's emissions analysis is based on arbitrary manipulation of the air quality model, particularly with regard to the construction schedule for the grading and architectural coatings phase.
  - SWAPE's analysis inexplicably shortens the construction of this Project to five months, rather than the 17 months proposed for the Project. This key assumption is not based on any facts, but this random speculation distorts the remainder of the air quality analysis in several key ways.
  - SWAPE's modeling assumes just two days of grading to export 23,348 cubic yards of soil. This is a random, artificial assumption that is not physically possible and is not consistent with the proposed 31 days of grading of this Project site. The result of SWAPE's distorted grading schedule is to artificially inflate NO<sub>x</sub> hauling emissions to 814.6 lb/day and VOC/ROG to 27 lb/day. SWAPE's assumption is baseless and inconsistent with actual Project assumptions and should be disregarded as baseless speculation.
  - SWAPE's modeling assumes just five days to apply architectural coatings to the development. There is no basis to this random assumption. The Project's air quality analysis properly assumes the phased application of coatings as the construction and finishing of the structures are completed. The result of SWAPE's distorted architectural coatings assumption is to inflate VOC/ROG emissions to 139.4 lb/day.
  - These and other arbitrary manipulations of the model further distorts the actual construction schedule and is not based on any Project specific facts.
  - In addition, SWAPE's analysis is based on 109 dwelling units, not 102 as currently proposed.
  - SWAPE's arbitrary five-month construction process results in an operational date of 2021, which artificially raises operational emissions from the vehicle fleet. The Project is anticipated to be operational no earlier than late 2022.

When the proper construction schedule and Project parameters are used in the CalEEMod air quality model, the Project's emissions neither exceed the SCAQMD's regional or localized significance thresholds, as disclosed in the published air quality analysis.

- **Comment:** "...we maintain that the proposed Project does not qualify for a Class 32 Exemption. As a result, we recommend that a full CEQA analysis be prepared for that adequately evaluates and mitigates the Project's potential GHG impact."
- **Response:** As noted in our March 22, 2021 Response to Comments, the guidance from the State and City on Class 32 Categorical Exemptions does not require the preparation of GHG analyses for projects eligible for exemptions. Specifically, Article 19 of the State's CEQA Guidelines states that eligible projects that qualify for categorical exemptions are deemed to not have a significant effect on the environment. Under Section 15332, the Class 32 exemption that governs in-fill development projects identifies the conditions under which a project can qualify, noting that "[a]pproval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality..." There are no requirements to make findings about a project's effects on GHG. Further, the City issued guidance in 2018 (CP-7828) that clarify the special requirement criteria for projects that seek to use the Class 32 exemption. In this guidance, they City clarifies that projects that qualify must provide supporting documentation to demonstrate eligibility for the Class 32 exemption, including an air quality study. However, the "[p]urpose of this assessment is to evaluate the regional significance of criteria pollutant emissions from both the construction and operation of a proposed project." Indeed, an assessment of criteria pollutant emission has been prepared, but there are no requirements for preparation of GHG analyses to validate the Class 32 exemption. GHG emission are not criteria pollutants.

Please see our March 22, 2021 comments regarding SWAPE's significant overestimate of GHG emissions and the improper application of thresholds of significance.

# EXHIBIT B

MEMORANDUM

To:	Jonathan Lonner Burns & Bouchard, Inc.	Date:	June 21, 2021
From:	Clare M. Look-Jaeger, P.E. Francesca S. Bravo Linscott, Law & Greenspan, Engineers	LLG Ref:	1-19-4335-2
Subject:	1331 South Pacific Avenue Residential Project – Responses to Comments		

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Pursuant to our coordination, Linscott, Law & Greenspan, & Engineers (LLG) has prepared the below responses to public traffic and transportation comments included within the Channel Law Group, LLP comment letter (dated June 14, 2021) associated with the 1331 South Pacific Avenue Residential Project. For reference, attached to this memorandum is a copy of the Channel Law Group, LLP comment letter which also included as an attachment an additional comment letter prepared by Infrastructure Group, Inc. (dated May 31, 2021).

It is important to note that it appears that Infrastructure Group, Inc. was only provided a copy of LLG’s original City-approved traffic impact study (dated September 26, 2019) for review, as there is no recognition of LLG’s subsequent supplemental analysis and summary memorandum (dated April 15, 2021). This supplemental assessment was prepared for a modified (smaller) project and also included a formal vehicle miles traveled (VMT) assessment, among others, which demonstrated less than significant impacts. The City of Los Angeles Department of Transportation (LADOT) also issued a subsequent approval letter on May 6, 2021 (copy attached).

Response to Comment 1

Based on the guidelines set forth in LADOT’s *Transportation Assessment Guidelines (TAG)*<sup>1</sup>, an existing use trip generation credit may be applied to a project’s trip generation forecast (i.e., in order to account vehicle trips already on the street system) if the existing use has been occupied for at least six (6) consecutive months within the past two years (i.e., two years as measured back from the date of the baseline traffic counts). The application of the existing use trip generation credit was confirmed and validated by LADOT with the execution of the Memorandum of Understanding (MOU) for the transportation impact study on July 26, 2019. In addition, as it was LLG’s understanding that the existing warehouse space, light industrial space and bar were occupied and operational at the time of conduction of the intersection traffic counts, a trip generation credit for the existing uses was appropriate for purposes of forecasting the net new project trip generation. In addition, the project trip generation forecast as employed in the traffic analysis overestimates trip generation as a total of 109 dwelling units were analyzed versus the currently proposed total of 102 dwelling units.

<sup>1</sup> City of Los Angeles *Transportation Assessment Guidelines*, July 2020.

In addition, although not required, a supplemental impact analysis was prepared for the four (4) off-site study intersections evaluated in the approved traffic impact study without application of the existing use trip generation credit. It was concluded that the proposed project is still not expected to result in significant transportation impacts at any of the four (4) study intersections and the previously identified conclusions in the approved transportation impact study remain valid. Of further note, LLG's VMT Assessment, which LADOT approved, expressly states trip credits for existing uses were not taken into account for the VMT analysis.

### Response to Comment 2

The forecast of future pre-project conditions was prepared in accordance with procedures outlined in Section 15130 of the CEQA Guidelines. Specifically, the CEQA Guidelines provide two options for developing the future traffic volume forecast:

“(A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the [lead] agency, or

(B) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.”

The LADOT-approved traffic analysis provided a highly conservative estimate of future pre-project traffic volumes as it incorporated both the “A” and “B” options outlined in the CEQA Guidelines for purposes of developing the forecast.

The cumulative development list was confirmed by LADOT with the execution of the MOU for the transportation impact study on July 26, 2019. The list of other cumulative developments in the area was based on the available project information at the time of MOU preparation. In addition, the background traffic growth estimates were calculated by using an ambient traffic growth factor. The ambient traffic growth factor is intended to include unknown related projects in the study area and/or new projects for which applications have been filed with the City after the research was conducted, as well as account for typical growth in traffic volumes due to the development of projects outside the study area. Based on review of the background traffic growth estimates for the San Pedro area (i.e., RSA 19, Palos Verdes) published in the *2010 Congestion Management Program for Los Angeles County*, an increase at an annual rate of less than one percent (approximately 0.52% per year) is expected

between years 2015 and 2025. However, a one percent (1.0%) ambient traffic growth factor was employed in the traffic analysis in order to provide a conservative, worst case forecast of future traffic volumes in the area. Thus, the inclusion of both a forecast of traffic generated by known related projects plus the use of an ambient growth traffic factor based on CMP traffic model data results in a conservative estimate of future traffic volumes at the study intersections.

It is important to note that cumulative development project lists are continually changing each and every day as new projects are proposed and the City receives project applications. Thus, the research and the subsequent related projects listing is a snap shot in time and the list does not require updating after the MOU is executed with LADOT. Further, the transportation impact study and the forecast future cumulative traffic volumes are conservative in that all of the related/cumulative development projects were assumed to be fully constructed and operational prior to the proposed project horizon year. This is very unlikely in that many projects can be delayed due to various reasons (e.g., legal challenges/opposition, financing issues, pandemic/s, among others). While the Infrastructure Group, Inc. comment letter includes eight (8) projects that have been proposed after the related/cumulative development research was conducted in 2019, the inclusion of the above annual growth rate in ambient traffic (i.e., at a percentage increase of 1.0% per year and almost double the published CMP growth rate) more than accounts for these, and other, projects.

### Response to Comment 3

The transportation impact assessment Scope of Work was approved by LADOT with the execution of the formal MOU on July 22, 2019. The MOU outlines all parameters and Scope of Work for the transportation impact assessment, including analysis of the signalized locations in the vicinity of the project site for potential project-related traffic impacts. LADOT did not require analysis of non-signalized intersections closest to the project site (i.e., the unsignalized intersections of South Pacific Avenue/14<sup>th</sup> Street and Grand Avenue/14<sup>th</sup> Street). 14<sup>th</sup> Street, west of South Pacific Avenue and along the project frontage, is a designated Local roadway. Local roadways by their functional classification are intended to distribute traffic within a neighborhood, or similar adjacent neighborhoods, and are typically not intended for use as a through-street. Local roadways are fronted by residential uses and do not typically serve commercial uses. 14<sup>th</sup> Street (east of South Pacific Avenue) and Grand Avenue (which is located just west of the project site), are both Collector roadways, which by their functional classification are intended to serve as streets that provide access and traffic circulation within residential and non-residential (e.g., commercial and industrial) areas.

No formal street segment analysis was required by LADOT, since 14<sup>th</sup> Street, the roadway that the proposed project is planned to take access from, is a designated Local roadway per the City's Mobility Plan 2035. The intent of the City's

neighborhood street segment analysis and associated thresholds was not to preclude residential projects from being developed on designated Local/residential roadways, but rather the criteria was developed and intended to assess the potential increases in cut-through vehicle trips associated with larger commercial projects, and measure the “diversion” of commercial project-generated vehicle trips through residential areas. In addition, it is the City’s policy to locate new driveways on lower-volume streets and not on arterials. As such, trips to and from new development projects with driveways located on neighborhood streets are not considered “cut-through” trips. Thus, the neighborhood street segment analysis criteria and thresholds do not apply. Therefore, the analysis and conclusions provided within this comment are not applicable and no further analysis is required.

It is important to note that with the certification and adoption of the CEQA Guidelines with the amended Appendix G by California Natural Resources Agency in December of 2018, the City of Los Angeles has adopted significance criteria for transportation impacts. LADOT issued new City of Los Angeles *Transportation Assessment Guidelines* in response to Senate Bill 743 after issuance of the original departmental clearance letter (i.e., which changed the way transportation impacts are evaluated for CEQA and shifts from driver delay, or level of service [LOS], to reduction of vehicle miles traveled [VMT]). As noted in the introduction to this response to comment memorandum, LLG prepared a supplemental transportation assessment based on the current CEQA analysis of transportation impacts including VMT analysis, and the findings and conclusions of the assessment were confirmed by LADOT with the issuance of their interdepartmental clearance letter on May 6, 2021, as previously referenced and attached.

#### Response to Comment 4

The Project applicant intends to comply with the City’s parking standards. The detailed architectural and parking plans will be submitted to the City of Los Angeles Department of Building & Safety (LADBS) for final determination/approval prior to issuance of any building permits for the project. It is important to note that the topic/issue of parking is no longer included in the CEQA checklist for purposes of determining a project’s environmental impacts.

For clarification purposes, within the transportation planning industry the term “unbundled” in reference to parking refers to the separation or “unbundling” of the parking space costs from the property/rent costs. It is believed that Infrastructure Group, Inc.’s use of the word “unbundled” was intended to refer to parking as “unassigned”. Further, it is LLG’s understanding that the parking spaces will be assigned/designated for the residential dwelling units.

Please feel free to call us at (626) 796-2322 if you have any questions regarding the above responses to the comments.

# Channel Law Group, LLP

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\*ALSO Admitted in Texas

June 14, 2021

## **VIA ELECTRONIC MAIL**

Members of the City Council  
Los Angeles City Council  
200 North Spring Street  
Los Angeles, CA 90012

RE: 1309 - 1331 South Pacific Avenue, Case No. CPC-2019-4908-DB-SPR-1A;  
Environmental No. ENV-2019-4909-CE<sup>1</sup>

Dear Members of the City Council

This firm represents Citizens Protecting San Pedro. As we detailed in our appeal and our November 4, 2020 and June 1, 2021 Comment Letters on the proposed project, the City is improperly processing the proposed project using an Exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, 15332, Article 19 (Class 32 Infill Development). This letter responds to the applicant's attorney's response to our appeal and further demonstrates that the proposed project is not eligible for a Categorical Exemption under CEQA. This letter is in addition to, and augments, comments submitted during the administrative process and information in the appeal justification previously submitted by Citizens Protecting San Pedro, and others. That information is incorporated herein by reference.<sup>2</sup>

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<sup>1</sup> Council file for this project available at:

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=20-0680>

<sup>2</sup> Public comments and the appeal justifications for this project are available in the project files located in the offices of the Department of Regional Planning and Los Angeles Department of Transportation, located at City of Los Angeles Department of City Planning 200 North Spring Street, Los Angeles, CA 90012, and in the Council file for this project available at:

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=20-0680>

The full project files are incorporated herein by reference.

## **I. THE PROJECT IS NOT ELIGIBLE FOR A CEQA CLASS 32 CATEGORICAL EXEMPTION**

Pursuant to CEQA Guidelines Section 15322(d), a project is not eligible for a Class 32 Exemption if it would “result **in any** significant effects relating to traffic, noise, air quality, or water quality.”

### **The Project Would Result in Significant Air Quality Impacts**

In response to our comments on the inaccuracy of the project description used in the Air Quality Analysis prepared for the project and the inaccuracies in the Project’s Air Quality Technical Report detailed in our Comment Letter, and the technical analysis prepared by SWAPE dated October 30, 2020 included as Attachment C1 to our November 4, 2020 Comment Letter, the applicant’s attorney has submitted a Memorandum by DKP attempting to rebut the substantial evidence we presented of the project’s potential to result in air quality impacts.

The environmental firm SWAPE has reviewed the DKP Memorandum and has prepared a rebuttal and further analysis which is included as **Attachment A** to this letter. As detailed by SWAPE in their May 28, 2021 analysis:

1. The Response’s revised modeling includes unsubstantiated input parameters, including unsupported individual construction phase lengths and worker trip numbers;
2. The Response fails to evaluate the Project’s operational health risk impacts;
3. The Report and Response fail to address potential cumulative impacts;
4. SWAPE’s revised CalEEMod model, which is based the Project-specific information provided by the Report and Response, indicates potentially significant construction-related criteria air pollutant emissions;
5. SWAPE’s revised health risk analysis, which is consistent with the methodology relied upon for the Response’s construction health risk analysis, indicates a potentially significant health risk impact; and,
6. The Response’s revised modeling indicates potentially significant greenhouse gas emissions.

As a result of project-specific modeling, SWAPE found potentially significant air quality and health risk impacts. Therefore, the proposed Project does not qualify for a Class 32 Exemption under the California Environmental Quality Act (“CEQA”) and 14 Cal. Code of Regs. 1500 et seq. (“CEQA Guidelines”) and, therefore, a full CEQA analysis should be prepared to adequately assess and mitigate the potential air quality and health risk impacts that the Project may have on the surrounding environment.

## **The Project Would Result in Significant Traffic Impacts**

In response to our comments on the inaccuracy of the project description used in the Traffic Analysis prepared for the project, and the inaccuracies in the Project's Technical Report detailed in our Comment Letter, the applicant's attorney has submitted a Memorandum by Linscott, Law & Greenspan (LLG) dated April 15, 2021 attempting to rebut the substantial evidence we presented of the project's potential to result in traffic impacts. The LLG memo includes the VMT analysis required by CEQA and the City, which was not prepared for the proposed project until we commented on its absence. This illustrates why a Mitigated Negative Declaration or Environmental Impact Report should have been prepared for the project to facilitate public review and comment on the project and the CEQA studies. Such review is necessary to ensure the accuracy of the environmental studies for the proposed project and to ensure that appropriate mitigation is provided for significant impacts. Such review has been inhibited by the City's improper use of a Categorical Exemption for the proposed project.

The LLG memo also notes that we are correct when we pointed out inconsistencies in the project description between studies and that staff report. We again note that an accurate and stable project description is the "sin qua non" of legally adequate environmental document.

Infrastructure Group, Inc. has now reviewed the proposed project Site Plan and the Traffic Study and has found them to be flawed, as detailed in **Attachment B** of this comment letter. Issues include: the fact that the Traffic Study treated the existing buildings as occupied, when in fact they are vacant, and took an inappropriate trip credit; the Traffic Study's inadequate cumulative impact analysis due to a failure to include all cumulative projects in the analysis; the inappropriate use of tandem parking; defects in the submitted site plan; the project's inability to comply with the requirement for the provision of Case 2 driveways; and the proposed project's failure to comply with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(a).

In Response to Comment 3 – LLG attempts to excuse taking a trip credit for long vacant uses on the project site, by stating that Traffic Study MOU for the project was executed with LADOT on July 26, 2019 and that a project can claim trip credits for an existing use if it has been occupied for at least six consecutive months within the past two years.<sup>3</sup> However, as noted by Infrastructure Group in their review included in **Attachment B**, the nightclub La Zona Rosa, which was located at 1331 South Pacific Avenue has been closed since at least 2014. A Certificate of Cancellation was issued June 25, 2014 by the Secretary of State, well before the start of the Traffic Study, and is attached to Infrastructure Group's memo included as **Attachment B** to this letter. 1309 South Pacific Avenue was offered for sale February 28, 2018 and was offered for lease as of October 11, 2018.<sup>4</sup> Furthermore, the site plan review findings on page F-2 indicate the: "project is for the construction of a new mixed-income multi-family residential development on an underutilized site that includes **3 vacant** commercial structures."<sup>5</sup>

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<sup>3</sup> No citation for this contention has been provided.

<sup>4</sup> <https://www.loopnet.com/property/1309-S-Pacific-Avenue-San-Pedro-CA-90731/06037-7454026011/>

<sup>5</sup> See Council File: [https://clkrep.lacity.org/onlinedocs/2020/20-0680\\_misc\\_2\\_06-01-2020.pdf](https://clkrep.lacity.org/onlinedocs/2020/20-0680_misc_2_06-01-2020.pdf)  
<https://planning.lacity.org/pdiscaseinfo/document/MjI5NjY30/46e6f77e-051c-4e11-ad6d-6ce8558211cd/pdd>

(Emphasis added). The Traffic Study thus improperly took credit for a long shuttered 2,400 SF warehouse and a 4,000 light industrial building.

In our prior Comment Letter dated November 4, 2020, we demonstrated that the proposed project would result in a significant neighborhood intrusion impact due to the increase in ADT on 14<sup>th</sup> Street, which is the street on which project access is located. The City has defined the following significance thresholds for neighborhood intrusion impacts on page L.4-2 of the City's Complete Threshold Guide<sup>6</sup>:

#### A. Significance Threshold

A project would normally have a significant neighborhood intrusion impact if project traffic increases the average daily traffic (ADT) volume on a local residential street in an amount equal to or greater than the following:

ADT increase  $\geq 16\%$  if final ADT\*  $< 1,000$   
ADT increase  $> 12\%$  if final ADT\*  $> 1,000$  and  $< 2,000$  ADT increase  
 $> 10\%$  if final ADT\*  $> 2,000$  and  $< 3,000$  ADT increase  $> 8\%$  if final ADT\*  
 $> 3,000$

\* "Final ADT" is defined as total projected future daily volume including project, ambient, and related project growth.

14<sup>th</sup> Street is residential as evidenced by both zoning and existing uses (see Attachment A to our November 4, 2020 Comment Letter). As detailed in our November 4, 2020 Comment Letter, the project trip distribution shows 45 percent of project traffic using the segment of 14<sup>th</sup> west of the project access and east of Grand Avenue. Since existing plus project ADT on the segment would be less than 1,000 ADT, an impact would occur if project ADT represents more than 16% of future with project ADT. As detailed in our November 4, 2020 Comment letter, project ADT would represent a 24.8 percent increase in ADT. The project would thus result in a significant neighborhood intrusion traffic impact, according to the City's Complete Threshold Guide.

LLG acknowledges that 14<sup>th</sup> Street is a Local Street, but attempts to dismiss this significant traffic impact, by arguing in their Response to Comment 8 that:

The intent of the City's neighborhood street segment analysis and associated thresholds was not to preclude residential projects from being developed on designated Local/residential roadways, but rather the criteria was developed and intended to assess the potential increases in cut-

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<sup>6</sup> Available at: <https://planning.lacity.org/eir/CrossroadsHwd/deir/files/references/A07.pdf>

through vehicle trips associated with larger commercial projects, and measure the “diversion” of commercial project-generated vehicle trips through residential areas due to congestion levels on arterials. Thus, the neighborhood street segment analysis criteria does not apply in this circumstance since a residential project proposed on a local residential street has a right to project access. Therefore, the analysis and conclusions provided within this comment are not applicable and no further analysis is required.

However, LLG’s contention is not supported by the explanation of neighborhood intrusion impacts in Section L.4 of the City’s Complete Threshold Guide<sup>7</sup> and included in **Attachment C** to this letter. First, the point of conducting an analysis is not to preclude any particular type of project; the point is to ensure that impacts are properly mitigated. Nowhere in the instructions for preparing a neighborhood intrusion analysis does the City’s Complete Threshold Guide indicate that the requirements for a neighborhood intrusion analysis do not apply to residential projects. The potential for a significant traffic impact in the form of a neighborhood intrusion impact remains and the proposed project is therefore not eligible for Class 32 Exemption.

In our November 4, 2020 Comment letter, we documented the need for an analysis of the project’s impacts on the unsignalized intersections that would be affected by project traffic. We noted that the need for such an analysis was important due to project traffic turning movements to and from 14<sup>th</sup> Street and Pacific Avenue, given that Pacific Avenue is located on the High Injury Network and is both part an identified pedestrian district and bicycle network, which are unusual circumstance. The additional project-generated traffic through this intersection thus has the potential to increase accident risk at this location and to result in both intersection and safety impacts. LLG has attempted to dismiss the need for such an analysis because the project is a residential project taking access from a residential street. However, the use-type does not change the potential for impacts due to project generated traffic. Traffic is traffic. All of the project traffic will travel through the unsignalized intersections at 14<sup>th</sup> and Pacific Avenue or 14<sup>th</sup> and Grand Avenue. The proposed project changes both site access and increases trip making from the project site. However, no analysis of the impact of the project on the functioning and safety of these two unsignalized intersections was addressed in the Traffic Analysis for the project. The potential for significant unsignalized intersection impacts remains. The proposed project is not eligible for a Class 32 Exemption.

### **The Project Would Result in Significant Noise Impacts**

RK Engineering Group, Inc. (RKE) has prepared a Noise Impact Review for the proposed project. The RKE Noise Impact Review is included as **Attachment D** to this letter. As detailed in the RKE Review, there are a number of problems with the Noise Study for the project, which render its conclusions unsupported by substantial evidence. According to RKE:

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<sup>7</sup> Available at: <https://planning.lacity.org/eir/CrossroadsHwd/deir/files/references/A07.pdf>  
See pages L-4-1 to L-4 which are includes in Attachment C.

(S)everal inaccuracies and omissions have been found within the analysis of potential environmental noise impacts from the 1309-1331 South Pacific Avenue project. Given the substantial amount of construction and excavation activities that are proposed to take place, the new rooftop HVAC equipment, and the close proximity to adjacent homes and sensitive receptors, the project would cause a significant impact to noise. Hence, the project should provide additional CEQA review and mitigation to reduce impacts to the maximum extent feasible.

The Noise Study asserts that construction best practices can reduce noise levels by 20 dBA. This assumption is entirely unsubstantiated and practically infeasible. This much noise reduction would not be expected even with the most substantial physical barriers that shield adjacent sensitive receptors from line of sight of construction activity. Given that the project will construct a 4-story/45-foot high building, it would be practically infeasible to build a screening wall high enough to block that much construction noise. Adjacent sensitive residential buildings are also multiple stories high, thus further reducing any potential noise reduction from line of sight screening.

The proposed project would result in significant construction noise impacts. It is therefore not eligible for a Class 32 Exemption.

**The Project is Not Consistent with the Redevelopment Plan for the Project Area and Has Failed to Comply With Review Requirements for Projects in a Development Project Area**

City Ordinance 186,325<sup>8</sup> provides review procedures for project located within an active redevelopment plan area. The proposed project is located within the Pacific Corridor Redevelopment Plan area. The Pacific Corridor Redevelopment Area (Plan) was adopted in 2002 and does not expire until May of 2033.<sup>9</sup>

The project applicant has failed to comply with the Project Compliance Review requirements for projects within a Redevelopment Project area. The City did conduct an Administrative Review (dated 10/20/2020 – related to CPC-2019-4908-DB-SPR), however, that review was for a mixed-use development, which the proposed project is not (see **Attachment E**). On November 4, 2020 at the request of the applicant (October 27, 2020), Case No. DIR-2020-5031-RDP was withdrawn from further consideration (see **Attachment F**). No subsequent

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<sup>8</sup>Available at: [http://clkrep.lacity.org/online/docs/2013/13-1482-S3\\_ORD\\_186325\\_11-11-2019.pdf](http://clkrep.lacity.org/online/docs/2013/13-1482-S3_ORD_186325_11-11-2019.pdf)

“An ordinance adding Sections 11.13 and 11.5.14 and amending Sections 11.5.9 11.5.10, 12.04, 12.22, 12.24, 16.05, 16.11 and 19.01 of the Los Angeles Municipal Code (LAMC) to effectuate the transfer of land use related plans and functions of the former local Community Redevelopment Agency (CRA) to the City of Los Angeles pursuant to California Health and Safety Code Section 34173(i).”

<sup>9</sup> <https://planning.lacity.org/plans-policies/overlays/pacific-corridors>

application has been filed. The City has therefore not conducted the required review for a project which is located in a redevelopment project area.

**Case Summary & Documents**

Case Number:  [Search](#) Format: AA-YYYY-1234 Example: ZA-2011-3269

**Case Number:** DIR-2020-5031-RDP  
**Case Filed On:** 08/25/2020  
**Accepted For Review On:**  
**Assigned Date:** 08/25/2020  
**Staff Assigned:** CONNIE CHAUV  
**Hearing Waived / Date Waived :** No  
**Hearing Location:**  
**Hearing Date :** 12:00 AM  
**DIR Action:** WITHDRAWN  
**DIR Action Date:** 11/04/2020  
**End of Appeal Period:**  
**Appealed:** No  
**BOE Reference Number:** 0  
**Case on Hold?:** Yes

**Primary Address**

Address	CNC	CD
1309 S PACIFIC AVE 90731	Central San Pedro	15

[View All Addresses](#)

**Project Description:** PROPOSED MIXED USE DEVELOPMENT IN THE COMMERCIAL DESIGNATED AREA OF THE PACIFIC CORRIDOR REDEVELOPMENT PLAN AREA.  
**Applicant:**  
**Representative:**  
[View Related Cases](#)

Approved Documents		Initial Submittal Documents	
1 Approved Documents found for Case Number: DIR-2020-5031-RDP			
Type	Scan Date	Signed	
Initial Actions ( 1 )			
Withdrawal Request Response Ltr	11/6/2020	Yes	<a href="#">View</a>

Screenshot 06/13/2020

As we noted in our June 1, 2021 letter, the proposed project would inhibit the City’s ability to comply with Section 33413 of the Health and Safety Code (HSC), which requires that:

(2) (A) (i) Prior to the time limit on the effectiveness of the redevelopment plan established pursuant to Sections 33333.2, 33333.6, and 33333.10 **at least 15 percent of all new and substantially rehabilitated dwelling units developed within a project area** under the jurisdiction of an agency **by public or private entities or persons other than the agency shall be available at affordable housing cost** to, and occupied by, persons and families of low or moderate income. Not less than 40 percent of the dwelling units required to be available at affordable housing cost to, and occupied by, persons and families of low or moderate income shall be available at affordable housing cost to, and occupied by, very low income households. (Emphasis added).

The project will result in the construction of 102 new dwelling units, only 12 of which will be affordable and reserved for Very Low-Income household occupancy for a period of 55 years. While this does represent 15% of base units, twelve units represents only 11.7% of the project’s **total** units and HSC 33413(2)(A)(i) requires that 15 percent of **all new dwelling units** developed by “public or private entities other than the agency” be affordable. The proposed project would thus inhibit the City’s ability to comply with this State law requirement.

The 15 percent requirement for private and agency developments is distinct from HSC 33413(b)(1)’s requirement that 30 percent of all new and rehabilitated units developed by an

agency be affordable. The One San Pedro Specific Plan project proposed by the Housing Authority of the City of Los Angeles (HACLA)<sup>10</sup> that would redevelop an existing 478-unit public housing complex known as “Rancho San Pedro” with a 1,390-unit, mixed-income project cited by the applicant’s attorney in their June 1, 2021 letter, would be a project developed by an agency<sup>11</sup> and would be subject to HSC 33413(b)(1) not HSC 33413(2)(A)(i). It therefore does not count against the HSC 33413(2)(A)(i) requirement.

