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May 22, 2026

VIA EMAIL

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Re: Comment on Decision to Exempt the Row DTLA Project from Environmental Review Under the California Environmental Quality Act ("CEQA") Based on Consistency with the Previously-Certified 2021-2029 City of Los Angeles Citywide Housing Element Environmental Impact Report

Dear Chair Blumenfield, Vice Chair Hut, Honorable Committee Members, and Ms. Ahn:

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility ("SAFER"), regarding the project known as the Row DTLA Project (CPC-2025-4306-DB-PR-ZV, ENV-2024-8218-HES, VTT-84331-HCA), which proposes the demolition of existing surface parking lots to allow for the development of three (3) 8-story buildings containing a total of 1,000 residential units, of which 114 units will be reserved for Very Low Income households, 844,278 square feet of floor area, including 6,547 square feet of commercial floor area, and 1,092 vehicle parking spaces within two subterranean levels of parking located at 757-787 South Alameda Street, 1318-1396 East 7th Street, 136-196 South Central Avenue, 1301-1327 East 8th Street, 700-760 South Market Court, 720-746 South Terminal Street, and 760 South Warehouse Street in the City of Los Angeles ("Project"). The Project is located within the Los Angeles Union Terminal District, and listed in the California Register of Historic Places.

On February 11, 2026, SAFER submitted comments to the Planning Commission, raising the issue that the Project required project-level CEQA analysis because it was not within the scope of the previously certified 2021-2029 City of Los Angeles Citywide Housing Element Update and Safety Element Update Environmental Impact Report (SCH 2021010130) ("HEU

EIR"). SAFER identified several reasons why the City's position that the project-level CEQA analysis was not required was incorrect, including that the Project was not analyzed in the HEU EIR, the Project would significantly impact historic resources, and the Project was inconsistent with the HEU EIR. SAFER also added that the Project is not entitled to the requested waivers of development standards under the State Density Bonus Law ("DBL").

However, on February 12, 2026, the Planning Commission approved the Project and determined that the Project was within the scope of the HEU EIR. SAFER appealed the Planning Commission's decision on March 4, 2026. SAFER maintains and reiterates its position that the Project is not within the scope of the HEU EIR and must undergo project-level CEQA analysis. SAFER's February 12, 2026, comments are incorporated herein by reference and attached as Exhibit A.

SAFER now submits these supplemental comments demonstrating that the Project will have significant impacts on historic resources that must be mitigated at a project-specific level. SAFER's supplemental comments are supported by architectural historian Michael Corbett, whose expert analysis of the Project is attached as Exhibit B. For reasons stated here and in SAFER's prior comments, SAFER respectfully requests that the Committee grant the appeal.

DISCUSSION

I. The Project Will Have Significant Impacts on Historic Resources that Were Not Adequately Mitigated in the HEU EIR Requiring Project-Level CEQA Review.

Under CEQA, when a "first tier" EIR, such as a program EIR, admits significant, unavoidable impacts, then the lead agency must prepare a second tier EIR for later phases of the project to ensure that those unmitigated impacts are "mitigated or avoided." (See *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 122-125.) Here, the HEU EIR did not mitigate all of the environmental impacts associated with the Housing Element update, including impacts to historic resources. Indeed, the HEU EIR found that the Housing Element Update would have significant and unavoidable impacts on historic resources. Thus, supplemental CEQA review is required to sufficiently analyze and mitigate significant impacts to historic resources at the project-level.

An impact on a historic resource is significant when a project causes "a substantial adverse change in the significance" of that resource. (14 Cal. Code Regs. § 15064.5.) "Substantial adverse change" is defined as "physical demolition, destruction, relocation, or ***alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired***." (*Id.* [emphasis added.])

Architectural historian, Michael Corbett reviewed the Historic Resources Technical Report prepared for the Project and visited the Project Site, finding that the Technical Report failed to identify and analyze the Project's significant impacts on certain "character defining features" i.e., "physical elements of a resource that define its historic character and help convey its significance." (Ex. B, p. 7.) These features include circulation routes and spaces of rail and truck transportation, or transportation features. Mr. Corbett concluded that the historic Los Angeles Union Terminal District would lose most of what still exists of these "character defining features" as a result of the Project, thereby causing a "'substantial adverse change' that would materially affect the eligibility of the historic resource." (*Id.* at p. 9.)

Built between 1917 and 1923, the Los Angeles Union Terminal District "could be described as having three general parts. At the west were two reinforced concrete structures (described as three buildings on Sanborn maps) that constituted the Produce Market, at the center of which were six one-story corrugated metal sheds housing 'peddlers stalls'. In the center were four large reinforced concrete warehouses ranging from four to seven stories in height. In the south and east was an area of lower density development that included six long, narrow one- and two-story sheds, three of brick and three of wood. Along and around these various buildings were circulation paths for rail cars and trucks. The parallel alignment of the reinforced concrete buildings provided corridors between the Produce Market and the warehouses so that rail spurs with railroad loading facilities and paved paths for trucks with truck loading facilities occupied alternate corridors. At the south end of the complex was paved open space for truck parking and a rail yard for transferring freight between the cars of the Pacific Electric Railway and the Southern Pacific Railroad." (*Id.* at p. 6.)

The 1997 Determination of Eligibility identifying the Los Angeles Union Terminal District as a National Register eligible district, characterized the District as a "state-of-the-art freight transfer and storage facility . . . defining transportation, wholesale, and storage methods in the early twentieth century." (*Id.* at p. 7.) Importantly, "the terminal was conceived of not as a complex of buildings by as a complex of features –buildings, loading facilities, corridors between buildings to accommodate rail and truck access, and rail and truck yards . . . The buildings made no sense without the transportation spaces around them." (*Id.* at pp. 6-7.)

