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May 22, 2026

VIA COUNCILFILE AND EMAIL

Planning and Land Use Management Committee
City Council of the City of Los Angeles
200 N. Spring Street
Los Angeles, California 90012

**Re: Response to SAFER Appeal – ROW Multifamily Project Council File No. 26-0340
May 26, 2026, Planning and Land Use Management Committee (“PLUM”) Hearing**

Honorable Chair and Members of the PLUM Committee:

We write on behalf of Alameda Square Owner, LLC (“Applicant”), applicant for the ROW Multifamily Project, a proposed mixed-use development (“Project”). The overall approximately 30.65-acre site (“Project Site”) is located at 747–787 S. Alameda Street, 1312–1396 E. 7th Street, 136-196 S. Central Avenue, 1301–1327 E. 8th Street, 700–760 S. Market Court, 720–746 S. Terminal Street, and 747 and 760 S. Warehouse St. in the City of Los Angeles (“City”), known as ROW DTLA. The Project proposes 1,000 residential units including 11% Very Low Income units (VLI) (114 VLI units) and 6,547 square feet of commercial space (retail/restaurant) within the Development Area of the Project Site. The Development Area is currently developed with surface parking and limited ornamental vegetation and is located within the western portion of the Project Site along Alameda Street.

The Project was unanimously approved by the City Planning Commission (“CPC”) on February 12, 2026, and the Letter of Determination was issued on February 18, 2026. It included approvals for Project Review, Density Bonus Incentives, and a signage variance. Also, pursuant to California Environmental Quality Act (“CEQA”) Guidelines Section 15168(c), it was determined that the Project is within the scope of the program approved with the 2021-2029 Housing Element for which the 2021- 2029 Housing Element Environmental Impact Report and Addendums (“HE EIR”) were certified and adopted and the Mitigation Monitoring Program (“MMP”) for the Project was adopted (“HE Checklist”).

This letter addresses the appeal (“Appeal”) to the City Council filed by Supporters Alliance for Environmental Responsibility (“SAFER”), a serial project appellant. The Appeal unsuccessfully attempts to challenge all of the Project approvals. The Appeal fails for multiple reasons. First, the Appeal is procedurally invalid as it relates to the Density Bonus approval and HE Checklist determination as those approvals are unappealable. Further, SAFER supplied zero justification for appealing the Project Review appeal and thus it fails on its face. For the reasons that follow, we believe the Appeal should be rejected in full.



May 22, 2026
Page 2

Please also note that on May 19, 2026, Applicant withdrew their request for a variance. As such, the variance request is no longer before PLUM and any portions of the appeal related to the variance are now moot.

I. Density Bonus and HE Checklist are Unappealable

As set forth below, neither the Density Bonus nor the HE Checklist can be appealed. As such, the decision by the CPC as set forth in the LOD is final.

A. Density Bonus

The Applicant requested and the CPC approved on-menu incentives, off-menu incentives, and waivers of development standards pursuant to State Law Density Bonus and the City's implementation thereof. On-menu incentives, as set forth in Los Angeles Municipal Code ("LAMC") Section 13B.2.5.G.3.b of Chapter 1A and as referenced in the LOD, are appealable to City Council only by adjacent and abutting owners and tenants. SAFER is a private organization that does not own property near or rent a space within the Project Site and as such is neither an adjacent property owner or a tenant and cannot appeal.

Decisions by the CPC on off-menu incentives and waivers of development standards are final and are not appealable pursuant to LAMC Section 12.22.A.37.d.3. The LOD also references that these decisions are not appealable. As such, SAFER cannot appeal any portion of the Density Bonus approval and the decision as set forth in the LOD is final.

B. HE Checklist

Pursuant to LAMC Section 11.5.13 of Chapter 1 or Section 13B.11.1.F of Chapter 1A, the HE Checklist CEQA clearance is not subject to a CEQA appeal to the City Council. The LOD references this as well as page three of the City's HE Checklist instruction form.¹ As such, the HE Checklist is not appealable, and the decision as set forth in the LOD is final.

It should also be noted that the Project has an approved Vesting Tentative Tract Map ("VTTM"). The Advisory Agency considered the HE Checklist and determined that the Project was within the scope of the HE EIR. SAFER did not oppose the VTTM or HE Checklist by letter or with testimony at that hearing nor did it attempt to appeal at that time.

II. Appeal Provides No Justification Related to Project Review

Although the Appeal purports to challenge all approvals granted by the CPC, the Appeal Justification fails to reference Project Review, let alone articulate any grounds upon which the CPC decision should be overturned. The Appeal Justification also cites the February 11, 2026 letter submitted on behalf of SAFER ("February 11 Objection Letter"), which was rejected by the CPC for failing to meet procedural requirements. The February 11 Objection Letter also fails to even mention Project Review and focuses almost exclusively on the HE Checklist, which as discussed above is not appealable.

