

May 29, 2026

VIA E-MAIL

Los Angeles City Planning Commission
Los Angeles City Hall
200 N. Spring Street, Room 340
Los Angeles, CA 90012
Attn: Cecilia Lamas, Commission Executive Assistant II
cpc@lacity.org

Re: 12555 W. Ventura Boulevard
Response to Appeal of VTT-84453 and ENV-2025-5697-SE
Related Case: CPC-2025-5697-DB-PR-S-PPC-MCUP-VHCA
CPC Hearing Date: Thursday, June 11, 2026

Dear President Lawshe and Members of the City Planning Commission:

Our firm represents Studio City Sports Center, LLC, (the “**Applicant**”) the owner of the property located at 12555 W. Ventura Boulevard (the “**Property**”), and the applicant for the Riverwalk Project. We respectfully request that the City Planning Commission deny the appeals of the Deputy Advisory Agency’s Letter of Determination (“**LOD**”) approving Vesting Tentative Tract Map (“**VTTM**”) 84453 and approving the statutory CEQA Exemption for urban infill housing development projects, as set forth in Public Resources Code (“**PRC**”) section 21080.66. There were three (3) appeals filed by (i) Studio City for Safe Development/ Alex Staikos (“**SCSD Appeal**”), (ii) Studio City Residents Association/ Barry Johnson (“**SCRA Appeal**”), and (iii) Marianne King (“**King Appeal**”) (collectively, the “**Appeals**”). The key issues in the Appeals are addressed below. None of the claims in the Appeals are valid or provide substantial evidence necessary to overturn the City’s approval of VTTM 84453 or the statutory CEQA Exemption under PRC §21080.66, or provide a preponderance of evidence that there is a specific adverse impact to public health and safety that cannot be mitigated to support denial of the Project under the Housing Accountability Act ((“**HAA**”, Gov’n Code § 65589.5)).

I. VTTM Approval

VTTM 84453 is a merger and re-subdivision of four legal parcels divided into eight portions with two master ground lots, three residential airspace lots, five commercial airspace lots, and eight parking airspace lots for the construction of a mixed use development consisting of 814 residential dwelling units, including 46 affordable units, and approximately 75,968 square feet commercial uses on a 261,485 square-foot lot in the C1.5-1VL-RIO Zone, as well as a haul route approval for

the removal of approximately 521,000 cubic yards of dirt, and the removal of 240 non-protected trees from the project site and three (3) non-protected trees from public right-of-way.

The VTTM entitlements also include a Statutory CEQA Exemption for urban infill housing development projects under PRC §21080.66, known as AB130. The City Staff Report, dated April 14, 2026, and the Advisory Agency's LOD, dated April 15, 2026, determined that based on the whole of the record, the Project, including the VTTM, is statutorily exempt from CEQA under AB130.

There is also a related case requesting entitlements for a Density Bonus, including off-menu incentives and waivers, Project Review for developments creating 50 or more dwelling units, and Project Compliance Review with the Ventura-Cahuenga Boulevard and Corridor Specific Plan (the "*Specific Plan*"), for the construction of a mixed-use project consisting of 814 residential dwelling units, including 46 affordable units, and approximately 75,968 square feet commercial uses and a Class 2 Main Conditional Use Permit to allow the sale and dispensing of a full-line of alcohol for on- and off-site consumption in conjunction with the restaurants (the "*Density Bonus Project*"). The Deputy Advisory Agency did not act on these entitlements, which the City Planning Commission is considering on June 11, 2026. The VTTM and the Density Bonus Project are entitlements for the same Project, and are considered as a whole in the environmental review.

II. The Project Qualifies for a Statutory CEQA Exemption under AB130

A. The City Reviewed and Approved AB130 Compliance for the VTTM

On June 30, 2025, the California State Legislature passed AB130, which provided a statutory CEQA exemption for urban infill housing development projects that meet certain requirements, including residential/mixed-use types, property size (under 20 acres), urban area and use, zoning and general plan consistency (including density bonus waivers and concessions), and project location. (PRC §21080.66) As set forth in the AB130 CEQA Checklist, attached as Exhibit A, the Project fully complies with the AB130 requirements.

The Project is a mixed-use housing development project with over 89% residential floor area (PRC §21080.66.(a)). The Property is 6.01 acres (PRC §21080.66.(a) (1)); located within the City of Los Angeles ((a)(2)); previously developed with retail, restaurants and entertainment uses ((a)(3)); and is consistent with the C1.5-1VL-RIO zone, Neighborhood Office Commercial land use designation, and the Specific Plan provisions based on approval of the Density Bonus concessions and waivers (Gov. Code §65915) ((a)(4)). The Project has a density of one dwelling unit per 321.7 square feet of lot area, which complies with the minimum Metro density in Gov. Code §65583.2(c)(3)(B) (Housing Element) of 30 dwelling units per acre (1 dwelling unit per 1,492 square feet of lot area) ((a)(5)). The Property is not designated as a historic structure ((a)(7)); and does not include a hotel use ((a)(8)). The Property is not located within any of the designated areas listed in Gov. Code §65913.4 (a)(6), because it is not in a coastal zone, farmland, wetland, hazardous waste site, earthquake fault zone, special flood area, regulatory floodway, conservation area, protected habitat, lands under conservation easement, and there were no prior residential uses on the Property (PRC §21080.66.(a) (6), (7)). The Project is within a Very High Fire Hazard

Severity Zone (“*VHFHSZ*”), but complies with the State Fire Code laws that otherwise allow the Project in the zone (PRC §21080.66.(a)(6), Gov. Code §65913.4 (a)(6)).

The City accepted the application for review on October 10, 2025, completed the tribal consultations in January 29, 2026, and later deemed the application for the housing development project application complete on May 16, 2026. The City must approve or disapprove the project within thirty days from the conclusion of the tribal consultation projects, after the application has been deemed complete (PRC §21080.66 (b))(Gov. Code §65950(a)), and must determine that the Project is inconsistent with an applicable plan, program, policy, ordinance, standard, requirement or other similar provision within 60 days after the application has been deemed complete for projects with 150 units or more. (Gov. Code §65589.5(j)(2)(A)) The Deputy Advisory Agency held the hearing on the VTTM on April 14, 2026, and issued the Letter of Determination approving the VTTM and the AB130 CEQA Exemption on April 15, 2026. The Notice of Exemption was posted and recorded on April 20, 2026.

B. The State Legislature Provides A CEQA Exemption For Any Approvals Related to Qualifying Housing Development Projects

The California legislature clearly intended the AB130 statutory CEQA Exemption for housing development projects to include review of a VTTM approved as part of the project. PRC §21080.66 states: "Without limiting any other statutory or categorical exemption, this division does not apply to any aspect of a housing development project, as defined in subdivision (b) of §65905.5 of the Government Code, including any permits, approvals, or public improvements required for the housing development project, as may be required by this division, if the housing development project meets all of the following conditions." The Legislature's use of the phrase "any aspect... including any permits, approvals, or public improvements" is deliberately expansive. A VTTM is unambiguously a "permit" or "approval" required in connection with the housing development project. If PRC §21080.66 was interpreted to statutorily exempt the housing development project from CEQA, but leave the VTTM subject to parallel environmental review, it would undermine this express legislative intent. The City complied with this State directive by identifying PRC §21080.66 as the environmental clearance for the VTTM for this housing development project, and the City has consistently taken the same position with other housing development projects with associated VTTMs.

C. There are No Exceptions to Statutory CEQA Exemptions, including AB130

For statutory CEQA Exemptions, including AB130, there are no exceptions to the exemption that are otherwise provided for categorical exemptions (CEQA Guidelines §15260 *et seq.*). Therefore, the categorical exceptions for location, cumulative impact, significant effect due to unusual circumstances, scenic highways, unusual circumstances, hazardous waste sites, and historic resources do not apply to specific statutory CEQA exemption (CEQA Guidelines §15300.2(a-f)). If a project meets all of the requirements to qualify for the AB130 CEQA Exemption set forth in PRC §21080.66, then it is deemed statutorily not to have any CEQA impacts, and it is irrelevant if there are any potential environmental impacts, including those

identified in the above exceptions. The Project has been determined to qualify for the AB130 CEQA exemption, and therefore no additional environmental review or analysis is required.

The SCSO Appeal, Section V, claims that the cumulative impact of the Project in combination with other ongoing and reasonably foreseeable projects in the immediate vicinity demonstrates potential environmental impact to public health. The nearby projects include the Sportsmen's Lodge redevelopment (12805-12835 Ventura), the Harvard-Westlake athletic center (4047-4155 N. Whitsett Avenue), the Sunset Place Project (12544-12583 Ventura Boulevard), the 12434 Moorpark housing project (ED1, 12434 Moorpark Street), the 12750 Moorpark housing project (ED1, 12750 Moorpark Street). The first two projects were approved in the past few years, and the remaining have pending applications. All of these projects were evaluated as individual separate projects; the first three are discretionary projects with CEQA review, and the last two are ministerial projects under Executive Directive 1. However, because the Project qualifies for a statutory CEQA Exemption under AB130, the Project is legally deemed not to have impacts under CEQA, and there is no requirement to evaluate cumulative impacts, and no exception for cumulative impacts of nearby projects under CEQA Guidelines §15300.2(b).