## **Conclusion**

The proposed project would result in significant traffic and air quality impacts requiring mitigation, and therefore does not comply with CEQA Guidelines Section 15332(d), which precludes use of a Class 32 Exemption for projects that would result in significant effects relating to traffic<sup>12</sup>, noise, air quality, or water quality.

In addition, as detailed in our November 4, 2020 Comment Letter, the proposed project is not eligible for a Categorical Exemption pursuant to CEQA Guidelines Sections 15332(b) and 15332(c) due to both impacts associated with unusual circumstances and the potential for cumulative impacts. The City cannot act on the project until the appropriate environmental documentation has been prepared for the project.

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<sup>10</sup> The Housing Authority of the City of Los Angeles (HACLA) was established in 1938 by City of Los Angeles Resolution No. 1241.

<sup>11</sup> Per California Health and Safety Code Section 34173(i); “all land use related plans and functions of the former redevelopment agency are hereby transferred to the city, county, or city and county that authorized the creation of a redevelopment agency.” The Housing Authority of the City of Los Angeles (HACLA) was chartered by the state in 1938 as a result of the 1937 federal Public Housing Act. HACLA is a state-created agency operated by city officials under a cooperative agreement between state and city. The seven commissioners are appointed and removed by the mayor, with the appointment confirmed by the city council.

The Rancho San Pedro project would: demolish and replace the existing 478 public housing units; construct between 422 and 477 new affordable rental units; construct between 300 and 358 new market rate rental units; construct between 40 and 45 new affordable units for homeownership; and construct between 24 and 32 new market rate units for homeownership. Once approved, the development and construction of One San Pedro is anticipated to happen in 11 phases - and given relocation and financing constraints along with construction and infrastructure sequencing - over the course of up to 16 years following a three-year environmental review process. Construction activities are anticipated to occur from 2024 to 2037. Initial phases would focus on replacement and expansion of the aging housing stock with the later phases dedicated to expansion of affordable units, community amenities, and services. The opening year for the first constructed buildings is expected to occur in 2025. The One San Pedro project would thus result in a temporary loss of affordable housing in the San Pedro area and would not be completed until after expiration of the Pacific Corridor Redevelopment Plan.

NOP for One Sant Pedro Specific Plan available at: [https://files.ceqanet.opr.ca.gov/267047-2/attachment/tkSjIrxnq-csIOXLCCsEKb0xx1pEOB7wRax1ZII5MIJtS9fdVpEIZfe\\_ZMNj0hJbY\\_3UpN3qB30ms90P0](https://files.ceqanet.opr.ca.gov/267047-2/attachment/tkSjIrxnq-csIOXLCCsEKb0xx1pEOB7wRax1ZII5MIJtS9fdVpEIZfe_ZMNj0hJbY_3UpN3qB30ms90P0)

One Sant Pedro Specific Plan available at: <https://onesanpedro.org/wp-content/uploads/2020/03/FINAL-One-San-Pedro-Transformation-Plan-2.28.2020.pdf>

<sup>12</sup> See discussion in Section VI regarding the project’s potential to result in neighborhood traffic impacts.

I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall". The signature is fluid and cursive, with the first name "Jamie" being more prominent than the last name "Hall".

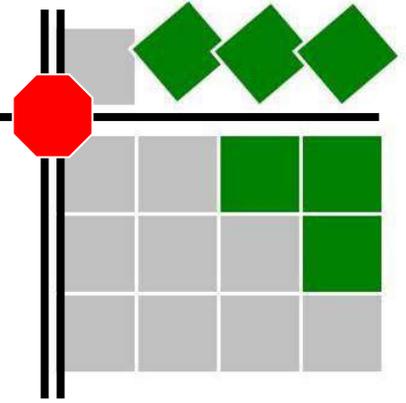
Jamie T. Hall

#### ATTACHMENTS

- A. SWAPE Comments on the 1309-1331 South Pacific Avenue Project (ENV-2019-4909-CE), dated May 28, 2021, Air Quality, Health Risk and Greenhouse Gases
- B. Infrastructure Group, Inc., Comments on The Traffic Study for 1309-1331 South Pacific Avenue, dated May 31, 2021
- C. Pages L4-1 to L4-4 L.A. CEQA Thresholds Guide – Neighborhood Intrusion Impacts
- D. RK Engineering Group, Inc., 1309-1331 South Pacific Avenue Noise Impact Review, dated April 14, 2021
- E. Development Project Area – Pacific Corridor – Administrative Review and Referral 1309-1331 S. Pacific Avenue
- F. City of Los Angeles Letter dated November 4, 2020 re Applicant's Withdrawal of Case No. DIR-2020-5031-RDP

# INFRASTRUCTURE GROUP, INC.

2672 N. Vista Crest Road  
Orange, CA 92867  
(714) 749-6386



May 31, 2021

City of Los Angeles  
Department of City Planning  
Los Angeles, CA 90012

Subject: 1309 - 1331 South Pacific Avenue Residential Project  
Case Number: CPC-2019-4908-DB-SPR

It is my professional opinion that the traffic study is flawed and unreliable. The project will have a significant traffic impact and therefore is ineligible for a Class 32 exemption.

The Traffic Impact Assessment dated September 26<sup>th</sup>, 2019 for this project fails to comply with the Los Angeles Department of Transportation (LADOT) Transportation Assessment Guidelines.

The Traffic Impact Assessment takes trip credits for uses that do not currently operate on the site, and have been closed for many years. These uses were not in operation when the traffic counts were obtained in the field. This is improper and underestimates the traffic impacts on the traffic network at study intersections. The nightclub La Zona Rosa has been closed for several years. A Certificate of Cancellation was issued June 25, 2014 by the Secretary of State and is attached. In addition, the site plan review findings dated November 20, 2019 indicate that “The proposed project would replace long vacant commercial space and a parking lot”. The study also improperly takes credit for a long shuttered 2,400 SF warehouse and a 4,000 light industrial building.

The Traffic Assessment provides a table of related projects and trip generation for those projects at future year 2022. This data is used to calculate level of service at study intersections. The list is not complete, as there are several other known proposed projects in the area not considered in the report. An online search shows the following projects were not considered:

- 625 S. Beacon Street (281 Units Filed 4/16/2020)
- 505 S. Centre (137 Units)
- 511 S. Harbor Blvd (300 Units, 25,000SF Commercial) Letter of determination 12/18/2020
- 1300 Block S. Pacific (109 Units)
- 444 5<sup>th</sup> Street (99 Units)
- 336-350 7<sup>th</sup> Street (32 Units)
- 420 9<sup>th</sup> Street (56 Units)
- 456 W. 9<sup>th</sup> Street (91 Units)

The City is using CEQA Guidelines § 15332 (Class 32 Categorical Exemption) for infill housing. In order to utilize this exemption, “the project is consistent with the applicable general plan designation and all general plan policies, as well as with zoning designation and regulations.” That is not the case. A waiver for building height is being granted, in addition to the other three incentives as provided in the density bonus law. Therefore, the building is not consistent with zoning regulations, absent a waiver. This makes it ineligible for a Class 32 exemption.

## **TRAFFIC IMPACTS**

Based on the project trip distribution, all of the project traffic will travel through the unsignalized intersections at 14th and Pacific Avenue or 14th and Grand Avenue. Given the magnitude of project traffic, in the absence of an analysis of the impact of the project on the functioning and safety of these two intersections there is the potential for project impacts to these two intersections.

According to the City’s Complete Threshold Guide, Section L4 – Neighborhood Intrusion Impacts:

This issue involves impacts of traffic generated by the project, and/or traffic diverted or shifted due to the project, on local streets in residential neighborhoods. Such impacts may result from increased traffic volumes on neighborhood streets or increased delays for vehicles exiting the neighborhood. Traffic conditions are typically expressed in terms of daily volume of traffic. . .

The Thresholds Guide does not distinguish between traffic generated by residential or commercial projects. The project will generate well over the 120 daily vehicle trips threshold for requiring analysis of impacts to a local residential street. The City’s Complete Threshold Guide provides the following significance thresholds for neighborhood intrusion impacts:

### A. Significance Threshold

A project would normally have a significant neighborhood intrusion impact if project traffic increases the average daily traffic (ADT) volume on a local residential street in an amount equal to or greater than the following:

ADT increase  $\geq$  16% if final ADT\* <1,000

ADT increase >12% if final ADT\* >1,000 and <2,000 ADT increase >10% if final

ADT\* >2,000 and <3,000 ADT increase >8% if final ADT\* >3,000

\* “Final ADT” is defined as total projected future daily volume including project, ambient, and related project growth.

Recent traffic counts (10/2020) are available for the segment of 14th Street on which the project access is located through NavigateLA. Those counts show that 14th Street East of Grand had an ADT of 735. Even without correcting for the Traffic Study’s inappropriately discounting of net trips by counting traffic from

long-closed uses on the site, the proposed project would result in a significant Neighborhood Intrusion Impact. It is therefore ineligible for a Class 32 Exemption.

## **PARKING**

The number of parking spaces and configuration of the spaces fails to conform to the municipal code. Namely, the number of accessible stalls, and the width of the compact stalls. The parking structure stalls are “unbundled”, meaning that the stalls are not associated with any specific unit. Tandem stalls are proposed in an operation where there is no valet, and spaces are for rent and unassigned. This proposed configuration is not functional and does not comply with the zoning code. Tandem spaces are only allowed when “At least one parking stall per dwelling unit and all stalls required for guest parking shall be individually and easily accessible”. And “At least one standard stall per dwelling unit shall be provided”. This parking lot is unbundled, and one stall is not assigned or provided per unit. Therefore tandem spaces should not be permitted. The applicable zoning code is below. The applicable pages from the LA Building and Safety informational bulletin are attached.

### **Informational Bulletin - LA Building and Safety Department**

#### **E. TANDEM PARKING STALLS**

- 1. Tandem parking stalls are permitted in public garages and public parking areas providing an attendant. A “Covenant and Agreement to Provide Parking Attendant” will be required.**
- 2. Tandem stalls are permitted in private parking garages and private parking areas provided:**
  - a. At least one parking stall per dwelling unit and all stalls required for any guest parking shall be individually and easily accessible.**
  - b. At least one standard stall per dwelling unit shall be provided.**
- 3. Tandem parking shall be limited to a maximum of two cars in depth except for additional parking required in accordance with Section 12.21A17(h).**
- 4. When determining access aisle widths for tandem parking having both standard and compact stalls in tandem, the aisle widths for standard stalls shall be used.**

The site plan also fails to identify the location of the required 7 EV charging stalls, 26 EV capable stalls and the 8 required short term bicycle parking spots.

The use of unbundled parking and tandem parking leads to an absurd result. 28 of the parking spaces are essentially unusable as they are behind another unbundled space.

The report states the applicant is opting for the **Density Bonus Parking Option 1**, which requires parking to be set by a dwelling unit basis. This equates to a total of 132 parking spaces. However, they further state they will also be using the **Bicycle Parking Ordinance, LAMC Section 12.21.A.4**, which allows affordable residential projects to reduce required vehicle parking by up to 10 percent, bringing the parking spaces down by 13 spaces to a total of 119 spaces. The applicant is proposing 127 spaces.

LA City Ordinance 179681, amends Section 12.22, 12.24, 14.00, and 19.01 of the Los Angeles Municipal Code to implement Density Bonus program as required by State law., "Housing Development Project that is for sale or for rent and qualifies for a Density Bonus and complies with this subdivision may be provided by complying with whichever of the following options requires the least amount of parking: **applicable parking provisions of Section 12.21 A.4 of this Code, OR Parking Option 1 OR Parking Option 2, below.**"

The applicant is double dipping on the parking reduction, which is not allowable. Therefore, the 132 required parking spaces cannot be reduced thus making the 127 proposed parking spaces not enough for the housing development.

### DRIVEWAYS

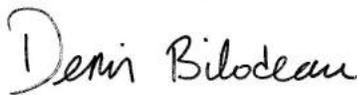
The conditionals of approval state that "All new driveways should be Case 2 driveways and any security gates should be a minimum of 20 feet from the property line" Given the site plan and required setbacks, it does not appear feasible to accomplish. Refer to the attached May 19, 2021 letter from Armbruster Goldsmith & Devac LLP.

### TRANSITIONAL HEIGHT and SETBACK

The project is not compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(a), referenced in the CPC Determination Letter, which requires "the structure be set back or stepped back one foot for every foot in height as measured 14 feet above grade at the shared property line of a contiguous residentially zoned lot." The project's transitional height compliance must be recalculated using a minimum of 28' 6" rather than 27' 8" (see calculations on attached diagram). The required 45-degree step-back angle must also be recalculated using the corrected measurements.

**Infrastructure Group Inc.**

A California Corporation



Denis Bilodeau, PE



LLC-47

**Certificate of Cancellation  
of a Limited Liability Company (LLC)**

To cancel the Articles of Organization of a California LLC, or the Certificate of Registration of a registered foreign LLC, you can fill out this form, and submit for filing.

- There is no filing fee, however, a non-refundable \$15 service fee must be included, if you drop off the completed form.
- To file this form, the status of your LLC must be active on the records of the California Secretary of State. To check the status of the LLC, go to

**Important!** California LLCs only: This form must be filed after or together with a . However, if the vote to dissolve was made by all of the members and that fact is noted in Item 4 below, Form LLC-3 is not required.

**Note:** Before submitting the completed form, you should consult with a private attorney for advice about your specific business needs. It is recommended for proof of submittal that if this form is mailed, it be sent by Certified Mail with Return Receipt Requested.

**FILED**  
Secretary of State  
State of California

JUN 25 2014

This Space For Office Use Only

For questions about this form, go to

① **LLC's Exact Name in CA** (on file with CA Secretary of State)

La Zona Rosa (San Pedro) LLC

② **LLC File No.** (issued by CA Secretary of State)

200632510108

**Tax Liability** (The following statement should not be altered. For information about final tax returns, go to the California Franchise Tax Board at (800) 852-5711 (from within the U.S.) or (916) 845-6500 (from outside the U.S.)) or call

- ③ All final returns required under the California Revenue and Taxation Code have been or will be filed with the California Franchise Tax Board.

**Dissolution** (California LLCs ONLY: Check the box if the vote to dissolve was made by the vote of all the members.)

- ④  The dissolution was made by the vote of all of the members.

**Additional Information** (If any, list any other information the persons filing this form determine to include.)

⑤ \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Cancellation** (The following statement should not be altered.)

- ⑥ Upon the effective date of this Certificate of Cancellation, this LLC's Articles of Organization (CA LLCs) or Certificate of Registration (registered foreign LLCs) will be cancelled and its powers, rights and privileges will cease in California.

**Read and sign below:** This form must be signed by a person authorized by the LLC. If the signing person is a trust or another entity, go to for more information. If you need more space, attach extra pages that are 1-sided and on standard letter-sized paper (8 1/2" x 11"). All attachments are part of this document.

  
Sign here

Susie Mastikian  
Print your name here

President / Secretary  
Your business title

Make check/money order payable to: **Secretary of State**

To get a copy of the filed document, include a separate request and payment for copy fees when the document is submitted. Copy fees are \$1 for the first page and \$.50 for each additional page. For certified copies, there is an additional \$5 certification fee, per copy.

**By Mail**  
Secretary of State  
Business Entities, P.O. Box 944228  
Sacramento, CA 94244-2280

**Drop-Off**  
Secretary of State  
1500 11th Street, 3rd Floor  
Sacramento, CA 95814

Companies  Officers

[Log in/Sign up](#)

# LA ZONA ROSA (SAN PEDRO) LLC

**Company Number** 200632510108  
**Status** Canceled  
**Incorporation Date** 20 November 2006 (almost 14 years ago)  
**Company Type** DOMESTIC  
**Jurisdiction** [California \(US\)](#)  
**Registered Address** 1331 S PACIFIC AVE  
SAN PEDRO CA 90731  
United States  
**Agent Name** MASTIKIAN SUSIE  
**Agent Address** 7812 YOLANDA AVE RESEDA CA 91335  
**Inactive Directors / Officers** [MASTIKIAN SUSIE, agent](#)  
**Registry Page** <https://businesssearch.sos.ca.gov/CBS...>

## Company network

Not yet available for this company. [Click to find out more](#)

## Latest Events

- **2006-11-20** Incorporated
- **2006-11-20 - 2019-01-16** Addition of officer [MASTIKIAN SUSIE, agent](#)

[See all events](#)

## Corporate Grouping USER CONTRIBUTED

None known. [Add one now?](#)

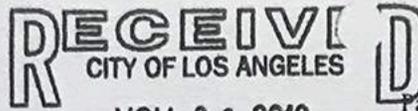
[See all corporate groupings](#)

## Recent filings for LA ZONA ROSA (SAN PEDRO) LLC

- 25 Jun 2014 CANCELLATION [view](#)
- 29 Nov 2010 SI-NO CHANGE [view](#)
- 22 Oct 2009 SI-COMplete [view](#)
- 20 Nov 2006 REGISTRATION [view](#)

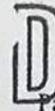
**Source** California Secretary of State, <https://businesssearch.sos.ca.gov/CBS...>, 21 Aug 2020

\* While we strive to keep this information correct and up-to-date, it is not the primary source, and the company registry (see source, above) should always be referred to for definitive information



NOV 20 2019

CITY PLANNING  
PROJECT PLANNING



Pacific & 14<sup>th</sup> Entitlement Filing  
Conditional Use (CU)  
Density Bonus (DB)  
Site Plan Review (SPR)  
Categorical Exemption (CE)

**SITE PLAN REVIEW FINDINGS**

1309-1331 S. PACIFIC AVENUE

**Pursuant to LAMC Section 16.05, in granting Site Plan Review approval, the Director of Planning shall find:**

***I. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.***

The Property is currently zoned C2-1XL-CPIO (Commercial Zone – Height District 1XL – Community Plan Implementation Overlay). The site’s General Plan land use designation is “Neighborhood Commercial” and the site’s San Pedro CPIO designation is “Coastal Commercial – Subarea A.” The proposed project is an 83,158 square-foot, 102-unit (12-units reserved for Very Low Income tenants) residential apartment building at the northwest corner of Pacific Avenue and 14<sup>th</sup> Street. Multi-family residential uses are allowed in the C2 zone and the project will be consistent with the mix of commercial and residential uses in the vicinity, including residential uses to the west and south, as well as the commercial uses to the north and east.

The San Pedro Community Plan governs the property and has established the following goals and policies related to “Neighborhood Commercial” parcels located on Pacific Avenue:

***Goal LU6 Attractive, pedestrian-friendly Neighborhood Districts that serve surrounding neighborhoods and businesses as local gathering places where people shop and socialize.***

The proposed project is a four-story, 102-unit (12-units reserved for Very Low Income tenants) residential apartment complex. Currently, the Pacific Avenue corridor is experiencing a challenge specifically regarding lack of sufficient housing supply for all residents of San Pedro, and new housing opportunities (particularly affordable housing) will serve a pressing need of the community. The project fulfills this goal by developing new market-rate and affordable housing units, meeting diverse economic needs of residents of this commercial corridor. The 102-units proposed will be provided as studio, studio-loft, one-bedroom, and two-bedroom apartments, providing a variety of unit types to match different needs of residents of the project.

***Policy LU6.1 Neighborhood services. Encourage the retention of existing and the development of new commercial uses that are primarily oriented to the residents of adjacent neighborhoods and promote the inclusion of community services (e.g., childcare and community meeting rooms).***

**The proposed project would replace long-vacant commercial space and a surface parking lot. The demolition and clearing of this site to make way for the proposed project would not**

# Special Speed Study Report: 14TH STREET

## Station ID : 14TH STREET

Info Line 1 : 14th Street (San Pedro)  
 Info Line 2 : E/O Grand Av

GPS Lat/Lon :

DB File : 14THEGRA W858.DB

Last Connected Device Type : RoadRunner3

Version Number : 1.34

Serial Number : 17858

Number of Lanes : 2

Posted Speed Limit : 25.0 mph

### Lane #1 Configuration

#	Dir.	Information	Vehicle Sensors	Sensor Spacing	Loop Length	Comment
1.	W	West	Ax-Ax	4.0 ft	6.0 ft	

### Lane #1 Special Speed Study Data From: 08:00 - 10/20/2020 To: 06:59 - 10/22/2020

Date	Time	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	#14	#15	#16	Total
		0 - 19.9	20 - 24.9	25 - 29.9	30 - 34.9	35 - 39.9	40 - 44.9	45 - 49.9	50 - 54.9	55 - 59.9	60 - 64.9	65 - 69.9	70 - 74.9	75 - 79.9	80 - 84.9	85 - 89.9	Other	
10/20/20	08:00	10	5	4	0	0	0	0	0	0	0	0	0	0	0	0	0	19
Tue	09:00	14	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	17
	10:00	5	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	10
	11:00	5	2	3	2	0	0	0	0	0	0	0	0	0	0	0	0	12
	12:00	10	5	2	0	0	0	0	0	0	0	0	0	0	0	0	0	17
	13:00	10	5	3	3	0	0	0	0	0	0	0	0	0	0	0	0	21
	14:00	16	4	1	1	0	0	0	0	0	0	0	0	0	0	0	0	22
	15:00	11	6	1	1	0	0	0	0	0	0	0	0	0	0	0	0	19
	16:00	9	7	4	3	0	0	0	0	0	0	0	0	0	0	0	0	23
	17:00	19	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	24
	18:00	21	9	3	0	1	0	0	0	0	0	0	0	0	0	0	0	34
	19:00	18	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	21
	20:00	3	4	2	1	0	0	0	0	0	0	0	0	0	0	0	0	10
	21:00	10	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15
	22:00	6	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8
	23:00	6	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	9
<b>Daily Total :</b>		173	69	26	12	1	0	0	0	0	0	0	0	0	0	0	0	281
Percent :		62%	25%	9%	4%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Cum. Percent :		62%	86%	95%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
Average :		11	4	2	1	0	0	0	0	0	0	0	0	0	0	0	0	18

Average Speed	15.7 mph	50% Speed :	13.4 mph	67% Speed :	21.3 mph	85% Speed :	24.4 mph
				10mph Pace:	5.4 - 15.3 (57.3%)		

Date	Time	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	#14	#15	#16	Other	Total
		0 - 19.9	20 - 24.9	25 - 29.9	30 - 34.9	35 - 39.9	40 - 44.9	45 - 49.9	50 - 54.9	55 - 59.9	60 - 64.9	65 - 69.9	70 - 74.9	75 - 79.9	80 - 84.9	85 - 89.9			
10/21/20	00:00	4	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6
Wed	01:00	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
	02:00	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
	03:00	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
	04:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
	05:00	4	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8
	06:00	6	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8
	07:00	4	5	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	14
	08:00	7	6	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	16
	09:00	9	7	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20
	10:00	8	2	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	13
	11:00	9	6	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	19
	12:00	10	8	4	1	1	0	0	0	0	0	0	0	0	0	0	0	0	24
	13:00	7	3	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	13
	14:00	12	7	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	23
	15:00	13	7	5	3	0	0	0	0	0	0	0	0	0	0	0	0	0	28
	16:00	18	7	2	1	0	1	0	0	0	0	0	0	0	0	0	0	0	29
	17:00	17	5	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	25
	18:00	12	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17
	19:00	16	3	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21
	20:00	13	1	3	2	0	0	0	0	0	0	0	0	0	0	0	0	0	19
	21:00	9	2	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	14
	22:00	8	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11
	23:00	3	3	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	10
<b>Daily Total :</b>		194	86	50	14	2	1	0	0	0	0	0	0	0	0	0	0	0	347
Percent :		56%	25%	14%	4%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Cum. Percent :		56%	81%	95%	99%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
Average :		8	4	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	15

Average Speed	16.8 mph	50% Speed :	14.8 mph	67% Speed :	22.4 mph	85% Speed :	26.8 mph
				10mph Pace:	6.1 - 16.0 (46.4%)		

Date	Time	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	#14	#15	#16	Other	Total
		0 - 19.9	20 - 24.9	25 - 29.9	30 - 34.9	35 - 39.9	40 - 44.9	45 - 49.9	50 - 54.9	55 - 59.9	60 - 64.9	65 - 69.9	70 - 74.9	75 - 79.9	80 - 84.9	85 - 89.9			
10/22/20	00:00	1	2	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	4
Thu	01:00	2	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
	02:00	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
	03:00	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
	04:00	1	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	4
	05:00	5	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7
	06:00	4	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6
<b>Daily Total :</b>		16	12	2	1	0	1	0	0	0	0	0	0	0	0	0	0	0	32
Percent :		50%	38%	6%	3%	0%	3%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Cum. Percent :		50%	88%	94%	97%	97%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
Average :		2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4

Average Speed	17.5 mph	50% Speed :	10.6 mph	67% Speed :	22.5 mph	85% Speed :	22.9 mph
				10mph Pace:	9.6 - 19.5 (50.0%)		

## Lane #2 Configuration

#	Dir.	Information	Vehicle Sensors	Sensor Spacing	Loop Length	Comment
2.	E	East	Ax-Ax	4.0 ft	6.0 ft	

### Lane #2 Special Speed Study Data From: 08:00 - 10/20/2020 To: 06:59 - 10/22/2020

Date	Time	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	#14	#15	#16	Total
		0 - 19.9	20 - 24.9	25 - 29.9	30 - 34.9	35 - 39.9	40 - 44.9	45 - 49.9	50 - 54.9	55 - 59.9	60 - 64.9	65 - 69.9	70 - 74.9	75 - 79.9	80 - 84.9	85 - 89.9	Other	
10/20/20	08:00	8	8	3	1	1	0	0	0	0	0	0	0	0	0	0	0	21
Tue	09:00	18	8	3	1	0	0	0	0	0	0	0	0	0	0	0	0	30
	10:00	10	3	4	0	0	1	0	0	0	0	0	0	0	0	0	0	18
	11:00	10	6	2	0	0	0	0	0	0	0	0	0	0	0	0	0	18
	12:00	9	4	3	0	1	0	0	0	0	0	0	0	0	0	0	0	17
	13:00	2	4	1	2	0	0	0	0	0	0	0	0	0	0	0	0	9
	14:00	15	9	3	0	0	0	0	0	0	0	0	0	0	0	0	0	27
	15:00	11	5	2	2	0	0	0	0	0	0	0	0	0	0	0	0	20
	16:00	17	7	3	4	1	1	1	0	0	0	0	0	0	0	0	0	34
	17:00	25	5	4	1	0	0	0	0	0	0	0	0	0	0	0	0	35
	18:00	12	7	4	1	0	0	0	0	0	0	0	0	0	0	0	0	24
	19:00	11	3	4	1	0	0	0	0	0	0	0	0	0	0	0	0	19
	20:00	10	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	13
	21:00	3	6	3	0	0	0	0	0	0	0	0	0	0	0	0	0	12
	22:00	5	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11
	23:00	4	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8
<b>Daily Total :</b>		170	87	40	13	3	2	1	0	0	0	0	0	0	0	0	0	316
Percent :		54%	28%	13%	4%	1%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Cum. Percent :		54%	81%	94%	98%	99%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
Average :		11	5	3	1	0	0	0	0	0	0	0	0	0	0	0	0	20

Average Speed 17.1 mph	50% Speed : 14.6 mph	67% Speed : 22.5 mph	85% Speed : 27.0 mph
10mph Pace: 5.3 - 15.2 (50.9%)			

Date	Time	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	#14	#15	#16	Other	Total
		0 - 19.9	20 - 24.9	25 - 29.9	30 - 34.9	35 - 39.9	40 - 44.9	45 - 49.9	50 - 54.9	55 - 59.9	60 - 64.9	65 - 69.9	70 - 74.9	75 - 79.9	80 - 84.9	85 - 89.9			
10/21/20	00:00	4	1	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	8
Wed	01:00	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
	02:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
	03:00	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
	04:00	0	1	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	4
	05:00	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
	06:00	7	1	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	10
	07:00	9	6	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19
	08:00	8	7	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20
	09:00	14	9	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	27
	10:00	11	7	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21
	11:00	6	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	9
	12:00	9	9	8	2	2	0	0	0	0	0	0	0	0	0	0	0	0	30
	13:00	8	4	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	13
	14:00	16	2	4	3	0	0	0	0	0	0	0	0	0	0	0	0	0	25
	15:00	11	12	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	26
	16:00	14	13	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	31
	17:00	18	8	4	2	0	0	1	0	0	0	0	0	0	0	0	0	0	33
	18:00	6	5	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18
	19:00	13	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	17
	20:00	12	7	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20
	21:00	8	7	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19
	22:00	10	4	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17
	23:00	5	4	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	11
<b>Daily Total :</b>		195	112	62	15	2	1	1	0	0	0	0	0	0	0	0	0	0	388
Percent :		50%	29%	16%	4%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Cum. Percent :		50%	79%	95%	99%	99%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
Average :		8	5	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	17