However, the Historic Resources Technical Report only focuses on the buildings surrounding the Project Site as "character defining features". (*Id*. at p. 9.) Mr. Corbett notes that this type of analysis ignores the whole of the industrial landscape that makes up the Los Angeles Union Terminal District. (*Id*.) Mr. Corbett characterizes the transportation features as "key" elements of the historic district, which "to a large extent are still in place," and it is these transportation features that "define its historic character and help to convey its significance." (*Id*.) As Mr. Corbett explains:

> "With them one can understand the rationale for the design of the complex and how it worked. Without them, what you see is a group of buildings removed from their context. The buildings by themselves are impressive as buildings, but do not convey the broader significance of the historic development, its relation to the port and the unification of the Los Angeles region."

(*Id.*) The Project, located directly adjacent to these transportation features that were once essential to the Los Angeles Union Terminal District, would materially impair the significance of this historic resource. Thus, the City must conduct supplemental environmental review of the Project to ensure that the impacts on this historic district are adequately analyzed and mitigated.

CONCLUSION

The Project requires supplemental CEQA review to analyze and mitigate its significant impacts to the historic Los Angeles Union Terminal District. SAFER respectfully requests that the Committee direct staff to prepare a supplemental EIR for the Project to properly address impacts on historic resources.

Sincerely,

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EXHIBIT A

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February 11, 2026

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Re: Comment on Decision to Exempt the Row DTLA Project from Environmental Review Under the California Environmental Quality Act ("CEQA") Based on Consistency with the Previously-Certified 2021-2029 City of Los Angeles Citywide Housing Element Environmental Impact Report

Dear President Lawshe, Vice President Choe, Honorable Members of the Planning Commission, and Ms. Ahn:

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility ("SAFER"), regarding the project known as the Row DTLA Project (CPC-2025-4306-DB-PR-ZV, ENV-2024-8218-HES, VTT-84331-HCA), which proposes the demolition of existing surface parking lots to allow for the development of three (3) 8-story buildings containing a total of 1,000 residential units, of which 114 units will be reserved for Very Low Income households, 844,278 square feet of floor area, including 6,547 square feet of commercial floor area, and 1,092 vehicle parking spaces within two subterranean levels of parking located at 757-787 South Alameda Street, 1318-1396 East 7th Street, 136-196 South Central Avenue, 1301-1327 East 8th Street, 700-760 South Market Court, 720-746 South Terminal Street, and 760 South Warehouse Street in the City of Los Angeles ("Project").

SAFER objects to the City's failure to prepare an environmental review document for the Project pursuant to the California Environmental Quality Act ("CEQA"). The City contends that CEQA review is not required because the Project is allegedly consistent with the previously-certified 2021-2029 City of Los Angeles Citywide Housing Element Update and Safety Element Update Environmental Impact Report (SCH 2021010130) ("HEU EIR"). The City's position is incorrect for several reasons.

A. The Housing Element Update EIR was a Programmatic-Level EIR, not a Project-Level EIR. It Did not Analyze this Project at All. Project-Level CEQA Review is Required for this Project.

The Housing Element Update EIR is, and clearly stated that it was, a program-level EIR, and that later project-level CEQA review would be required. Program EIRs analyze impacts of high-level agency actions, such as general plans, at a very broad, generalized level. Program EIRs do not, and cannot, analyze project-specific impacts since there is usually no specific project proposed. Program EIRs are followed by streamlined project EIRs, which can rely on the program EIR to the extent appropriate. Here, the City is improperly attempting to use the programmatic Housing Element Update EIR to avoid project-level CEQA analysis. This is improper. The HEU EIR was not intended to be project-specific. It was a general planning document for the entire city that did not analyze this Project at all. The HE EIR states:

> Degree of Specificity. An EIR on an individual development project will be more detailed in the specific effects of the project than will an EIR on the adoption of a long-range planning document, such as a general plan, general plan element, community plan or zoning ordinance because the effects of the individual development can be predicted with greater accuracy. An EIR on a project such as the adoption of a general plan and/or general plan element should focus on the secondary effects that can be expected to follow from the adoption, but need not be as detailed as the analysis on the specific construction project that might follow (CEQA Guidelines Section 15146).
>
> (HEU Draft EIR, p. 1-2).

Under CEQA Section 15168, a programmatic EIR is prepared to analyze broad, program-level impacts. Then, project-level EIRs are prepared when specific projects are proposed. The project-level EIRs can rely on the program-EIR as appropriate, but must analyze project-specific impacts. The CEQA Guidelines set forth the use of a Program EIR with later activities. "Later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared." (CEQA Guidelines § 15168(c).) Section 15168(c) provides:

> (1) If a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration. That later analysis may tier from the program EIR as provided in Section 15152.

> (2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. 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. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.
> (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program.
> (4) Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR.
> (5) A program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would implement the program and deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed project description and analysis of the program, many later activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

(CEQA Guidelines § 15168(c)(1)-(5) [emph. added].)

After informing the public that the HEU EIR was a program-level EIR, and that project-level CEQA review would be required under CEQA section 15168, the City now ignores that promise, and seeks to avoid project-level CEQA review entirely. The Housing Element EIR did not analyze the impacts of the instant Project. Project-specific CEQA review is required for this Project.

B. The Project is Outside the Scope of the Housing Element EIR Because it is Inconsistent with the Housing Element EIR.

The City cannot rely on the Housing Element Update EIR to analyze this Project because the Project is inconsistent with the HEU EIR. The Court of Appeal has recently held that a city may not rely on a programmatic EIR when the proposed project is inconsistent with the general or specific plan.

A subsequent project is not within the scope of a previous program EIR if it is inconsistent with the plan addressed in the program EIR. "If the subsequent project is not consistent with the program or plan, it is treated as a new project and must be fully analyzed in a project—or another tiered EIR if it may have a significant effect on the environment." (*Friends of Coll. of San Mateo Gardens v. San Mateo Cnty. Cmty. Coll. Dist.*, 1 Cal. 5th 937, 960, 378 P.3d 687, 702 (2016)). Generally, the standard set forth for this analysis is substantial evidence.