D. The Project Fully Complies with Fire Safety Codes and Regulations

The Property is located in a Very High Fire Hazard Severity Zone; however, pursuant to PRC §21080.66(a)(6), the Project is still exempt from CEQA if it complies with the fire safety provisions set forth in PRC §4291, PRC §51182, PRC §4290, and California Building Code ("CBC") §7A. As set forth in the Technical Memorandum for Riverwalk at Studio City by Dudek, dated September 26, 2025 (the "**Dudek Fire Code Analysis**"), the Project fully complies with the State laws (including PRC §4291 and §51182, PRC §4290, and CBC §7A), City ordinances, and building and fire code requirements. These findings are summarized in detail in Exhibit A. The Dudek Fire Code Analysis is attached as Exhibit B. The Technical Review – Wildfire Management Features, dated May 29, 2026, by SGH, confirms that the Project will fully comply with the State laws, and other Fire and Building Code requirements, which are reviewed as part of the building permit plan check process ("**SGH Wildfire Management Review**"). In addition, the SGH Wildfire Management Review provides a full analysis of the site specific exposure assessment (Section 5.2), fire-resistant construction (Section 6.1), emergency access and fire hydrant locations (Section 6.2), defensible space (6.3), and fire protection features (Section 6.4). The SGH Wildfire Management Review is attached as Exhibit C. The Dudek Fire Code Analysis and SGH Wildfire Management Review constitute substantial evidence in the record that the Project complies with State and local fire codes.

AB130. The SCRA Appeal (Ground 1) claims that the AB130 CEQA Exemption is unavailable, because the Property is located in a VHFHSZ, which is a prohibited location under Gov. Code §65913.4(a)(6)(D); therefore, a Mitigated Negative Declaration is required. The SCRA Appeal quotes from various law firm websites that describe the AB130 exclusions; however, the SCRA Appeal misstates the law. The CEQA Exemption in PRC §21080.66 specifically permits a housing development project in a VHFHSZ if it meets the State law requirements set forth in PRC §4291 and §51182 for defensible space, PRC §4290 for fire safety standards, and CBC §7A, which has been replaced by the wildland-urban interface ("**WUI**") building standards, currently contained in the California Wildland-Urban Interface Code ("**CWUIC**") 2025, Part 7 (effective January 1,

2026). These are analyzed in detail in the Dudek Fire Code Analysis, which was part of the Project application and reviewed by City planning staff in preparation of the City Staff Report. In addition, the SGH Wildfire Management Review identifies the wildfire mitigation measures required by State and local codes that are incorporated in the Project's entitlement documents, and must be cleared as part of the building permit plan check review.

Wildfire Evacuation. The SCRA Appeal (Ground V.B) claims that the Fire Department analysis in the LOD, section 11, fails to provide an evacuation study for the residents including adjacent road capacity analysis during peak hours. In addition, the SCSD Appeal (IV.D) similarly claims that the LOD provides no corridor-level evacuation capacity analysis that includes the other projects on Ventura Boulevard and the existing homes in the hillside area to the south. The SCSD Appeal (II) also identifies that Gov. Code §65302.15 requires each City's General Plan, Safety Element, to be updated to identify evacuation routes and their capacity, safety, and viability and evacuation locations under a range of scenarios.

The City Council adopted a comprehensive update to the General Plan in October 2021, and revised the Safety Element in 2025 to incorporate the requirements of Gov. Code §65302.15. The Safety Element states, "To better accommodate the variety of evacuation scenarios, the City has developed a dynamic approach to evacuation response, one that can respond to different conditions. As specified in the City EOP Evacuations Annex "primary evaluation routes consist of the major interstates, highways, and primary arterials within the City and Los Angeles County." However, in response to a more localized emergency, like a hillside wildfire, the LAFD works in coordination with the Los Angeles Department of Transportation and Los Angeles Police Department to identify the most appropriate local egress option and direct individuals to those routes. Potential routes have been pre-selected based on a number of considerations, but potential evacuation routes will vary based on the type and location of hazard/disaster."

The Fire Department is not required by code to provide a site-specific evacuation procedure as part of a project-specific VTTM review. The Fire Department fully complies with the required analysis by identifying the conditions necessary to meet the standards set forth in the CBC, CWUIC, LABC, and City Fire Code. In addition, the City has an Emergency Operations Plan for Evacuation, dated October 2020, that analyzes the emergency response as a whole for multiple City departments, including using major streets as evacuation routes identified by DOT. This response is modified on a dynamic basis during an emergency, and therefore, the scenario for evacuation changes based on the specific location and details of the earthquake or wildfire.

State Minimum Fire Safety Regulations. The SCSD Appeal (IV.B) claims that the Project does not comply with State Minimum Fire Safe Regulations for projects in a VHFHSZ, as codified in CCR §1270 *et. seq.* The Appeal cites to CCR §1276.01, which requires a minimum 30-foot setback for all buildings from all property lines (for interior property lines) and/or the center of the Road (for road adjacent property line), with certain exceptions in §1276.01(b). The Road is defined as "A public or private vehicular pathway to more than four (4) Residential Units, or to any industrial or commercial Occupancy." (CCP §1270.01) The intent of the regulation is that all buildings are separated by 30 feet, including those on neighboring properties, or the buildings have specific design features that would make them non-combustible in compliant with code. CCP §1276.01 states: "A reduction in the minimum setback shall be based upon practical reasons, which

may include but are not limited to, parcel dimensions or size, topographic limitations, Development density requirements or other Development patterns that promote low-carbon emission outcomes; sensitive habitat; or other site constraints, and shall provide for an alternative method to reduce Structure-to-Structure ignition by incorporating features . . .”

The Property is surrounded on three sides by public streets. The buildings in the Project are set back more than 30 feet from the centerline of Whittset Road to the east and Ventura Boulevard to the south, and therefore comply with the requirement, and are set back more than 40 feet on Valleyheart Drive from the LA River. The building on the adjacent property to the west at 12711 Ventura Boulevard is set back more than 30 feet from its property line with a surface parking lot. The westernmost residential building in the Project is setback from the west property line by a 28-foot wide fire lane (which is also a Road per the definition). CCR §1276.01(b) provides an alternative to the 30 foot setback if there is an alternative method to obtain structure-to-structure ignition, which include features such as block walls, non-combustible material extending five feet from the building, hardscape landscaping, reduced window exposure within the 30 foot setback, or the most protective requirements of CBC, Chapter 7A, which is replaced by the 2025 CWUIC, Part 7 (effective 1 January 2026). The residential and commercial buildings on the Project are designed to comply with most updated CBC, Chapter 7A and 2025 CWUIC Part 7 provisions, and therefore provide an alternative compliance under §1276.01(b), including the building adjacent to the 28-foot wide fire lane. This analysis is set forth in detail in the attached SGH Wildfire Management Review.

Fire Code Compliance. The Project proposes to develop 6.01 acres on the northwest corner of Ventura Blvd. and Whitsett Avenue with a mixed-use development consisting of residential apartment units and commercial space that includes two-story restaurants and seven-story residential buildings built over subterranean parking. The construction types for the Project are Type 3 for the residential units over Type 1 for the garage levels. The Project is located in a California Department of Forestry and Fire Protection (CAL FIRE) designated Local Responsibility Area (LRA) VHFHSZ.

The 2025 edition of the California Building Standards Code (Title 24) became effective on January 1, 2026. Construction documents for this Project will be submitted for LADBS plan check after the effective date of the 2025 code cycle. The governing WUI building standards are contained in CWUIC 2025 Part 7, as adopted and amended by the City of Los Angeles through LAMC Article 7.1 (LAWUIC). The City’s adoption is documented in the Los Angeles Board of Fire Commissioners report (November 2025) and implemented through LADBS supplemental plan check correction list PC.STR.Corr.Lst.116 (Rev. 2025-12-23). The SGH Wildfire Management Review, Appendix B, provides a summary of the code provisions from the legacy CBC Chapter 7A (2022) to CWUIC 2025 Part 7.

Key CWUIC requirements for structures in a VHFHSZ address Class A roof assemblies, ignition-resistant exterior walls, protected eaves and soffits, ember-resistant ventilation openings, tempered glazing, ignition-resistant decking, enclosed underfloor areas, roof-to-wall fire stopping, and trellis and appendage restrictions. Detailed VHFHSZ compliance notes and product specifications will be developed at the CD phase and verified through the LADBS plan check process.