Average Speed	17.6 mph	50% Speed :	16.0 mph	67% Speed :	22.8 mph	85% Speed :	27.0 mph
				10mph Pace: 20.1 - 30.0 (44.8%)			

Date	Time	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	#14	#15	#16	Other	Total
		0 - 19.9	20 - 24.9	25 - 29.9	30 - 34.9	35 - 39.9	40 - 44.9	45 - 49.9	50 - 54.9	55 - 59.9	60 - 64.9	65 - 69.9	70 - 74.9	75 - 79.9	80 - 84.9	85 - 89.9			
10/22/20	00:00	0	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	4
Thu	01:00	1	1	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	5
	02:00	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
	03:00	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
	04:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
	05:00	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7
	06:00	5	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10
<b>Daily Total :</b>		16	6	6	3	0	0	0	0	0	0	0	0	0	0	0	0	0	31
Percent :		52%	19%	19%	10%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Cum. Percent :		52%	71%	90%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
Average :		2	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4

Average Speed	18.0 mph	50% Speed :	10.5 mph	67% Speed :	22.6 mph	85% Speed :	27.6 mph
10mph Pace: 9.6 - 19.5 (51.6%)							

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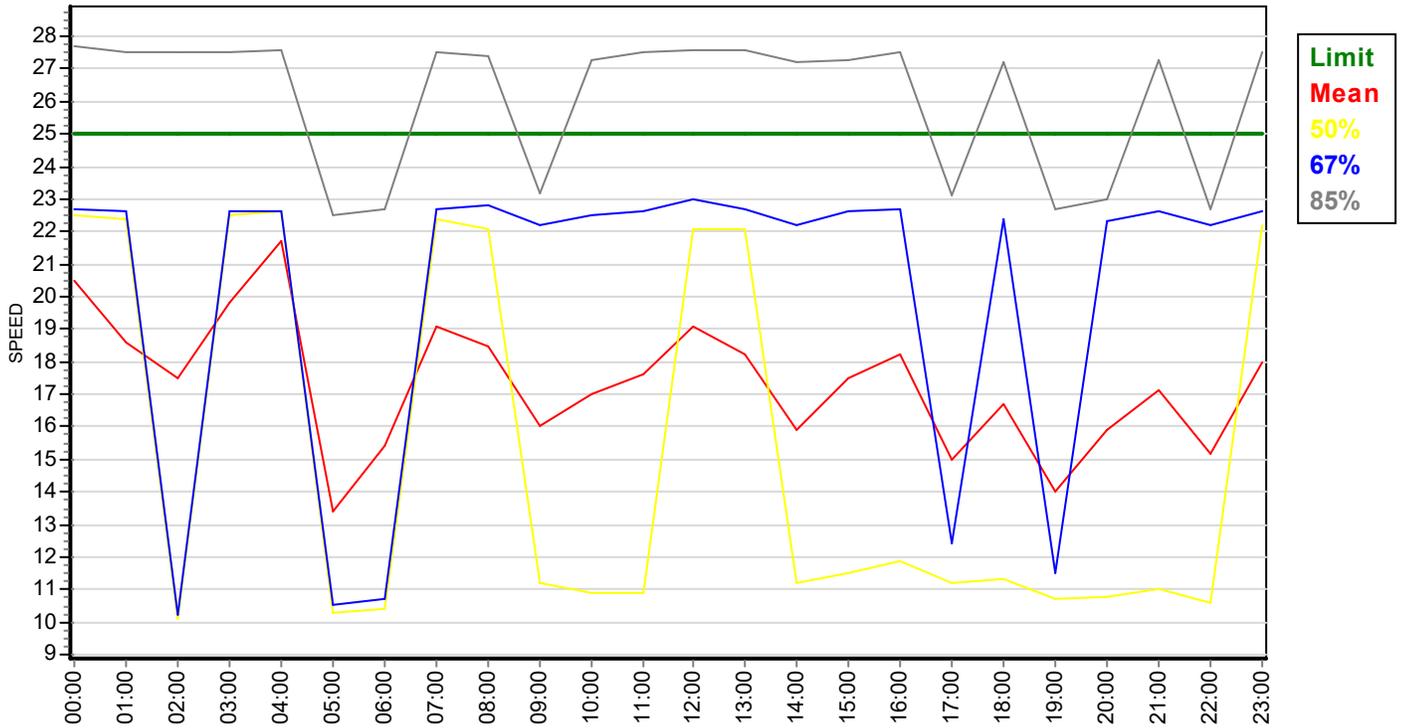
	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	#14	#15	#16		
	0 -	20 -	25 -	30 -	35 -	40 -	45 -	50 -	55 -	60 -	65 -	70 -	75 -	80 -	85 -			
<i>Date</i>	19.9	24.9	29.9	34.9	39.9	44.9	49.9	54.9	59.9	64.9	69.9	74.9	79.9	84.9	89.9	<i>Other</i>	<i>Total</i>	

---

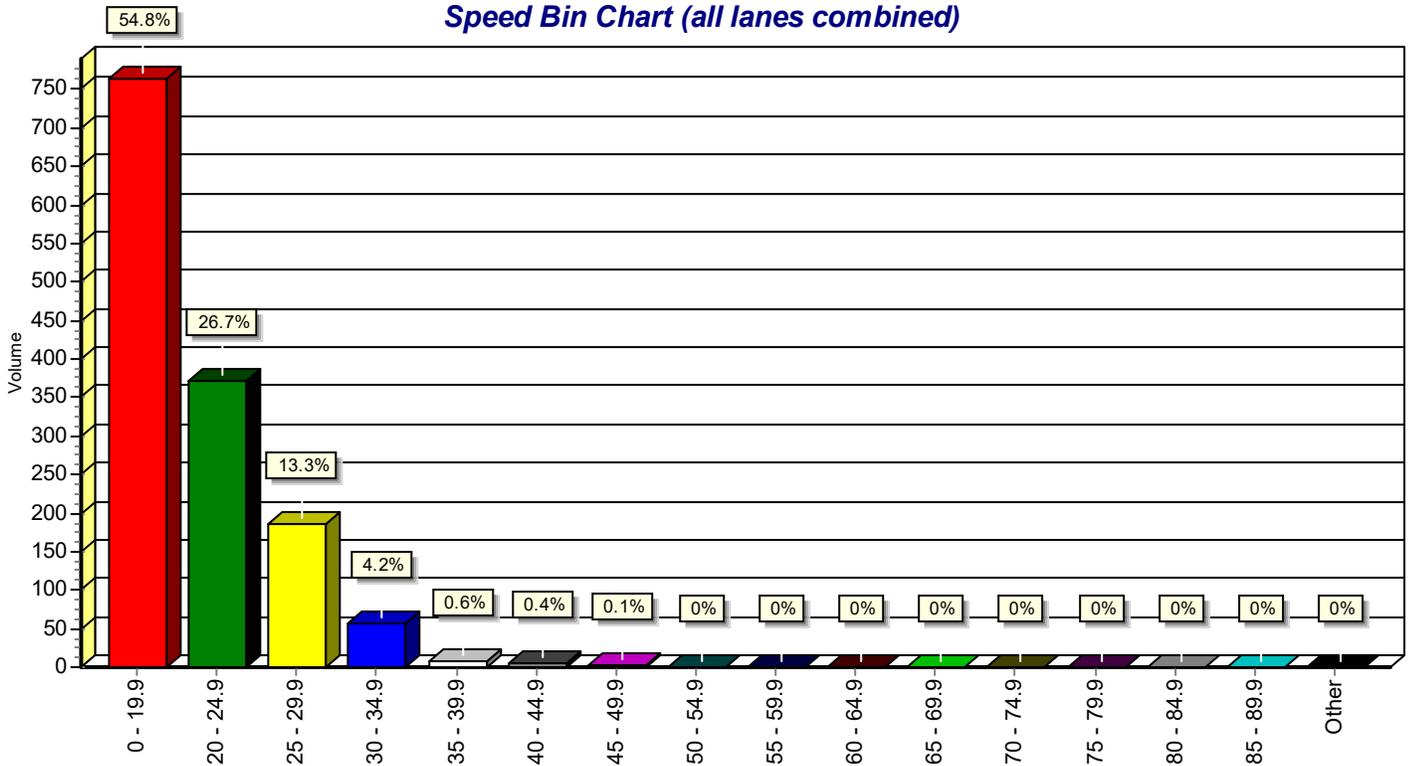
# Special Speed Study Summary: 14TH STREET

Description	#1 0 - 19.9	#2 20 - 24.9	#3 25 - 29.9	#4 30 - 34.9	#5 35 - 39.9	#6 40 - 44.9	#7 45 - 49.9	#8 50 - 54.9	#9 55 - 59.9	#10 60 - 64.9	#11 65 - 69.9	#12 70 - 74.9	#13 75 - 79.9	#14 80 - 84.9	#15 85 - 89.9	#16 Other	Total															
<b>Grand Total #1:</b>	383	167	78	27	3	2	0	0	0	0	0	0	0	0	0	0	660															
Percent :	58%	25%	12%	4%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%																
Cum. Percent :	58%	83%	95%	99%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%																
Average :	8	4	2	1	0	0	0	0	0	0	0	0	0	0	0	0	15															
<b>ADT = 337</b>	<table border="1" style="width: 100%; border-collapse: collapse; text-align: left;"> <tr> <td>Average Speed</td> <td>16.3 mph</td> <td>50% Speed :</td> <td>16.7 mph</td> <td>67% Speed :</td> <td>21.9 mph</td> <td>85% Speed :</td> <td>25.8 mph</td> </tr> <tr> <td colspan="8">10mph Pace: 15.0 - 24.9 (37.6%)</td> </tr> </table>																Average Speed	16.3 mph	50% Speed :	16.7 mph	67% Speed :	21.9 mph	85% Speed :	25.8 mph	10mph Pace: 15.0 - 24.9 (37.6%)							
Average Speed	16.3 mph	50% Speed :	16.7 mph	67% Speed :	21.9 mph	85% Speed :	25.8 mph																									
10mph Pace: 15.0 - 24.9 (37.6%)																																
<b>Grand Total #2:</b>	381	205	108	31	5	3	2	0	0	0	0	0	0	0	0	0	735															
Percent :	52%	28%	15%	4%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%																
Cum. Percent :	52%	80%	94%	99%	99%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%																
Average :	8	4	2	1	0	0	0	0	0	0	0	0	0	0	0	0	15															
<b>ADT = 375</b>	<table border="1" style="width: 100%; border-collapse: collapse; text-align: left;"> <tr> <td>Average Speed</td> <td>17.4 mph</td> <td>50% Speed :</td> <td>19.1 mph</td> <td>67% Speed :</td> <td>22.7 mph</td> <td>85% Speed :</td> <td>27.0 mph</td> </tr> <tr> <td colspan="8">10mph Pace: 19.9 - 29.8 (42.7%)</td> </tr> </table>																Average Speed	17.4 mph	50% Speed :	19.1 mph	67% Speed :	22.7 mph	85% Speed :	27.0 mph	10mph Pace: 19.9 - 29.8 (42.7%)							
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10mph Pace: 19.9 - 29.8 (42.7%)																																
<b>Comb. Total :</b>	764	372	186	58	8	5	2	0	0	0	0	0	0	0	0	0	1395															
Percent :	55%	27%	13%	4%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%																
Cum. Percent :	55%	81%	95%	99%	99%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%																
Average :	16	8	4	1	0	0	0	0	0	0	0	0	0	0	0	0	29															
<b>ADT = 712</b>	<table border="1" style="width: 100%; border-collapse: collapse; text-align: left;"> <tr> <td>Average Speed</td> <td>16.9 mph</td> <td>50% Speed :</td> <td>18.0 mph</td> <td>67% Speed :</td> <td>22.4 mph</td> <td>85% Speed :</td> <td>26.6 mph</td> </tr> <tr> <td colspan="8">10mph Pace: 19.9 - 29.8 (40.1%)</td> </tr> </table>																Average Speed	16.9 mph	50% Speed :	18.0 mph	67% Speed :	22.4 mph	85% Speed :	26.6 mph	10mph Pace: 19.9 - 29.8 (40.1%)							
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Speed Percent vs. Time (all lanes)



Speed Bin Chart (all lanes combined)



## **PARKING DESIGN**

### **I. GENERAL REQUIREMENTS**

#### **A. STALL WIDTHS**

1. Minimum 8 ft 6 inches wide for standard stalls serving dwelling units.
2. Minimum 8 ft 4 inches wide for all other standard stalls.
3. Minimum 8 ft 0 inches wide for all parallel parking standard stalls.
4. Minimum 7 ft 6 inches wide for all compact stalls.
5. For disabled access stall widths and other requirements, refer to Information Bulletin P/BC 2017-084.
6. Stall widths must be increased 10 inches for obstructions, except for stalls serving single family dwellings and duplexes, as shown in Figures 8 & 9 and shall be increased for end stall conditions as shown in Figures 2 and 3 in section N. For purposes of determining increases for obstructions, property lines shall be considered as obstructions. No increase for obstructions is required for parallel parking stalls.

#### **B. STALL DEPTHS**

1. Minimum 18 feet deep for all standard stalls.
2. Minimum 15 feet deep for all compact stalls.
3. Minimum 26 feet deep for all standard parallel stalls and 30 feet deep for end parallel stalls.
4. Minimum 23 feet deep for all compact parallel stalls and 27 feet deep for end parallel stalls.

#### **C. COMPACT PARKING SPACES PERMITTED**

In parking areas or garages containing 10 or more spaces for other than dwelling uses, up to 40% of the total required parking spaces and 100% of the non-required parking spaces may be compact. For dwelling uses, all parking stalls in excess of one stall per unit may be compact. Unless specified otherwise, required guest parking spaces may be compact spaces.

#### **D. ACCESS AISLE AND PARKING BAY WIDTHS**

1. The basic access aisle and parking bay widths for compact and standard stalls are shown in Tables 1 through 6.

2. Parking bay dimensions shall be determined using the required basic stall width before required increases for obstructions. Where required and non-required stalls are intermixed in a bay, the width of the bay shall be the larger of the bay widths shown in the tables for the required and non-required stalls. Where single access is provided for both entrance and exit to a parking bay and the bay contains 25 stalls or less, the bay may be designed using one-way traffic tables. Where the number of stalls exceeds 25 and single access for entrance is provided, the bay widths shall be determined using the two-way traffic tables.

#### **E. TANDEM PARKING STALLS**

1. Tandem parking stalls are permitted in public garages and public parking areas providing an attendant. A "Covenant and Agreement to Provide Parking Attendant" will be required.
2. Tandem stalls are permitted in private parking garages and private parking areas provided:
  - a. At least one parking stall per dwelling unit and all stalls required for any guest parking shall be individually and easily accessible.
  - b. At least one standard stall per dwelling unit shall be provided.
3. Tandem parking shall be limited to a maximum of two cars in depth except for additional parking required in accordance with Section 12.21A17(h).
4. When determining access aisle widths for tandem parking having both standard and compact stalls in tandem, the aisle widths for standard stalls shall be used.

#### **F. PARKING STALL LOCATION**

1. Each parking stall shall be so located that no automobile is required to back into any public street or sidewalk to leave the parking stall, parking bay, or driveway, except where such parking stalls, parking bays, or driveways serve not more than two dwelling units and where the driveway access is to a street other than a major or secondary highway.
2. No automobile parking space shall be provided or maintained within the required front yard of an A or R zoned lot except for additional parking provided in accordance with Sections 12.21A17(h) or 12.21C10(g)(2).
3. No parking stall may be located within a 5 foot side yard along the side street lot line of an A or R zoned corner lot.

#### **G. DRIVEWAY WIDTHS AND LOCATIONS**

1. Department of Transportation approval for the location of the driveways shall be obtained on lots located in a P (including any combination with an A or R Zone) or PB Zone, for all residential driveways serving two or more dwelling units which front on major and secondary highways and for all new driveways serving all other uses.
2. 9 ft. minimum in the A, RE, RS, R1, RU, RZ, R2, RMP and RW Zones.
3. 10 ft. minimum in all other zones and when serving an apartment house in the R2 Zone.

4. 19 ft. minimum when serving more than 25 cars or, in lieu thereof, there shall be two 10 ft. minimum wide driveways.
5. Not more than 50% of a required front yard shall be designed, improved or used for access driveways unless the lot is developed with a building meeting the requirements of Section 12.08.3B1 (RZ Zone requirements).

#### **H. SLOPES FOR DRIVEWAYS, RAMPS AND STALLS**

1. 20% maximum slope on driveway or ramp.
2. 10% maximum cross slope of a driveway or ramp.
3. 6.67% maximum slope in any direction in a parking stall.
4. Transition slopes are required when the slope of the driveway or ramp exceeds 12.5%. See Figures 11A and 11B for acceptable transition slope designs.

#### **I. GARAGE DESIGN**

##### **1. DOOR OPENING WIDTHS**

- a. The required garage door opening width shall be increased in the event the stall widths are increased in order to accommodate a reduced access aisle width.

Exception: The required garage door opening width for a one car garage serving single family dwellings, duplexes and garages serving individual units shall be 8 feet minimum.

- b. The required garage door opening width for a two car garage serving single family dwellings, duplexes and garages serving individual units shall be 16 feet minimum.
- c. The opening shall be equal to the required stall width less 8 inches for a one car garage and the required stall width multiplied by 2, less 16 inches for a two car garage.
- d. The required garage door opening width for all other garages shall be equal to the required driveway width or stall width whichever is greater.

##### **2. CLEAR HEIGHT IN GARAGE**

- a. All parking garages shall have an unobstructed headroom clearance of not less than 7 feet above the finished floor to any ceiling, beam, pipe or similar obstruction.
- b. All entrances to and vertical clearances within parking structures shall have a minimum vertical clearance of 8 feet 2 inches where required for accessibility to parking spaces for persons with physical disabilities.

**J. PAVING, LANDSCAPING, AND CAR STOPS**

1. Every parking area and parking garage including access driveways thereto, shall be paved with hard, durable asphaltic paving which has been mixed at a plant and is at least two inches thick after compaction or with portland cement paving at least three inches thick. **Exception:** Access driveways to the areas referenced above may be paved with a permeable material such as pavers, porous concrete, a combination of 45% concrete and 55% holes filled with grass distributed uniformly (commonly known as grasscrete), or any material deemed equivalent by the Department of City Planning.
2. All areas shall have appropriate bumper guards, wheel stops, steel posts, walls, curbs, suitable landscaping, or other installations adequate to prevent vehicles from parking or maneuvering on those portions of a lot upon which a driveway or parking area is prohibited, or into a public right of way, or where those portions of a lot are needed to prevent encroachment on walkways or adjoining properties.
3. All portions of a required front yard shall be landscaped as required by LAMC Section 12.21C1(g). A City Planning approval is required for all such landscaped areas in the RD, R3, RAS3, R4, RAS4, R5, or C zones, and when landscaping is required by any other provision of the LAMC.

**K. INTERNAL CIRCULATION**

All portions of a public parking area or public garage shall be accessible to all other portions thereof without requiring the use of any public street, unless the Department of Transportation determines that such use is not detrimental to the flow of traffic.

**ARMBRUSTER GOLDSMITH & DELVAC LLP**

LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

12100 WILSHIRE BOULEVARD, SUITE 1600  
LOS ANGELES, CALIFORNIA 90025

DAVE RAND  
DIRECT DIAL: 310-254-9025  
E-MAIL: Dave@AGD-LandUse.com

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

WEB: www.AGD-LandUse.com

May 19, 2021

Susan Jimenez

-3-

May 6<sup>th</sup>, 2021

2. Highway Dedication and Street Widening Requirements

In order to mitigate potential access and circulation impacts, the applicant may be required to make highway dedications and improvements. The applicant shall consult the Bureau of Engineering (BOE) for any highway dedication or street widening requirements. These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the BOE. They must be constructed and completed prior to the issuance of any certificate of occupancy to the satisfaction of DOT and BOE. In an effort to be consistent with the Mobility Plan 2035, the proposed project plans to dedicate 3 feet along Pacific Avenue.

3. Project Access and Circulation

The proposed site plan is acceptable to DOT; however, review of the study does not constitute approval of the driveway dimensions and internal circulation schemes. Those require separate review and approval and should be coordinated with DOT's West LA/Coastal Development Review Section (7166 W Manchester Ave, @ 213-485-1062). In order to minimize potential building design changes, the applicant should contact DOT for driveway width and internal circulation requirements so that such traffic flow considerations are designed and incorporated early into the building and parking layout plans. All new driveways should be Case 2 driveways and any security gates should be a minimum 20 feet from the property line. All truck loading and unloading should take place on site with no vehicles backing into the project from public streets via any of the project driveways.

4. Worksite Traffic Control Requirements

DOT recommends that a construction work site traffic control plan be submitted to DOT's Citywide Temporary Traffic Control Section or Permit Plan Review Section for review and approval prior to the start of any construction work. Refer to <http://ladot.lacity.org/what-we-do/plan-review> to determine which section to coordinate review of the work site traffic control plan. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that all construction related truck traffic be restricted to off-peak hours to the extent feasible.

5. Development Review Fees

Section 19.15 of the LAMC identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.

If you have any questions, please contact me or Valeria Ceja at (213) 485-1062.

Attachments

c: Jacob Haik, Aksel Palacios, Council District No. 15  
David Weintraub, Department of City Planning  
Roy Kim, Quan Tran, DOT  
Crystal Lee, BOE  
Clare M. Look-Jaeger, Francesca S. Bravo, Linscott, Law & Greenspan, Engineers

## TRANSITIONAL HEIGHT/SETBACK REQUIREMENT

1309 - 1331 South Pacific Avenue Residential Project - Case Number: CPC-2019-4908-DB-SPR



- The project is NOT compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(a), as quoted from the CPC Determination Letter, which requires “the structure be set back or stepped back one foot for every foot in height as measured 14 feet above grade at the shared property line of a contiguous residentially zoned lot.”
- The project’s transitional height requirements must be recalculated using a minimum of 28’ 6” rather than 27’ 8” (see calculations above).
- The required 45 degree angle is not achieved and must be recalculated using the correct measurements.
- SECTION MI-2: DEVELOPMENT STANDARDS (CPIO\_17-1044\_ORD\_185539\_6-26-18.pdf) states “Projects on a slope shall be calculated at the lowest grade.” If this applies, the project’s transitional height requirements must be further recalculated.

**SUPERSEDED**

By document dated: 11/20/19  
CM/AMW

CPC-2019-4908



**REFERRAL FORMS:**

**AFFORDABLE HOUSING REFERRAL FORM**  
LOS ANGELES CITY PLANNING DEPARTMENT

This form is to serve as a referral to the Department of City Planning Development Services Center for affordable housing case filing purposes (in addition to the required Department of City Planning Application and any other necessary documentation) and as a referral to HCIDLA, CRA, LA County, or other City agency for project status and entitlement need purposes. This form shall be completed by the applicant and reviewed and signed by Department of City Planning staff prior to case filing. Any modifications to the content(s) of this form after its authorization by the Department of City Planning staff is prohibited.

**CITY STAFF USE ONLY**

Referral To:

Planning DSC - Filing    HCIDLA Funding    CRA    LA County    Other: \_\_\_\_\_

NOTES: Project does not appear to adhere to the CPZO Transitional Height requirements

Planning Staff Name and Title	Planning Staff Signature	Date
<u>Eric Claros - City Planner</u>	<u>[Signature]</u>	<u>08/09/2019</u>

(The Department of City Planning reserves the right to require an updated AHRF for the project if more than 180 days have transpired since the above date, or as necessary, to reflect project modifications, policy changes and/or amendments to the LAMC, local laws, and State laws.)

**I. PROPOSED PROJECT**

**1. PROJECT LOCATION/ ZONING**

Project Address: 1309-1337 S. Pacific Avenue, San Pedro

Project Name: \_\_\_\_\_

Applicant Name and Phone/Email: Jonathan Lonner (Rep.) — 310-802-4261; jlonner@burnsbouchard.com

Assessor Parcel Number(s): 7454-026-011, -012, -013, -014

Community Plan: San Pedro      Number of Lots: 4      Lot Size: 31,500 s.f.

Existing Zone: C2-1XL-CPIO      Land Use Designation: Neighborhood Commercial

Specific Plan       HPOZ       DRB       Enterprise Zone       CRA

Q-condition/ D-limitation/ T-classification (please specify): \_\_\_\_\_

Other pertinent zoning information (please specify): San Pedro CPIO

Location of Major Transportation Stop or Intersection (please specify):<sup>1</sup> Pacific Avenue and 7th Street

**2. DESCRIPTION OF PROPOSED PROJECT**

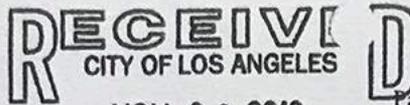
Demolition of (E) commercial buildings and surface parking lot. Construction of (N) four-story, 109-unit apartment building (12 units reserved for VLI tenants).

\_\_\_\_\_

\_\_\_\_\_

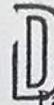
\_\_\_\_\_

<sup>1</sup> Per AB 744, A Major Transit Stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. It also includes major transit stops that are included in the applicable regional transportation plan. Per Sec 12.22.A.25(b) of LAMC, the definition of Transit Stop/Major Employment Center includes: (1) a station stop for a fixed transit guideway or fixed rail system, (2) a Metro Rapid Bus stop or route, (3) the boundaries of three major economic activity areas, and (4) the boundaries of a college or university campus with an enrollment exceeding 10,000 students.



NOV 20 2019

CITY PLANNING  
PROJECT PLANNING



Pacific & 14<sup>th</sup> Entitlement Filing  
Conditional Use (CU)  
Density Bonus (DB)  
Site Plan Review (SPR)  
Categorical Exemption (CE)

**SITE PLAN REVIEW FINDINGS**

1309-1331 S. PACIFIC AVENUE

Pursuant to LAMC Section 16.05, in granting Site Plan Review approval, the Director of Planning shall find:

***I. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.***

The Property is currently zoned C2-1XL-CPIO (Commercial Zone – Height District 1XL – Community Plan Implementation Overlay). The site's General Plan land use designation is "Neighborhood Commercial" and the site's San Pedro CPIO designation is "Coastal Commercial – Subarea A." The proposed project is an 83,158 square-foot, 102-unit (12-units reserved for Very Low Income tenants) residential apartment building at the northwest corner of Pacific Avenue and 14<sup>th</sup> Street. Multi-family residential uses are allowed in the C2 zone and the project will be consistent with the mix of commercial and residential uses in the vicinity, including residential uses to the west and south, as well as the commercial uses to the north and east.

The San Pedro Community Plan governs the property and has established the following goals and policies related to "Neighborhood Commercial" parcels located on Pacific Avenue:

***Goal LU6*** *Attractive, pedestrian-friendly Neighborhood Districts that serve surrounding neighborhoods and businesses as local gathering places where people shop and socialize.*

The proposed project is a four-story, 102-unit (12-units reserved for Very Low Income tenants) residential apartment complex. Currently, the Pacific Avenue corridor is experiencing a challenge specifically regarding lack of sufficient housing supply for all residents of San Pedro, and new housing opportunities (particularly affordable housing) will serve a pressing need of the community. The project fulfills this goal by developing new market-rate and affordable housing units, meeting diverse economic needs of residents of this commercial corridor. The 102-units proposed will be provided as studio, studio-loft, one-bedroom, and two-bedroom apartments, providing a variety of unit types to match different needs of residents of the project.

***Policy LU6.1*** *Neighborhood services. Encourage the retention of existing and the development of new commercial uses that are primarily oriented to the residents of adjacent neighborhoods and promote the inclusion of community services (e.g., childcare and community meeting rooms).*

The proposed project would replace long-vacant commercial space and a surface parking lot. The demolition and clearing of this site to make way for the proposed project would not

Given the subject site's location within Subarea A of the "Coastal Commercial" designation, the proposed project is subject to additional development regulations of the CPIO. All properties fronting multiple public streets in this area are given a "Primary Lot Line" or "Primary Frontage," which is typically the lot line abutting the street with the higher Mobility Plan 2035 designation. Pacific Avenue ("Modified Avenue II") abuts the subject site on the east and 14<sup>th</sup> Street ("Local Street - Standard") abuts the subject site to the south. Therefore, Pacific Avenue is the "Primary Frontage." Typically in instances where a lot or assemblage of lots share lot lines with multiple public streets, the LAMC would designate the front lot line as the shortest of any lot line shared with a public street (in this case, 14<sup>th</sup> Street).