However, where a later proposal is not either the same as or within the scope of the project described in the Program EIR, then review of the proposal is not governed by CEQA's deferential substantial evidence standard, but rather, under the "fair argument" standard.

The Project is not consistent with the HEU EIR. The Project is requesting waivers and variances of numerous zoning provisions. The HEU EIR assumed that future projects would comply with the zoning. The court of appeals recently held that a Project that is inconsistent with a prior specific plan EIR may not rely on that EIR, and must prepare a subsequent CEQA document to analyze the impacts of any and all inconsistencies with the specific plan zoning. (*Save Our Access v. City of San Diego*, 115 Cal.App.5th 388 (2025) (*Save Our Access II*); *Save Our Access v. City of San Diego*, 92 Cal.App.5th 819 (2023) (*Save Our Access I*).) Here, the Project seeks numerous waivers and variances that make the Project inconsistent with applicable zoning analyzed in the HEU EIR. For example, the Project seeks the following waivers pursuant to the Density Bonus Law (Gov. Code section 65915):

a. An On-menu incentive to permit averaging of FAR, density, parking, open space, or vehicular access;
b. An Off-menu incentive to permit the continued use of an existing 8-foot fence in the front yard in lieu of the maximum fence height of 3.5-foot in the [SH1] District (129% increase);
c. A waiver of development standard to permit an increased building width of 377-feet and 10-inches for Building C in lieu of the maximum 280-feet in the [MB2] District (35% increase);
d. A waiver of development standard to permit an increased maximum Build-to-Depth of 8-feet in lieu of the maximum 5-feet required in the [SH1] District (60% increase);
e. A waiver of development standard to permit a reduced minimum primary street ground story transparency of 49% in lieu of the 70% otherwise required in the [SH1] District (30% reduction);
f. A waiver of development standard to permit a reduced ground story height of 13-feet and 6-inches in lieu of the 16-feet otherwise required in the [SH1] District (16% reduction);
g. A waiver of development standard to allow through access on the North Lot provided at 391-feet and 6-inches in lieu of the 350-feet otherwise required in the [D5] District (12% increase);
h. A waiver of development standard to permit relief from the Pedestrian Access requirements per LAMC Section 4C.1.1.C.2. (Package 1) to allow pedestrian access to the units that are not directly from the street;
i. A waiver of development standard to allow floors 2-5 a reduction in primary street transparency of 24% in lieu of the 30% as required per LAMC Section 3B.4.1 for the [SH1] District (20% reduction); and

j. A waiver of development standard to permit a Build-to-Width of 65% minimum in lieu of the 90% minimum required per LAMC Section 3B.4.1 for the [SH1] District (28% reduction).

In addition, the Project applicant is seeking a variance. Existing zoning under LAMC section 4C.11.6-C.9.D limits projecting signs to 5 signs of 48 square feet each. The Project seeks a variance to allow three projecting signs of 300 square feet each – vastly more massive and intrusive than allowed under the Zoning Ordinance. This creates new impacts that were not analyzed in the HEU EIR and must be analyzed in a supplemental EIR.

Exempting the Project from CEQA based on consistency with the previously-certified Housing Element EIR violates CEQA because the proposed project is inconsistent with the provisions of the Housing Element EIR and contains significant environmental impacts that were not addressed in the Housing Element EIR. SAFER requests that an initial study be conducted and a CEQA document prepared to analyze and mitigate the Project's environmental impacts. The City Planning Commission should decline to approve the Project until proper CEQA review is completed.

C. CEQA Review is Required to Analyze Potentially Significant Impacts on Historic Resources.

A CEQA exemption is not allowed because there is a fair argument that the Project may have adverse impacts to an historic resource. CEQA section 21084(e) provides, "A project that may cause a substantial adverse change in the significance of a historical resource, as specified in Section 21084.1, shall not be exempted from this division pursuant to subdivision (a)." In CEQA section 21084.1, the California legislature prohibits the use of a CEQA exemption for projects that may cause a substantial adverse change in the significance of a historical resource. Under CEQA sections 21084(e), and 21084.1, and CEQA guidelines sections 15064.5, and 15300.2, a categorical exemption from CEQA may not be issued for any project that may cause a substantial adverse change in the significance of a historical resource. This includes changes to the "immediate surroundings such that the significance of an historic resource would be materially impaired." CEQA Guidelines section 15064.5(b)(1).

The Project Site is located entirely within the Los Angeles Union Terminal District, which was determined eligible for listing in the National Register as a historic district, and is listed in the California Register of Historic Places. (Historic Resource Report, p. 19). The Historic Resources Report states:

> Constructed between 1917 and 1923, the Los Angeles Union Terminal District is an intact example of buildings constructed for closely related uses by the railroad, defining transportation, wholesale, and storage methods in the early twentieth century. As such, it is a significant and distinguishable entity and eligible for listing in the National Register under Criterion A. The buildings in the District are also excellent examples of early twentieth century industrial architecture. The District therefore is significant under

> National Register Criterion C because its individual components embody the distinctive characteristics of a type. All of the contributing buildings within the district were designed by John Parkinson, the most prolific and important architect in Los Angeles during the period in which they were built. As the buildings are closely related by use, similar in appearance, designed by the same architectural firms, and built by the same construction company, they were evaluated as an historic district rather than as individual resources. (Historic Resources Rpt. p. 19).
>
> Consistent with the Section 106 Review process, the Los Angeles Union Terminal District in its entirety was assigned a status code of 2S2 (determined eligible for the National Register by consensus, and listed in the California Register), and all buildings within the complex at that time were identified as contributing features (see Fig. 6). Therefore, the District satisfies the definition of a "historical resource" for purposes of CEQA. (Id.)