Fire Department Report. The Fire Department conditions set forth in the LOD fully analyze and require compliance with the LA Fire Code and State law. As determined by DWP, the Project has the infrastructure to comply with water supply and fire flow requirements and substantially complies with fire apparatus access requirements. The Project provides the 200 feet of defensible space required in a VHFHSZ, and the space includes the Los Angeles River and existing adjacent urban development and adjacent streets. The Project includes both ground- level and rooftop landscaping, which is required to be approved by LAFD Fuel Modification Plan Checkers who evaluate each project independently based on site, hazard, and vegetation characteristics. The Fire Code Analysis evaluates the proposed landscaping and concludes that it complies with the code requirements. The entirety of the trees and shrubs proposed for the Project will be reviewed and approved by the LAFD. These findings are analyzed in detail in the LOD and in the Dudeck Fire Report, and further reviewed in the SGH Wildfire Management Review.

California PRC Section 4290 and Title 14 Fire Safe Regulations. California PRC § 4290 establishes minimum fire safety standards for development in State Responsibility Area (“***SRA***”) lands, with implementing regulations in Title 14, California Code of Regulations (“***CCR***”), Division 1.5, Chapter 7, Subchapter 2 (State Minimum Fire Safe Regulations). The implementing regulations address four principal categories: emergency access (Title 14 CCR §1273); signage and building numbering (Title 14 CCR §1274); water supply and fire hydrants (Title 14 CCR §1275); and fuel modification, greenbelts, and building/parcel siting setbacks (Title 14 CCR §1276 series, including §1276.01 “Building and Parcel Siting and Setbacks”). Because the Property is located in a City of Los Angeles LRA VHFHSZ, California PRC §§4290 and the State Minimum Fire Safe Regulations are relevant to the Project’s fire safety framework, subject to local regulations that equal or exceed the state minimums. The technical content of those provisions is also addressed because CGC § 65913.4(a)(6)(D) references California PRC §4290 as one of the named categories of fire mitigation measures.

California PRC Section 4291 and CGC Section 51182 — Defensible Space. Following AB 3074 (2020) and SB 504 (2024), defensible space is organized into three zones: Zone 0 (0 to 5 ft, Ember-Resistant/Immediate Zone), Zone 1 (5 to 30 ft, Lean/Clean/Green Zone), and Zone 2 (30 to 100 ft, Reduced Fuel Zone). Zone 0 prescriptive requirements remain the subject of ongoing rulemaking by the Board of Forestry and Fire Protection (BOF) under Executive Order N-18-25; the Project commits to compliance with the prescriptive Zone 0 standard in effect at the building permit phase.

LAFD, LAMC, and Los Angeles-Specific VHFHSZ Requirements. The Los Angeles Building Code (LABC §§91.7203 and 91.7207) and the City’s adoption of the California Wildland-Urban Interface Code 2025, Part 7 (codified in LAMC Chapter V, Article 7.1, LAWUIC) impose construction requirements for projects in the VHFHSZ, including Class A roofing, enclosed underfloor areas, ignition-resistant exterior walls, vent restrictions, tempered glazing, and ignition-resistant decking. The Los Angeles Fire Code (LAFC §57.4911) establishes the VHFHSZ zone and imposes use restrictions within that zone (including open-flame prohibition and restricted entry). Brush clearance obligations apply under LAMC §§ 57.4906.5.2 and 57.1.603.5 et seq. (200

ft maintenance zone). These requirements will be verified through the LADBS plan check process at the building permit phase.

Fire Code Analysis for Urban Infill Context. The Project site presents a distinctly different wildfire mitigation context than a hillside or wildland-adjacent development. It is a 5.99 acre urban commercial parcel on the valley floor, surrounded by existing commercial development (including LAFD Fire Station 78 immediately east across Whitsett Avenue), paved streets, and the concrete-channelized Los Angeles River. The dominant exposure pathway at this site is structure-to-structure fire spread and ember transport from vegetated hillside areas south of Ventura Boulevard rather than direct wildland fire-front contact. The Project replaces aging commercial buildings and surface parking with modern, code-compliant construction, which materially reduces the local structure-to-structure ignition risk relative to existing site conditions.

As set forth in the SGH Wildfire Management Review, Section 6 analysis, the Project fully complies with the required State and Local fire code requirement. Key technical findings include WUI building features, required fire access and water supply and compliant defensible space. In summary, the Class A flat-roof/parapet, concrete podium underfloor enclosure, and predominantly noncombustible exterior cladding are consistent with California Wildland-Urban Interface Code 2025, Part 7, §504. The Composite-panel cladding products specified at construction document phase will satisfy ASTM E136, CCR Title 19 §12-7A-1, or Office of the State Fire Marshal Building Materials Listing Category 8140. The Project complies with the required Fire access and water supply. There are four driveways that access onto two public streets, Valleyheart drive and Ventura Boulevard, with the minimum 20 ft fire lanes; Los Angeles Department of Water and Power *Information of Fire Flow Availability Report* (Appendix C, Exhibit C-3) supports the Los Angeles Fire Department-required 9,000 gpm fire flow (six public hydrants on Ventura Boulevard, 138–140 psi static, 116–118 psi residual at 1,500 gpm); and aerial fire apparatus can access for the 84 ft Buildings 2, 3, and 4 which will be detailed at the construction document phase per 2026 Los Angeles Fire Code, Appendix D, Section D105. The Project also provides sufficient defensible space. The Project is located in a hardscape-dominant Zone 0, low-fuel-load Zone 1 (36,800 sq ft / 14% landscape with evapotranspiration-controlled irrigation), and noncombustible Zone 2 (paved streets, existing commercial development, concrete-channelized Los Angeles River) consistent with Gov. Code § 51182.

Because the Project complies with PRC §4291 and §51182, PRC §4290, and CBC §7A/WCUIC, the Project falls within the exception for properties in the VHFHSZ. Therefore, the Project qualifies for the AB130 CEQA Exemption. AB130, PRC §21080.66, is a Statutory CEQA exemption; therefore, exceptions to the exemption under CCR §15300.2, do not apply. If the Project complies with the AB130 checklist, it is deemed exempt from CEQA.

III. The Project Complies with Zoning, General Plan, and Specific Plan Standards, as May Be Modified by Density Bonus Incentives and Waivers

The LOD, Findings of Fact (Subdivision Map Act) (pages 16-21), makes the required findings for approval of the VTTM as set forth in Gov. Code §§66473.1, 66474.60, .61 and .63, and as required by LAMC Article 7, and specifically LAMC 17.06.B for Vesting Tentative Tract Maps. The related entitlements for a Density Bonus, Project Review, Project Compliance with the

Specific Plan and a Class 2 Main CUP for alcohol are evaluated in a separate hearing by the City Planning Commission (CPC-2025-5697-DB-PR-S-PPC-MCUP-VHCA). The LOD approving the VTTM specifically identifies the separate related Density Bonus entitlements, and confirms that the LOD is not approving the additional density, incentives or waivers in the Density Bonus application.

The SCRA Appeal (Ground 4) claims that the LOD approving the VTTM cannot defer the approval of the density to LADBS review. In fact, the City planning department has a legally vetted parallel procedure for simultaneously reviewing the VTTM by the Advisory Agency and reviewing the Density Bonus incentives and waivers, and other entitlements by the Planning Commission. (LAMC §17.06.B, LAMC §12.22.A.25) The Planning Commission Hearing Officer holds a joint hearing with the Advisory Agency, and then, the Planning Commission reviews the Hearing Officer report and holds a public hearing on the Density Bonus and other entitlements. The Proposed Map and the Design or Improvement of the VTTM was found to be consistent with the General Plan and Specific Plan. As stated in the LOD, “Design refers to the configuration and layout of the proposed lots in addition to the proposed site plan layout. Pursuant to §66427(a) of the Subdivision Map Act, the location of the buildings is not considered a part of the approval or disapproval of the map by the Advisory Agency.” (LOD, page 18) Therefore, the LOD did not approve the density, which will be considered in the Density Bonus Project review by the Planning Commission. This is not a deferral of the review, but rather an acknowledgement of the parallel review process. LADBS will not provide clearance as part of building permit review until both the VTTM and Density Bonus Project are approved and conditioned through the City planning review process.

The SCRA Appeal (Ground 3) claims that the Advisory agency does not cite any authority for approving additional height. In addition, the SCRA Appeal states that the height would alter the character of the low-rise buildings on Ventura Boulevard. As stated above, the Density Bonus Project is under review by the City Planning Commission, and was not reviewed by the Advisory Agency. The location or design of the buildings were not considered as part of the approval, and the height was not approved as part of the LOD for the VTTM. The height waiver under the Density Bonus entitlement will be evaluated by the Planning Commission. Gov.Code §65915(e) permits waivers of development standards in Density Bonus projects, such as height, that physically preclude the construction of a housing development at the permitted density or with approved incentives. Therefore, if a Project provides a certain amount of affordable housing units to qualify for a specific density, then the City must provide waivers of development standards that would otherwise physically preclude construction at that density.