The proposed project is 100 percent residential and the site is zoned C2-1XL-CPIO. Outside the boundaries of the San Pedro CPIO, the setbacks of the R4 zone would typically apply. However, the "Building Disposition" section of the CPIO states that "building and parking structures shall occupy 100 percent of the length of the Primary Lot Line, except to provide required driveways and pedestrian amenities. One walkway, not to exceed ten feet in width each, shall be permitted for every 200-feet of frontage." The following matrix outlines allowable and provided setbacks:

Lot Line	LAMC Yard	LAMC Req'd	CPIO Req'd	Proposed
Northern	Rear	16-feet	0-feet	5-feet <sup>1</sup>
Eastern	Side	7-feet	0- to 5-feet	0-feet
Southern	Front	0-feet	0-feet	0-feet
Western	Side	7-feet	N/A	15-feet

Section 5 of Ordinance 185,539 states "to the extent the San Pedro CPIO district is in conflict with LAMC Section 13.14 or any other LAMC provision, this ordinance will prevail and supersede those provisions." Therefore, the CPIO functions in the full force and effect as a Specific Plan otherwise would, and the setbacks provided are in accordance with the CPIO.

***II. That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.***

<sup>1</sup> A 5-foot pedestrian accessway has been provided along the northern lot line, as deemed allowable by the "Building Disposition" Section of the San Pedro CPIO Coastal Commercial Subarea.

the visual quality of the area, and to be compatible with existing and future development on adjacent properties and neighboring properties.

### Height

The proposed project will be four (4) stories and approximately 45 feet and 5 inches in building height. The subject property is zoned C2-1XL-CPIO and is located within Height District 1XL. Both the Height District No. 1XL and San Pedro CPIO Section IV-2.A.2(a) and IV-2.B.1 restrict the site to a maximum building height of 30 feet and Floor Area Ratio ("FAR") of 1.5:1, respectively. Neither the Height District nor CPIO restrict the number of stories for a residential building. The project would be allowed an 11-foot height increase for a maximum 41-foot building height through an On-Menu Incentive under the Density Bonus program. The proposed 45-foot and 5-inch building height is requested through an Waiver of Development Standard. Properties across 14th Street to the south and further west are developed with multi-family residential buildings up to three stories in height. In addition, the project is compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(a), which requires the structure be set back or stepped back one foot for every foot in height as measured 14 feet above grade at the shared property line of a contiguous residentially zoned lot. Therefore, the proposed height is comparable with the maximum building height allowable under the On-Menu Density Bonus program, and will provide a transition to be compatible with existing neighboring buildings.

### Bulk/Massing

The proposed project abuts two streets, with the street-fronting facades measuring approximately 210 feet along the west side of Pacific Avenue and 150 feet along north side of 14th Street. While the proposed project massing exceeds the existing prevailing development pattern, the overall height is comparable to the maximum building height

CPC-2019-4908-DB-SPR

F-10

allowable under the On-Menu Density Bonus program. In addition, the project is compliant with the transitional height requirements of CPIO Section IV-2.A.3(a), which requires the structure be set back or stepped back one foot for every foot in height as measured 14 feet above grade at the shared property line of a contiguous residentially zoned lot. The project will provide a 15-foot wide westerly side yard adjacent to the neighboring residential uses, which exceeds the code required side setback of 7 feet. Therefore, the project massing will be appropriately set back from the neighboring residential uses. Lastly, the project provides architectural detailing that enhances the street-facing building frontage along Pacific Avenue by applying recesses, balconies, and varied rooflines along the building facade, along with varying building materials and colors to incorporate variation in design.

allowable under the On-Menu Density Bonus program. In addition, the project is compliant with the transitional height requirements of CPIO Section IV-2.A.3(a), which requires the structure be set back or stepped back one foot for every foot in height as measured 14 feet above grade at the shared property line of a contiguous residentially zoned lot. The project will provide a 15-foot wide westerly side yard adjacent to the neighboring residential uses, which exceeds the code required side setback of 7 feet. Therefore, the project massing will be appropriately set back from the neighboring residential uses. Lastly, the project provides architectural detailing that enhances the street-facing building frontage along Pacific Avenue by applying recesses, balconies, and varied rooflines along the building facade, along with varying building materials and colors to incorporate variation in design.

#### Building Materials

The building design incorporates a variety of recesses, balconies, varied rooflines, and different materials to add architectural interest to the building and creates distinct breaks in the building plane. These breaks are further differentiated through the use of a variety of building materials that include stucco, double pane aluminum, and aluminum woven wire mesh. Together, these elements are applied to create sufficient breaks in plane and articulation. In accordance with CPIO Section IV-2.C.2 and IV-2.C.4, respectively, at least 60 percent of the Primary Frontage of the Ground Floor shall consist of doors and windows, and heavily textured stucco is prohibited.

#### Entrances

The primary building entrance is proposed along Pacific Avenue, and is differentiated from the remainder of the street frontage through a recess that is enhanced with Pedestrian Amenities along the sidewalk. In addition, all ground-floor street-facing units along Pacific Avenue and 14th Avenue will have individual unit entrances that will be directly accessible from the street and set back a minimum of 3 feet from the sidewalk in accordance with CPIO Section IV-2.D.3 and IV-2.D.4.

#### Setbacks

The project creates a strong street wall with minimal setbacks along both Pacific Avenue and 14th Street. CPIO Section IV-2.C.1 requires that the exterior wall of any building shall be located not more than 5 feet from the Primary Lot Line, except that exterior walls may be more than 5 feet from the Primary Lot Line when the setback is improved with Pedestrian Amenities and/or landscaping. The ground floor along Pacific Avenue is set back approximately 3 feet to provide more area for pedestrian access in compliance with the CPIO, which allows a setback along Pacific Avenue ranging from 0 to 5 feet. The northerly rear yard will be 5 feet, as granted and conditioned herein, and landscaped to provide a buffer from the adjacent commercial building. The westerly side yard will be 15 feet in width to create a buffer from the adjacent residential buildings, and enhanced as residential amenity space to include landscaping, trees, seating, and a firepit.

#### Parking/Loading

The Applicant has requested to utilize a parking reduction granted by-right under Density Bonus Parking Option 1 LAMC Section 12.22 A.25(d)(1). Density Bonus Parking Option 1 requires parking spaces at the following ratios: 1 space per unit containing 0 to 1 bedrooms, 2 spaces per unit containing 2 to 3 bedrooms, and 2.5 space per unit containing 4 or more bedrooms. The project provides 72 studios and one-bedroom units, and 30 two-bedroom units, and is therefore required to provide a total of 132 parking spaces. The Bicycle Parking Ordinance, LAMC Section 12.21.A.4, allows affordable residential projects to reduce required vehicle parking by 10 percent, in this case, a reduction of 13 vehicular parking spaces, to provide 119 vehicular parking spaces. The applicant is requesting only a 4 percent reduction of 5 vehicular parking spaces, to provide a total of 127 vehicular parking spaces for the project. The parking is proposed in the form of two (2) subterranean parking

**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

1331 S. Pacific Avenue  
DOT Case No. HRB19-108121 (48281)

Date: May 6<sup>th</sup>, 2021

To: Susan Jimenez, Administrative Clerk  
Department of City Planning

From:   
Robert Sanchez, Transportation Engineer  
Department of Transportation

Subject: **ADDENDUM TO THE TRAFFIC ASSESSMENT FOR THE PROPOSED 102 UNIT RESIDENTIAL PROJECT LOCATED AT 1331 S. PACIFIC AVENUE**

On October 22, 2019, the Department of Transportation (DOT) issued a traffic assessment report to the Department of City Planning (DCP) for a proposed 110-unit residential apartment complex located at 1331 S. Pacific Avenue. On April 15, 2021, DOT received a supplemental traffic impact report for a reduced project scope, prepared by Linscott, Law & Greenspan, Engineers (LLG). Under the revised project concept, the project scope reduced from 110 to 102 apartment units which includes 12 affordable housing units. The overall trip generation intensity is identical to the previous report and as such, the supplemental review report summarily concludes that the traffic impact analysis findings of the original project proposal is sufficiently applicable to the revised project concept as well. After completing a review of the pertinent data provided in the supplemental VMT report, DOT is providing this traffic impact assessment addendum to confirm its concurrence with this finding.

In compliance with SB 743 and the California Environmental Quality Act (CEQA), a vehicle miles traveled analysis is required to identify the project's ability to promote the reduction of green-house gas emissions, access to diverse land uses, and the development of multi-modal networks. The significance of a project's impact in this regard is measured against the VMT thresholds established in DOT's Transportation Assessment Guidelines (TAG), as described below.

#### **DISCUSSION AND FINDINGS**

A. Project Description

The revised project proposal is for the construction of a 102 residential apartment complex consisting of 90 market units and 12 affordable housing units. The existing site is currently occupied by 2,400 square feet of warehouse, 4,000 square feet of light industrial and 1,600 of restaurant/bar. The project buildout year has been revised from 2022 to 2023. The site access and circulation scheme for the project remains the same as stated in the previously approved traffic study. The existing driveway southeast of the project site along Pacific Avenue will be removed. Vehicular access will be provided via the existing driveway along 14<sup>th</sup> Street near the southwest corner of the site as shown in Figure (1) **Attachment A**.

B. CEQA Screening Threshold

Prior to accounting for trip reductions resulting from the application of Transportation Demand

Management (TDM) Strategies, a trip generation analysis was conducted to determine if the project would exceed 250 daily vehicle trips screening threshold. Using the City of Los Angeles VMT Calculator tool, which draws upon trip rate estimates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> Edition as well as applying trip generation adjustments when applicable, based on sociodemographic data and the built environment factors of the project's surroundings, it was determined that the project does exceed the net 250 daily vehicle trips threshold. The VMT calculator version 1.3 was the latest VMT calculator available at the time the analysis was submitted and accepted by DOT. A copy of the VMT calculator screening page, with the corresponding net daily trips estimate, is provided as **Attachment B** to this report.

C. Transportation Impacts

On July 30, 2019, pursuant to SB 743 and the recent changes to Section 15064.3 of the State's CEQA Guidelines, the City of Los Angeles adopted VMT as a criteria in determining transportation impacts under CEQA. The new DOT Transportation Assessment Guidelines (TAG) provides instructions on preparing transportation assessments for land use proposals and defines the significant impact thresholds. The updated version of the TAG introduced July 2020, has been refined to reflect consistency with the vehicle miles traveled (VMT) impact methodology.

The DOT VMT Calculator tool measures project impact in terms of Household VMT per Capita, and Work VMT per Employee. DOT identified distinct thresholds for significant VMT impacts for each of the seven Area Planning Commission (APC) areas in the City. For the Harbor APC area, in which the project is located, the following thresholds have been established:

- Household VMT per Capita: 9.2
- Work VMT per Employee: 12.3

As cited in the VMT Analysis report, prepared by Linscott, Law & Greenspan, Engineers (LLG) the work VMT employee is not applicable since the project does not have a commercial component. The estimate Household VMT per capita for the proposed project is 9.2 which does not exceed the Harbor APC threshold of 9.2 VMT per capita. Therefore, it is concluded that implementation of the Project would not result in a significant Household or Work VMT impact. A copy of the VMT Calculator summary reports is provided as **Attachment C** that to this report.

## **PROJECT REQUIREMENTS**

To comply with transportation and mobility goals and provisions of adopted City plans and ordinances, the applicant should be required to implement the following:

1. Parking Requirements  
Parking for vehicles and bicycles will be provided onsite. The applicant should check with the Department of Building and Safety on the number of Code-required parking spaces needed for this project. The project is proposing to provide 127 parking spaces along with 90 long term and 8 short term bicycle racks.

2. Highway Dedication and Street Widening Requirements  
In order to mitigate potential access and circulation impacts, the applicant may be required to make highway dedications and improvements. The applicant shall consult the Bureau of Engineering (BOE) for any highway dedication or street widening requirements. These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the BOE. They must be constructed and completed prior to the issuance of any certificate of occupancy to the satisfaction of DOT and BOE. In an effort to be consistent with the Mobility Plan 2035, the proposed project plans to dedicate 3 feet along Pacific Avenue.
3. Project Access and Circulation  
The proposed site plan is acceptable to DOT; however, review of the study does not constitute approval of the driveway dimensions and internal circulation schemes. Those require separate review and approval and should be coordinated with DOT's West LA/Coastal Development Review Section (7166 W Manchester Ave, @ 213-485-1062). In order to minimize potential building design changes, the applicant should contact DOT for driveway width and internal circulation requirements so that such traffic flow considerations are designed and incorporated early into the building and parking layout plans. All new driveways should be Case 2 driveways and any security gates should be a minimum 20 feet from the property line. All truck loading and unloading should take place on site with no vehicles backing into the project from public streets via any of the project driveways.
4. Worksite Traffic Control Requirements  
DOT recommends that a construction work site traffic control plan be submitted to DOT's Citywide Temporary Traffic Control Section or Permit Plan Review Section for review and approval prior to the start of any construction work. Refer to <http://ladot.lacity.org/what-we-do/plan-review> to determine which section to coordinate review of the work site traffic control plan. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that all construction related truck traffic be restricted to off-peak hours to the extent feasible.
5. Development Review Fees  
Section 19.15 of the LAMC identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.

If you have any questions, please contact me or Valeria Ceja at (213) 485-1062.

#### Attachments

- c: Jacob Haik, Aksel Palacios, Council District No. 15  
David Weintraub, Department of City Planning  
Roy Kim, Quan Tran, DOT  
Crystal Lee, BOE  
Clare M. Look-Jaeger, Francesca S. Bravo, Linscott, Law & Greenspan, Engineers



o:\job\_file\4335-2\dwg\fig-1.dwg LDP 06:39:09 02/12/2021 rodriguez

NOT TO SCALE

SOURCE: KETTER

FIGURE 1  
SITE PLAN

# CITY OF LOS ANGELES VMT CALCULATOR Version 1.3



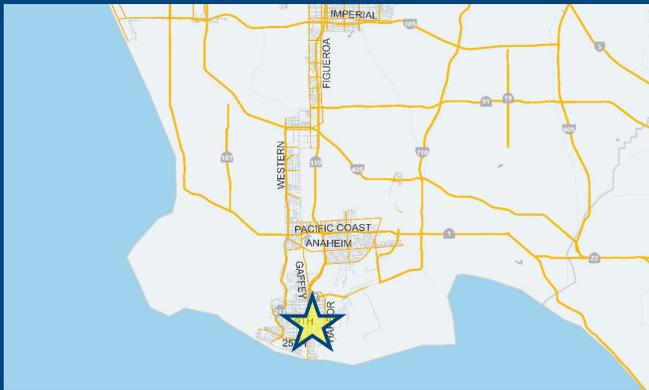
*Project Screening Criteria: Is this project required to conduct a vehicle miles traveled analysis?*

## Project Information

Project:

Scenario:

Address:



Is the project replacing an existing number of residential units with a smaller number of residential units AND is located within one-half mile of a fixed-rail or fixed-guideway transit station?

Yes  No

## Existing Land Use

Land Use Type	Value	Unit
Housing   Single Family		DU

[Click here to add a single custom land use type \(will be included in the above list\)](#)

## Proposed Project Land Use

Land Use Type	Value	Unit
Housing   Affordable Housing - Family	12	DU
Housing   Affordable Housing - Family	12	DU
Housing   Multi-Family	90	DU

[Click here to add a single custom land use type \(will be included in the above list\)](#)

## Project Screening Summary

Existing Land Use	Proposed Project
0 Daily Vehicle Trips	484 Daily Vehicle Trips
0 Daily VMT	4,164 Daily VMT
<b>Tier 1 Screening Criteria</b>	
Project will have less residential units compared to existing residential units & is within one-half mile of a fixed-rail station. <input type="checkbox"/>	
<b>Tier 2 Screening Criteria</b>	
The net increase in daily trips < 250 trips	484 Net Daily Trips
The net increase in daily VMT ≤ 0	4,164 Net Daily VMT
The proposed project consists of only retail land uses ≤ 50,000 square feet total.	0.000 ksf
<b>The proposed project is required to perform VMT analysis.</b>	



# CITY OF LOS ANGELES VMT CALCULATOR Version 1.3



## Project Information

Project:

Scenario:

Address:



Proposed Project Land Use Type	Value	Unit
Housing   Affordable Housing - Family	12	DU
Housing   Multi-Family	90	DU

## TDM Strategies

Select each section to show individual strategies  
 Use  to denote if the TDM strategy is part of the proposed project or is a mitigation strategy

	Proposed Project	With Mitigation
Max Home Based TDM Achieved?	No	No
Max Work Based TDM Achieved?	No	No
<b>A</b> Parking		
<b>B</b> Transit		
<b>C</b> Education & Encouragement		
Voluntary Travel Behavior Change Program	<input type="checkbox"/> Proposed Prj <input type="checkbox"/> Mitigation	
	<input checked="" type="text" value="100"/> percent of employees and residents participating	
Promotions & Marketing	<input type="checkbox"/> Proposed Prj <input type="checkbox"/> Mitigation	
	<input checked="" type="text" value="50"/> percent of employees and residents participating	
<b>D</b> Commute Trip Reductions		
<b>E</b> Shared Mobility		
<b>F</b> Bicycle Infrastructure		
<b>G</b> Neighborhood Enhancement		

## Analysis Results

Proposed Project	With Mitigation
<b>484</b> Daily Vehicle Trips	<b>484</b> Daily Vehicle Trips
<b>4,164</b> Daily VMT	<b>4,164</b> Daily VMT
<b>9.2</b> Household VMT per Capita	<b>9.2</b> Household VMT per Capita
<b>N/A</b> Work VMT per Employee	<b>N/A</b> Work VMT per Employee
<b>Significant VMT Impact?</b>	
<b>Household: No</b> Threshold = 9.2 15% Below APC	<b>Household: No</b> Threshold = 9.2 15% Below APC
<b>Work: N/A</b> Threshold = 12.3 15% Below APC	<b>Work: N/A</b> Threshold = 12.3 15% Below APC



# EXHIBIT C



# MEMO

TO: Dave Rand & Damon Mamalakis  
FROM: Jonathan Lonner  
DATE: June 22, 2021  
RE: 1331 Pacific Avenue - Response to Appeal Comments

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This memo provides responses to the Parking, Driveway, and Transitional Height comments for the Proposed Project at 1309-1331 South Pacific Avenue in the City of Los Angeles ("Project") contained in and attached to the June 14, 2021, from the Channel Law Group.

## **Infrastructure Group, Inc. : May 31, 2021 Letter**

### Page 3, Parking Comment 1:

*Comment:* The number of parking spaces and configuration of the spaces fails to conform to the municipal code. Namely, the number of accessible stalls, and the width of the compact stalls. The parking structure stalls are "unbundled", meaning that the stalls are not associated with any specific unit. Tandem stalls are proposed in an operation where there is no valet, and spaces are for rent and unassigned. This proposed configuration is not functional and does not comply with the zoning code. Tandem spaces are only allowed when "At least one parking stall per dwelling unit and all stalls required for guest parking shall be individually and easily accessible". And "At least one standard stall per dwelling unit shall be provided". This parking lot is unbundled, and one stall is not assigned or provided per unit. Therefore, tandem spaces should not be permitted.

*Response:* The number of accessible stalls and the width of the compact stalls are items that will be identified, reviewed and approved for conformance as part of the Los Angeles Department of Building & Safety (LADBS) building permit review process. This level of review is not required as part of the zoning compliance review associated with this project. Compliance with all Zoning and Building Code criteria must be obtained prior to issuance of any building permits.

With regard to the discussion about tandem parking, the State Density Bonus Law parking standards supersede LAMC parking requirements. In addition to permitting reduced parking ratios the State DBL expressly provides that "a development may provide onsite parking **through tandem parking** or uncovered parking. . . ." (Cal. Gov. Code Section 65915(p)(5) (emphasis added). Accordingly, per State law, the tandem parking spaces provided in the Project all count towards satisfying the legally required number of parking stalls notwithstanding LAMC requirements that otherwise require one standard (non-tandem) parking stall per unit."

Page 3, Parking Comment 2:

*Comment:* The site plan also fails to identify the location of the required 7 EV charging stalls, 26 EV capable stalls and the 8 required short term bicycle parking spots.

*Response:* The location of the EV charging stalls and EV capable stalls are items that will be identified, reviewed and approved for conformance with the Los Angeles Building Code (LABC) as part of the Los Angeles Department of Building & Safety (LADBS) building permit process. These elements are not required as part of the zoning compliance review associated with this project. Compliance with all Building Code criteria must be obtained prior to issuance of any building permits.

Page 4, Parking Comment 3:

*Comment:* The report states the applicant is opting for the Density Bonus Parking Option 1, which requires parking to be set by a dwelling unit basis. This equates to a total of 132 parking spaces. However, they further state they will also be using the Bicycle Parking Ordinance, LAMC Section 12.21.A.4, which allows affordable residential projects to reduce required vehicle parking by up to 10 percent, bringing the parking spaces down by 13 spaces to a total of 119 spaces. The applicant is proposing 127 spaces. LA City Ordinance 179681, amends Section 12.22, 12.24, 14.00, and 19.01 of the Los Angeles Municipal Code to implement Density Bonus program as required by State law., "Housing Development Project that is for sale or for rent and qualifies for a Density Bonus and complies with this subdivision may be provided by complying with whichever of the following options requires the least amount of parking: applicable parking provisions of Section 12.21 A.4 of this Code, OR Parking Option 1 OR Parking Option 2, below." The applicant is double dipping on the parking reduction, which is not allowable. Therefore, the 132 required parking spaces cannot be reduced thus making the 127 proposed parking spaces not enough for the housing development.

*Response:* Applicable parking ratios for off-street parking stalls are outlined in LAMC Section 12.21 A.4 and modified depending on the Density Bonus provision chosen. The Section is clear and nothing in either section cited by Infrastructure Group, Inc. identifies a prohibition regarding the use of both the Density Bonus parking and the bicycle parking reduction. In fact, the Zoning Code Manual and Commentary (Fourth Edition) identifies on Page 127 that the 10% (residential) of 15% (residential project within 1,500 ft. of a transit stop) **“can be combined with the parking reduction per section 12.22 A.25.(d).”** (emphasis added)

Page 4, Driveway Comment:

*Comment:* The conditionals of approval state that “All new driveways should be Case 2 driveways and any security gates should be a minimum of 20 feet from the property line” Given the site plan and required setbacks, it does not appear feasible to accomplish. Refer to the attached May 19, 2021 letter from Armbruster Goldsmith & Delvac LLP.

*Response:* The driveway apron specified for this project will be in compliance with the Department of Public Works Bureau’s Engineering Standard Plan for driveways. As identified in

previous documentation the anticipated driveway approach for this project will be a standard Case-2 driveway approach.

Additionally, no security gate is identified for the project at this time. Should a security gate be provided, it would be located approximately 70-feet into the subject site at the location where the open-air driveway stops and the building structure begins. However, at present, no security gate is identified on the project plans.

Page 4, Transitional Height:

Comment: The project is not compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(a), referenced in the CPC Determination Letter, which requires "the structure be set back or stepped back one foot for every foot in height as measured 14 feet above grade at the shared property line of a contiguous residentially zoned lot." The project's transitional height compliance must be recalculated using a minimum of 28' 6" rather than 27' 8" (see calculations on attached diagram). The required 45-degree step-back angle must also be recalculated using the corrected measurements.

Response: Section IV-2.A.3(a) states the following: "'Where the rear or side yard property line is contiguous with the residentially zoned lot, the structure shall be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the shared property line.'" (emphasis added). The reference to "14 feet" in the Determination Letter is merely a typographical error and can be confirmed as such by reviewing Section IV-2.A.3(a).

Should you have any questions, comments or concerns please do not hesitate to contact me at (310) 802-4261 or [jlonner@burnsbouchard.com](mailto:jlonner@burnsbouchard.com).

Sincerely,  
BURNS & BOUCHARD, INC.



Jonathan Lonner  
Principal

# EXHIBIT D



ADMINISTRATIVE REVIEW

REDEVELOPMENT PROJECT AREA – PACIFIC CORRIDOR

Administrative Review and Referral

RELATED CODE SECTION: Los Angeles Municipal Code Section (LAMC) 11.5.14 establishes the process and procedures for implementing the Redevelopment Plan.

PURPOSE: This Administrative Review and Referral form determines the appropriate review process for proposed Projects within a Redevelopment Project Area. Proposed development activity within Redevelopment Project Areas must conform to the Permitted Land Use Section of respective Redevelopment Plan.

GENERAL INFORMATION

- A Redevelopment Plan Project (Project) includes any proposed development activity within a Redevelopment Project Area with an Unexpired Redevelopment Plan, that includes the issuance of a building, grading, demolition, sign or change of use permit. Refer to 11.5.14 for the full definition.
➤ Permitted Land Uses, see Section 500 of the Pacific Corridor Redevelopment Plan. Visit Planning4LA.org to review the Pacific Corridor Redevelopment Plan.
➤ Review process options available:
• Administrative Review - Redevelopment Plan
• Administrative Review - Design for Development
• Project Compliance
• Project Adjustment

1. APPLICANT INFORMATION

Applicant Name Josh Guyer (Representative)
Address 9619 National Blvd.
City Los Angeles State CA Zip Code 90034
Telephone 310-802-4261 Email jguyer@burnsbouchard.com

2. PROJECT BACKGROUND

Project Address 1309-1331 S. Pacific Avenue
Assessor Parcel Number 7454-026-011, -012, -013, -014 Existing Zoning C2-1XL-CPIO

Project Type:

- Change of Use Addition Exterior Alteration
Interior Alteration Demolition Signs
Use of Land New Construction Grading

Project Description (include any additional requested entitlements) Demolition and clearing of (E) improvements on-site to make way for the construction of a (N) four-story, 102-unit multifamily residential apartment building. 12-units will be reserved for Very Low Income tenants. Project includes two subterranean garage levels for automobile parking with ingress and egress from 14th Street. No signage is proposed.

Eligible or Identified Historic Resource (refer to <http://zimas.lacity.org/> and <https://historicplacesla.org> check one below)

Yes  No

Lot Area 31,500 square-feet Project FAR 2.65

Current Use Office, Storage, Vacant Proposed Use Multifamily Residential

Existing Residential sq.ft. 0 sq. ft. Proposed Residential sq. ft. 83,158 sq. ft.

Existing Non-Residential sq.ft. (+/-) 31,000 sq. ft. Proposed Non-Residential sq. ft. 0 sq. ft.

Number of new residential units 102

Number of residential units to remain N/A

Number of residential units to be demolished 0

Building Permit No. (if applicable) TBD

Environmental Review  Project is Ministerial – Environmental Review Not Required

Not Yet Filed  Filed (Indicate case number) ENV-2019-4909-CE

### 3. CHECKLIST - Pacific Corridor Redevelopment Plan

Complete the following checklist using the terms listed below. To see the full list of defined terms reference LAMC Section 11.5.14. To complete the checklist please refer to the corresponding Section of the Redevelopment Plan. The Redevelopment Plans are available on the Los Angeles City Planning website at [Planning4LA.org](http://Planning4LA.org).

- **N/A - Not Applicable:** This Redevelopment Plan Section does not apply to the proposed Project. No further action is required.
- **YES - Conforms:** The proposed Project conforms to the Redevelopment Plan section. The proposed Project may require Project Compliance. Not all Redevelopment Plans require additional action.
- **NO - Does Not Conform:** The proposed Project DOES NOT conform to the Redevelopment Plan section. The proposed Project will require a Project Adjustment. Alternatively, modify the proposed Project and resubmit this form demonstrating compliance with the Redevelopment Plan.