Pursuant to Section 13A.2.8 of Chapter 1A of the LAMC, "[a]n appeal shall specifically state the points at issue and the reasons why the decision should be overturned." The Appeal, including the February 11 Objection Letter, lacks any mention of Project Review, and certainly does not provide points at issue or

¹ <https://planning.lacity.gov/odocument/d264c4c2-711d-48ab-814a-27867f65b5a2/CP-4091>



May 22, 2026
Page 3

reasons why the decision should be overturned, other than the objection to the use of the HE Checklist. As such, the Appeal fails on its face, and the CPC decision should be upheld.

III. **While Unappealable, CEQA Objections Completely Lack Merit**

As set forth above, the HE Checklist is unappealable; however, below provides responses for the record to SAFER's substantively meritless CEQA claims as set forth in its February 11 Objection Letter. On May 19, 2026, Eyestone Environmental submitted responses to the February 11 Objection titled Response to Lozeau Drury February 11, 2026 Comment Letter ("Eyestone Response"). DLA agrees with the Eyestone Response and utilizes the comment breakdown from the Eyestone Response below. The bullet point is the summary of the comment and below each bullet is the response.

- **Comment 1: The Project is not within the scope of the HE EIR and the City should have prepared an Environmental Impact Report.**

The Project is fully within the scope of the HE EIR. Pursuant to CEQA Guidelines Section 15168(c), "whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record." Under the substantial evidence standard of review, which is highly deferential to the City's decision-making authority, a court must "presume the agency's findings are correct and resolve all conflicts and reasonable doubts in favor of the findings."² "[A]fter resolving all evidentiary conflicts in the agency's favor and indulging in all legitimate and reasonable inferences to uphold the agency's finding, [the court] must affirm that finding if there is any substantial evidence, contradicted or uncontradicted, to support it."³

Thus, if two or more inferences can reasonably be deduced from the evidence, a court "cannot substitute [its] deductions for those of the agency."⁴ In other words, where there are two conflicting expert opinions on a topic, an agency such as the City has the discretion to decide what expert it will rely on and a court cannot second guess that decision. Finally, to carry its burden under the substantial evidence test, SAFER must set forth "all of the evidence material to the City's finding, then show that that evidence could not reasonably support the finding."⁵ "Failure to do so is fatal" to SAFER's challenge.⁶

SAFER has comprehensively failed to carry its burden by failing to address the substantial evidence relied on by the City in utilizing the HE Checklist. The City's decision is supported by substantial evidence, as set forth in detail below, and an Environmental Impact Report is not required for CEQA compliance.

² Citizens for Positive Growth & Preservation v. City of Sacramento (2019) 43 Cal.App.5th 609, 629.

³ Berkeley Hillside Preservation v. City of Berkeley (2015) 60 Cal.4th 1086, 1114.

⁴ Holden v. City of San Diego (2019) 43 Cal.App.5th 404, 410.

⁵ California Native Plant Society v. City of Rancho Cordova (2009) 172 Cal.App.4th 603, 626.

⁶ Defend the Bay v. City of Irvine (2004) 119 Cal.App.4th 1261, 1266.



May 22, 2026
Page 4

- **Comment 2: Housing Element Update EIR is a Program Level EIR that does not include project-level CEQA review.**

The HE EIR analyzed program level impacts from full build out of the City's Regional Housing Needs Allocation ("RHNA") and project-level impacts from the development of the types of housing projects occurring under the build out in various locations and geographies throughout the City. The Project fits within the types of housing projects and geographies evaluated in the HE EIR.

Moreover, in accordance with the mitigation measures included in the HE EIR, further studies were prepared for the Project. Project specific analyses were conducted that demonstrate the Project is within the scope of the HE EIR and that the Project would not result in significant environmental impacts. These studies include, but are not limited to, air quality, historic resources, noise, cultural and tribal resources, hazards, and traffic.

Further, although not required, additional analysis regarding hydrology, energy, GHG, and utilities were included in the record by the Applicant to further support the fact that the Project would not result in significant impacts or additional impacts not already covered in the HE EIR.

All of the Project specific analyses prepared for the Project are considered substantial evidence supporting the City's determination that the Project was within the scope of the HE EIR pursuant to CEQA Guidelines Sections 15168(c)(4) and 15168(d). SAFER fails to address any of these expert studies, except the historical resources report (discussed in more detail below), and thus fails to meet its burden under the law.

- **Comment 3: Project is outside the scope of the Housing Element EIR because it is inconsistent with the Housing Element EIR and zoning. Project is inconsistent as it is requesting waivers and a variance.**

As set forth above, the Project is fully within the scope of the HE EIR and the Project is consistent with the HE EIR and zoning. First, the Applicant has withdrawn the request for the variance, so that argument is no longer relevant. Second, requests for incentives and waivers under State Law Density Bonus do not create inconsistencies with the HE EIR or zoning.