Although the Project will not destroy any buildings in the Historic District, it will adversely affect the historic nature of the District. Under CEQA sections 21084(e), and 21084.1, and CEQA guidelines sections 15064.5, and 15300.2, a categorical exemption from CEQA may not be issued for any project that may cause a substantial adverse change in the significance of a historical resource. This includes changes to the "immediate surroundings such that the significance of an historic resource would be materially impaired." CEQA Guidelines section 15064.5(b)(1). The Project is fully with the listed historic district, and therefore will "materially impair" the "immediate surroundings" of the historic buildings in the district and the district itself.

The Project's impacts on the listed Los Angeles Union Terminal Historic District must be analyzed in a CEQA document.

D. 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.

The HEU EIR failed to adequately mitigate all of the environmental impacts of the Housing Element Update. It acknowledged that the Housing Element would have numerous significant unmitigated impacts. These impacts must be analyzed under CEQA and mitigated at the project level.

The HEU EIR acknowledged that the Housing Element would have significant unmitigated impacts on air quality, biological resources, cultural resources (including historic resources), geology and soils, hazards and hazardous materials, noise, public services, recreation, transportation, tribal cultural resources, and wildfire. (HEU Draft EIR, p. 2-8).

In the case of *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 122-125, the court of appeal held that when a "first tier" EIR admits a significant, unavoidable environmental impact, then the agency must prepare second tier EIRs for later phases of the project to ensure that those unmitigated impacts are "mitigated or avoided." (Id. citing CEQA Guidelines §15152(f)) The court reasoned that the unmitigated impacts were not "adequately addressed" in the first tier EIR since they were not "mitigated or avoided." (Id.) Thus, significant effects disclosed in first tier EIRs will trigger second tier EIRs unless such effects have been "adequately addressed," in a way that ensures the effects will be "mitigated or avoided." (Id.) Such a second tier EIR is required, even if the impact still cannot be fully mitigated and a statement of overriding considerations will be required. The court explained, "The requirement of a statement of overriding considerations is central to CEQA's role as a public accountability statute; it requires public officials, in approving environmental detrimental projects, to justify their decisions based on counterbalancing social, economic or other benefits, and to point to substantial evidence in support." (Id. at 124-125) The Court specifically rejected a prior version of the CEQA guidelines regarding tiering that would have allowed a statement of overriding considerations for a program-level project to be used for a later specific project within that program. (*Communities for a Better Env't v. California Res. Agency* (2001) 103 Cal.App.4th 98, 124, disapproved on other grounds by *Berkeley Hillside Pres. v. City of Berkeley* (2015) 60 Cal.4th 1086.) Even though "a prior EIR's analysis of environmental effects may be subject to being incorporated in a later EIR for a later, more specific project, the responsible public officials must still go on the record and explain specifically why they are approving the later project despite its significant unavoidable impacts." (Id., pp. 124-25.)

Since the HEU EIR left numerous environmental impacts significant and unmitigated, subsequent CEQA review is required to analyze and mitigate those impacts at the project-level.

E. The Project is not eligible for any waivers because it would have significant impacts on a Historical Resource.

Density Bonus Law waivers are only available if a project will not have an adverse impact on any real property that is listed on the California Register of Historic Resources. The Project site is listed on the California Register of Historic Resources. (Gov. Code section 65915(d)(1)(B).) The Density Bonus Law states that density bonuses are not available if:

> (B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

The Project Site is located entirely within the Los Angeles Union Terminal District, which was determined eligible for listing in the National Register as a historic district, and is listed in the California Register of Historic Places. (Historic Resource Report, p. 19). The

Project would adversely affect the historic district by placing a large, modern building, with massive lighted signs, in the midst of the district. As such, the Project is not entitled to any density bonus waivers or concessions.

F. The Project is Not Entitled to the Requested Variance.

The Project applicant seeks a variance from LAMC section 4C.11.6-C.9.D which limits projecting signs to 5 signs of 48 square feet each. The Project seeks a variance to allow three projecting signs of 300 square feet each – vastly more massive and intrusive than allowed under the Zoning Ordinance. As discussed below, the Project fails to meet the strict requirements for a variance.

A variance is issued to allow a property owner to deviate from development standards otherwise applicable to the property. Variances are the exception, not the rule. As a general matter, property owners should be required to conform to the code and bring nonconforming properties into compliance with the zoning code whenever possible. Variances may only be granted in narrow circumstances when the strict application of the zoning ordinance would deprive a property owner of privileges enjoyed by other property owners in the vicinity under the same zoning classification because of special circumstances applicable to the property including size, shape, topography, location, or surroundings. (Gov. Code §65906; *Eskeland v. City of Del Mar*, 224 Cal.App.4th 936, 946 (2014).) A variance can only be sustained if all applicable requirements are met and supported by written findings supported by substantial evidence. (*Topanga Ass'n v. County of Los Angeles*, 11 Cal.3d 506, 518 (1974).) There can be no serious argument that prohibiting massive lighted signs would somehow "deprive a property owner of privileges enjoyed by other property owners in the vicinity." Thus, the variance cannot be allowed.

The Zoning code requires five specific findings, all of which must be made to support a variance:

1. There are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district.

2. Based on the exceptional or extraordinary circumstances, the literal enforcement of the Code provisions would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.

3. The variances are necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.

As discussed below, there is no substantial evidence to support any of the five necessary findings. Therefore, a variance may not be issued. See, *Orinda Ass'n v. Bd. of Supervisors*, 182 Cal.App.3d 1145 (1986) (facts did not justify a variance since property was not substantially different from other parcels in the same zone). The applicant cannot show that any of the five conditions have been met. As in the *Orinda Association* case, the applicant cannot show that its situation is substantially different from any other parcel in the area, and cannot show any undue burden or hardship from compliance with the Code. Therefore, the variances should be denied.

1. **There are no exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district.**

There is nothing exceptional or extraordinary about the property that would make massive lighted signs necessary. Were the City to deem this particular situation exceptional other residential property owners would reasonably expect they too could enjoy the same windfall absent any showing of extraordinary circumstances, inevitably leading to a proliferations of massive signage. Ensuring that the variances are granted only in truly extraordinary circumstances allows the City to avoid this type of slippery slope.