Redevelopment Plan Section	Plan Sheet or Supplemental Document (Demonstrating Compliance)	Redevelopment Plan Conformance (Check One)			Staff Comments
		N/A	YES	NO	
<b>501. General Controls and Limitations</b>	<i>Applicant must review this Redevelopment Plan section.</i>	-	-	-	Shows conformance
<b>502. Redevelopment Plan Map</b> • Input the Redevelopment Plan Land Use Designation	Commercial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Commercial - Commercial District (Pacific Ave. Commercial Corridor); C2-1XL-CPIO
<b>503.1. Residential Uses</b> • Input the City Zone designation		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A proposed Mixed-Use. See Sec. 503.4
<b>503.2. Commercial Uses</b> • Input the City Zone designation	C2-1XL-CPIO	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Proposed Mixed-Use. See Sec. 503.4
<b>503.3. Industrial Uses</b> • Input the City Zone designation		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<b>503.4. Residential Uses within Commercial and Industrial Areas</b> • Findings Required – Project Compliance • Refer to Criteria 1-4	See Findings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Residential uses permitted in Commercial Areas and per C2-1XL-CPIO
<b>503.5. Commercial Uses within Industrial Areas</b> • Findings Required – Project Compliance • Refer to Criteria 1-4		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<b>503.6. Restricted Commercial/Industrial Uses</b> • Reference restricted list in Section		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<b>504.1. Public and Open Space</b> • Findings Required if other use – Project Compliance • Refer to Criteria 1-4		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<b>504.2. Public Street Layout, Rights-of-Way and Easements</b>	<i>Applicant must review this Redevelopment Plan section.</i>	-	-	-	Shows conformance
<b>504.3. Other Open Space, Public and Quasi-Public Uses</b>	<i>Applicant must review this Redevelopment Plan section.</i>	-	-	-	N/A
<b>505. Interim Uses</b>	<i>Applicant must review this Redevelopment Plan section.</i>	-	-	-	N/A
<b>506. Nonconforming Uses</b>	<i>Applicant must review this Redevelopment Plan section.</i>	-	-	-	N/A
<b>507. New Construction and Rehabilitation of Properties</b>	<i>Applicant must review this Redevelopment Plan section.</i>	-	-	-	Shows conformance
<b>508. Limitation on Type, Size and Height of Buildings</b>	<i>Applicant must review this Redevelopment Plan section.</i>	-	-	-	Shows conformance
<b>511. Open Spaces, Landscaping, Light, Air and Privacy</b>	<i>Applicant must review this Redevelopment Plan section.</i>	-	-	-	Shows conformance
<b>512. Signs and Billboards</b> • Billboards prohibited • Check Sign DFD if applicable	<i>Applicant must review this Redevelopment Plan section.</i>	-	-	-	N/A no sign proposed
<b>513. Utilities</b>	<i>Applicant must review this Redevelopment Plan section.</i>	-	-	-	Shows conformance

Redevelopment Plan Section	Plan Sheet or Supplemental Document (Demonstrating Compliance)	Redevelopment Plan Conformance (Check One)			Staff Comments
		N/A	YES	NO	
<b>514.</b> Parking and Loading Facilities	<i>Applicant must review this Redevelopment Plan section.</i>	-	-	-	Shows conformance
<b>515.</b> Setbacks	<i>Applicant must review this Redevelopment Plan section.</i>	-	-	-	Shows conformance
<b>516.</b> Incompatible Uses	<i>Applicant must review this Redevelopment Plan section.</i>	-	-	-	N/A
<b>517.</b> Resubdivision of Parcels	<i>Applicant must review this Redevelopment Plan section.</i>	-	-	-	N/A
<b>518.</b> Variations	<i>Applicant must review this Redevelopment Plan section. Findings in this Section must be prepared for any sections of this Form checked "NO" unless the Project is modified.</i>				N/A
<b>520.</b> Design Guidelines and Development Controls	<i>Applicant must review the Design Guidelines and Development Controls Redevelopment Plan section.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shows conformance
<b>521.</b> Variances, Conditional Use Permits, Building Permits and Other Land Developments Entitlements	<i>Applicant must review this Redevelopment Plan section.</i>	-	-	-	See CPC-2019-4908-DB-SPR
<b>522.</b> Buildings of Architectural and Historic Significance	<i>Applicant must review Survey LA.</i>	-	-	-	ENV-2019-4909-CE

**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**

Per Sec. 502 and 503.4. of the Pacific Corridor Redevelopment Plan, the proposed mixed-use development is permitted within Commercial Areas consistent with the applicable General Plan, Community Plan and any applicable City zoning ordinance. The proposed project generally conforms to the objectives of the Pacific Corridor Redevelopment and DFD. Administrative Review only.

CASE NUMBER: related to CPC-2019-4908-DB-SPR

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

Staff Signature	Date	Phone Number
	10/20/2020	
Print Name		Email
Giselle Corella		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.

<input type="checkbox"/> <b>Project Compliance Required</b>	<input type="checkbox"/> <b>Project Adjustment Required</b>	
<b>INITIAL REVIEW BY</b>		
Staff Signature	Date	Phone Number
Print Name		Email

**APPROVED**

CRA/LA, A DESIGNATED LOCAL AUTHORITY

(Successor Agency to the Community Redevelopment Agency of the City of Los Angeles, CA)

**REVISED**

**MEMORANDUM**

**13**

**As underlined on Attachment A**

**DATE:** JUNE 21, 2012 CI6990, CT6990, HW6990, PA6990, WK6990

**TO:** GOVERNING BOARD ROPS # N/A

**FROM:** CHRISTINE ESSEL, CHIEF EXECUTIVE OFFICER

**STAFF:** DAVID RICCITIELLO, CHIEF OPERATING OFFICER  
JOSH ROHMER, ACTING PROJECT MANAGER

**SUBJECT:** **CLARIFICATION REGARDING DISCRETIONARY LAND USE ACTIONS.**  
Resolution clarifying Redevelopment Plan language regarding CRA/LA discretionary land use actions in the City Center, Central Industrial, Hollywood, Pacific Corridor, and Wilshire Center / Koreatown Redevelopment Project Areas.  
DOWNTOWN, HOLLYWOOD/CENTRAL, AND HARBOR REGIONS (SDs 1, 2, 3, 4; CDs 1, 4, 8, 9, 10, 13, 14, 15)

**RECOMMENDATION**

That the Governing Board adopt a resolution that, for the purposes of CRA/LA review of City development applications, the land use designations on the Redevelopment Plan Map defer to and are superseded by the underlying City of Los Angeles Community Plan and Zoning Ordinance designations within the City Center, Central Industrial, Hollywood, Pacific Corridor, and Wilshire Center / Koreatown Redevelopment Project Areas. Future development permit applications will not require CRA/LA discretionary land use approvals in these Project Areas.

**SUMMARY**

This action will simplify the approval process for entitlements and building permits within five CRA/LA redevelopment project areas: City Center, Central Industrial, Hollywood, Pacific Corridor, and Wilshire Center / Koreatown. CRA/LA staff reviews all development applications within these project areas for conformance with the respective redevelopment plans (Plans), and has required CRA/LA Board approval (discretionary land use action) for projects that propose uses that vary from the land uses designated by the Plans, even when proposed projects otherwise conform with City land use controls. For sponsors of development projects, this CRA/LA discretionary land use approval has often been seen as a confusing extra step beyond the City's established approval process, and can cause delays in securing approvals or receiving entitlements.

Sections 502 of each of these Plans states that the City Community Plan and Zoning Ordinance land use designations prevail over the Redevelopment Plan map designations. This would appear to obviate the need for discretionary land use actions of this type. The proposed Resolution clarifies that future CRA/LA review of development projects shall not require discretionary land use approvals within these project areas. Permits within these project areas will continue to be reviewed for Plan conformance, and permits in other redevelopment project areas will continue as per current practice.

## **DISCUSSION & BACKGROUND**

### **Redevelopment Plan Language**

In most of the 31 existing Redevelopment Plans, Section 502 or 601 of the Plan references the Redevelopment Plan Map, an exhibit attached to each Plan that designates the intended uses for each parcel in the project area. Any proposed entitlement or building permit must conform to such designations, which are often more restrictive than what would otherwise be allowed by the City's relevant Community Plan and the Zoning Ordinance. All proposed development projects are reviewed by CRA/LA staff for conformance to the Plans, and the referenced Section, excerpted below, requires that projects proposing land uses other than those described in the Plan Map require a discretionary land use approval from the CRA/LA Board, regardless of conformance with the Community Plan and zoning. Approximately 30 to 50 such discretionary land use actions are considered by the CRA/LA Board each year. Since January 2011, the CRA/LA Board has considered 42 discretionary land use actions, 16 (or 38%) of which were located in the five project areas that are the subject of this action.

In five of the most recently adopted or amended redevelopment plans, Section 502 contains language that states that Plan land use designations shall defer to the uses identified in the Community Plan. In these project areas (City Center, Central Industrial, Hollywood, Pacific Corridor, and Wilshire Center / Koreatown), Plan language can be interpreted that CRA/LA Board discretionary actions are not required, even if proposed developments do not conform to the Plan Map designation. Although the Plans elsewhere provide procedures for making discretionary land use approvals, the Section 502 language in these Plans (see below) states that the Community Plan land use shall rule "notwithstanding." As a matter of practice, however, the Prior Agency has considered and approved discretionary land use actions in these five project areas.

Given the dissolution of the Prior Agency, the current wind-down of redevelopment activities, and the significant decrease of CRA/LA staffing resources, CRA/LA staff and the Department of City Planning are working to clarify and streamline land use approval processes. The recommended action would remove what may be considered to be a confusing, redundant hurdle in the approval process, and is in keeping with the CRA/LA's current efforts to wind down and the City's effort to streamline its project approval process.

### **Standard Redevelopment Plan Language**

#### *"Section 502. Redevelopment Plan Map*

The Redevelopment Plan Map attached hereto and incorporated herein illustrates the location of the Project Area boundaries, the immediately adjacent streets, the proposed public rights-of-way and public easements, and the land uses currently permitted in the Project Area for all public, semi-public and private land. "

### **Redevelopment Plan Language in City Center, Central Industrial, Hollywood, Pacific Corridor and Wilshire Center / Koreatown Plans**

#### *"Section 502. Redevelopment Plan Map*

The Redevelopment Plan Map, attached hereto as Exhibit No. 1 and incorporated herein, illustrates the location of the Project Area boundaries, the immediately adjacent streets, the proposed public rights-of-way and public easements, and the land uses currently permitted in the Project Area for all public, semi-public and private land. Notwithstanding anything to the contrary in this Plan, the land uses permitted in the Project Area shall be those permitted by the General Plan, the applicable Community Plan, and any applicable City zoning ordinance, all as they now exist or are hereafter amended and/or supplanted from time to time. In the event the General Plan, the

applicable Community Plan, or any applicable City zoning ordinance is amended or supplemented with regards to any land use in the Project Area, the land use provisions of this Plan, including without limitation, all Exhibits attached hereto, shall be automatically modified accordingly without the need for any formal plan amendment process.”

#### Basis for Approval

The recommended actions are consistent with and authorized by provisions of Assembly Bill 1x-26, including but not limited to the following:

Section 1 [Intent of the legislature]: It is the intent of the Legislature to do all of the following in this act: (j)(4) *“Require successor agencies to expeditiously wind down the affairs of the dissolved redevelopment agencies and to provide the successor agencies with limited authority that extends only to the extent needed to implement a winddown of redevelopment agency affairs.”*

Chapter 2, Section 34173, which provides: *“Except for those provisions of the Community Redevelopment Law that are repealed, restricted, or revised pursuant to the act adding this part, all authority, rights, powers, duties and obligations previously vested with the former redevelopment agencies under the Community Redevelopment Law, are hereby vested in the successor agencies.”*

Land use requirements of each redevelopment plan will therefore remain in effect for the duration of the effectiveness of the applicable redevelopment plan. The recommended actions will carry out the applicable provisions of the listed redevelopment plans in a manner designed to expeditiously implement a wind-down of the former redevelopment agency’s affairs.

#### SOURCE OF FUNDS

No funds are required for this action.

#### ROPS AND ADMINISTRATIVE BUDGET IMPACT

The recommended actions are consistent with AB1x-26 and consistent with the Successor Entity’s expressed goals of winding down redevelopment activities and reducing administrative costs.

#### ENVIRONMENTAL REVIEW

The proposed action does not constitute an action according to the California Environmental Quality Act (CEQA). Future proposed land use projects in these five Redevelopment Project areas will still have to conform to the applicable Community Plan land use designations, which were approved by the City following a lengthy environmental review (Environmental Impact Report) process for each Community Plan. Permits for individual development projects within these five Project Areas will still be reviewed on a case by case basis for Redevelopment Plan conformance, as well as the need for any required environmental review.

Christine Essel  
Chief Executive Officer

By:



David Riccitiello  
Chief Operating Officer

There is no conflict of interest known to me which exists with regard to any CRA/LA officer or employee concerning this action.

ATTACHMENTS

Attachment A: Resolution

RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF CRA/LA, A DESIGNATED LOCAL AUTHORITY  
(SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY  
OF THE CITY OF LOS ANGELES) REGARDING CONFORMITY OF LAND  
USE PROVISIONS OF CERTAIN REDEVELOPMENT PLANS TO CITY OF  
LOS ANGELES LAND USE REQUIREMENTS**

**WHEREAS**, the City Council of the City of Los Angeles has heretofore duly adopted redevelopment plans (collectively, the "Redevelopment Plans") for each of the following redevelopment project areas (collectively, the "Project Areas") within the City of Los Angeles pursuant to the Community Redevelopment Law of the State of California: (A) City Center Redevelopment Project; (B) Central Industrial Redevelopment Project; (C) Hollywood Redevelopment Project; (D) Pacific Corridor Redevelopment Project; and (E) Wilshire Center/Koreatown Redevelopment Project; and

**WHEREAS**, each of the Redevelopment Plans contains a redevelopment plan map and provisions setting forth land uses permitted in the applicable Project Area; and

**WHEREAS**, each of the Redevelopment Plans contains a provision designated Section 502, which provides, in part, as follows: "Notwithstanding anything to the contrary in this Plan, the land uses permitted in the Project Area shall be those permitted by the General Plan, the applicable Community Plan, and any applicable City zoning ordinance, all as they now exist or are hereafter amended and/or supplanted from time to time. In the event the General Plan, the applicable Community Plan, or any applicable City zoning ordinance is amended or supplemented with regards to any land use in the Project Area, the land use provisions of this Plan, including without limitation, all Exhibits attached hereto, shall be automatically modified accordingly without the need for any formal plan amendment"; and

**WHEREAS**, prior to the enactment of the legislation known as Assembly Bill 1x-26 ("AB 26") which dissolved redevelopment agencies in the State of California, the Community Redevelopment Agency of the City of Los Angeles (the "Former Redevelopment Agency") and its staff carried out the provisions of the Redevelopment Plans, which included, as a matter of administrative practice, reviewing all development applications in the Project Areas to determine if the proposed development conformed to the land use requirements of the respective Redevelopment Plans; and

**WHEREAS**, AB 26 (Health and Safety Code Section 34173) provides: "Except for those provisions of the Community Redevelopment Law that are repealed, restricted, or revised pursuant to the act adding this part, all authority,

rights, powers, duties and obligations previously vested with the former redevelopment agencies under the Community Redevelopment Law, are hereby vested in the successor agencies”; and

**WHEREAS**, the CRA/LA, A DESIGNATED LOCAL AUTHORITY (“CRA/LA”) is the duly established successor agency to the Former Redevelopment Agency, with all authority, rights, powers, duties and obligations to carry out the Redevelopment Plans; and

**WHEREAS**, CRA/LA has determined that it is necessary and appropriate, in winding down the affairs of the Former Redevelopment Agency, to carry out the Redevelopment Plans in such a way as to give effect to the provisions set forth in Section 502 of the Redevelopment Plans.

**NOW, THEREFORE**, the Governing Board of the CRA/LA resolves as follows:

1. The Recitals set forth above are true and correct.
2. For the purposes of determining whether land uses proposed in development applications for any property located in the Project Areas are permitted uses, it is hereby determined that any land uses permitted for such property by the applicable provisions of the City of Los Angeles General Plan, Community Plan and Zoning Ordinance, all as they now exist or are hereafter amended or supplanted from time to time, shall be permitted land uses for all purposes under the applicable Redevelopment Plan.
3. The land use designation for any property in a Project Area set forth in the Redevelopment Plan Map and the land use requirements regulations for such property set forth in the Redevelopment Plan for the applicable Project Area shall defer to and be superseded by the applicable City of Los Angeles General Plan, Community Plan and Zoning Ordinance land use designations and requirements regulations for such property, all as they now exist or are hereafter amended or supplanted from time to time.

ADOPTED:

RESOLUTION NO. 16

**A RESOLUTION OF CRA/LA, A DESIGNATED LOCAL AUTHORITY (SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF LOS ANGELES) REGARDING CONFORMITY OF LAND USE PROVISIONS OF CERTAIN REDEVELOPMENT PLANS TO CITY OF LOS ANGELES LAND USE REQUIREMENTS**

**WHEREAS**, the City Council of the City of Los Angeles has heretofore duly adopted redevelopment plans (collectively, the "Redevelopment Plans") for each of the following redevelopment project areas (collectively, the "Project Areas") within the City of Los Angeles pursuant to the Community Redevelopment Law of the State of California: (A) City Center Redevelopment Project; (B) Central Industrial Redevelopment Project; (C) Hollywood Redevelopment Project; (D) Pacific Corridor Redevelopment Project; and (E) Wilshire Center/Koreatown Redevelopment Project; and

**WHEREAS**, each of the Redevelopment Plans contains a redevelopment plan map and provisions setting forth land uses permitted in the applicable Project Area; and

**WHEREAS**, each of the Redevelopment Plans contains a provision designated Section 502, which provides, in part, as follows: "Notwithstanding anything to the contrary in this Plan, the land uses permitted in the Project Area shall be those permitted by the General Plan, the applicable Community Plan, and any applicable City zoning ordinance, all as they now exist or are hereafter amended and/or supplanted from time to time. In the event the General Plan, the applicable Community Plan, or any applicable City zoning ordinance is amended or supplemented with regards to any land use in the Project Area, the land use provisions of this Plan, including without limitation, all Exhibits attached hereto, shall be automatically modified accordingly without the need for any formal plan amendment"; and

**WHEREAS**, prior to the enactment of the legislation known as Assembly Bill 1x-26 ("AB 26") which dissolved redevelopment agencies in the State of California, the Community Redevelopment Agency of the City of Los Angeles (the "Former Redevelopment Agency") and its staff carried out the provisions of the Redevelopment Plans, which included, as a matter of administrative practice, reviewing all development applications in the Project Areas to determine if the proposed development conformed to the land use requirements of the respective Redevelopment Plans; and

**WHEREAS**, AB 26 (Health and Safety Code Section 34173) provides: "Except for those provisions of the Community Redevelopment Law that are repealed, restricted, or revised pursuant to the act adding this part, all authority,

rights, powers, duties and obligations previously vested with the former redevelopment agencies under the Community Redevelopment Law, are hereby vested in the successor agencies”; and

**WHEREAS**, the CRA/LA, A DESIGNATED LOCAL AUTHORITY (“CRA/LA”) is the duly established successor agency to the Former Redevelopment Agency, with all authority, rights, powers, duties and obligations to carry out the Redevelopment Plans; and

**WHEREAS**, CRA/LA has determined that it is necessary and appropriate, in winding down the affairs of the Former Redevelopment Agency, to carry out the Redevelopment Plans in such a way as to give effect to the provisions set forth in Section 502 of the Redevelopment Plans.

**NOW, THEREFORE**, the Governing Board of the CRA/LA resolves as follows:

1. The Recitals set forth above are true and correct.
2. For the purposes of determining whether land uses proposed in development applications for any property located in the Project Areas are permitted uses, it is hereby determined that any land uses permitted for such property by the applicable provisions of the City of Los Angeles General Plan, Community Plan and Zoning Ordinance, all as they now exist or are hereafter amended or supplanted from time to time, shall be permitted land uses for all purposes under the applicable Redevelopment Plan.
3. The land use designation for any property in a Project Area set forth in the Redevelopment Plan Map and the land use regulations for such property set forth in the Redevelopment Plan for the applicable Project Area shall defer to and be superseded by the applicable City of Los Angeles General Plan, Community Plan and Zoning Ordinance land use designations and regulations for such property, all as they now exist or are hereafter amended or supplanted from time to time.

ADOPTED: June 21, 2012

AYES: Rising, Semcken, McOsker  
NOES: 0  
ABSENT: 0



# FINAL BOARD MEMO ROUTING FORM

AUTHOR: Josh Rohmer	REGION / DEPT: Downtown	EXT: 47-4837
PRESENTER: Josh Rohmer	RA / DEPT HEAD: Jenny Scanlin	
PROJECT / ITEM NAME: DISCRETIONARY LAND USE ACTIONS		
OBJECTIVE CODE: CI6990, CT6990, HW6990, PA6990, WK6990 ERNIE ID#: N/A		

REVIEW	
AGENDA REVIEW DATE: June 5, 2012	BOARD MEETING DATE: June 21, 2012
LOAN COMMITTEE REVIEW DATE:	or <input checked="" type="checkbox"/> N/A

BOARD ITEM TITLE:
Resolution clarifying Redevelopment Plan language regarding CRA/LA discretionary land use actions in the City Center, Central Industrial, Hollywood, Pacific Corridor, and Wilshire Center / Koreatown Redevelopment Project Areas.
PROJECT AREA: City Center, Central Industrial, Hollywood, Pacific Corridor, Wilshire Center REGION: Downtown, Harbor, Hollywood CD(s): 1, 4, 8, 9, 10, 13, 14, 15

BOARD ITEM TYPE
<input checked="" type="checkbox"/> <b>RECOMMENDATIONS TO THE BOARD (Action or Consent Items)</b>
→ City Council Approval: <input type="checkbox"/> YES or <input type="checkbox"/> No (10-day List)
<input type="checkbox"/> Time Urgency for City Council Action (reason): _____
<input type="checkbox"/> <b>REPORT</b> or <input type="checkbox"/> <b>PRESENTATION</b> <span style="float: right;"><input type="checkbox"/> <b>PUBLIC HEARING</b></span>
→ Type: <input type="checkbox"/> Full Board (agendized) or <input type="checkbox"/> FYI (not agendized)

ORIGINATION SIGN-OFFS		
AUTHOR:	Josh Rohmer	Date: 6/11/2012
PROJECT MANAGER: (Regions only)	Josh Rohmer	Date: _____
RA / DEPT HEAD:	Jenny Scanlin	Date: 6/11/12

REQUIRED SIGNATURES		
BUDGETS:	Debbie Alvero	Date: _____
ENVIRONMENTAL:	Teresa Li	Date: 6/11/2012
OTHER DEPARTMENTS (as needed):	_____	Date: _____
_____	_____	Date: _____
_____	_____	Date: _____

CITY ATTORNEY (always required):	Date: 6/11/12
----------------------------------	---------------

**IMPORTANT:** The final, corrected board memo accompanied by this signed Routing Form and all attachments should be delivered to the Senior Executive Assistant no later than the close of business on the Monday following the Agenda Review.

<i>This Section to be coordinated by Senior Executive Assistant</i>	
Deputy Chief of Operations - Policy:	Date: 6/15/12



# FINAL BOARD MEMO ROUTING FORM

AUTHOR: Josh Rohmer	REGION / DEPT: Downtown	EXT: 47-4837
PRESENTER: Josh Rohmer	RA / DEPT HEAD: Jenny Scanlin	
PROJECT / ITEM NAME: DISCRETIONARY LAND USE ACTIONS		
OBJECTIVE CODE: CI6990, CT6990, HW6990, PA6990, WK6990 ERNIE ID#: N/A		

REVIEW	
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BOARD ITEM TITLE:
Resolution clarifying Redevelopment Plan language regarding CRA/LA discretionary land use actions in the City Center, Central Industrial, Hollywood, Pacific Corridor, and Wilshire Center / Koreatown Redevelopment Project Areas.
PROJECT AREA: City Center, Central Industrial, Hollywood, Pacific Corridor, Wilshire Center REGION: Downtown, Harbor, Hollywood CD(s): 1, 4, 8, 9, 10, 13, 14, 15

BOARD ITEM TYPE:
<input checked="" type="checkbox"/> <b>RECOMMENDATIONS TO THE BOARD (Action or Consent Items)</b>
→ City Council Approval: <input type="checkbox"/> YES or <input type="checkbox"/> No (10-day List)
<input type="checkbox"/> Time Urgency for City Council Action (reason): _____
<input type="checkbox"/> <b>REPORT</b> or <input type="checkbox"/> <b>PRESENTATION</b> <span style="margin-left: 200px;"><input type="checkbox"/> <b>PUBLIC HEARING</b></span>
→ Type: <input type="checkbox"/> Full Board (agendized) or <input type="checkbox"/> FYI (not agendized)

ORIGINATION SIGN OFFS		
AUTHOR:	Josh Rohmer	Date: 6/11/2012
PROJECT MANAGER: (Regions only)	Josh Rohmer	Date: _____
RA / DEPT HEAD:	Jenny Scanlin	Date: 6/11/12

REQUIRED SIGNATURES		
BUDGETS:		Date: 6/11/12
ENVIRONMENTAL:	Teresa Li	Date: _____
OTHER DEPARTMENTS (as needed):	_____	Date: _____
_____	_____	Date: _____
_____	_____	Date: _____

CITY ATTORNEY (always required): _____	Date: _____
--	-------------

**IMPORTANT:** The final, corrected board memo accompanied by this signed Routing Form and all attachments should be delivered to the Senior Executive Assistant no later than the close of business on the Monday following the Agenda Review.

<i>This Section to be coordinated by Senior Executive Assistant</i>	
Deputy Chief of Operations - Policy:	Date: _____

# EXHIBIT E

JUN 13 2019 8L

*Superior Court of California*  
*County of Los Angeles*  
*Department 32*

Sherri R. Carter, Executive Officer/Clerk  
By Shantal Luqueño Deputy  
Shantal Luqueño

1  
2  
3  
4  
5 AIDS HEALTHCARE FOUNDATION;  
6 LIVABLE LA,

Petitioners,

7 v.

8  
9 CITY OF LOS ANGELES; COMMUNITY  
10 REDEVELOPMENT AGENCY OF LOS  
11 ANGELES,

Respondents.

Case No.: 19STCP00520

Hearing Date: June 10, 2019

**STATEMENT OF DECISION RE:**

- 1) PETITION FOR WRIT OF MANDATE
- 2) MOTION FOR JUDGMENT ON THE PLEADINGS

12  
13  
14 **BACKGROUND**

15 Petitioners AIDS Healthcare Foundation (“AHF”) and Livable LA (“LLA”) commenced  
16 this proceeding on February 19, 2019 against Respondents City of Los Angeles (“City”) and  
17 Community Redevelopment Agency of Los Angeles (“CRA”) and Real Party-in-Interest CRE-  
18 HAR Crossroads SPV, LLC (“Real Party”). The operative pleading is the verified First  
19 Amended Petition (“FAP”) filed on February 28, 2019. The FAP assert causes of action for (1)  
20 violations of the California Environmental Quality Act (“CEQA”); (2) violations of Planning and  
21 Zoning Law (“PZL”) and Community Redevelopment Law (“CRL”) requirements; (3) violations  
22 of the CRL for failure to provide sufficient affordable housing in the Hollywood Redevelopment  
23 Area; (4) writ of mandate to compel compliance with the CRL; and (5) declaratory relief. The  
24 FAP alleges in pertinent part as follows.  
25

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1 On January 22, 2019, the City certified an Environmental Impact Report (“EIR”),  
2 approved a Statement of Overriding Considerations, and approved various entitlements for the  
3 Crossroads expansion project in the City’s Hollywood Section (“Project”). (FAP ¶1.) The  
4 Project involves the demolition of 84 units of existing rent stabilized housing and the  
5 construction of eight mixed-use buildings with residential, hotel, commercial/retail, office,  
6 entertainment, and restaurant uses. (*Ibid.*)

7 The Project’s Draft Environmental Impact Report (“DEIR”) identified significant impacts  
8 to the environment in the areas of traffic, noise, and air quality as a result of the addition of new  
9 facilities, remodeling of existing facilities, and intensification of site use. (FAP ¶2.) However,  
10 the DEIR understated these impacts by failing to recognize that the Project will significantly  
11 burden not only the nearby community but also the entire Hollywood area of Los Angeles. (FAP  
12 ¶3.)

13 The Project also fails to provide a sufficient amount of affordable housing in compliance  
14 with the requirements of the Hollywood Redevelopment Plan (“HRP”) and CRL. (FAP ¶4.) The  
15 CRL and HRP require that 15% of new residential units built in the area be affordable units.  
16 (*Ibid.*) The City has failed on an areawide basis to provide the required number of affordable  
17 units, and its approval of the Project worsens that shortfall by providing fewer affordable units  
18 than would be necessary to meet areawide affordably housing goals. (*Ibid.*)

19 The Project will result in the demolition of the Selma-Law Palmas Courtyard Apartments  
20 (“Selma Apartments”) which were constructed around 1939 and include 84 rent stabilized units.  
21 (FAP ¶5.) One of the Project alternatives presented in the EIR was Alternative 5 which would  
22 have supported additional growth while at the same time preserving historic onsite properties  
23 like the Selma Apartments. (FAP ¶6.) In approving the Project, the City failed to seriously  
24 consider Alternative 5, erroneously characterizing the alternative as economically infeasible.  
25 (FAP ¶6.)

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1 Petitioners pray for issuance of a writ of mandate directing the City to set aside and  
2 vacate (1) its certification of the EIR, Findings of Fact, and Statement of Overriding  
3 Considerations supporting the Project's approval and (2) any Project approvals based upon the  
4 EIR, Findings of Fact, and Statement of Overriding Considerations. Petitioners pray for an  
5 injunction enjoining Respondents and Real party from taking any action to construct any portion  
6 of the Project that could result in a significant adverse impact to the environment until  
7 Respondents prepare and consider an adequate EIR. Petitioners also pray for an order ensuring  
8 that Respondents provide adequate affordable housing in the Hollywood Redevelopment Area as  
9 required by the Hollywood Redevelopment Plan.