The SCRA Appeal (Ground 6) similarly claims that the Specific Plan and River Improvement Overlay District (“**RIO**”) review were impermissibly deferred. In fact, the LOD found that the VTTM, including the configuration and layout of the proposed lots in addition to the proposed site plan layout, were consistent with the Specific Plan, and made the required findings (LOD, p.17-18) The LOD identified a standard RIO Administrative Clearance procedure that exists as part of the LADBS building permit clearance process.

The SCRA Appeal (Ground 5) claims that the LOD fails to clarify the affordability levels and calculation for the affordable units in the Project. However, the LOD for the VTTM did not

approve any level of affordability or review the Density Bonus Project, which will be evaluated by the Planning Commission. For the Density Bonus review, the Project has 654 base units, and provides 7% of the base units, which is 46 units, as affordable to very low income households. With the Density Bonus, the Project has a total of 814 units. This level of affordability was confirmed by the Los Angeles Housing Department through review of the Affordable Housing Referral Form.

The related case requests entitlements for the Density Bonus Project, including off-menu incentives and waivers, Project Review for developments creating 50 or more dwelling units, and Project Compliance Review with the Specific Plan, for the construction of a mixed-use project consisting of 814 residential dwelling units, including 46 affordable units, and approximately 75,968 square feet commercial uses and a Class 2 Main Conditional Use Permit to allow the sale and dispensing of a full-line of alcohol for on- and off-site consumption in conjunction with the restaurants. The Deputy Advisory Agency did not act on these entitlements, which the City Planning Commission is considering on June 11, 2026. The VTTM and the Density Bonus Project are entitlements for the same Project, and are considered as a whole in the environmental review.

IV. The City Made the Required Findings for a VTTM Approval

The SCSD Appeal claims that, even if the housing development project is exempt from CEQA pursuant to PRC §21080.66, the VTTM requires separate environmental and public health findings under the Subdivision Map Act. The SCRA Appeal cites Gov. Code §§66474(e) and (f), which require certain “negative” findings - including disapproval of a project upon a finding that the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or are likely to cause serious public health problems. The SCSD Appeal also cites *Tcpanga Ass’n for a Scenic Cmty. v. County of L.A.* (1989) 214 Cal.App.3d 1348 in support. The SCSD Appeals then tries to argue that full CEQA environmental review is required to make these “negative” substantial harm findings, even though the Project is statutorily exempt from CEQA. Similarly, the SCRA Appeal (Ground 7) claims that the Findings of Fact are conclusory, and provide no analysis of issues such as liquefaction hazard, fire-evacuation capacity, and suitability for density. These claims have no merit.

Pursuant to the Subdivision Map Act, Gov. Code §66427, the design and location of buildings are not part of the map review process for apartment buildings. As stated in the LOD, “Design refers to the configuration and layout of the proposed lots in addition to the proposed site plan layout. Pursuant to §66427(a) of the Subdivision Map Act, the location of the buildings is not considered a part of the approval or disapproval of the map by the Advisory Agency.” (LOD, page 18) Therefore, the Advisory Agency considered the configuration of the lots and the layout on the site plan, but was not required to evaluate the project density, which is subject to the related Density Bonus Project review by the Planning Commission.

No Substantial Environmental Damage or Substantial Injury to Wildlife or Habitat.
First, the LOD affirmatively made the findings that the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat, and are not likely to cause serious public health

problems. (LOD, page 20) The LOD identified that the project site is currently developed with commercial buildings and surface parking, and there are no identified fish, wildlife or established habitat located on site. The Applicant provided substantial evidence that there was no habitat for protected species through its tree reports and biological analysis required for City Department reports.

No Serious Public Health Problems. In addition, the LOD confirmed that the Project was not likely to cause serious health problems. The LOD found that the development will be connected to the City's sanitary sewer system, which will be directed to the LA Hyperion Treatment Plant that complies with Statewide ocean discharge standards. BOE also reported that the VTTM will not violate the California Water Code, because it will connect to the public sewer system and have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant. (LOD, page 20)

The LOD did not just make cursory conclusions. The LOD provides full analysis of the required findings as set forth in the Findings of Fact (Subdivision Map Act), and the City Departments' review, analysis and conditions – all of which are included in the LOD. In the Findings of Fact, the LOD cites to the BOE report to show that the project connects to safe sewer and water systems, and that the project site is a fully developed commercial property with retail stores and parking lot, and that no protected habitat exists on site. These findings are fully analyzed in the LOD, pages 16-21, and supported by the conditions of the various departments, including the Bureau of Engineering (“**BOE**”), Department of Building and Safety, Grading and Zoning (“**DBS**”), Department of Transportation (“**DOT**”), Fire Department, Department of Water and Power (“**DWP**”), Bureau of Street Lighting, Bureau of Sanitation, Information Technology, Department of Recreation and Parks, the Urban Forestry Division, and the Department of City Planning – Site Specific Conditions, set forth on LOD, pages 2-8. The Deputy Advisory Agency relied on the thorough review and analysis of each of the separate Departments, in their reports, to provide substantial evidence to support the LOD findings. Therefore, the LOD makes the required findings that the subdivision and improvements are not likely to cause substantial and serious harm. SCRA provides no evidence that the subdivision or proposed improvements are likely to cause substantial environmental damage, likely to substantially and avoidably injure fish or wildlife or their habitat, or are likely to cause serious public health problems. This claim is just conjecture without any basis in fact.

No Substantial Impact to Palm Tree Habitat. The SCSD Appeal claims that the removal of approximately 93 palm trees, including 22 onsite Mexican fan palms (*Washingtonia robusta*), 8 king palms (*Archontophoenix cunninghamiana*), 19 queen palms (*Syagrus romanzoffiana*), and 44 pygmy date palms (*Phoenix roebelenii*), which provide habitat for the western yellow bat, will substantially injure wildlife or its habitat. As evidence, the SCRA Appeal attached a western bat study from 2022 provided in opposition to the Harvard-Westlake Project, which is a recreational facility located on a former golf course across the river from the Project site. The report states that the western yellow bat (*Lasiurus xanthinus*) is a California Species of Special Concern that appears to roost exclusively in the skirts of palm trees located near open water or wetlands. However, as acknowledged in the report, the Harvard-Westlake EIR did not evaluate whether any bats actually existed on site, and the report noted that the loss of one active bat roost from the Project site would not have a substantial adverse effect on the western yellow bat population. In addition, the

Harvard-Westlake site was a former golf course with significant trees and landscaping and minimal traffic, which is a suitable area for nesting birds. It is significantly different from the Project site, and so the study does not provide substantial evidence for the conditions on the Project site.

The Project site is a fully developed commercial retail center with big box stores and a large surface parking lot with lighting that often had significant vehicular and pedestrian traffic. There has been no evidence of any western yellow bat on the Property. The palm trees are being removed in part because the LAFD strongly recommends removing palm trees in a VHFHSZ due to the high flammability of certain genus and species of palms. (<https://lafd.org/palms-and-wildfires-and-ab3074>) In addition, the proposed Project will provide significant tree replacement, in compliance with Urban Forestry regulations, with residential buildings and underground parking that will make a more suitable environment for bird habitat in the future.

No Cumulative Impact to Habitat. The SCSD Appeal also claims, without any evidence, that the birds that were formerly nesting and foraging in the mature trees on the Harvard-Westlake golf course have now moved into the palms and other trees on the Project site's parking lot. The Appeal claims that it would cause these nesting and foraging birds to move again creating cumulative impacts. The Deputy Advisory Agency was only required to make findings related to the Subdivision Map Act, including whether the configuration and layout of the proposed lots or proposed site plan layout substantially and avoidably injured wildlife or their habitat. Here, the trees on the Property will be replaced in compliance with Urban Forestry standards and subject to review and conditions by Urban Forestry, and so there will be no permanent loss of habitat caused by the site plan layout. As stated, the Project is not required to review cumulative impacts as it is statutorily exempt from CEQA under PRC §21080.66.

No Substantial Impact to Wildlife or Habitat by 10 LED Streetlights. The SCSD Appeal claims that the ten (10) new LED streetlights on Valleyheart Drive will introduce substantial new artificial light into the LA River Open Space corridor, which provides nocturnal foraging and movement habitat for bats, birds and other species. Similarly, The King Appeal opposes the installation of ten (10) new streetlights on Valleyheart Drive based on concerns to nocturnal wildlife. In fact, the current Project site is a large parking lot and commercial center with significant night lighting on the parking lot and on the entry to the big box stores for safety reasons. The new LED streetlights will be shielded and the light will be focused on the street and sidewalk to support safety and security of pedestrians and vehicles at night. There is no evidence that the new LED streetlights will provide more light than the existing large commercial center. In addition, there is no evidence that the additional light will cause any harm to birds living adjacent to a major commercial corridor.