2. **Based on the exceptional or extraordinary circumstances, the literal enforcement of the Code provisions would not result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.**

Because there is no evidence of extraordinary circumstances, the literal enforcement of the Code would not pose any hardship to the project sponsor. The City must assume the sponsor examined the Code requirements before his recent purchase or the property and determined he could enjoy a reasonable return on his investment without any Code variances. That is, the sponsor purchased the parcel assuming he would be limited to signs that comply with the code.

3. **The variances are not necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.**

The City need not grant the two variances in order for the project sponsor to protect and enjoy his full property right. Again, the City must assume the project sponsor purchased the property on the assumption that his investment would be protected by simply complying with the existing Planning Code. Similarly, there is no evidence that the City has granted variances to neighboring property owners allowing those owners to maximize signage or take advantage of signage which this owner would be deprived. The project sponsor will suffer no particularized prejudice. In fact, because other property owners have complied with the signage requirements, granting these variances would provide this landowner with a unique economic windfall. Finally, as noted above, the project sponsor held no reasonable expectation at the time of purchase that he could maximize buildout of the lot beyond what the Code clearly specified.

4. **That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.**

The placement of massive lighted signs on the property would be materially detrimental to the public welfare. The signage restrictions were enacted to protect the public welfare, and allowing large signs would be particularly harmful in this registered historic district.

5. **That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.**

Granting the proposed variances would be at odds with the Housing Element. The Housing Element assumed compliance with zoning, including signage limitations. The variance would be flatly inconsistent with the code.

For all of the above reasons, the Project is not eligible for a variance.

CONCLUSION

The Project requires supplemental CEQA review to analyze and mitigate its i9mpacts at the project-specific level. The Project is not eligible for any concessions or waivers under the Density Bonus Law. The Project is not eligible for the requested variance to allow massive lighted signs.

Sincerely,

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EXHIBIT B

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REVIEW OF ROW DTLA PROJECT

2 APRIL 2026

IMPACTS ON HISTORIC RESOURCES

SUMMARY

In its environmental assessment, the City says that the ROW DTLA Residential Project will not have a negative impact on a historic resource – specifically the Los Angeles Union Warehouse Terminal. However, the Determination of Eligibility to the National Register of Historic Places, on which the City's assessment is made, was prepared in 1997 and used without change in the Historic Resources Technical Report of 2024. Using the 1997 evaluation, the Historic Resources Technical Report identified seven Character Defining Features of the historic resource with an emphasis on its architectural features. Because CEQA requires that evaluations to the California Register or the National Register be reconsidered after five years, this review reconsiders the evaluation in light of new information, new perspectives, and physical changes to the property and its setting. As a result of this review, the significance must be seen in a broader context, adding recognition of its significance as a functioning industrial complex with essential relationships by truck and rail to the Los Angeles region. With this added understanding, circulation routes and spaces of rail and truck transportation should be added to the list of Character Defining Features. Because the project is proposed to be built on a Character Defining Feature – the circulation routes and spaces of rail and truck transportation – the impact of the project on historic resources must be reassessed. The loss of these spaces as a product of the development of the project would constitute a "substantial adverse change" that would materially affect the eligibility of the historic resource. It would remove a key element of the resource without which it loses its meaning in its biggest and most important sense.

PURPOSE

The purpose of this report is to review the findings and recommendations of the Planning Department with respect to the impacts of the proposed ROW DTLA Residential Project (CPC-2025-4306-DB-PRZV) on cultural resources.

QUALIFICATIONS

My qualifications to address this issue include meeting the Secretary of the Interior's Standards for history and architectural history, extensive experience with CEQA, and fifty years of experience evaluating historic resources in California. I am co-author the National Register nomination of the Port of San Francisco Embarcadero Historic District and author of *Port City: The History and Transformation of the Port of San Francisco, 1848-1910*, and *Imagining San Francisco*, all of which address contemporary historic resources and issues found in the Los Angeles Union Wholesale Terminal Historic District. These include reinforced concrete construction, warehouse architecture, rail and truck transportation and their relationship to port facilities, the development of large-scale transportation and warehouse infrastructure by the Southern Pacific Railroad, the role of architects and engineers in industrial development, and the identification of cultural and industrial landscapes.

PROJECT

The ROW DTLA Residential Project proposes to build three eight-story residential buildings on a portion of the 31-acre site previously known as the Los Angeles Union Wholesale Terminal. The Los Angeles Union Wholesale Terminal, built in 1917-1923, was determined eligible for the National Register of Historic Places (NRHP) in 1997. The Row DTLA project is proposed to be built on a portion of the old wholesale terminal that is now used for parking. In 2024, Character Defining Features of the wholesale terminal were identified, emphasizing the architectural resources of the wholesale terminal district. The project will not harm the historic architectural resources.

METHODS

For this report I have examined two documents that form the basis of the findings of the City of Los Angeles with respect to the impact of the proposed project on historic resources: the Determination of Eligibility of the Los Angeles Union Wholesale Terminal (Historic Resources Group 1997) and the Historic Resources Technical Report (ARG 2024). I have looked at these documents and the Recommendation Report prepared for Planning Commission for Project no. CPC-2025-4306-DB-PRZV (City of Los Angeles. Department of City Planning. 2026) in relation to CEQA standards and evolving approaches to the evaluation of historic resources. On 14 March 2026 I spent several hours at the site and its surroundings.

BACKGROUND

City Findings

The Planning Department found, based on the Historic Resources Technical Report that: "While the project does involve historic structures, the project would be built on entirely separate lots and would not have any impact on the existing historic resources, as detailed in the project's Historical Resources Report." (City of Los Angeles. Department of City Planning. 2026, p.F-6.) The basis for these findings is the Determination of Eligibility of the Los Angeles Union Wholesale Terminal to the National Register of Historic Places (NRHP) in 1997.