#### 10 **REQUESTS FOR JUDICIAL NOTICE**

11 (1) Petitioners' requests for judicial notice are GRANTED as to Exhibits A-C and  
12 DENIED as to Exhibits D-I.

13 (2) Respondents' and Real Party's requests for judicial notice are GRANTED in full  
14 (Exs. A-G).

15 (3) Petitioners' requests for judicial notice in reply are DENIED in full (Exs. J-T).

#### 16 **ANALYSIS**

##### 17 **A. Exhaustion of Administrative Remedies**

##### 18 **1. Issue Exhaustion**

19 Respondents argue that Petitioners have failed to exhaust administrative remedies as to  
20 several of their claims by failing to raise those specific claims before the City during the  
21 administrative proceedings. (Opp. at 15-17.)

22 The exhaustion of administrative remedies is a jurisdictional prerequisite to resort to  
23 courts. (*Thomas v. Shewry* (2009) 170 Cal.App.4th 1480, 1485; *Kaiser Foundation Hospitals v.*  
24 *Sacramento County Superior Court* (2005) 128 Cal.App.4th 85, 100.) To satisfy the exhaustion  
25 requirement, the exact factual issues and legal theories must have been presented to the

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1 administrative agency. (*Mani Brothers Real Estate Group v. City of Los Angeles* (2007) 153  
2 Cal.App.4th 1385, 1394.) While this requirement demands less specificity than an appeal from a  
3 judicial proceeding, the presentation must nevertheless consist of more than a relatively few  
4 bland and general references (*id.*, at 1396) or a perfunctory or “skeleton” showing at the  
5 administrative hearing. (*Coalition for Student Action v. City of Fullerton* (1984) 153 Cal.App.3d  
6 1194, 1197.) Rather, the presentation must provide the agency with an opportunity to receive  
7 and respond to articulated factual issues and legal theories before its action are subjected to  
8 judicial review. (*Mani, supra*, 153 Cal.App.4th at 1396; see also *Sierra Club v. San Joaquin*  
9 *Local Agency Formation Com.* (1999) 21 Cal.4th 489, 510 (“Administrative agencies must be  
10 given the opportunity to reach a reasoned and final conclusion on each and every issue upon  
11 which they have jurisdiction to act before those issues are raised in a judicial forum.”).)

12 **a. Exhaustion of CRL Claim**

13 In their Opening Brief (“OB”), Petitioners argue that Respondents have not complied  
14 with Health and Safety Code section 33413 by failing to ensure that at least 15% of all new  
15 housing units developed within the Hollywood Redevelopment Area (“HRA”) are affordable  
16 ones. (OB at 17-23.) Respondents argue that Petitioners did not administratively exhaust this  
17 argument because they failed to identify Health and Safety Code section 33413 as their basis for  
18 demanding additional affordable housing. (Opp. at 15.)

19 The Court disagrees. As Petitioners point out, they transmitted a letter to the City  
20 Council during the Project’s administrative appeal process. (AR 73925.) In that letter,  
21 Petitioners contended that the Project failed to meet the 15% affordable housing unit requirement  
22 set forth in the HRP and CRL. (*Ibid.*) At the Planning and Land Use Management Committee  
23 (“PLUMC”) meeting, the Project proponent responded to this letter, arguing that this percentage  
24 does not apply to individual projects but is rather an agency-wide issue. (AR 45334.) A City  
25 representative concurred. (AR 45348.) Petitioners have shown that this legal issue was, in fact,

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1 raised during the administrative appeal process and that the agency responded to the same.

2 While it is true that Petitioners did not expressly cite Health and Safety Code section 33413, such  
3 an omission is not fatal where, as here, Petitioners' legal theory concerning underdevelopment of  
4 affordable housing was substantively articulated and responded to.

5 **b. Exhaustion of CEQA Claims**

6 Respondents also argue that Petitioners did not administratively exhaust their CEQA  
7 claims challenging whether (1) traffic mitigation measure TRA-MM-6 is deferred mitigation, (2)  
8 air quality mitigation measure AIR-MM-6 is sufficiently stringent, (3) the EIR should have  
9 conducted a cumulative health risk analysis, and (4) a modified Alternative 5 is economically  
10 infeasible. (Opp. at 16-17.)

11 **i. TRA-MM-6**

12 Petitioners challenge TRA-MM-6 in two respects: (1) they argue that it constitutes  
13 deferred mitigation without implementation of specific performance standards (OB at 33) and (2)  
14 they argue that the mitigation measure's \$500,000 cap is unsupported by substantial evidence  
15 (OB at 32-33). Respondents argue that Petitioners did not raise the former challenge regarding  
16 deferred mitigation. (Opp. at 16.)

17 The Court agrees. In reply, Petitioners point to a comment letter incorporating a traffic  
18 expert's opinion that the mitigation measures were inadequate. (AR 73989-90.) The traffic  
19 expert notes that the \$500,000 in funding to implement TRA-MM-6 is "extremely low to  
20 implement meaningful traffic calming and roadway segment improvements in the six (6) affected  
21 neighborhoods." (AR 73990.) This comment, though certainly exhausting Petitioners' second  
22 challenge, does not address deferred mitigation. Furthermore, actually raising this specific issue  
23 appears particularly important where, as here, the City could have resolved this purported issue  
24 without much difficulty if the issue been sufficiently articulated. Because Petitioners did not  
25 provide Respondents with an opportunity to receive and respond to this pointed legal theory

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1 before initiating this judicial review (*Mani, supra*, 153 Cal.App.4th at 1396), Petitioners did not  
2 exhaust this issue.

3 **ii. AIR-MM-6**

4 Petitioners challenge AIR-MM-6 on the ground that this mitigation measure applicable to  
5 diesel trucks hauling soil and demolition debris to and from the Project site is not equally as  
6 stringent as AIR-MM-5, the mitigation measure applicable to off-road diesel-powered  
7 construction equipment. (OB at 34.) Respondents implemented AIR-MM-6 in response to a  
8 South Coast Air Quality Management District (“SCAQMD”) comment recommending  
9 implementation of a similar, though more stringent, mitigation measure. (AR 1452.)  
10 Respondents contend that Petitioners failed to exhaust this argument by failing to specifically  
11 challenge AIR-MM-6 after its incorporation in the FEIR. (Opp. at 16.)

12 The Court disagrees. “Any person who objected to a CEQA approval on some ground  
13 may also raise issues presented to the agency by any other person who objected.” (*Paulek v.*  
14 *Department of Water Resources* (2014) 231 Cal.App.4th 35, 42.) In other words, in this  
15 proceeding, Petitioners can raise issues presented to the City by SCAQMD. During the comment  
16 period, SCAQMD recommended that the City further reduce significant construction and  
17 operational impacts from nitrogen oxide emissions by adopting a mitigation measure requiring  
18 use of 2010 diesel haul trucks and 2007 diesel haul trucks, at a minimum, where 2010 ones could  
19 not be obtained. (AR 1452.) The City adopted an admittedly lesser mitigation measure in  
20 response. (AR 1456.) In short, SCAQMD raised this issue to the City, the City had an  
21 opportunity to respond, and the City did respond by implementing a weaker measure. This  
22 satisfies the administrative exhaustion requirement because SCAQMD’s objection was implicitly  
23 and necessarily an objection to AIR-MM-6.

24 **iii. Cumulative Health Risk Analysis**

1 Petitioners challenge the City's EIR on the ground that the City should have conducted  
2 and included a cumulative health risk analysis. (OB at 36.) Respondents argue that no such  
3 challenge was raised at the administrative level. (Opp. at 16.)

4 The Court finds that this issue was sufficiently raised. During the comment period, it was  
5 argued that the DEIR (1) fails to state how diesel particulate matter from delivery trucks would  
6 have a cumulative impact on residents and children at four neighboring schools and (2) should  
7 not solely adhere to SCAQMD CEQA guidance regarding whether a health risk analysis is  
8 necessary. (AR 2655.) This comment raised the issue of whether the City should conduct a  
9 health risk analysis regardless of SCAQMD CEQA guidance in light of the dangers posed by  
10 cumulative diesel particulate matter exposure to surrounding residents.

11 **iv. Alternative 5**

12 Petitioners challenged the EIR's Project Alternatives analysis on the grounds that (1) the  
13 EIR's rejection of Alternative 5 for economic infeasibility was unsupported, (2) the EIR should  
14 have analyzed a modified version of Alternative 5 that preserved the Selma Apartments, and (3)  
15 the EIR does not support a conclusion that Alternative 5, so modified, was economically  
16 infeasible. (OB at 37-38.) Respondents argue that Petitioners failed to exhaust the third  
17 argument — that the City lacks evidence of economic infeasibility of an alternative that would  
18 preserve the Selma Apartments alone. (Opp. at 17.) The Court concurs. This argument was not  
19 raised at the administrative level, nor would it make sense to raise it there. The threshold step  
20 before raising such an issue would be the City's consideration of a project alternative preserving  
21 the Selma Apartments alone.

22 **2. Pursuit of Available Administrative Remedies**

23 Apart from requiring petitioners to raise specific issues before the agency decision-maker  
24 prior to bringing those issues before the courts, the administrative exhaustion doctrine requires  
25 Petitioners to exhaust the administrative remedies that the City made available. "If the

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1 administrative proceeding includes a right to appeal an allegedly improper action, a plaintiff  
2 must generally pursue that administrative appeal in order to exhaust his or her administrative  
3 remedies.” (*Clews Land & Livestock, LLC v. City of San Diego* (2017) 19 Cal.App.5th 161,  
4 184.)

5 Respondents argue that Petitioner AHF is barred from bringing suit because it failed to  
6 file available and required administrative appeals of Project approvals issued by the Advisory  
7 Agency and the City Planning Commission (“CPC”). (Opp. at 17.) Respondents concede that  
8 Petitioner LLA filed such appeals and satisfied this component of the administrative exhaustion  
9 requirement. (See Opp. at 13-14.)

10 The Court is unpersuaded. As Petitioners note in reply (Reply at 12), *Citizens for Open*  
11 *Government v. City of Lodi* (2006) 144 Cal.App.4th 865, is instructive. There, the trial court  
12 granted respondent city’s motion to dismiss on the ground that petitioner failed to exhaust  
13 administrative remedies. (*Citizens for Open Government, supra*, 144 Cal.App.4th at 872.) The  
14 trial court reasoned that petitioner should have appealed the city planning commission’s final  
15 decision pursuant to the city’s municipal code. (*Id.* at 873.) The trial court rejected, and the  
16 appellate court considered on appeal, whether the fact that other parties appealed the planning  
17 commission’s decision exhausted petitioner’s administrative remedies. (*Ibid.*) The appellate  
18 court found in the affirmative. The appellate court noted that, under CEQA, the lead agency  
19 does not act “in the role of a reviewing body in the sense of a traditional appellate proceeding  
20 (where the party entitled to relief is normally the appellant, i.e., the party who filed the notice of  
21 appeal, and the issues generally are restricted to those raised by the appellant).” (*Id.* at 876.)  
22 Rather, the public hearing before the city council was a “new consideration of the FEIR and the  
23 project at which all interested members of the public were entitled to comment and object.”  
24 (*Ibid.*) Turning to the relevant city municipal code section, the appellate court noted that its  
25 language did “not require an appeal to be filed by ‘each’ or ‘every’ person claiming to be directly

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1 and adversely affected in order for such person to appear before the City Council” and therefore  
2 condoned petitioner’s participation. (*Id.* at 876.) For these reasons, the appellate court  
3 concluded that the city municipal code did not require each and every person adversely affected  
4 by the planning commission’s decision to file an appeal before the City Council in order to  
5 pursue a remedy in the courts and, furthermore, that petitioner’s participation and objection  
6 regarding the city’s approval of the land use decision were sufficient. (*Id.* at 878.)

7 Here, Petitioner AHF participated in the administrative process and pursued the  
8 administrative appeal process to some extent. (See, e.g., AR 72897 (appeal), 63931 (objections  
9 to FEIR).) Respondents direct the Court to Los Angeles Municipal Code (“LAMC”) section  
10 12.36.C which, *inter alia*, dictates the initial municipal decision-making body and municipal  
11 appellate body with respect to projects requiring multiple approvals. (Resp. RJN Ex. E.) Similar  
12 to the municipal code examined in *City of Open Government*, the LAMC states that such appeals  
13 may be filed by an “applicant or any other person claiming to be grieved by an action or  
14 determination.” (LAMC §§ 17.54(A) (Advisory Agency); 12.24(I) (CPC).) For the reasons  
15 articulated in *City of Open Government* and applicable here, the Court concludes that AHF is not  
16 barred from bringing this suit.

17 **B. CRL Claim**

18 **1. Legal Standard re: CRL Claim**

19 CCP section 1094.5 is the administrative mandamus provision which structures the  
20 procedure for judicial review of adjudicatory decisions rendered by administrative agencies.  
21 (*Topanga Ass’n for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 514  
22 15.)

23 CCP section 1094.5 does not on its face specify which cases are subject to independent  
24 review, leaving that issue to the courts. (*Fukuda v. City of Angels* (1999) 20 Cal.4th 805, 811.)  
25 In cases reviewing decisions which affect a vested, fundamental right the trial court exercises

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1 independent judgment on the evidence. (*Bixby v. Pierno* (1971) 4 Cal.3d 130, 143; see CCP  
2 §1094.5(c).) The administrative decision at issue granted Real Party discretionary project  
3 entitlements. Where, as here, a land use decision is challenged by administrative mandamus,  
4 courts are to apply the substantial evidence standard of review. (*Toigo v. Town of Ross* (1998)  
5 70 Cal.App.4th 309, 317.)

6 “Substantial evidence” is relevant evidence that a reasonable mind might accept as  
7 adequate to support a conclusion (*California Youth Authority v. State Personnel Board* (2002)  
8 104 Cal.App.4th 575, 585) or evidence of ponderable legal significance, which is reasonable in  
9 nature, credible and of solid value (*Mohilef v. Janovici* (1996) 51 Cal.App.4th 267, 305, n.28).  
10 The petitioner has the burden of demonstrating that the agency’s findings are not supported by  
11 substantial evidence in light of the whole record. (*Young v. Gannon* (2002) 97 Cal.App.4th 209,  
12 225.) The trial court considers all evidence in the administrative record, including evidence that  
13 detracts from evidence supporting the agency’s decision. (*California Youth Authority*, *supra*,  
14 104 Cal.App.4th at 585.)

## 15 **2. Compliance with CRL**

16 Petitioners contend that Respondents have violated the CRL by exacerbating the  
17 affordable housing shortage in the HRA. (OB at 17.)

18 The purpose of the CRL (H&S Code §33000, *et seq.*) is the sound development and  
19 redevelopment of blighted urban areas. (*Redevelopment Agency of City of Chula Vista v. Rados*  
20 *Bros.* (2001) 95 Cal.App.4th 309, 314 (citing H&S Code §33037).) Under the CRL, a  
21 fundamental purpose of redevelopment is “to expand the supply of low- and moderate-income  
22 housing, to expand employment opportunities for jobless, underemployed, and low-income  
23 persons, and to provide an environment for the social, economic, and psychological growth and  
24 well-being of all citizens.” (H&S §33071.)

1 The CRL's dictates are effectuated through redevelopment agencies. (H&S §§ 33100,  
2 33122.) The very function of a redevelopment agency is to restore to productive use properties  
3 suffering from "blight," which can only be developed to productive use with public assistance.  
4 (*Emeryville Redevelopment v. Harcros Pigments, Inc.* (2002) 101 Cal.App.4th 1083, 1105.) To  
5 this end, each redevelopment shall select a project area for redevelopment and prepare a  
6 redevelopment plan for each project area. (See H&S §§ 33320.1, 33330.)

7 The CRL sets forth specific requirements on the relocation of low- and moderate-income  
8 persons displaced by redevelopment projects and on the accommodations that redevelopment  
9 agencies must afford them. Petitioners rely on the statutory requirements set forth at Health and  
10 Safety Code section 33413(b)(2)(A)(i): "Prior to the time limit on the effectiveness of the  
11 redevelopment plan established pursuant to Sections 33333.2, 33333.6, and 33333.10 at least 15  
12 percent of all new and substantially rehabilitated dwelling units developed within a project area  
13 under the jurisdiction of an agency by public or private entities or persons other than the agency  
14 shall be available at affordable housing cost to, and occupied by, persons and families of low or  
15 moderate income. Not less than 40 percent of the dwelling units required to be available at  
16 affordable housing cost to, and occupied by, persons and families of low or moderate income  
17 shall be available at affordable housing cost to, and occupied by, very low income households."  
18 This statutory provision explicitly directs that new residential developments within  
19 redevelopment areas include affordable housing units. (*California Building Industry Assn. v.*  
20 *City of San Jose* (2015) 61 Cal.4th 435, 445.)

21 Petitioners appear to acknowledge that, on its face, Health and Safety Code section  
22 33413(b)(2)(A)(i) does not require Respondents to make available to low or moderate income  
23 persons at affordable housing cost at least 15% of the Project's 950 dwelling units  
24 (approximately 143 dwelling units). (Reply at 14.) "The requirements of [Health and Safety  
25 Code section 33413(b)] shall apply, in the aggregate, to housing made available pursuant to

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1 paragraphs (1) and (2), respectively, and not to each individual case of rehabilitation,  
2 development, or construction of dwelling units, unless an agency determines otherwise.” (H&S  
3 §33413(b)(3) (emphasis added).) In other words, section 33413(b)(2)(A)(i) requires that the City  
4 make available approximately 143 dwelling units to low or moderate income persons in the HRA  
5 — the redevelopment agency’s “project area” — not in the Project site as a result of the Project’s  
6 creation of 950 new and substantially rehabilitated dwelling units.

7         Instead, Petitioners argue that Respondents have violated this 15% requirement because  
8 the City has repeatedly failed to meet this requirement with every individual private residential  
9 project that it has approved, including this Project, and by failing to take prompt remedial  
10 actions. (Reply at 14.) Petitioners contend that approving this Project moves the City further  
11 away from meeting the 15% requirement because only 11% of the Project’s residential units (105  
12 units) will be available to low- and moderate-income persons, exacerbating the affordable  
13 housing shortage by 37 units. (OB at 20.) Petitioners argue that the City maintains a practice of  
14 widening the gap between affordable housing required in the HRA and the affordable housing  
15 presently available. (Reply at 15.)

16         Petitioners’ evidence of affordable housing shortages in the HRA is lacking. First,  
17 Petitioners cite the City’s Housing Element for 2013-2021 adopted in December 2013. Therein,  
18 the City noted that its Regional Housing Needs Assessment “calls for about 5,700 units/year  
19 affordable to moderate income households or below” and that it has been producing an average  
20 of 1,100 affordable units/year since 2006.” (AR 27565.) For 2014 to 2021, the City projected  
21 that the City would need to create 32,861 more affordable units for low- to extremely low-  
22 income households. (AR 27652.) However, this Housing Element, though evidence of a city-  
23 wide affordable housing shortage, does not address the housing shortage in the HRA specifically.  
24 For this reason, this is poor evidence of a severe housing shortage in the HRA.

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1           Petitioners cite to the CRA's Hollywood Redevelopment Project's Implementation Plan  
2 for 2009-2013. Therein, the CRA projected that section 33413(b)(2)(A)(i) would require the  
3 agency to establish 286 very-low income units and 429 low- to moderate-income units over the  
4 life of the HRP. (AR 73867-68.) The CRA projected that, by 2014, over 1,300 very low-income  
5 housing units and 98 low- to moderate-income housing units would be generated, leading to a  
6 total surplus of 986 affordable housing units. (AR 73968.) Petitioners cite the Implementation  
7 Plan's finding that a deficit of 331 low- to moderate-income units would exist by 2014, but  
8 overlook the total surplus of affordable housing units created by the extra 1,317 very low-income  
9 housing units. (AR 73968.) For this reason, the CRA concluded that it anticipated satisfying  
10 section 33413(b)'s affordable housing production requirements. (*Ibid.*)

11           Petitioners also cite to data purportedly showing that at least 6,690 residential units were  
12 developed within the HRA since 2008. (OB at 21-22; AR 10604-07.) According to Petitioners,  
13 this new development requires the City to create 1,003 more affordable units. (OB at 22.)  
14 However, this data does not show that these residential units are within the HRA and does not  
15 indicate whether any of these residential units are affordable ones. This data is therefore not  
16 helpful.

17           In any event, even if Petitioners substantiated a severe affordable housing shortage in the  
18 HRA, they have not established that this entitles them to writ relief in this action.  
19 Notwithstanding an affordable housing shortage, Health and Safety Code section 33413 did not  
20 compel the City to condition the Project's approvals on the inclusion of more affordable housing.  
21 That statute mandates that such shortages be resolved "prior to the time limit on the effectiveness  
22 of the redevelopment plan." (H&S §33413(b)(2)(A)(i).) How the City satisfies this requirement  
23 — e.g., imposition of strict affordable housing conditions on other developments or  
24 developments dedicated solely to affordable housing — is inferably a matter of discretion.  
25 Petitioners have failed to show that the City has abused its discretion. (*Poncio v. Department of*

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1 *Resources Recycling and Recovery* (2019) 34 Cal.App.5th 663 (“It is only when an exercise of a  
2 discretionary power becomes so abusive that it is the equivalent of arbitrary or capricious action  
3 that it may be subjected to judicial review.”).)

4 Further, the CRA’s Hollywood Redevelopment Project’s Implementation Plan expires on  
5 May 7, 2027. (AR73940) As such, the City has over seven years to meet the low and moderate  
6 income housing production requirements imposed by H&S §33413(b), and the City anticipates  
7 that it will meet the housing production requirements. (AR73966.) Also, as the City pointed out  
8 in oral argument, an enforcement action for failure to comply with the obligation of H&S  
9 §33413(b) may only be pursued after May 7, 2027, when the CRA’s Hollywood Redevelopment  
10 Project’s Implementation Plan expires. (See, H&S §3333.2(a)(2) & §33333.8(f).)

11 Here, the City approved a single development project of which 11% of its units will be  
12 available to low-income persons at an affordable cost. If this project exacerbates the HRA’s  
13 affordable housing shortage, it does so by only 37 units. While such a shortfall would be  
14 antithetical to the CRL, the Project serves other ends of the CRL. The CRL exists, in part, “to  
15 expand employment opportunities for jobless, underemployed, and low-income persons, and to  
16 provide an environment for the social, economic, and psychological growth and well-being of all  
17 citizens.” (H&S §33071.) To these ends, the Project will create 5,420 annual jobs and revitalize  
18 the Project Site with hotel, residential, retail, entertainment and dining uses serves these other  
19 CRL goals. (AR 1339-40.)

20 In sum, under these circumstances, the CRL does not compel the City to set aside more  
21 affordable units at the Project Site.<sup>1</sup>

22 ///

23 \_\_\_\_\_  
24 <sup>1</sup> Reiterating the CRL requirements, the HRP states that “[a]t least fifteen percent (15%) of all  
25 new or rehabilitated units developed within the Project Area by public or private entities or  
persons other than the Agency shall be for persons and families of low or moderate income.”  
(AR 20548.) For the same reasons, Petitioners’ reliance on the HRP to enforce this 15%  
requirement is without merit.

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1           **C. PZL Claims**

2           **1. Standard of Review Re: PZL**

3           Every county and city must adopt a comprehensive, long-term general plan for the  
4 physical development of the county or city.” (Gov. Code §65300.) The general has been aptly  
5 described as the “constitution for all future developments” within the city or county. (*Citizens of*  
6 *Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570.) The general plan “shall  
7 consist of a statement of development policies and shall include a diagram or diagrams and text  
8 setting forth objectives, principles, standards, and plan proposals.” (Gov. Code §65302.)

9           The propriety of virtually any local decision affecting land use and development depends  
10 upon consistency with the applicable general plan and its elements. (*Ibid.*) A project is  
11 consistent with the general plan “if, considering all its aspects, it will further the objectives and  
12 policies of the general plan and not obstruct their attainment.” (*Families Unafraid to Uphold*  
13 *Rural El Dorado County v. El Dorado County Bd. of Sup'rs* (1998) 62 Cal.App.4th 1332, 1336.)  
14 A given project need not be in perfect conformity with each general plan policy. (*Ibid.*) To be  
15 consistent, a project must be “compatible with” the objectives, policies, general land uses and  
16 programs specified in the general plan. (*Ibid.*)

17           A city’s determination that a project is consistent with its general plan comes to the court  
18 with a strong presumption of regularity. (*San Francisco Tomorrow v. City and County of San*  
19 *Francisco* (2014) 228 Cal.App.4th 1239, 514.) To overcome this presumption, an abuse of  
20 discretion must be shown. (*Ibid.*) An abuse of discretion is established only if the City has not  
21 proceeded in a manner required by law, its decision is not supported by findings, or the findings  
22 are not supported by substantial evidence. (*Ibid.* (citing CCP §1094.5(b).) A city’s  
23 determination of general plan consistency can be reversed only if it is based on evidence from  
24 which no reasonable person could have reached the same conclusion. (*Pfeiffer v. City of*  
25 *Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.)

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1           **2. Consistency with the HRP**

2           The HRP sets forth numerous redevelopment plan goals including the following:

3           (9) Provide housing choices and increase the supply and improve the quality of  
4           housing for all incomes and age groups, especially for persons with low and  
5           moderate incomes; and to provide home ownership opportunities and other  
6           housing choices which meet the needs of the resident population.

7           (11) Recognize, promote and support the retention, restoration and appropriate  
8           reuse of existing buildings, groupings of buildings and other physical features  
9           especially those having significant historic and/or architectural value and ensure  
10           that new development is sensitive to these features through land use and  
11           development criteria.

12           (16) To the maximum extent feasible, seek to build replacement housing within  
13           the Project Area prior to the destruction or removal of dwelling units which house  
14           low and moderate income people. The Agency shall make a good faith effort to  
15           relocate displacees within the Project Area unless they choose to relocate  
16           elsewhere. Project displacees shall be provided a priority for occupancy in  
17           housing which the Agency has facilitated. (AR 20534-35.)

18           Similarly, the City Plan for a Healthy Los Angeles lists as one of its Housing Element  
19           Policies: “Expand affordable rental housing for all income groups that need assistance.” (AR  
20           24333.)

21           The City found that the Project is consistent with the HRP’s goals. (AR 449.) The City  
22           noted: “The Project meets the needs of the residential, commercial, arts, and entertainment  
23           sectors. In addition, the Project provides new housing opportunities, including affordable  
24           housing units, and office, hotel, entertainment, and commercial/retail uses.” (*Ibid.*)

25           Petitioners contend that the City fails to meet the HRP’s ninth goal because it provides  
insufficient affordable housing, does not protect existing affordable units, and does not ensure  
the provision of replacement housing. (OB at 24.) The Court disagrees. The Project involves  
the creation of 950 new residential units, 105 of which are for very low income households to  
replace the 82 residential units subject to the City’s Residential Stabilization Ordinance (“RSO”).  
(AR 299.) The Project thus “[p]rovide[s] housing choices and increases the supply and improve

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1 the quality of housing for all incomes and age groups, especially for persons with low and  
2 moderate incomes.”

3 Petitioners argue that the City fails to comply with the HRP’s eleventh goal because it  
4 allows demolition of the historical Selma Apartments. (OB at 24.) As Respondents note (Opp.  
5 at 26-27), this policy is sufficiently served by retention of historic buildings such as the  
6 Crossroads of the World, the former Hollywood Reporter Building, and the Bullinger Building.  
7 (AR 59.) The demolition of one building potentially possessing historic value does not render  
8 the Project inharmonious with this policy goal or the HRP *in toto*.

9 Petitioners argue that the Project is inconsistent with the HRP’s sixteenth goal because, to  
10 the maximum extent feasible, the Project does not require replacement housing in the Project  
11 Area prior to the destruction and removal of units housing low and moderate income people.  
12 (OB at 24-25.) As Respondents note (Opp. at 27), this argument is based on the flawed premise  
13 that those housed in the 82 units are low- and moderate-income people because those units are  
14 subject to the RSO. The RSO does not apply solely to those with a low- or moderate-income.  
15 (As set forth in LAMC §151.09(G), all displaced tenants will be entitled to relocation  
16 assistance.) Hence, to the extent that those displaced do not have low- or moderate-incomes, the  
17 sixteenth goal is inapplicable. Further, the City has evidenced some consistency with this policy  
18 by offering 40 residential units reserved for very low income households to those displaced and  
19 duly qualified. (AR 636-37.) Petitioners have failed to show that offering more units was  
20 feasible and, more broadly, that the City’s actions were impermissibly inconsistent with this  
21 HRP goal.