Streetlights are necessary for safety of vehicles and pedestrians, especially on streets with limited traffic, such as along the LA River. In fact, according to a randomized control trial conducted by the University of Chicago "increased levels of lighting led to a 36% reduction in "index crimes"— a subset of serious felony crimes that includes murder, robbery and aggravated assault, as well as certain property crimes — that took place outdoors at night in developments that received new lighting, with an overall 4% percent reduction in index crimes." Various studies have concluded that good quality street lighting reduces the accident rate by increasing overall visibility. Driving at night is also more dangerous. Only a quarter of all travel by car drivers is

between the hours of 7pm and 8am, yet this period accounts for 40% of fatal and serious injuries. (https://lalights.lacity.org/residents/stlighting_and_benefits_of_stlights.html) Therefore, the Bureau of Street Lighting determines the number of streetlights necessary for a new development to support pedestrian and vehicle safety at night.

The SCSD Appeal and King Appeal provide no evidence of any potential impact to wildlife based on new LED streetlighting, and the claim is only conjecture without any support. The Project entitlements are statutorily exempt from CEQA under AB130, and therefore a lighting study was not required.

No Public Harm Caused By Code-Compliant Buildings within the VHFHSZ. The SCSD Appeal claims that developing any Project in a VHFHSZ creates a public harm, and claims that the Project does not comply with the State Minimum Fire Safe Regulations. These claims are unfounded. The Project fully complies with the LA Fire Code and the setbacks in the State Minimum Fire Safe Regulations as described in detail above. The VHFHSZ has higher fire safety standards, but if a Project complies with the regulations, there is no separate finding of public harm.

V. Additional Issues

A. Parkway on Valleyheart Drive

The King Appeal requests numerous design changes that were not required by code or law. The King Appeal requests a parkway along Valleyheart Drive in lieu of the proposed 10-foot sidewalk on the south side of Valleyheart Drive within the City right of way (BOE Letter, Condition No. S-3(i)(3)) The City sidewalk width was conditioned by BOE and complies with City's street standards approved as part of the Mobility Plan 2035. The Applicant is not requesting to alter these BOE standards. Therefore, the King Appeal requested a deviation from current code and policy that is not required by law.

B. Landscape Plan and Building Shade

The King Appeal claims that the Landscape Plan does not replace sufficient trees on site, and does not include sufficient native trees in compliance with the LA River Master Plan. This misstates the Project application, and the Project fully complies with the code requirements, including the LA River Master Plan. The Urban Forestry Department provides standards for replacement trees, approves the tree replacement type, location and size, and provides clearance during the building permitting phase. The King Appeal also claims that the shade from the building could impact habitat along the LA River. The King Appeal does not identify any habitat for protected species that exists immediately north of the Project along the LA River. In addition, the Project contains three U-shaped residential buildings that allow for sun on the north side of the building during various times of the day. Therefore, there is no evidence that the building shade will harm the existing trees along the LA River.

C. The Advisory Agency Fully Complied with Due Process Required by the LAMC, City Policy and AB130

The SCRA Appeal makes numerous claims related to the expedited processing and review based on the State-mandated time frames required for AB130, PRC §21080.66. AB130 has intentional expedited review to reduce the time and cost of evaluating housing development projects to encourage the construction of new housing to meet each city and county's Regional Housing Needs Assessment allocations. Specifically, PRC §21080.66 requires that each application be reviewed and an incomplete letter be issued within 30 days after submission; the city must distribute notices for tribal consultation, allow time for consideration and review, and complete consultation within 148 days after the application is deemed complete; and, the city must make a final decision on the project within 30 days after the completion of the tribal consultation or the application is deemed approved (PRC §21080.66). Based on this timeline, discretionary review of housing development project entitlements that would previously take 18 to 24 months can now be completed in 7 to 9 months.

The Applicant filed the Project application on October 10, 2025; the City completed tribal consultation on January 29, 2026; and the City deemed the application complete on March 16, 2026. The City was required to hold a hearing and make a final determination on the Project within 30 days by April 15, 2026. The Deputy Advisory Agency and Hearing Officer held a joint hearing on April 14, 2026, and the Deputy Advisory Agency issued the LOD on April 15, 2026. The Applicant also presented the Project to the Studio City Neighborhood Council ("SCNC") for preliminary review in January 2026. The SCNC Land Use Committee held hearings on the Project on April 30, 2026 and May 13, 2026, and the SCNC Board held a hearing on May 27, 2026. The SCNC has scheduled subsequent hearings on June 4, 2026 and June 8, 2026. The Planning Commission hearing on the Density Bonus Project entitlements and the LOD appeal is scheduled for June 11, 2026.

The SCRA Appeal (Ground 8) claims that there are procedural irregularities because the Deputy Advisory Agency issued its LOD one day after the hearing, and there was not time for the community to consider the testimony at the hearing. Although prior Advisory Agency determinations were often not issued for weeks, this delay actually cost significant time and money to the housing applicants. The one-day turn around was mandated by the timeframes set forth in PRC § 21080.66 to expedite and streamline housing development project review. The SCRA Appeal also questions why the environmental review was identified as EAF and changed to SE. The Applicant filed for a statutory CEQA exemption under AB130, but City planning required the EAF designation while it determined that the Project qualified for AB130. There is no irregularity in the processing – this is the City planning department's standard procedure for AB130 review.

The SCRA Appeal provides a comparison of the Sportsmen's Lodge project and review process and the Riverwalk project review and process. The Sportsmen's Lodge project included a 530-unit mixed use project with a hotel and commercial uses, which were evaluated with a SCEA. The SCRA Appeal notes that the Riverwalk Project is an 814-unit mixed use project that is exempt from CEQA, and states that this is "a step in the wrong direction". However, the SCRA Appeal does not identify any code violations with processing the Riverwalk project, and merely states its disapproval of a State mandated CEQA Exemption that provides streamlined review. The

SCRA Appeal notes that it brought a petition for writ of mandate against the Sportsmen's Lodge in court, and states that the petition for writ of mandate against the Riverwalk project is "not yet filed." AB130 was signed into law by the Governor on June 30, 2025, and so was not available to the Sportsmen's Lodge project. However, many housing development projects will be CEQA exempt under AB130 and require streamlined processing in the future.

The SCRA Appeal also identifies a "Right-Sized Alternative," which includes a four-story 400-unit project with 8,000 square foot commercial space and two levels of subterranean parking evaluated with a full EIR. This proposed alternative would violate the State Density Bonus Law and Housing Accountability Act by requiring a reduction in density despite the Project providing the required affordability levels for a density bonus and related incentives and waivers under State law.

D. Housing Crisis Act

The SCRA Appeal (Ground 2) claims that the SB330 vesting under the State Housing Crisis Act is not allowed for Projects in a VHFHSZ. The Project is vested through the approval of the Vested Tentative Tract Map. The City requires SB330 review for any project that is located on the City Housing Element sites inventory, and the Applicant appropriately filled out the SB330 application and checked that the Property was within the VHFHSZ.

E. Excavation and Haul Route

The SCRA Appeal, section V.C and D, claims a potential construction impact caused by the haul route and the excavation of soil in a liquefaction area without any evidence. The soil excavation was fully evaluated in the Geology and Soils Report Approval, dated August 11, 2025, by the LADBS Grading Division. The haul route was reviewed and approved by the Deputy Advisory agency with numerous conditions set forth in LOD, page 10-11, including street limitations, time and duration limits, total daily trip limits, cleaning and watering conditions, and safety and flagmen requirements. These are standard conditions included with the approval of any haul routes, and the approval limits the roads utilized to Ventura Boulevard, Coldwater Canyon Avenue, US101, US405, US 5, Roxford Street, Sepulveda boulevard, San Fernando Road and Sunshine Canyon Road. There is no significant impact identified for the standard approved haul route, and the haul route, as an approval related to the Project, is exempt from CEQA under PRC PRC §21080.66.

VI. The City Must Comply with the Housing Accountability Act

The State Housing Accountability Act ("**HAA**", Gov'n Code § 65589.5) requires that cities approve housing development projects unless the city can make findings that the project causes a specific adverse impact to public health and safety. When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, in effect at the time that the application was deemed complete, a City can only disapprove a project or impose a condition that the project be developed at a lower density, if based on the *preponderance* of evidence in the record: (i) The housing development project would have a

specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density; and (ii) There is no feasible method to satisfactorily mitigate or avoid the adverse impact, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density. (Gov'n Code §65589.5 (j)(1)).