CEQA Practices and Standards

The Determination of Eligibility was made in 1997 – twenty-nine years ago. CEQA requires that evaluations be based on current information and it is standard practice to review evaluations after five years: "If the results of the survey are five or more years old at the time of nomination, the documentation for a resource, or resources, must be updated prior to nomination to ensure the accuracy of the information. The statute creating the California Register requires surveys over five (5) years old to be updated." 14 CCR § 4852(e)(3)

Evaluations of historic resources are required to be current to account for new information, new perspectives, and physical changes to a property and its setting. Each of these points is addressed below.

Name, Boundaries, and Resources of the property:

The 1997 Determination of Eligibility calls the property the Los Angeles Union Terminal District. In the years when it was planned and built, from 1915 to 1923, newspapers usually referred to it as the "Los Angeles Union Wholesale Terminal" and the Office of Historic Preservation calls it the "Los Angeles Union Wholesale Terminal Historic District."

By any of these names, it is the same place and occupies the same footprint with the same boundaries: Alameda Street on the east, 8th Street on the South, Central Avenue on the west, and 7th Street on the north. The name can be confused with Los Angeles Union Station, originally Los Angeles Union Passenger Terminal, which is about 1.5 miles north.

The components of the district as identified are five four- to seven-story warehouses of the Wholesale Terminal and two two-story buildings of the Produce Market.

EVALUATION

1997 Determination of Eligibility

In 1997, the evaluation of the Los Angeles Union Wholesale Terminal found the property eligible for the National Register as follows:

Criterion A: It is "a significant and distinguishable entity" that is "an intact example of buildings constructed for closely related uses by the railroad, defining transportation, wholesale, and storage methods in the early twentieth century."

Criterion C: "The buildings in the District are also excellent examples of early twentieth century industrial architecture." As such, the district "is significant under National Register Criterion C because its individual components embody the distinctive characteristics of a type."

2024 Historical Resources Report

The 2024 Historic Resources Technical Report uses the evaluation of the 1997 Determination of Eligibility.

UPDATED INFORMATION AND PERSPECTIVES

New Perspectives

The 1997 evaluation used in the Determination of Eligibility emphasized the architectural resources and history of the district, as was common at the time.

Coincidentally, in the same year this district was evaluated, the first of a series of National Park Service publications was issued addressing the emerging orientation of preservation professionals toward what were called cultural landscapes or historic landscapes. To name only a few of many publications, some of the earliest were *National Register Bulletin 18: How to Evaluate and Nominate Designed Historic Landscapes*; *A Guide to Cultural Landscape Reports*; and *National Register Bulletin 30: Guidelines for Evaluating and Documenting Rural Historic Landscapes. Bulletin 18* includes “commercial and industrial grounds and parks” in a list of types of historic landscapes that can be addressed by cultural landscape analysis. The Los Angeles Union Wholesale Terminal is an example of an industrial landscape.

A cultural or historic landscape of any sort, including an industrial landscape, will be described and understood not just as a group of buildings but as a complex of physical features and the forces and relationships that brought them about. Whereas buildings by themselves are conventionally understood in terms of structure, function, and style or appearance, historic landscapes are analyzed in terms of a number of landscape characteristics including land uses and activities, patterns of spatial organization, and circulation networks, as well as the presence of buildings, structures, and objects.