22 **3. Consistency with General Plan**

23 **a. Internal Consistency of General Plan**

24 The Hollywood Community Plan (“HCP”), a land use element of the City’s General Plan,  
25 was adopted in 1988 to serve as “an official guide to the future development of the [Hollywood]

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1 Community.” (AR 20520-21.) Among the HCP’s several objectives is to “further the  
2 development of Hollywood as a major center of population, employment, retail services, and  
3 entertainment,” “designate lands at appropriate locations for the various private uses and public  
4 facilities in the quantities and at densities required to accommodate population and activities  
5 projected to the year 2010,” and “make provision for the housing required to satisfy the varying  
6 needs and desires of all economic segments of the Community.” (AR 20521.) The HCP  
7 expressly notes that it was “designed to accommodate the anticipated growth in population and  
8 employment of the Community to the year 2010.” (AR 20522.)

9 The HCP projected Hollywood’s 2010 population to be “approximately 219,000 persons,  
10 an increase of 38,000 over the 1980 population.” (AR 20523.) The HCP notes: “Additional low  
11 and moderate-income housing is needed in all parts of this Community. Density bonuses for  
12 provision of such housing through Government Code 65915 may be granted in the Low-Medium  
13 I or less restrictive residential categories.” (AR 20523.)

14 Petitioners argue that the HCP is deficient as a planning document because it contains  
15 outdated population projects and densities and is not correlated with the City’s Housing Element  
16 to designate sites for affordable housing. (OB at 26-27.) Petitioners contend that, given these  
17 deficiencies, the HCP cannot serve as a valid planning document to support a finding of general  
18 plan consistency. (OB at 26.) Petitioners cite to *Camp v. Board of Supervisors* (1981) 123  
19 Cal.App.3d 334, and *Buena Vista Gardens Apartments Assn. v. City of San Diego Planning*  
20 *Dept.* (1985) 175 Cal.App.3d 289, 296 which hold that a party can move under CCP section  
21 1085 to enjoin a project when the general plan either lacks a relevant element or the element is  
22 inadequate. In *Camp*, the appellate court held that a municipal agency could not make general  
23 plan consistency findings using a general plan’s housing element that is deficient with respect to  
24 housing needs and obsolete in point of time.

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1 The Court finds Petitioners' points unavailing. The HCP, despite its outdated  
2 information, still serves the core objectives of a land use element — it designates “the proposed  
3 general distribution and general location and extent of the uses of the land” and “include[s] a  
4 statement of the standards of population density and building intensity recommended for the  
5 various districts and other territory covered by the plan.” (Gov. Code §65302(a).) To mitigate  
6 the HCP's dated information, the City evaluated more recent demographic data in assessing the  
7 Project's environmental impacts. (AR 6470-73.) These actions reflect deliberative consistency  
8 with the HCP's core objectives and satisfy the City's general plan review obligations.

9 **b. Consistency with HCP's Infrastructure Adequacy Provisions**

10 The HCP provides: “No increase in density shall be effected by zone change or  
11 subdivision unless it is determined that the local streets, major and secondary highways,  
12 freeways, and public transportation available in the area of the property involved, are adequate to  
13 serve the traffic generated.” (AR 20524.) The Project is proposing 950 units, and the Los  
14 Angeles Municipal Code allows over 1,800 units. (AR 703) Since the Project is proposing less  
15 density than allowed by the Los Angeles Municipal Code, no density increase was requested or  
16 necessary for the Project. However, the City noted that the Project requires a zone change and  
17 will “increase the FAR of the Project Site compared to existing conditions.” (AR 6334.)

18 Petitioners argue that the City violated the above infrastructure provision of the HCP by  
19 providing Real Party with a 35% density bonus increase on the Project Site even though local  
20 streets will not be able to handle the increased traffic generated. (OB at 28; AR 72567.)

21 Petitioners point to comments asserting that the Project “will create more traffic” (*see, e.g.*, AR  
22 26665) and the DEIR's own acknowledgment that, even with mitigation measures, traffic  
23 impacts at several intersections will “remain significant and unavoidable.” (AR 6743.)

24 Respondents point out that no density increase was requested or necessary and that  
25 density increases are permitted if the City determines that the roadway and public transportation

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1 infrastructure in the vicinity are adequate to serve the traffic to be generated by the Project.  
2 (Opp. 28-29; AR 6333-34.) The City notes its traffic analysis findings: (1) 49 of 111  
3 intersections studied will operate at a level of service (“LOS”) D or worse during peak hours  
4 with or without Project traffic, (2) Project traffic will significantly impact 22 of these 49  
5 intersections, and (3) the implementation of mitigation measures will reduce the significant  
6 impacts of 17 of these 22 intersections. (AR 6334.) As a whole, the DEIR concludes that  
7 “Project-related impacts would be less than significant and that adequate capacity is available to  
8 serve the traffic and transit ridership generated by the Project.” (AR 6334.)

9 The Court finds that substantial evidence supports the City’s conclusion that the Project’s  
10 impacts on traffic are, *in toto*, less than significant and that the Project is consistent with this  
11 infrastructure policy.

12 **c. Consistency with General Plan’s Safety Element**

13 Every general plan must consist of a safety element. (Gov. Code §65302(g)(1). The  
14 safety element exists for the protection of the community from any risks associated with seismic  
15 and geologic hazards, including liquefaction. (*Ibid.*)

16 The City’s 1996 General Plan Safety Element classifies the Project Site as susceptible to  
17 liquefaction. (Pet. RJN Ex. C, p.49; AR 1384.) Public comments objected based on the  
18 Project’s liquefaction potential. (AR 2657, 63527.) In the FEIR, the City characterizes the  
19 information supporting this the Safety Element’s classification of the Project Site as “outdated.”  
20 (AR 1384.) The FEIR notes:

21 “The City’s Zoning Information and Map Access System indicates that the  
22 Project Site is not located in an area that has been identified by the State of  
23 California as being potentially susceptible to liquefaction. In addition, the  
24 Seismic Hazard Zones Map for the Hollywood Quadrangle, which was released  
25 by the State Division of Mining and Geology (now the CGS) in March 1999, does  
not classify the Project Site as part of a Liquefaction Hazard Zone. CGS prepares  
these maps based on groundwater depth records, soil types, depositional  
environments, and distance to a fault capable of producing a substantial  
earthquake. In addition, the 1999 Seismic Hazard Zones Map was re-released by

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1 CGS in November 2014 as part of the current official Earthquake Zones of  
2 Required Investigation Map for the Hollywood Quadrangle. This most recent and  
3 authoritative Seismic Hazard Zones Map, which is determinative as to whether a  
4 site in the Hollywood area is susceptible to liquefaction, reconfirms that the  
5 Project Site is not located in an area classified as a Liquefaction Hazard Zone.  
6 The Grading Division of the Department of Building and Safety (DBS) has  
7 reviewed the Vesting Tentative Tract Map for the Project and has confirmed that  
8 the Project Site is located outside a State of California liquefaction, earthquake  
9 induced landslide, or fault rupture hazard zone.” (AR 1384-85.)

10  
11 Petitioners argue that the City lacks an adequate Safety Element because the  
12 aforementioned information is “outdated.” (OB at 29.) Petitioners contend that the City could  
13 therefore not make a valid finding that the Project was consistent with the City’s Safety Element.  
14 (Ibid.)

15 The Court disagrees. A project is consistent with the general plan “if, considering all its  
16 aspects, it will further the objectives and policies of the general plan and not obstruct their  
17 attainment.” (*Families Unafraid to Uphold Rural El Dorado County*, supra, 62 Cal.App.4th at  
18 1336.) The Project serves the Safety Element’s objectives and policies and does not obstruct  
19 their attainment by considering the Project Site’s liquefaction potential. Using updated  
20 information and, in so doing, arriving at a contrary conclusion to the Safety Element’s map  
21 attains the Safety Element’s objectives better than adhering to outdated information.

22 **d. CRA Review**

23 HRP section 407.1.4 provides: “All development plans (whether public or private) shall  
24 be subject to review and approval by the [Redevelopment] Agency.” (AR 20544.) Similarly, the  
25 HCP provides: “All building permits must be submitted to and approved by the CRA for  
development within the Redevelopment Project area.” (AR 20527.)

Petitioners contend that, contrary to these provisions in the HRP and HCP, the City failed  
to ensure that the CRA reviewed and approved the Project. (OB at 30.) Petitioners assert that  
the CRA maintains continuing jurisdiction over unexpired redevelopment plans, including the  
HRP, and the projects being developed in the corresponding redevelopment areas. (*Ibid.*)

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1 In opposition, Respondents argue that the only statutory function of the CRA, the  
2 successor agency to the City's former redevelopment agency, is to wind up and extinguish the  
3 affairs of the former agency. (Opp. at 31.) Respondents contend that the CRA cannot take on  
4 new obligations or responsibilities precluding the CRA from acting as lead agency on the  
5 Project. (*Ibid.*)

6 Effective February 1, 2012, the state legislature passed laws dissolving all redevelopment  
7 agencies under the CRL. (H&S Code §34172(a).) The legislature withdrew from the  
8 redevelopment agencies all authority to transact business or exercise powers granted under the  
9 CRL. (H&S §34172(b).) In their place, successor agencies were created "as successor entities to  
10 the former redevelopment agencies." (H&S §34173(a).) The successor agencies' purpose is "to  
11 expeditiously wind down the affairs of the dissolved redevelopment agencies and to provide the  
12 successor agencies with limited authority that extends only to the extent needed to implement a  
13 winddown of redevelopment agency affairs." (Resp. RJN Ex. B.) "Except for those provisions  
14 of the [CRL] that are repealed, restricted, or revised pursuant to the act adding this part, all  
15 authority, rights, powers, duties, and obligations previously vested with the former  
16 redevelopment agencies, under the [CRL], are hereby vested in the successor agencies." (H&S  
17 §34173(b).)

18 Respondents' counterargument is mostly persuasive. To be sure, Petitioners are not  
19 claiming that the CRA is the Project's lead agency; Petitioners are claiming that the CRA must  
20 furnish its Project approval in accordance with the HRP and HCP. In this sense, Petitioners are  
21 claiming that the CRA is a "responsible agency," viz., an agency with responsibility for  
22 approving the project. (PRC §21069.) But, even so, the Court finds that the CRA's approval of  
23 the Project is not necessary for two reasons. First, the CRA's role is limited to winding down the  
24 former redevelopment agency's affairs. Winding down the former redevelopment agency's  
25 affair cannot reasonably encompass the successor agency's involvement with new development

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1 projects. In this case, Real Party submitted an application for the Project in May 2015, well after  
2 the former agency's dissolution. (AR 74924.) Accordingly, the Project's approvals did not fall  
3 in the successor agency's purview. Second, the redevelopment agency dissolution laws provide  
4 for delegation of the former redevelopment agency's land use authority: "At the request of the  
5 city..., all land use related plans and functions of the former redevelopment agency are hereby  
6 transferred to the city ... that authorized the creation of a redevelopment agency." (H&S  
7 §34173.) By declaring that the "City of Los Angeles maintains all of the responsibility for  
8 supervising and approving the Project as a whole" (AR 1402), the Court finds that the City  
9 effectuated the transfer of the CRA's land use authority with respect to the Project.

10 **D. CEQA Claim**

11 **1. Standard of Review re: CEQA**

12 In an action challenging an agency's decision under CEQA, the trial court reviews the  
13 agency's decision for a prejudicial abuse of discretion. (PRC § 21168.5.) "Abuse of discretion  
14 is established if the agency has not proceeded in a manner required by law or if the determination  
15 or decision is not supported by substantial evidence." (*Ibid.*; see also *Vineyard Area Citizens for*  
16 *Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.) Challenges to  
17 an agency's failure to proceed in a manner required by CEQA are subject to a less deferential  
18 standard than challenges to an agency's factual conclusions. (*Vineyard*, *supra* at 435.) In  
19 reviewing these claims, the Court must "determine de novo whether the agency has employed  
20 the correct procedures." (*Ibid.*; see *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70  
21 Cal.App.4th 20, 26.)

22 In actions challenging an agency's factual determinations, substantial evidence is defined  
23 as "enough relevant evidence and reasonable inferences from this information that a fair  
24 argument can be made to support a conclusion, even though other conclusions might also be  
25 reached." (14 CCR § 15384(a).) "A court may not set aside an agency's approval of an EIR on

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1 the ground that an opposite conclusion would have been equally or more reasonable.” (*Laurel*  
2 *Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d  
3 376, 393.) “The reviewing court must resolve reasonable doubts in favor of the administrative  
4 finding and decision.” (*Ibid.*)

5 An agency is presumed to have regularly performed its official duties. (Evid. Code §  
6 664.) Petitioner bears the burden of proof to demonstrate, by citation to the administrative  
7 record, that the EIR is legally inadequate and that the agency abused its discretion in certifying it.  
8 (See *South Orange County Wastewater Authority v. City of Dana Point* (2011) 196 Cal.App.4th  
9 1604, 1612; *Cherry Valley Pass Acres and Neighbors v. City of Beaumont* (2010) 190  
10 Cal.App.4th 316, 327-28.)

## 11 **2. Analysis and Mitigation of Impacts to Displaced Persons**

12 “A lead agency shall find that a project may have a significant effect on the environment  
13 and thereby require an EIR to be prepared for the project where there is substantial evidence, in  
14 light of the whole record, that ... [t]he environmental effects of a project will cause substantial  
15 adverse effects on human beings, either directly or indirectly.” (14 CCR §15065(a); PRC  
16 §21083(b)(3).) CEQA Guidelines recommend that a public agency examine if a project will  
17 “[d]isplace substantial numbers of existing people or housing, necessitating the construction of  
18 replacement housing elsewhere.” (App. G, Sect. XIV(c).)

19 In *Concerned Citizens of South Central L.A. v. Los Angeles Unified School Dist.* (1994)  
20 24 Cal.App.4th 826, 837, the EIR at issue recognized that the project “would cause a significant  
21 loss of affordable housing in the local area and there would be a significant cumulative loss of  
22 affordable housing in South Central Los Angeles.” In *Sacramento Old City Assn. v. City Council*  
23 (1991) 229 Cal.App.3d 1011, 1039, the EIR recognized a significant impact from the loss of 41  
24 apartment units and recommended mitigation measures to alleviate the loss’s impact on  
25 downtown Sacramento housing, including (1) establishing an aggressive program to locate

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1 appropriate replacement housing for the displaced tenants and (2) providing monetary relocation  
2 benefits for displaced tenants.

3 The Project proposes the demolition of 84 existing residential units subject to the RSO.  
4 (AR 105, 109, 1387.) Project construction is expected to occur in phases over approximately 48  
5 months. (AR 4882.)

6 In the DEIR's Housing Section, the City evaluated the Project's housing impacts  
7 individually and together with cumulative household growth. (AR 6463.) As to significance  
8 thresholds, the City determined that the Project would have a significant impact on housing if,  
9 *inter alia*, the Project "would result in a net loss of rental units and/or fail to comply with the  
10 noticing and relocation requirements of the RSO." (AR 6475.)

11 The DEIR notes in pertinent part that the Project "would remove all existing on-site  
12 dwelling units and construct a total of 950 residential units, including 84 affordable rental units  
13 to replace the existing 84 rent-stabilized units ... that would be removed. Existing tenants would  
14 be provided relocation assistance in accordance with the RSO and Ellis Act. As the Project  
15 proposes a one to one replacement of the existing units, the Project would comply with the RSO  
16 and the Ellis Act." (AR 6479.) More broadly, the DEIR found that Project-level and cumulative  
17 impacts related to housing would be "less than significant." (AR 6483.)

18 One commenter complained that the EIR "fails to disclose the inconsistency of the  
19 permanent loss of 82 RSO units, and the two-year gap between eviction and construction of new  
20 housing, with" the Plan for a Healthy Los Angeles' policy calling for "expanding and preserving  
21 existing housing opportunities available to low-income residents; preserving cultural and social  
22 resources; and creating and implementing tools to evaluate and mitigate the potential  
23 displacement caused by large-scale investment and development." (AR 73696.) The commenter  
24 also complained that the (initially) two-year gap between eviction and construction of new  
25 housing was disingenuous: the construction of the project could last seven years or longer. (AR

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1 73701.) The commenter listed adverse health effects from housing displacement, including  
2 overcrowding in replacement housing, increased susceptibility to communicable diseases, and  
3 increased stress and anxiety. (AR 73702-03.)

4 In response, the City characterized the existence of adverse human health impacts from  
5 housing displacement and the examples listed as “speculative” and therefore not cognizable as  
6 environmental impacts. (AR 73650.)

7 Per this commenter’s line of reasoning, Petitioners contend that the City inadequately  
8 analyzed and mitigated displacements of persons from these rent-stabilized, affordable housing  
9 units. (OB at 31.)

10 In opposition, Respondents note that existing tenants will receive relocation assistance in  
11 accordance with the RSO and Ellis Act thereby lessening this purported burden. (AR 6479.)

12 Respondents also note that one condition of Project approval is first right of refusal to displaced  
13 tenants for a minimum of 40 units. Specifically, the Project approvals state that “qualified  
14 tenants residing in the [Selma Apartments] are given first right of refusal to return to a new unit  
15 once the proposed development has been constructed. Returning tenants, if qualified, shall be  
16 offered a unit reserved for Very Low Income Households. All other qualified tenants shall be  
17 offered a new unit at a rate no higher than their last rent payment in their RSO unit at the site  
18 with allowable 3% increase per year.” (AR 636.)

19 The Court finds that the City sufficiently analyzed the displacement of persons from the  
20 82 rent-stabilized units and that substantial evidence supports its conclusion that the impacts of  
21 this displacement are “less than substantial.” Unlike the cases cited *ante*, the Project involves the  
22 addition, not loss, of affordable housing in the area. The Project therefore does not raise the  
23 same concerns about loss of affordable housing that those cases addressed. Further, while  
24 displacement of the Selma Apartment residents during and after the Project’s construction is a  
25 cognizable impact, the Court agrees with the City that this impact is less than significant in light

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1 of the relocation assistance afforded to those who need it under the RSO and the proffered first  
2 right of refusal to the apartments. As set forth in LAMC §151.09(G), all displaced tenants will  
3 be entitled to relocation assistance. Arguments and evidence in the record that these measures  
4 are insufficient are speculative.

5 **3. Analysis and Mitigation of Traffic Impacts**

6 **a. TRA-MM-6**

7 In the DEIR's Traffic, Access, and Parking Section, the City analyzed the Project's  
8 potential impacts on traffic, access, and parking based on a traffic study prepared by Gibson  
9 Transportation Consulting, Inc. ("Gibson") dated June 2016. (AR 6607.) The traffic study  
10 encompassed a geographic area approximately 2.5 miles (north-south) by approximately 3 miles  
11 (east-west) and analyzed a total of 111 signalized and 12 unsignalized intersections. (AR 6613.)

12 In analyzing Project impacts, the City assessed a range of issues including "the potential  
13 for, and impacts as a result of, traffic from the Project to use local residential streets in lieu of  
14 major streets (cut-through traffic)." (AR 6657.) The City noted that if traffic congestion is  
15 severe, "travel along arterial streets is generally faster than through neighborhoods since arterial  
16 streets typically provide greater capacities, higher travel speeds, less driveways, fewer stop signs,  
17 etc." (AR 6713.) The City identified and examined arterial corridors to Highland Avenue,  
18 Hollywood Boulevard, and Sunset Boulevard based on the high level of LOS of those streets.  
19 (AR 6714-15.) The City also identified and examined six neighborhoods that may be subject to  
20 significant neighborhood intrusion impacts as a result of the traffic generated by the arterial  
21 corridor usage. (AR 6716-17.) The City found that the impact of the added traffic attributable to  
22 the Project would be significant (AR 6717) and cumulatively significant (AR 6732) in these  
23 neighborhoods.

24 To address neighborhood intrusion impacts, the City proposed the development of a  
25 Neighborhood Traffic Management ("NTM") Plan for the six neighborhoods in an amount up to

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1 \$500,000 (“TRA-MM-6”). (AR 6736; see AR 1997 (renumbering mitigation measure).) The  
2 DEIR provides:

3  
4 “The Project Applicant shall submit a NTM Implementation Plan to LADOT that  
5 sets key milestones and identifies a proposed process in developing a NTM plan  
6 for the six identified neighborhoods above. This implementation plan shall be  
7 formalized through an agreement between the Project Applicant and LADOT  
8 prior to the issuance of the first building permit for this Project. The agreement  
9 shall include a funding guarantee, an outreach process and budget for each of the  
10 identified neighborhoods, selection and approval criteria for any evaluated NTM  
11 measures, and an implementation phasing plan. The final NTM plan, if consensus  
12 is reached among the stakeholders, should be completed to the satisfaction of  
13 LADOT and should consider and evaluate neighborhood improvements that can  
14 offset the effects of added traffic, including street trees, sidewalks, landscaping,  
15 neighborhood identification features, and pedestrian amenities. It will be the  
16 Project Applicant's responsibility to implement any approved NTM measures  
17 through the Bureau of Engineering's B-permit process.” (AR 6736.)

18 In the traffic study attached to the DEIR, Gibson opines about the highly variable nature  
19 of the forecasted neighborhood intrusion traffic:

20  
21 “It is not possible to predict with a reasonable degree of certainty whether such  
22 neighborhood intrusion traffic will occur at a level sufficient to result in a  
23 significant adverse impact in any of the identified neighborhoods as the changes  
24 in traffic patterns are based on a number of factors.... Nor is it possible to predict  
25 in which neighborhoods or on which streets within each neighborhood any such  
potentially significant neighborhood intrusion traffic impacts might occur. In  
addition, because of the fact that such assessments cannot be made at this time, it  
also cannot be specifically determined to what degree feasible mitigation  
measures would lessen or eliminate such potentially significant impacts or  
determine what neighborhood measures the local community would prefer over  
the potentially significant neighborhood traffic intrusions.

26  
27 A potentially significant neighborhood traffic intrusion impact on a particular  
28 residential neighborhood can only be determined after a project or portions of a  
29 project are completed and operating. Prior to a project becoming operational it is  
30 virtually impossible to quantify potential impacts. Once a project is operational, a  
31 neighborhood can be re-assessed to determine if any impacts are occurring, the  
32 nature of the impacts, and whether those impacts can be addressed through a  
33 Neighborhood Traffic Management Plan.” (AR 10920-21.)

34  
35 Gibson identifies “a range of calming measures that can be implemented that have been  
shown to reduce neighborhood intrusion traffic to a point of insignificance.” (AR 10921.)

1 Those measures include “non-restrictive traffic control measures such as traffic circles, speed  
2 humps, roadway narrowing (e.g., raised medians and traffic chokers), landscaping features,  
3 roadway striping changes (e.g., bicycle lanes or parking striping to reduce the perceived width of  
4 the roadway), stop signs, new sidewalks, and new pedestrian amenities” and “more restrictive  
5 physical/operational improvements such as turn restrictions, cui-de-sacs, traffic diverters, street  
6 blockers, and signal metering.” (*Ibid.*)

7 The DEIR ultimately concludes: “Once the Project is operational, a neighborhood can be  
8 reassessed to determine if any impacts are occurring, the nature of the impacts, and whether  
9 those impacts can be addressed through a [NTM] Plan, as described in Mitigation Measure L-4,  
10 which would fund and coordinate implementation of LADOT’s [NTM] Plan process for the  
11 Project, in an amount up to \$500,000.” (AR 6746.) The City acknowledged that, even after the  
12 implementation of all feasible mitigation measures, impacts to residential street segments would  
13 remain significant. (*Ibid.*)

14 Petitioners submitted a traffic review report from RK Engineering Group, Inc. (“RK”)  
15 evaluating Gibson’s updated Traffic Impact Analysis Report and opining on the FEIR’s traffic  
16 impact analysis. (AR 73984-85.) RK noted that proposed funding of \$500,000 results in only  
17 \$83,330 in funding per neighborhood. (AR 73990.) “This seems extremely low to implement  
18 meaningful traffic calming and roadway segment improvements in the six (6) affected  
19 neighborhoods. Speed humps and cushions with signage and markings can cost \$1,000 to  
20 \$6,900 each. Speed Tables can cost \$2,000 to \$20,000 each. Mini roundabouts can cost as low  
21 as \$20,000 to \$50,000 or upward to \$250,000 to \$350,000 each. The size of the six (6)  
22 neighborhoods is very large and will require hundreds of these devices. The financial  
23 contribution should be increased for the local neighborhood street improvements given the  
24 significant size of the development.” (*Ibid.*)

1 Petitioners argue that TRA-MM-6 is not a feasible mitigation measure because, according  
2 to RK, \$500,000 is an insufficient amount of funding. (OB at 32.)

3 For purposes of CEQA review, “feasible” means “capable of being accomplished in a  
4 successful manner within a reasonable period of time, taking into account economic,  
5 environmental, social, and technological factors.” (PRC §21061.1.) “An EIR is required to  
6 describe feasible mitigation measures that will minimize significant environmental effects  
7 identified in an EIR.” (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119  
8 Cal.App.4th 477, 495 (citing 14 CCR §15126.4(a)(1)).) “[W]here substantial evidence supports  
9 the approving agency’s conclusion that mitigation measures will be effective, courts will uphold  
10 such measures against attacks based on their alleged inadequacy.” (*Sacramento Old City Assn.*  
11 *v. City Council* (1991) 229 Cal.App.3d 1011, 1027.)

12 The Court finds Petitioner’s argument unpersuasive. As Respondents note, the City  
13 Department of Transportation (“DOT”) found that \$500,000 “is commensurate with the size of  
14 the project and with the level of residential street impacts that are expected” and is therefore  
15 “acceptable to DOT.” (AR 13357.) Given the DOT’s expertise in this matter, this expert  
16 opinion constitutes substantial evidence in support of the mitigation measure’s feasibility.  
17 (*Latinos Unidos de Napa v. City of Napa* (2013) 221 Cal.App.4th 192, 205 (noting that  
18 substantial evidence includes the opinion of a city’s “expert planning personnel” on matters  
19 within their expertise, even in the absence of additional evidence or consultation).)

20 Petitioners also argue that TRA-MM-6 constitutes an improper deferred mitigation  
21 measure. (OB at 33.) Petitioners state that TRA-MM-6 fails to adopt specific performance  
22 standards as to what the NTM Plan will achieve. (OB at 33.)

23 In opposition, Respondents point to the EIR’s findings articulated *ante*. (Opp. at 38-39.)  
24 Respondents emphasize the expert traffic agency’s conclusion that actual neighborhood traffic  
25

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1 impacts are highly uncertain which, in turn, problematizes implementation of TRA-MM-6 at the  
2 project approval stage. (*Ibid.*)

3 CEQA Guidelines prohibit deferring formulation of mitigation measures: “Formulation  
4 of mitigation measures shall be not be deferred until some future time.” (14 CCR  
5 §15126.4(a)(1)(B).) However, “the specific details of a mitigation measure ... may be developed  
6 after project approval when it is impractical or infeasible to include those details during the  
7 project’s environmental review provided that the agency (1) commits itself to the mitigation, (2)  
8 adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s)  
9 of potential action(s) that can feasibly achieve that performance standard and that will  
10 considered, analyzed, and potentially incorporated in the mitigation measure.” (*Ibid.*)

11 Essentially, the rule prohibiting deferred mitigation prohibits “loose or open-ended  
12 performance criteria. Deferred mitigation measures must ensure that the applicant will be  
13 required to find some way to reduce impacts to less than significant levels. If the measures are  
14 loose or open-ended, such that they afford the applicant a means of avoiding mitigation during  
15 project implementation, it would be unreasonable to conclude that implementing the measures  
16 will reduce impacts to less than significant levels.” (*Rialto Citizens for Responsible Growth v.*  
17 *City of Rialto* (2012) 208 Cal.App.4th 899, 945.)

18 As noted *ante*, Petitioners did not administratively exhaust this issue so this argument is  
19 without merit. Assuming *arguendo* that Petitioners did exhaust this issue, the same result  
20 obtains. TRA-MM-6 unquestionably commits Respondents to mitigation. The DEIR provides  
21 that Real Party “shall fund and coordinate implementation of LADOT’s [NTM] Plan process for  
22 the Project, in an amount up to \$500,000.” (AR 6736.) TRA-MM-6 also has “specific  
23 performance standards” — an agreement with LADOT and “consensus” with stakeholders —  
24 that are deliberately broadly defined in order to allow the NTM Plan crafted to accommodate the  
25 six identified neighborhoods. As *Rialto* cautions, these performance standards do not afford

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1 Real Party a means of avoiding mitigation because they still commit Real Party to submit a NTM  
2 Implementation Plan to LADOT and to formalize an agreement with LADOT prior to the  
3 issuance of a building permit for the Project. (AR 6736.) Finally, the DEIR identifies, by  
4 reference, types of actions that can feasibly achieve this performance standard. (AR 6746,  
5 10921.)