Under State Law Density Bonus and the City's implementation thereof, the Project is entitled to a certain number of incentives based on the percentage of affordable units provided.⁷ Further, waivers are specifically designed to eliminate local development standards that physically preclude the construction of a density bonus project.⁸ Because they are legally mandated modifications, they do not constitute inconsistencies with zoning. Further, as noted in the Eyestone Response, the granting of a density bonus,

⁷ Cal. Gov't Code § 65915(f)(2).

⁸ Cal. Gov't Code § 65915(e)(1).



May 22, 2026
Page 5

incentives, concessions, or waivers shall not be interpreted, in and of themselves, to require a General Plan amendment, zone change, or any other discretionary local approval.⁹

Other state housing law, including the Housing Accountability Act and Senate Bill 35, which like State Law Density Bonus were implemented to address the state's housing crisis, clearly states that "the receipt of a density bonus, incentive, concession, waiver, or reduction of development standards pursuant to [State Law Density Bonus] shall not constitute a valid basis on which to find a proposing housing development is inconsistent . . . with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision."¹⁰

It is also important to note that the requested incentives and waivers have no bearing on the impacts analyses in the HE EIR and Project specific studies. Averaging of FAR, fence heights, ground floor ceiling heights and transparency, for example, are not inputs in air quality or noise analyses, do not change VMT, and have no effect on the analysis of historic, cultural or tribal resources, trees or hazards.

As shown in all of the Project specific studies discussed above, Project specific impacts were studied and all Project specific impacts were fully mitigated.

- **Comment 4: CEQA review is required to analyze potentially significant impacts on historic resources.**

As clearly set forth in the Eyestone Response, a historic resources report was prepared for the Project and included as Appendix D.3 to the HE Checklist. The historic resources report is substantial evidence demonstrating that the Project would not result in significant impacts to historical resources, including direct and indirect impacts to the Los Angeles Union Terminal District. The Project is proposed to be built on empty, non-contributing parking lots, will not demolish any historic structure nor alter any character defining features. The Los Angeles Union Terminal District would continue to be eligible for listing in the National Register and California Register upon the Project's completion.

Further, the comment references multiple CEQA Guidelines sections related to exemptions. Those are completely irrelevant here. The Project was found to be within the scope of the HE EIR per CEQA Guidelines Section 15168, not exempt from CEQA.

Again, SAFER provides no substantial evidence to support its contention of potentially significant impacts to historic resources and fails to meet its burden.

⁹ Cal. Gov't Code §§ 65915(f)(5); 65915(j).

¹⁰ Cal. Gov't Code § 65913.4(a)(5); 65589.5(j)(3).



May 22, 2026
Page 6

- **Comment 5: Supplemental CEQA review is required because the HEU EIR failed to mitigate all significant impacts, and acknowledged significant unmitigated impacts. These impacts must be analyzed and mitigated at a project-specific level.**

As discussed above, and as required by several of the mitigation measures in the HE EIR, multiple Project specific studies were prepared to demonstrate that impacts from the Project are less than significant or that mitigation measures have been included to reduce impacts to the extent feasible. These studies were included as appendices to the HE Checklist. In addition, consistent with the HE EIR and as set forth in the HE Checklist, the Project would also implement other applicable mitigation measures set forth in the MMP for the Housing Element. As demonstrated therein, the Project would not result in any significant and unavoidable impacts to the environment. As such, contrary to SAFERs assertions, all impacts were analyzed and mitigated at a Project specific level.

- **Comment 6: The Project is not eligible for any waivers because it would have significant impacts on a Historical Resource.**

As described in response to Comment 4 above, substantial evidence demonstrates that the Project will not have any significant impacts to the Los Angeles Union Terminal District or any other historical resource. As such, State Law Density Bonus waivers are available to the Project and SAFERs argument to the contrary is meritless.

- **Comment 7: The Project is Not Entitled to the Requested Variance.**

As set forth above, the Applicant has withdrawn the variance request.



May 22, 2026
Page 7

IV. Conclusion

This is yet another appeal in a seemingly endless string of baseless administrative appeals on housing projects in the City filed by SAFER. These appeals delay and sometimes stop much-needed housing from being built and waste tremendous City staff time that should be put to far better and more productive purposes. While the Appeal broadly challenges all CPC approvals and determination, most of the decision is unappealable, and the accompanying justification neither references Project Review nor provides any basis for overturning the CPC decision. SAFER's improper and invalid Appeal should be rejected in full.

Very truly yours,

A handwritten signature in black ink, appearing to read 'KJ Casper'.

Kyndra Joy Casper

cc: Heather Bleemers (via email: heather.bleemers@lacity.org)
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