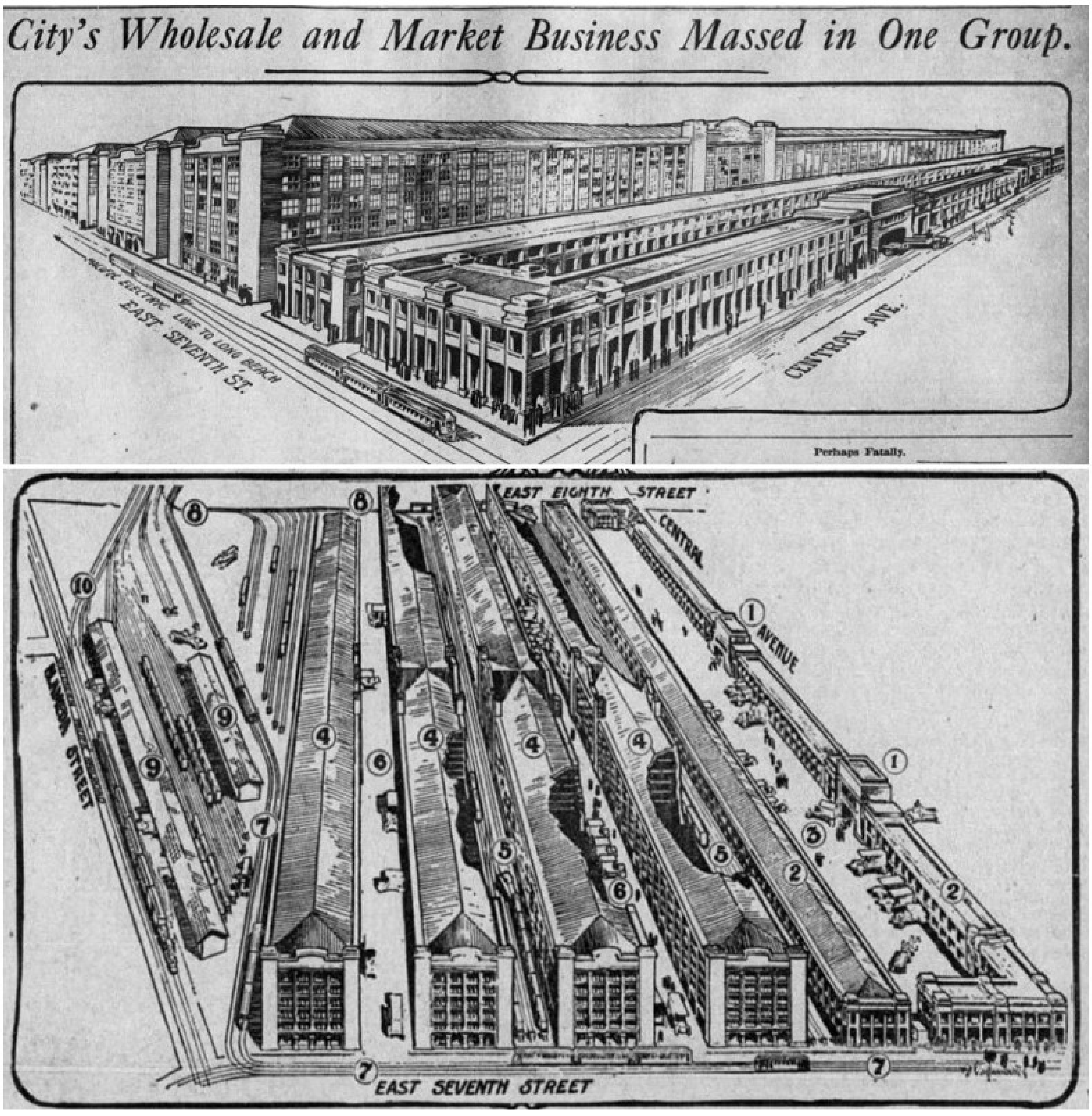
Alterations to site and setting

As it was built between 1917 and 1923, the Los Angeles Union Warehouse Terminal could be described as having three general parts. At the west were two reinforced concrete structures (described as three buildings on Sanborn maps) that constituted the Produce Market, at the center of which were six one-story corrugated metal sheds housing “peddlers stalls”. In the center were four large reinforced concrete warehouses ranging from four to seven stories in height. In the south and east was an area of lower density development that included six long, narrow one- and two-story sheds, three of brick and three of wood.

Along and around these various buildings were circulation paths for rail cars and trucks. The parallel alignment of the reinforced concrete buildings provided corridors between the Produce Market and the warehouses so that rail spurs with railroad loading facilities and paved paths for trucks with truck loading facilities occupied alternate corridors. At the south end of the complex was paved open space for truck parking and a rail yard for transferring freight between the cars of the Pacific Electric Railway and the Southern Pacific Railroad.

Over the years changes were made to the complex including the mix of rail and truck facilities as technology and transportation changed and as the complex was converted to new uses. Aerial photographs show that the sheds south and east of the warehouses were removed in the late 1980s and early 1990s; the railyard was removed in the mid-1990; and the peddlers stalls in the center of the produce market were removed between 2006 and 2008. All of these areas are now used as parking areas.

In 2016, a ten-story parking garage was built southeast of the warehouses on the site of several of the linear sheds, a portion of the rail yard, and truck routes.



From LA Times 5 Feb 1916

New Information

Online access to newspapers was barely possible in 1997. Today vast collections of newspapers and other information is easily accessible online. From a quick search of these sources, it is possible to present a brief update to the history of the site that helps to clarify the character of the resource, to inform its evaluation, to identify its Character Defining Features, and to assess impacts of the project.

By December 1915, newspaper articles described the site, scope, components, character, and anticipated impact of a "$7,000,000 market and wholesale terminal project." It required the purchase of 87 properties, the closing of streets, and the transfer of extensive facilities owned by the Pacific Electric Railway to other locations in Los Angeles County. (*Los Angeles Express*, 4 December 1915)

The development was owned and built by the Los Angeles Union Terminal Company which was formed for the purpose with officers and directors from businesses and banks from Los Angeles and San Francisco. The Southern Pacific Company, owner of the Southern Pacific Railroad and the Pacific Electric Railway, supported the development and benefited from it but it was a "union" terminal – it served two railroads and many companies not owned by Southern Pacific. "Neither the Pacific Electric nor the Southern Pacific has one cent invested in the terminal…" (*Los Angeles Times* 5 February 1916)

This was a visionary development which was far more than a market and warehouse complex. It was seen by the Los Angeles Times as "Bringing the harbor to the city and concentrating the wholesale and market business of Los Angeles into a mile and a half of enormous buildings." The *Times* explained: "WHAT IT MEANS. That the new wholesale terminal will actually make every city in Southern California an integral part of Los Angeles from a traffic point of view, and move the Los Angeles harbor directly, if figuratively, into the wholesale district of the city… with the completion of the wholesale terminal there will be a central point for the collection of all the shipping gathered from the various wharves of Los Angeles Harbor." It "does away with heavy trucking through the streets of the city and cuts the cost of transportation fully 50 per cent" and made possible the same-day delivery of produce to merchants throughout the Los Angeles region. (*Los Angeles Times* 5 February 1916)

A key feature of numerous newspaper articles about the development was the role and importance of rail and truck transportation that followed an ambitious vision of integrating a centralized market and terminal with a regional transportation system. Pacific Electric Railway hauled freight as well as carried passengers. The Southern Pacific Company owned the Southern Pacific Railroad as well as fleets of trucks and ships and had extensive lines to the rest of California and to the eastern United States. The warehouses were served by the Pacific Electric Railway with transfer of freight to and from Southern Pacific trains in the south yard along Alameda Street.

The terminal was designed first of all to facilitate the efficient pickup and delivery of freight in its travels between the terminal and the port and in its delivery to customers. The terminal was conceived of not as a complex of buildings but as a complex of features – buildings, loading facilities, corridors between buildings to accommodate rail and truck access, and rail and truck yards with low density one-story wood transit sheds. The size, design, and relationships of the buildings were all related to their relationships to rail and truck transportation. The buildings made no sense without the transportation spaces around them. The basic problem in designing the complex was an engineering problem; architectural issues were secondary.

Overall, this was an extremely bold and ambitious development whose concept and enormous size, according to the *Los Angeles Times*, rivaled “the famous Bush terminals of New York City.” The Los Angeles market and warehouse complex was much larger than the Southern Pacific Terminal Warehouse, the largest building in San Francisco and built at the same time as this development by some of the same supporters.