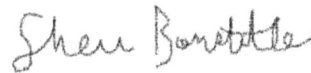
“A specific, adverse impact means a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.” (Gov'n Code §65589.5(d)(2)) Therefore, the City can only deny the off-menu incentives and waivers for a Density Bonus Project if it finds a specific adverse impact to public health and safety. A preponderance of the evidence is a higher bar than substantial evidence, and it means that the burden of proof is on the appellant to show the greater weight of evidence proves the finding of specific adverse impact. In addition, the City cannot require any environmental analysis that would not have been required under the statutory CEQA exemption. If the City fails to approve a housing development project without meeting this high burden, the applicant may bring a claim, and obtain attorney's fees, if the court determines that the City acted in bad faith. See *District Square, LLC v. City of Los Angeles* (Case No. 20STCP00654) and *Cesar Chavez 888, LLC v. City of Los Angeles* (Case No. 24STCP01880)

The Project does not cause any specific, adverse impacts to public health or safety, and none of the Appeals provide a preponderance of evidence to show a specific, adverse impact of public health and safety sufficient overturn the City's approval of VTTM 84453 and the statutory CEQA Exemption under AB130.

VII. Conclusion

We respectfully request that the City Planning Commission uphold the Deputy Advisory Agency approval of the VTTM and the approval of the statutory CEQA Exemption under PRC §21080.66, and deny the three Appeals in their entirety.

Sincerely,



Sheri L. Bonstelle

SLB

Enclosures

Exhibit A – AB130 Chart

Exhibit B – Dudek Fire Safety Analysis

Exhibit C – SGH Wildfire Management Review

cc: Mashaël Majid, CD 4 Deputy Chief of Staff (Mashaël.majid@lacity.org)
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EXHIBIT A

AB130 – CEQA Statutory Infill Exemption Checklist and Findings

Public Resources Code 21080.66 Section 59

Project: Riverwalk at Studio City

Checklist

No.	Code	Standard	Project	Comply
1.	PRC 21080.66.(a)	CEQA does not apply to a housing development project if it meets all of the following requirements (Gov'n Code 69505.5, 65589.5(h)(2)) - proposal to construct a single dwelling unit - residential project - mixed use project (2/3 residential sf, or 50% residential sf with qualifications) - transitional housing - farmworker housing	89.6% residential floor area - 75,968 sf com - 650,854 sf res - 726,822 sf total	Yes
2.	PRC 21080.66.(a) (1)	- Not more than 20 acres, or - Not more than 5 acres for a builders remedy project	6.01 acres (261,870 sf)	Yes
3.	PRC 21080.66.(a) (2)	- Located in an incorporated municipality, or - Located in an urban area (as defined)	City of LA – incorporated municipality	Yes
4.	PRC 21080.66.(a) (3)	- Previously developed with urban use, or - 75% of perimeter adjoins developed urban uses, or - 75% or area within ¼ mile developed urban uses, or - ¾ sides and 2/3 perimeter developed urban uses.	Developed with big box retail, retail, restaurants, bank, martial arts studio, bowling alley	Yes
5.	PRC 21080.66.(a) (4)	- Consistent with general plan, or - Consistent with zoning ordinance, and - Consistent with local coastal plan - Density Bonus, incentives or concessions, waivers or reductions of development standards, reduced parking ratios under Gov'n Code 65915 not grounds for determining project is inconsistent with general plan, zoning or local coastal plan.	Consistent with -C1.5-1VL-RIO zone -Neighborhood Office Commercial land use designation - Ventura/Cahuenga Boulevard Corridor Specific Plan Except for Density Bonus and incentives/waivers for density, FAR, lot coverage, height, rear yard setback, transitional height, averaging setbacks.	Yes
6.	PRC 21080.66.(a) (5)	At least ½ density specified in Gov'n Code 65583.2(c)(3)(B) (Housing Element): - Metro: 30du/acre (1 du / 1,492 sf lot area) - Suburb: 20 du/acre - Nonmetro, unincorporated: 10 du/acre - Nonmetro, incorporated: 15 du/acre	1 du/321.7 sf lot area complies with Metro density - 261,870 sf lot / 814 du	Yes

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No.	Code	Standard	Project	Comply
7.	PRC 21080.66.(a) (6) Gov'n Code 65913.4 (a)(6)	A. Not in coastal zone area subject to PRC 30603 (1,2) - Coastal zone area not subject to LCP or LUP - Coastal zone area subject to 5' rise - Coastal zone area not zoned for multifamily - Coastal zone area in wetland or farmland	N/A	Yes
8.	PRC 21080.66.(a) (6) Gov'n Code 65913.4 (a)(6)	B. Prime farmland	N/A	Yes
9.	PRC 21080.66.(a) (6) Gov'n Code 65913.4 (a)(6)	C. Wetlands	N/A	Yes
10.	PRC 21080.66.(a) (6) Gov'n Code 65913.4 (a)(6)	D. Very high fire hazard severity zone or state responsibility area, unless it complies with: - PRC 4291, 51182 - PRC 4290 - CBC 7A	Located in VHFHSZ, and will comply with: - PRC 4291, 51182 - PRC 4290 - CBC 7A	Yes
11.	PRC 21080.66.(a) (6) Gov'n Code 65913.4 (a)(6)	E. Hazardous waste site , unless: -- Underground storage tank site with uniform closure letter -- State Dept determined site suitable for residential or mixed use	N/A	Yes
12.	PRC 21080.66.(a) (6) Gov'n Code 65913.4 (a)(6)	F. Designated earthquake fault zone	N/A	Yes
13.	PRC 21080.66.(a) (6) Gov'n Code 65913.4 (a)(6)	G. Special Flood Area subject to 100-year flood, unless: -- Letter of Map Revision, or -- Meets FEMA or NFIP requirements for minimum flood plan management	N/A	Yes
14.	PRC 21080.66.(a) (6) Gov'n Code 65913.4 (a)(6)	H. Regulatory floodway determined by FEMA, unless no rise certification	N/A	Yes
15.	PRC 21080.66.(a) (6) Gov'n Code 65913.4 (a)(6)	I. Identified for conservation in a natural community conservation plan, habitat conservation plan or other natural resource protection plan	N/A	Yes
16.	PRC 21080.66.(a) (6) Gov'n Code 65913.4 (a)(6)	J. Habitat for protected species	N/A	Yes
17.	PRC 21080.66.(a) (6) Gov'n Code 65913.4 (a)(6)	K. Lands under conservation easement	N/A	Yes
18.	PRC 21080.66.(a) (7)	No demolition of structures if: - housing subject to covenant, ord, or law that restricts to moderate, low, very low income - demolition of residential units within past 10 years if tenants	No residential use on Property, and no residential use within prior 10 years.	Yes

AB130 – CEQA Statutory Infill Exemption Checklist and Findings

Public Resources Code 21080.66 Section 59

No.	Code	Standard	Project	Comply
		- historic structure on the national, state or local historic register - housing units occupied by tenants, and the units were subsequently offered for sale	No registered historic structure on federal, state or local register	
19.	PRC 21080.66.(a) (8)	After 1/1/2025, no project with a hotel, motel, B&B, other transient lodging, including residential hotel.	No hotel use	Yes
20.	PRC 21080.66.(b)	Government notification to Native American tribe to consult on project and tribal cultural resources: - Notice within 14 days of deemed complete application - Tribe has 60 days to accept consult - 45 day consultant with 15 day extension - Provides monitoring mitigation requirement	Will provide consultation with the tribes	Yes
21.	PRC 21080.66.(c)(1)(a)	Require a Phase I Env. Assessment as a condition of approval of development: -- Preliminary endangerment assessment req'd if environmental condition found - If release of hazardous material, release shall be removed and any effects mitigated to regulatory levels prior to C of O - If exposure to significant hazards on surrounding property, mitigate to regulatory levels prior to C of O.	Will provide Phase I as condition of approval	Yes
22.	PRC 21080.66.(c)(2)	For housing within 500 feet of a freeway : - HVAC - Outdoor intakes face away from freeway - Air filtration ERV 16 - Air filtration replacement - No balconies facing freeway	4,490 feet from 101 freeway	Yes
23.	PRC 21080.66.(d)(1)	For 100% low income affordable housing developments, must be paid prevailing wage for type of work	N/A	Yes
24.	PRC 21080.66.(d)(2)	For buildings over 85 feet in height above grade must comply with prevailing wage provisions (Gov'n Code 65913.4(a)(8))	Project is less than 85 feet in height above grade.	Yes
25.	PRC 21080.66.(d)(3)	For projects with 50 units or more in San Francisco , specific prevailing wage provisions apply	N/A	Yes
26.	PRC 21080.66.(e)	This CEQA exemption does not affect the eligibility for a density bonus, incentives, concessions or waivers (Gov'n Code 65915)	The Project is a Density Bonus project	Yes

I. Findings

A. Residential or Mixed-Use (PRC 21080.66.(a))

CEQA does not apply to a **housing development project** if it is a residential mixed-use project with 2/3 of the floor area utilized for residential uses. The proposed project has a square footage of approximately 726,822 square footage total, of which 650,854 square feet is residential use (89.6% of the total floor area), and 75,968 square feet is commercial use. Therefore, the Project qualifies.