6 **b. Traffic Mitigation Agreement**

7 During the comment period, the California Department of Transportation (“Caltrans”)  
8 provided input. (AR 1424.) Caltrans noted that on June 6, 2017, the Project’s traffic consultant  
9 presented a proposal regarding traffic impact locations and potential mitigation measures for  
10 Caltrans’ consideration. (AR 1429.) According to Caltrans, Real Party agreed “to sign a Traffic  
11 Mitigation Agreement [“TMA”] with Caltrans prior to circulation of the FEIR.” (*Ibid.*)

12 In the FEIR, while acknowledging that the Project, even with mitigation, would have a  
13 significant unavoidable cumulative impact on Caltrans facilities (AR 1429-30), the City  
14 responded that it was not provided substantial evidence showing that a TMA is a legally  
15 defensible mitigation measure. (AR 1429.) “Any mitigation measure warranted by the Project  
16 needs to be included in the Draft EIR and supported with substantial evidence. To consider  
17 including the TMA as a mitigation measure in the EIR to be adopted and enforced on the Project,  
18 Caltrans would need to share the methodology used to identify the mitigation measure, the  
19 threshold it relied on in identifying the impacts for which it is requiring the TMA, the basis for  
20 finding that it is reasonably foreseeable, and that the mitigation measure will reduce the  
21 identified significant impacts and provide substantial evidence to support all of the above. As  
22 the lead agency, the City reserves its discretion to select the appropriate thresholds of  
23 significance and methodologies for the preparation of its EIRs.” (AR 1429.)

24 Petitioners argue that the City was required to find the TMA to be legally or otherwise  
25 infeasible, not legally indefensible. (OB at 34.) Petitioners contend that, by not making this

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1 finding, the City failed to properly dispense with this mitigation measure and that its statement of  
2 overriding considerations is therefore defective. (*Ibid.*)

3 Respondents persuasively show to the contrary. (Opp. at 40.) A public agency may elect  
4 not to adopt a mitigation measure with respect to a significant environmental impact where  
5 specific “legal” considerations make the mitigation measure infeasible. (PRC §21081(a)(3).)  
6 Petitioners cite to no evidence, and Caltrans provided no evidence, providing a factual or legal  
7 basis for the TMA or showing its efficacy so as to warrant its imposition. (*Tracy First v. City of*  
8 *Tracy* (2009) 177 Cal.App.4th 912 (“The agency must be able to find, based on substantial  
9 evidence, that the adopted mitigation measures are ‘required or incorporated into the project’ and  
10 that those measures will ‘mitigate or avoid significant effects on the environment.’”); *City of*  
11 *Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, 365 (“[A]  
12 commitment to pay fees without any evidence that mitigation will actually occur is inadequate.”))

13 *Woodward Park Homeowners v. City of Fresno* (1995) 150 Cal.App.4th 683, which was  
14 cited by Petitioner, is distinguishable from the present case. In *Woodward*, Caltrans responded  
15 to the draft EIR by explaining that various improvements such as auxiliary lanes and additional  
16 ramp lanes are currently planned for the State Route 41 interchange at Friant Road, and that the  
17 impact mitigation fees Caltrans was proposing were the project's fair share of the costs of those  
18 improvements. In the present case, Caltrans provided no factual or legal basis for the TMA, and  
19 Caltrans provided no evidence concerning the efficacy of the TMA as a mitigation measure.

#### 20 **4. Analysis and Mitigation of Air Quality Impacts**

##### 21 **a. AIR-MM-6**

22 In the DEIR’s Air Quality Section, the City addressed the air emissions generated by  
23 construction and operation of the Project, specifically whether the Project-generated air  
24 emissions cause an exceedance of an ambient air quality standard or South Coast Air Quality  
25 Management District (“SCAQMD”) significance threshold. (AR 5973.)

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1 The DEIR notes that the Project is located within the South Coast Air Basin. (AR 5973.)  
2 SCAQMD conducts air toxics studies (“MATES-IV”) in the South Coast Air Basin to estimate  
3 the cancer risk from toxic air emissions throughout the Basin. (AR 5989.) According to the  
4 MATES-IV model, the calculated cancer risk in the Project area is approximately 1,155 in a  
5 million. (AR 5990.) This cancer risk predominantly derives from nearby sources of diesel  
6 particulate. (*Ibid.*)

7 The DEIR notes that the Project will produce air pollutant emissions during its  
8 construction and operation. (AR 5996-97.) Emissions resulting from the Project’s construction  
9 are expected to exceed the SCAQMD’s daily regional significance thresholds for nitrogen oxide  
10 (“NO<sub>x</sub>”) during periods of heavy construction equipment use and export of soil. (AR 6005.)  
11 Similarly, emissions from the operation of the Project at its projected buildout are expected to  
12 exceed the SCAQMD’s daily regional operational thresholds for NO<sub>x</sub>. (AR 6008.) NO<sub>x</sub> is a  
13 byproduct of internal combustion engine exhaust and is a precursor to ozone which, in turn, can  
14 irritate lungs and breathing passages and increase susceptibility to respiratory functions. (AR  
15 5974.) For these reasons, the DEIR finds air quality impacts resulting from the Project during  
16 construction and operation to be significant. (AR 6005, 6008.)

17 In response to air quality impacts, the DEIR proposes implementation of five mitigation  
18 measures. (AR 6027.) One such measure, Mitigation Measure B-5 (“AIR-MM-5”), proposes  
19 the use of Tier III-standard equipment at the Project Site to reduce off-road diesel-powered  
20 equipment NO<sub>x</sub> emissions. (AR 1453; 6028.)

21 SCAQMD submitted a comment during the comment period. (AR 1451.) SCAQMD  
22 noted that the “most significant air quality change in the [South Coast Air] Basin is to reduce an  
23 additional 45 percent reduction in [NO<sub>x</sub>] emissions in 2023 and an additional 55 percent  
24 reduction in NO<sub>x</sub> beyond 2031 levels for ozone attainment.” (*Ibid.*) SCAQMD noted that  
25

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1 achieving NO<sub>x</sub> emission reductions in a timely manner is “critical” to attaining National Ambient  
2 Air Quality Standard for ozone before the 2023 and 2031 deadlines. (*Ibid.*)

3 To reduce the construction and operational impacts from NO<sub>x</sub> emissions, SCAQMD staff  
4 recommended that the City adopt several additional mitigation measures, including the  
5 following:

- 6 1. Require the use of 2010 model year diesel haul trucks that conform to 2010  
7 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks  
8 and soil import/export), and if the Lead Agency determines that 2010 model  
9 year or newer diesel haul trucks cannot be obtained, the Lead Agency shall  
10 use trucks that meet EPA 2007 model year NO<sub>x</sub> emissions requirements, at a  
11 minimum. Additionally, consider other measures such as incentives, phase-in  
12 schedules for clean trucks, etc. during the five-year construction period.
- 13 2. Require all off-road construction equipment with a horsepower (HP) greater  
14 than 50 be USEPA certified Tier 4 interim engines or engines that are certified  
15 to meet or exceed the emission ratings for USEPA Tier 4 engines. In the  
16 event that all construction equipment cannot meet the Tier 4 engine  
17 certification, the applicant must demonstrate through future study with written  
18 findings supported by substantial evidence that is approved by the Lead  
19 Agency before using other technologies/strategies. Alternative measures may  
20 include, but would not be limited to, reduction in the number and/or  
21 horsepower rating of construction equipment, limiting the number of daily  
22 construction haul truck trips to and from the proposed project, using cleaner  
23 vehicle fuel, and/or limiting the number of individual construction project  
24 phases occurring simultaneously. (AR 1452.)

18 In the FEIR, the City responded to SCAQMD’s proposed measure #1 with the following:  
19 “Use of diesel trucks meeting 2007 or 2010 model year engine standards (2007 or  
20 2010 trucks) or alternatively fueled trucks could potentially be an effective  
21 measure to reduce air pollution for facilities that have dedicated truck fleets (e.g.,  
22 distribution facilities, such as those operated by Federal Express). The CARB  
23 EMFAC 2017 model indicates that trucks meeting 2010 engine standards are  
24 available in approximately 50 percent of the population. However, certain phases  
25 of Project construction such as soil export activities would require approximately  
250 truck trips per day, and, in addition, soil export activities typically rely on a  
mix of small independent contractors and a few companies with larger fleets.”  
(AR 1456.)

24 The City therefore adopted an additional mitigation measure (“AIR-MM-6”): “During  
25 construction, the Project shall give preference to contractors for soil import/export that have haul

1 trucks meeting EPA Model Year 2007/2010 NO<sub>x</sub> emissions levels when such trucks are  
2 reasonably available.” (*Ibid.*)

3 The City responded that SCAQMD’s proposed mitigation measure #2 may not be  
4 feasible because, *inter alia*, Tier IV construction equipment may not be readily available when  
5 proposed construction activities commence. (AR 1454.) Still, the City revised AIR-MM-5 to  
6 require off-road diesel-powered equipment to “meet Tier 4 standards to the extent such  
7 equipment is commercially available, but if such equipment meeting Tier 4 standards is not  
8 commercially available, then such equipment shall meet Tier 3 standards.” (AR 1455.)

9 Petitioners contend that the AIR-MM-6, the mitigation measure for diesel trucks hauling  
10 soil and demolition debris to and from the Project site, is not equally as stringent as AIR-MM-5,  
11 the mitigation measure applicable to off-road diesel-powered construction equipment. (OB at  
12 34.) The DEIR and LA CEQA Thresholds Guide both acknowledge that soil export on- and off-  
13 site are causes for emission pollution. (AR 6001, 6004-05.) The Project’s Construction  
14 Equipment and Haul Plan forecasts 840 daily truck trips, or about 106 trips per hour, to occur  
15 during the Project’s excavation and grading period. (AR 8683.) Petitioners reason that AIR-  
16 MM-6 virtually has no teeth — it requires that Real Party give “preference” to 2007/2010 trucks  
17 where such trucks are “reasonably available.” (OB at 35-36.) Petitioners argue that the City’s  
18 failure to adopt a more stringent mitigation measure, in line with AIR-MM-6, is improper. (OB  
19 at 36.)

20 Petitioners’ argument is unavailing. The City’s response to SCAQMD’s comment  
21 provides good-faith, reasoned analysis for its adoption of a modified version of the mitigation  
22 measure proposed. That is, SCAQMD proposed that the City require Real Party to use 2010  
23 diesel haul trucks and to use 2007 trucks, “at a minimum,” where 2010 haul trucks “cannot be  
24 obtained.” The City responded to SCAQMD’s concerns by modifying its mitigation measure to  
25 require that Real Party “give preference to contractors for soil import/export that have haul

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1 trucks meeting EPA Model Year 2007/2010 NO<sub>x</sub> emissions levels when such trucks are  
2 reasonably available.” The City reasoned that modification was necessary because haul trucks  
3 meeting these standards are not sufficiently available to meet the needs of the Project soil  
4 import/export. The Court finds that this reasoning is sensible and supported by substantial  
5 evidence.

6 Further, the Court finds that AIR-MM-6 does not leave Real Party “subject to virtually no  
7 standards.” (OB at 36.) Real Party must give “preference” to the 2007/2010 haul trucks when  
8 they are “reasonably available.” In other words, when using such haul trucks would not impose  
9 undue burden, Real Party must use them.

#### 10 **b. Cumulative Air Pollution Impact Analysis**

11 An EIR shall discuss “cumulative impacts” of a project when the project’s incremental  
12 effect is “cumulatively considerable.” (14 CCR §15130(a).) “Cumulative impacts” refer to two  
13 or more individual effects which, when considered together, are considerable or which  
14 compound or increase other environmental impacts. (14 CCR §15355.) “Cumulatively  
15 considerable” means that the incremental effects of an individual project are significant when  
16 viewed in connection with the effects of past projects, the effects of other current projects, and  
17 the effects of probable future projects. (14 CCR §15065(a)(3).) If the cumulative impact is  
18 significant or the project’s incremental contribution to the impact no cumulatively considerable,  
19 the lead agency is not required to conduct a full cumulative impacts analysis, but the EIR must  
20 include a brief explanation of the basis for the agency’s findings. (*San Francisco Baykeeper,*  
21 *Inc. v. State Lands Com.* (2015) 242 Cal.App.4th 202, 222.)

22 Appendix G of the CEQA Guidelines asks lead agencies to consider whether the project  
23 “[r]esult[s] in a cumulatively considerable net increase of any criteria pollutant for which the  
24 project region is non-attainment under an applicable federal or state ambient air quality  
25 standard.” According to SCAQMD, individual construction projects that exceed the

1 SCAQMD's recommended daily thresholds for project-specific impacts would cause a  
2 cumulatively considerable increase in emissions for those pollutants for which the Air Basin in in  
3 non-attainment. (AR 6025.)

4 The DEIR evaluated cumulative air quality impacts resulting from the Project. (AR  
5 6025-27.) The DEIR found that, with respect to toxic air contaminants ("TACs"), cumulative  
6 emission impacts during construction are less than significant. (AR 6025.) The DEIR reasons  
7 that the greatest potential for TAC emissions is diesel particulate matter ("DPM") emissions  
8 associated with heavy equipment operations during demolition and grading/excavation activities.  
9 (*Ibid.*) Such construction activities for the Project would last approximately five months and  
10 thus, according to the DEIR, not result in a long-term substantial source of TAC emissions. (AR  
11 6007; 6025.) The DEIR also noted that SCAQMD recommends Health Risk Assessments  
12 ("HRA") for substantial sources of DPM. (AR 6015.) Because SCAQMD CEQA guidance does  
13 not require a HRA for short-term construction emissions, the City reasoned that the Project must  
14 not be a substantial source of DPM warranting a cumulative impact analysis in this respect. (AR  
15 6015, 74889.)

16 One commenter complained that the City should have conducted a cumulative HRA for  
17 emissions from Project construction. (See AR 2655.) The commenter noted that the City failed  
18 to recognize other relevant sources in declining to conduct a HRA on the ground that "SCAQMD  
19 CEQA guidance does not require a HRA for short-term construction emissions." (*Ibid.*)

20 In the FEIR, the City's expert conducted a HRA to determine the "potential risks and  
21 hazards to individuals through inhalation of Project construction DPM emissions." (AR 5483.)  
22 The HRA found that such emissions created a maximum off-site individual cancer risk of 4.7 in  
23 a million. (AR 5483.) SCAQMD's CEQA Air Quality Handbook states that there is a  
24 significant toxic air contaminant impact if the project results in the exposure to carcinogenic air  
25 contaminants that exceed the maximum incremental cancer risk of ten in one million. (AR

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1 6003.) The HRA therefore concluded that Project-related toxic emissions would be less than  
2 significant. (AR 5483.)

3 Petitioners argue that the FEIR's findings ignore the preexisting cancer risk at the Project  
4 Site and surrounding area of 1,155 in one million. (OB at 36; AR 5990.) Petitioners contend  
5 that, given this increased risk in the surrounding area, the Project's further contributions of  
6 DPMs are cumulatively considerable requiring a cumulative impact analysis. (OB at 36.)

7 "The relevant question to be addressed in the EIR is not the relative amount of precursors  
8 emitted by the project when compared with preexisting emissions, but whether any additional  
9 amount of precursor emissions should be considered significant in light of the serious nature of  
10 the ozone problems in this air basin." (*Kings County Farm Bureau v. City of Hanford* (1990)  
11 221 Cal.App.3d 692, 718.)

12 The Court finds Petitioners' argument unpersuasive. Substantial evidence supports the  
13 City's determination that the cumulative impacts of the Project's DPM emissions are not  
14 cumulatively considerable because these emissions (1) do not reach half the maximum  
15 incremental cancer risk cap set by SCAQMD, (2) are released over a short period of time (five  
16 months) (14 CCR §15355 ("Cumulative impacts can result from individually minor but  
17 collectively significant projects taking place over a period of time")), and (3) are ostensibly not  
18 viewed by SCAQMD as a substantial source of DPM.

### 19 **5. Analysis and Mitigation of Historic Resources Impacts**

20 The Selma Apartments are a complex of three, two-story courtyard apartment buildings  
21 located on the eastern portion of Development Parcel B. (AR 6131.) The Selma Apartments  
22 were constructed in 1939 and consist of buildings designed in a Regency Revival style. (*Ibid.*)  
23 According to the DEIR, all three buildings are excellent examples of the courtyard apartment  
24 property type and representative of Hollywood's transition to higher-density housing that began  
25

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1 in the 1920s. (*Ibid.*) The apartment complex was found eligible for listing in the California  
2 Register in the 2010 Hollywood Redevelopment Project Area Historic Resources Survey. (*Ibid.*)

3 The Project involves the demolition of the Selma Apartments. (AR 6149.) In the DEIR,  
4 the City acknowledges that demolishing this building will result in significant impacts to historic  
5 resources that cannot be mitigated to less-than-significant level. (*Ibid.*)

6 Because of the Project's significant impacts to historic resources, the DEIR proposes a  
7 historic preservation alternative ("Alternative 5"). (AR 6912.) "An EIR shall describe a range  
8 of reasonable alternatives to the project, or to the location of the project, which would feasibly  
9 attain most of the basic objectives of the project but would avoid or substantially lessen any of  
10 the significant effects of the project, and evaluate the comparative merits of the alternatives."  
11 (14 CCR § 15126.6(a).)

12 Alternative 5 proposes development of residential, retail, and office uses, while  
13 preserving the historic uses on-site. (AR 7122.) Alternative 5 proposes retaining the Selma  
14 Apartments and retaining their current use. (AR 7125.)

15 The DEIR finds that Alternative 5 would (1) reduce, but not eliminate, the Project's  
16 significant environmental impacts related to air quality during construction and traffic during  
17 construction; (2) eliminate the Project's significant environmental impacts related to air quality  
18 during operation, the demolition of historic resources, and traffic during operation; and (3)  
19 reduce many of the Project's less-than-significant impacts. (AR 7177.) However, the DEIR also  
20 found that Alternative 5 would have greater impacts to (1) adjacent new construction to historic  
21 resources since a greater number of historic resources would be potentially impacted, (2) surface  
22 water quality during operation because this alternative would not implement lesser rainfall runoff  
23 practices, and (3) construction noise and vibration since this alternative would affect a greater  
24 number of sensitive receptors. (*Ibid.*)  
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1 The DEIR concludes that Alternative 5 does not fully achieve any of the Projects  
2 objectives, and as such, Alternative 5 is an inadequate substitute. (AR 7178.) Specifically, the  
3 DEIR notes that Alternative 5 eliminates hotel uses and condominiums, considerably reduces  
4 land use density, preserves historic uses without rehabilitation, reduces types and mix of uses  
5 proposed, and lacks realignment of Las Palmas Avenue. (*Ibid.*) The DEIR reasons that, as a  
6 result of these changes, this alternative fails to meet Project objectives such as (1) the  
7 construction of a high-density, mixed-use development consistent with the uses and density  
8 envisioned for the Regional Center and Hollywood Center designation of the Project Site, (2) the  
9 retention and revitalization of the Crossroads of the World, and (3) the creation of an open-air  
10 pedestrian district with a mix of shopping, dining, and entertainment uses. (*Ibid.*)

11 In the FEIR, the City responded to comments that the DEIR should have considered  
12 additional alternatives that include preservation and rehabilitation of some or all the historical  
13 resources on the Project Site. (AR 1371.) The City noted that these commenters fail to  
14 recognize that the Project already proposes to preserve and rehabilitate certain on-site historical  
15 resources, e.g. the Crossroads of the World and the former Hollywood Reporter Building. (AR  
16 1372.) The City noted that only an alternative preserving all the on-site historical resources  
17 would avoid the Project's impacts to historical resources to a less-than-significant level. In  
18 addition, the City stated that a central goal of the Project is to balance new development and  
19 historic preservation; accordingly, this purported alternative would not be meaningfully distinct  
20 from the Project. (AR 1372-73.)

21 In the FEIR, the City also responded to comments that Alternative 5 should have  
22 included the rehabilitation of all historic resources it preserves. (AR 1375.) The City posited  
23 that Alternative 5's reduced development, necessitated by retention of the historical resources,  
24 would not create the financial ability to rehabilitate those resources. (AR 1375, 1377.) The City  
25 cited to a study conducted by Kosmont Companies ("Kosmont Study") which assessed the

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1 economic feasibility of the Project and Alternative 5. (AR 3014.) The Kosmont Study based its  
2 evaluation of the Project on (1) the cost of the underlying land / the Site, (2) the cost of  
3 constructing each project, and (3) a reasonable developer return, versus the value upon  
4 completion of each project. (*Ibid.*) The Kosmont Study found that the Project appears  
5 economically feasible as it is “projected to provide an economic return sufficient to warrant a  
6 prudent developer proceeding.” (AR 3020.) Conversely, the study found that Alternative 5 “is  
7 projected to result in a net loss even given substantial increases in development value and/or  
8 substantial decreases in development costs.” (*Ibid.*) The Kosmont Study concluded that  
9 Alternative 5 appears “economically infeasible as no prudent developer would proceed with” that  
10 option. (*Ibid.*) The City also set forth in the FEIR a peer review study from HR&A Advisors,  
11 Inc. (“HR&A”) (“Peer Review”) of the Kosmont Study. (AR 3031.) In the Peer Review, HR&A  
12 concurs with the Kosmont Study’s conclusion that the Project is financially feasible whereas  
13 Alternative 5 is not. (AR 3032.)

14         Petitioner AHF provided comments in response to the economic feasibility study  
15 asserting that insufficient evidence supported the City’s rejection of Alternative 5. (AR 5244.)  
16 “An environmentally superior alternative that avoids significant impacts may not be rejected  
17 merely because it would cost more and create a lower rate of return for a project. Rather,  
18 evidence is required showing the alternative would be impracticable.” (*Ibid.*) Furthermore,  
19 Petitioner AHF presented the economic analysis from another expert claiming that the City’s  
20 economic feasibility study was defective for several reasons including (1) the estimated land cost  
21 should have been lower; (2) the estimated construction costs for Alternative 5 possessed an  
22 unreasonably high mark-up for general allowances and soft costs; (3) the feasibility review  
23 improperly assumed a loss of 2/3 of usable space due to historic preservation; (4) the feasibility  
24 review underestimated the lease revenue associated with a historic preservation alternative; and  
25

1 (5) the feasibility review model assumes no debt financing with beneficial tax breaks and a  
2 higher return on equity that a developer could receive under Alternative 5. (AR 5245.)

3 Petitioners argue that the City should have analyze a modified version of Alternative 5  
4 that would preserve the Selma Apartments. (OB at 38.) Petitioners also argue that the City  
5 presented no evidence that Alternative 5 or this proposed modified alternative is economically  
6 infeasible. (*Ibid.*)

7 The Court finds that these arguments have no merit.

8 **a. Analysis of Project Alternative Preserving Selma Apartments**

9 “An EIR shall describe a range of reasonable alternatives to the project ... which would  
10 feasibly attain most of the basic objectives of the project but would avoid or substantially lessen  
11 any of the significant effects of the project, and evaluate the comparative merits of the  
12 alternatives. An EIR need not consider every conceivable alternative to a project. Rather, the  
13 lead agency must consider a reasonable range of potentially feasible alternatives informed  
14 decisionmaking and public participation.” (14 CCR § 15126.6(a).) The rule of reason governs.  
15 (*Ibid.*)

16 Here, the City designated six potentially feasible alternatives, analyzed each, and rejected  
17 each in favor of the Project. In the FEIR, the City explained that it did not analyze a project  
18 alternative similar to the one posited by Petitioners for two reasons. First, adopting such an  
19 alternative would not negate the Project’s impacts to historical resources. Second, the Project  
20 was conceived as a balance of part-new development and part-historic preservation. The  
21 proposed alternative was, to the City, an immaterial variation. Given the scope of the Project,  
22 the six elaborate alternatives assessed, and the near-infinite possible variations to which the  
23 Project is subject, the Court finds that the City acted reasonably in disregarding the proposed  
24 alternative.

25 **b. Finding re: Alternative 5’s Economic Infeasibility**

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1 Public agencies must refrain from approving projects with significant environmental  
2 impacts if there are feasible alternatives that can substantially lessen or avoid those effects.  
3 (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 597.) Feasible for  
4 purposes of CEQA means “capable of being accomplished in a successful manner within a  
5 reasonable period of time, taking into account economic, environmental, social, and  
6 technological factors.” (PRC §21061.1.) With respect to economic factors, “[t]he fact that an  
7 alternative may be more expensive or less profitable is not sufficient to show that the alternative  
8 is financially infeasible. What is required is evidence that the *additional* costs or lost  
9 profitability are sufficiently severe as to render it impractical to proceed with the project.”  
10 (*Uphold Our Heritage, supra*, 147 Cal.App.4th at 599 (stating also that “the question is not  
11 whether [real party] can afford the alternative, but whether the marginal costs of the alternative  
12 as compared to the cost of the proposed project are so great that a reasonably prudent property  
13 owner would not proceed with the rehabilitation”).) The lead agency’s infeasibility findings are  
14 entitled to great deference and are presumed correct. (*Town of Atherton v. California High-  
15 Speed Rail Authority* (2014) 228 Cal.App.4th 314, 353.)

16 The issue of Alternative 5’s infeasibility is somewhat a red herring. The DEIR  
17 convincingly explains that Alternative 5, while reducing and eliminating some significant  
18 environmental impacts generated by the Project, also exacerbates others and is inconsistent with  
19 numerous Project objectives. (AR 7177-78.) On this basis alone, the Court finds that  
20 Alternative 5 is infeasible from a “economic, environmental, social, and technological”  
21 perspective justifying the City’s non-adoption decision. (*Rialto Citizens for Responsible Growth  
22 v. City of Rialto* (2012) 208 Cal.App.4th 899, 949 (noting that noncompliance with project  
23 objectives is a proper consideration of infeasibility).)

24 In any event, Petitioners point to two defects with the Kosmont Study: (1) its estimated  
25 construction costs have “an unreasonably high markup” for general allowances and soft costs

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1 and (2) it improperly assumes the loss of two-thirds of usable space. (OB at 38.) As to the first,  
2 the Kosmont Study explains that it retained a “third-party cost estimator” to prepare cost  
3 estimates for each of the projects. (AR 3017.) The Kosmont Study provides a cost breakdown  
4 for Alternative 5. (AR 3025-26.) Although the costs are apparently high (AR 3034), they do not  
5 alter the overall feasibility conclusion, and Petitioners point to no defects therein. As to the  
6 second, the FEIR explains that the Kosmont Study based total floor area under the Project and  
7 Alternative 5 on architectural illustrations. (AR 3015, 3032, 5248.) This is a reasonable method  
8 of approximating total floor area, and Petitioner points to no particular defect.

9 **c. Relocation of the Selma Apartments.**

10 In their Reply, Petitioner’s argue for the first time that “the EIR did not consider  
11 relocation of the Selma ... Apartments.” (RB 37) This was not raised in Petitioner’s Opening  
12 Brief, and as such, the Court will not consider such argument. (See, *Jay v. Mahaffey* (2013) 218  
13 Cal.App.4<sup>th</sup> 1522, 1537-38; and *Balboa Ins. Co. v. Aguirre* (2013) 218 Cal.App.4<sup>th</sup> 1522, 1537-  
14 38.)

15 Petitioners’ argument is not persuasive. According to CEQA Guidelines Section  
16 15126.6(a), an EIR is required only to describe a range of reasonable alternatives to the project,  
17 or to the location, which would feasibly attain most of the basic objectives of the project but  
18 would avoid or substantially lessen any of the significant effects of the project, and evaluate the  
19 comparable merits of the alternatives. An EIR is not required to consider every conceivable  
20 alternative to a project, and an alternative that includes relocating this one resource would not  
21 ‘substantially lessen the significant environmental effects’ of the Project on historical resources  
22 due to demolition (see PRC section 210002).” (AR 1594)

23 It should be noted that the FEIR added two mitigation measures to reduce the impacts  
24 created by demolition. These mitigation measures require the following” (1) “Prior to the  
25 issuance of any demolition permits for historical resources located on the Project Site, the

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1 Applicant shall offer the historical buildings for potential relocation and rehabilitation, at a cost  
2 of \$1 (one dollar) each to any qualified party capable of relocating and rehabilitating the  
3 building(s) in conformance with the Secretary of the Interior’s Standards for Rehabilitation....”;  
4 and (2) “If after 15 (fifteen) days from the end of the 30-day relocation notification period, no  
5 qualified party has expressed interest in relocating and rehabilitating any of the historical  
6 resources on the Project Site that are slated for demolition, prior to the issuance of any  
7 demolition permit, the Applicant shall offer selected materials and features for salvage....” (AR  
8 1984-85.)

9 **E. Motion for Judgment on the Pleadings.**

10 Based upon the foregoing, CRA/LA’s Motion for Judgment on the Pleadings is moot.

11 **E. Conclusion**

12 Petitioners have failed to demonstrate Respondents’ violation of the CRL, PZL, or  
13 CEQA. Accordingly, their Petition for Writ of Mandate is DENIED. CRA/LA’s motion for  
14 judgment on the pleadings is MOOT.

15 City shall prepare judgment consistent with this statement of decision.

16  
17  
18 DATED: June 13, 2019



Honorable Daniel S. Murphy  
Judge, Los Angeles Superior Court

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