In short, this development was an important step in modernizing and creating a unified Los Angeles region. As the masthead of the *Los Angeles Express* proclaimed, “Los Angeles is the largest city west of St. Louis, Mo.” That claim indirectly referred to the recent development that Los Angeles had passed San Francisco in population and was on the way to dominance in manufacturing, banking, and other areas.

1997 Analysis

The 1997 Determination of Eligibility describes the market and terminal development as “a terminal and wholesale market for produce and goods entering the city of Los Angeles by rail.” It explains that the terminal’s big warehouses “are situated along the major rail corridor of the city and are unique examples of a freight rail terminal” with rail spurs between the warehouses and loading facilities for rail and truck transport. “This was a state-of-the-art freight transfer and storage facility when it was constructed by the Southern Pacific, defining transportation, wholesale, and storage methods in the early twentieth century.” (Historic Resources Group 1997, p.4)

The report identified the Period of Significance as 1917 to 1923, “reflecting the period during which all contributing buildings within the District were constructed.” (Architectural Resources Group. 2024, 19)

CHARACTER DEFINING FEATURES

As Identified in 2024

As stated in the Historic Resources Technical Report, “Character-defining features are those physical elements of a resource that define its historic character and help to convey its significance. In instances of future change to a historic resource, character-defining features should be retained to the greatest extent feasible in order to ensure that a resource can continue to physically represent its historical period.” (Architectural Resources Group. 2024, 20)

The Historic Resources Technical Report identified the Character Defining Features of the terminal as follows (Architectural Resources Group. 2024, 20-21):

1) Siting of buildings on the west portion of the property, deeply set back from S. Alameda Street
2) Relationship between contributing buildings, including long narrow corridors separating buildings
3) Inner court that was historically used as a wholesale produce market (west end)

4) Narrow footprints and linear north-south arrangement of contributing buildings
5) Historic industrial use and utilitarian architectural vocabulary of contributing buildings, including flat roofs, cast-in-place concrete exterior walls, loading docks (where present), and repetitive, industrial steel sash windows
6) Beaux Arts detailing (symmetrical façades, pilasters, stepped parapets, truncated corner towers) at the north and south ends of the six and seven-story buildings fronting on E. 7th Street
7) Arched gateways at the westernmost building that lead to the inner court

Revised Character Defining Features

The Character Defining Features identified in 2024 in the Historic Resources Technical Report focus on the buildings with an emphasis on their architectural features. Although the 1997 Determination of Eligibility discusses the importance of rail transportation in the design and function of the property, these are not addressed in the Character Defining Features identified in the Historic Resources Technical Report.

Following the example of the literature on historic landscapes, including industrial landscapes, these Character Defining Features are largely focused on architectural features of the historic property. They include the "relationship between contributing buildings, including long narrow corridors separating buildings" and the "inner court that was historically used as a wholesale produce market (west end)" but they do not include transportation features for railroads and trucks whose needs were fundamental shapers of the development.

As an industrial landscape, the circulation routes and spaces that accommodated trucks and the two railroads are equivalent in importance to the warehouses. A more complete and accurate identification of "those physical elements of a resource that define its historic character and help to convey its significance" must include the circulation route and spaces of rail and truck transportation among the Character Defining Features that were identified in the Historic Resources Technical Report. Without including rail and truck spaces among the character-defining features the historic resource would not "continue to physically represent its historical period." (Architectural Resources Group. 2024, 20)

ANALYSIS OF FINDINGS

In view of changes to the site, new information, and evolving perspectives on the evaluation of historic resources, the evaluation used as the basis of the 1997 Determination of Eligibility which was used again in the 2024 Historic Resources Technical Report, is out of date. The evaluation is twenty-nine years old and CEQA requires reconsideration of evaluations after five years. Because the old evaluation serves as the basis for the identification of Character Defining Features the Character Defining Features as presented omit key features of the historic resource which must be considered in the analysis of impacts of the proposed project on the historic resource.

A concise way of characterizing the old evaluation is to note that it is architecture-centric. This architecture-centric perspective is reinforced in the 2024 Historic Resources Technical Report in its use of the old evaluation and its identification of Character Defining Features which emphasize the architectural features of the buildings and neglect the functions, uses, and spaces of the property.

REVISED IMPACTS

The Historic Resources Technical Report, based on the Character Defining Features identified in the report, minimized changes made to the district since it was designated (Architectural Resources Group 2024, p.23):

> In the 21 years since the District was designated, few material changes have been made within its boundaries. These changes include the construction of a ten-story parking garage structure at the southeast portion of the property and minimal alterations to contributing buildings and the Site in their adaptation from industrial to commercial use as part of ROW DTLA. None of the contributing buildings has endured alterations that have compromised its status as a contributor, and the addition of the parking garage did not compromise the integrity of the District as a whole. Thus, the District continues to be eligible for the National Register and California Register as originally documented.

However, if the circulation routes and spaces of rail and truck transportation are added to the Character Defining Features of the historic resource, then the historic resource will lose most of what still exists of a Character Defining Feature – its circulation routes and spaces of rail and truck transportation – as a result of the project. In fact, the resource has already suffered some diminishment of integrity over the last thirty years. Its small sheds have been removed, its rail yards and spurs have been removed, and a sixteen-story parking garage has been built where some of these features of the historic resource existed. Nevertheless, the spaces where the transportation features existed are to a large extent still in place. These spaces of the resource are features “that define its historic character and help to convey its significance”; they “continue to physically represent its historical period”. With them one can understand the rationale for the design of the complex and how it worked. Without them, what you see is a group of buildings removed from their context. The buildings by themselves are impressive as buildings but do not convey the broader significance of the historic development, its relation to the port and to the unification of the Los Angeles region.

The loss of these spaces as a product of the development of the project would constitute a “substantial adverse change” that would materially affect the eligibility of the historic resource. It would remove a key element of the resource without which it loses its meaning in its biggest and most important sense.

The significance of these spaces should be acknowledged and their loss mitigated.

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