B. Property Size (PRC 21080.66.(a) (1))

The property may not be more than 20 acres, and the Project's Property is 6.01 acres (261,870 sf). Therefore, the Project qualifies.

C. Project Location (PRC 21080.66.(a) (2))

The property must be located in a an incorporated municipality, or located in an urban area (as defined). The Property is located within the boundaries of the City of Los Angeles, an incorporated municipality. Therefore, the Project qualifies.

D. Prior Land Use (PRC 21080.66.(a) (3))

The property must have been previously developed with an urban land use, or surrounded with urban land uses (as defined). The Property was previously developed with numerous urban land uses, including big box retail stores (Bed Bath & Beyond, Staples), retail, restaurants, bank, martial arts studio, and a bowling alley. Therefore, the Project qualifies.

E. Consistency with the General Plan and Zoning (PRC 21080.66.(a) (4))

The project must be consistent with the general plan, zoning ordinance, and the local coastal plan, if any. A project may obtain consistency through Density Bonus incentives or concessions, waivers or reductions of development, or reduced parking ratios under Gov'n Code 65915, and these are not grounds for determining that a project is inconsistent with the general plan, zoning or local coastal plan.

The project is located within the C1.5-1VL-RIO zone, and has a Neighborhood Office Commercial land use designation. The property is also located within the Ventura/Cahuenga Boulevard Corridor Specific Plan. The property is not in the coastal zone. The project is a density bonus project that provides the required affordable housing, and requests incentives/waivers of development standards, including density, FAR, lot coverage, height, rear yard setback, transitional height, averaging setbacks. The request of the incentives/waivers is not grounds for determining that a project is inconsistent with the C1.5-1VL-RIO zone and the Neighborhood Office Commercial land use designation. If the incentives and waivers are granted, the project is consistent with the zoning and general plan. Therefore, the Project qualifies.

F. Minimum Residential Density (PRC 21080.66.(a) (5))

The project must have a minimum residential density of at least half of the residential density specified in Gov'n Code 65583.2(c)(3)(B) (Housing Element), which is 30 dwelling units per acre (1 du/1,495 sf lot area) for Metro areas, and 20 dwelling units/acre for Suburban areas. The project is located in a Metro area in the City of Los Angeles. The proposed density is one dwelling unit per 321.7

AB130 – CEQA Statutory Infill Exemption Checklist and Findings

Public Resources Code 21080.66 Section 59

square feet of lot area (261,870 sf lot / 814 du), which exceeds the Metro minimum density of one unit per 1,495 square feet of lot area. Therefore, the Project qualifies.

G. Project Location (PRC 21080.66.(a) (6), Gov'n Code 65913.4 (a)(6))

With certain exceptions, the project may not be in: a coastal zone area subject to PRC 30603 (1,2); Prime farmland; Wetlands; Very high fire hazard severity zone (VHFHSZ) or state responsibility area (with certain exceptions); Hazardous waste site (with certain exceptions); designated earthquake fault zone; Special Flood Area subject to 100-year flood (with certain exceptions); Regulatory floodway determined by FEMA (with certain exceptions); Identified for conservation in a natural community conservation plan, habitat conservation plan or other natural resource protection plan; and Lands under conservation easement. The property is not within any of these restricted areas, except that the property is located within a very high fire hazard severity zone (VHFHSZ).

AB130 permits a project to be located in a VHFHSZ, if it complies with Public Resource Code sections 4291 or 51182, Public Resources Code section 4290, and California Building Code section 7A. The project fully complies with the referenced State laws and building codes as follows:

As set forth in the Technical Memorandum for Riverwalk at Studio City by Dudek, dated September 26, 2025 (the "Fire Code Analysis"), the Project complies with the State laws, City ordinances, and building and fire code requirements.

1. PRC 4291 and 51182

Public Resources Code Section 4291 (PC 4291) requires a person who owns, leases, controls, operates, or maintains a building or structure on land in a SRA to provide and maintain defensible space of 100 feet from each side and from the front and rear of the structure, but generally not beyond the property line. Assembly Bill 3074, which was approved in 2020 and amended PRC 4291, requires a Zone 0 vegetation fuel modification zone, which is a 5-foot ember-resistant zone around structures in designated SRAs.

Government Code Section 51182 (GC 51182) requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure within a designated LRA VHFHSZ to provide and maintain defensible space of 100 feet from each side and from the front and rear of the structure, but generally not beyond the property line. GC 51182 also contains fire prevention provisions regarding the location and maintenance of trees, maintenance of roofs, and Building Code compliance. Senate Bill 504, which was approved in 2024 and amended GC 51182, requires a Zone 0 vegetation fuel modification zone, which is a 5-foot ember-resistant zone around structures in designated LRA VHFHSZs

2. PRC 4290

Public Resources Code Section 4290 (PRC 4290) requires the Board of Forestry to adopt regulations implementing minimum fire safety standards related to defensible space that are applicable to State Responsibility Area (SRA) lands and to lands classified and designated as LRA VHFHSZs, as defined in subdivision (i) of Section 51177 of the Government Code. These regulations are found in Title 14, Division 1.5, Chapter 7 and are known as the State Minimum Fire Safe Regulations. The regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within SRAs and designated VHFHSZs within LRAs. PRC 4290 provides the State Fire Marshal with the authority to adopt regulations for roof coverings and openings into the attic areas of buildings and to adopt

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standards for fire equipment access roads; signs identifying streets, roads, and buildings; and vegetation fuel breaks and greenbelts.

3. CBC section 7A

California Building Code Chapter 7A mandates specific fire resistant construction and material standards for new buildings located in Wildland Urban Interface (WUI) fire areas. It was established to protect life and property by reducing a building's vulnerability to flames and embers from wildfires. Key requirements include ignition-resistant and fire-resistant exterior materials, such as siding, decking, and vents, designed to withstand the rigors of a wildfire environment.

4. Project Compliance

As set forth in detail in the Fire Code Analysis, the Project fully complies with PRC 4291 and 51182, PRC 4290, and CBC section 7A.

The Riverwalk at Studio City project (Project) proposes to repurpose 6.01 acres on the northwest corner of Ventura Blvd. and Whitsett Avenue with a mixed-use development consisting of residential apartment units and commercial space that includes two-story restaurants and seven-story residential buildings built over subterranean parking. The construction types for the Project are Type 3 for the residential units over Type 1 for the garages. The Project is located in a California Department of Forestry and Fire Protection (CAL FIRE) designated Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone (VHFHSZ).

As determined by the Los Angeles Department of Water and Power, the Project has the infrastructure to comply with water supply and fire flow requirements and substantially complies with fire apparatus access requirements. The Project provides the 200 feet of defensible space because it is located in a VHFHSZ, and the space includes the Los Angeles River and existing adjacent urban development and adjacent streets. The Project includes both ground-level and rooftop landscaping, which is required to be approved by LAFD Fuel Modification Plan Checkers who evaluate each project independently based on site, hazard, and vegetation characteristics. The Fire Code Analysis evaluates the proposed landscaping and concludes that they comply with the code requirements. The palm species that are existing on the Project site and proposed to remain are limited to Fuel Modification Zone B. Some of the proposed new trees and shrubs have limitations with regard to fuel modification zone, proximity to structure, and height. The entirety of the trees and shrubs proposed for the Project will have to be reviewed and approved by the LAFD.

Because the Project complies with PRC 4291 and 51182, PRC 4290, and CBC section 7A, the Project falls within the exception for properties in the VHFHSZ. Therefore, the Project qualifies.

H. No Demolition of Historic Structures and Certain Housing Units (PRC 21080.66.(a) (7))

AB130 prohibits the demolition of historic structures that are designated on the national, state or local historic register. The Property does not include any designated historic resources.

AB130 prohibits the demolition of housing that is subject to a covenant, ordinance or law that restricts the rents to moderate, low, or very low income, residential units with tenants in the past 10 years, and residential unit that were occupied by tenants and subsequently offered for sale. The Property has existing and prior commercial uses, and has not had any residential uses on the Property in the past 10 years. . Therefore, the Project qualifies.

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I. No Hotel Uses (PRC 21080.66.(a) (8))

After 1/1/2025, the project may not have a hotel, motel, B&B, or other transient lodging, including a residential hotel. The Project does not include a hotel or transient lodging use. . Therefore, the Project qualifies.

II. Relevant Code Sections

PRC 21080.66.(a) Without limiting any other statutory or categorical exemption, this division does not apply to any aspect of a housing development project, as defined in subdivision (b) of Section 65905.5 of the Government Code, including any permits, approvals, or public improvements required for the housing development project, as may be required by this division, if the housing development project meets all of the following conditions:

- (1) (A) Except as provided in subparagraph (B), the project site is not more than 20 acres.
(B) The project site or the parcel size for a builder's remedy project, as defined in paragraph (11) of subdivision (h) of Section 65589.5 of the Government Code, or the project site or the parcel size for a project that applied pursuant to paragraph (5) of subdivision (d) of Section 65589.5 of the Government Code as it read before January 1, 2025, is not more than five acres.
- (2) The project site meets either of the following criteria:
(A) Is located within the boundaries of an incorporated municipality.
(B) Is located within an urban area, as defined by the United States Census Bureau.
- (3) The project site meets any of the following criteria:
(A) Has been previously developed with an urban use.
(B) At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses.
(C) At least 75 percent of the area within a one-quarter mile radius of the site is developed with urban uses.

(D) For sites with four sides, at least three out of four sides are developed with urban uses and at least two-thirds of the perimeter of the site adjoins parcels that are developed with urban uses.

(4) (A) The project is consistent with the applicable general plan and zoning ordinance, as well as any applicable local coastal program as defined in Section 30108.6. For purposes of this section, a housing development project shall be deemed consistent with the applicable general plan and zoning ordinance, and any applicable local coastal program, if there is substantial evidence that would allow a reasonable person to conclude that the housing development project is consistent.

(B) If the zoning and general plan are not consistent with one another, a project shall be deemed consistent with both if the project is consistent with one.

(C) The approval of a density bonus, incentives or concessions, waivers or reductions of development standards, and reduced parking ratios pursuant to Section 65915 of the Government Code shall not be grounds for determining that the project is inconsistent with the applicable general plan, zoning ordinance, or local coastal program.

(5) The project will be at least one-half of the applicable density specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code.

(6) The project satisfies the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code.

(7) The project does not require the demolition of a historic structure that was placed on a national, state, or local historic register before the date a preliminary application was submitted for the project pursuant to Section 65941.1 of the Government Code.

(8) For a project that was deemed complete pursuant to paragraph (5) of subdivision (h) of Section 65589.5 of the Government Code on or after January 1, 2025, no portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging. For the purposes of this section, "other transient lodging" does not include either of the following:

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(A) A residential hotel, as defined in Section 50519 of the Health and Safety Code.

(B) After the issuance of a certificate of occupancy, a resident's use or marketing of a unit as short-term lodging, as defined in Section 17568.8 of the Business and Professions Code, in a manner consistent with local law.

Gov'n Code 65583.2(c)(3)(B) The following densities shall be deemed appropriate to accommodate housing for lower income households:

(i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre.

(ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre.

(iii) For a suburban jurisdiction: sites allowing at least 20 units per acre.

(iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.

Gov'n Code 65913.4 (a)(6) The development is not located on a site that is any of the following:

(A) (i) An area of the coastal zone subject to paragraph (1) or (2) of subdivision (a) of Section 30603 of the Public Resources Code.

(ii) An area of the coastal zone that is not subject to a certified local coastal program or a certified land use plan.

(iii) An area of the coastal zone that is vulnerable to five feet of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or a local government's coastal hazards vulnerability assessment.

(iv) In a parcel within the coastal zone that is not zoned for multifamily housing.

(v) In a parcel in the coastal zone and located on either of the following:

(I) On, or within a 100-foot radius of, a wetland, as defined in Section 30121 of the Public Resources Code.

(II) On prime agricultural land, as defined in Sections 30113 and 30241 of the Public Resources Code.

(B) Either prime farmland or farmland of statewide importance, as defined pursuant to the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code. This subparagraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions:

(i) Section 4291 of the Public Resources Code or Section 51182, as applicable.

(ii) Section 4290 of the Public Resources Code.

(iii) Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).

(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:

(i) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the

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State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.

(ii) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(G) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(H) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.

(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(K) Lands under conservation easement.

PRC 21080.66.(b) (1) (A) A local government shall provide formal notification via certified mail and email to each California Native American tribe that is traditionally and culturally affiliated with the project site as an invitation to consult on the proposed project, its location, and the project's potential effects on tribal cultural resources pursuant to one of the following deadlines:

(i) Within 14 days of the application for the project being deemed complete pursuant to paragraph (5) of subdivision (h) of Section 65589.5 of the Government Code.

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(ii) For projects whose applications were deemed complete pursuant to paragraph (5) of subdivision (h) of Section 65589.5 of the Government Code before July 1, 2026, within 14 days of notifying the local government that the project is eligible to be exempt from this division pursuant to this section.

(B) The formal notification shall include all of the following:

(i) Detailed project information to help inform the consultation, including site maps, proposed project scope, and any known cultural resource studies.

(ii) Contact information for the local government.

(iii) Contact information for the project proponent.

(iv) Notice that the California Native American tribe has 60 days to request consultation with the local government pursuant to this subdivision.

(2) (A) Each California Native American tribe has 60 days to notify the local government that it accepts the invitation to consult.

(B) If a California Native American tribe chooses not to accept the invitation to consult, or does not notify the local government of its decision within 60 days, the consultation shall be considered to have concluded.

(3) (A) Within 14 days of receiving the notification that the California Native American tribe has elected to consult, pursuant to subparagraph (A) of paragraph (2), the local government shall initiate the consultation.

(B) During the consultation, the local government shall act in good faith to identify whether a tribal cultural resource could be affected by the proposed project and shall give deference to the tribal information, tribal knowledge and customs, and the significance of the resource to the California Native American tribe.

(C) The project proponent may participate in the consultation with the approval of the California Native American tribe if the project proponent agrees to engage in good faith and comply with the confidentiality requirements of Sections 7927.000 and 7927.005 of the Government Code, subdivision (d) of Section 21082.3, subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations, and any confidentiality standards adopted by the California Native American tribe participating in the consultation.

(D) The consultation shall seek to find measures that would avoid significant impacts to a tribal cultural resource.

(E) The local government shall document the results of the consultation.

(F) The consultation shall conclude within 45 days of initiation, subject to a one-time 15-day extension upon request by a participating California Native American tribe.

(4) The local government shall include, as binding conditions of the project approval, all of the following:

(A) Any enforceable agreements reached during the project consultation.

(B) All of the following measures, unless there is mutual agreement between the California Native American tribe and the project proponent not to include the measure as a binding condition:

(i) Upon request by a California Native American tribe, the project shall include tribal monitoring during all ground-disturbing activities, as follows:

(I) The California Native American tribe shall designate the monitor.

(II) The tribal monitor shall comply with applicant's site access and workplace safety requirements.

(III) The applicant shall compensate the tribal monitor at a reasonable rate, determined in good faith, that aligns with customary compensation for cultural resource monitoring, taking into account factors such as the scope and duration of the project.

(ii) Tribal cultural resources shall be avoided where feasible, in accordance with subdivision (a) of Section 21084.3. In furtherance of this requirement, where feasible, the project applicant shall provide deference to tribal preferences regarding access to spiritual, ceremonial, and burial sites, and incorporate tribal traditional knowledge in the protection and sustainable use of tribal cultural resources and landscapes.

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(iii) All treatment and documentation of tribal cultural resources shall be conducted in a culturally appropriate manner, consistent with Section 21083.9.

(iv) A California Historical Resources Information System archaeological records search and a tribal cultural records search shall be completed for the project site.

(v) A Sacred Lands Inventory request shall be submitted to the Native American Heritage Commission.

(vi) The project shall comply with Section 7050.5 of the Health and Safety Code and Section 5097.98, including immediate work stoppage upon discovery of human remains or burial grounds, and treatment in accordance with applicable law and in consultation with the affected California Native American tribe.

(vii) An application of tribal ecological knowledge into habitat restoration efforts undertaken by the project as applicable to the specific environmental context and conditions of the project.

(5) For purposes of this subdivision, the following definitions apply:

(A) "California Native American tribe" has the same meaning as defined in Section 21073.

(B) "Enforceable agreement" means an agreement between the local government, project proponent, and any California Native American tribe that has engaged in consultation pursuant to this subdivision regarding the methods, measures, and conditions for tribal cultural resource identification, treatment, and protection, including consideration of avoidance. Compliance with the enforceable agreement shall be a required condition of approval for the project and its terms must be enforceable against the project proponent by the local government and the California Native American tribe.

(C) "Tribal cultural resource" means a site, feature, place, cultural landscape, sacred place, including a Native American sanctified cemetery, Indian cemetery, or Indian burial area, or an object with cultural value to a California Native American tribe that is any of the following:

(i) Included or eligible for inclusion in the California Register of Historical Resources or the National Register of Historic Places.

(ii) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(iii) Identified by the Native American Heritage Commission as a sacred place pursuant to Section 5097.94 or 5097.96.

(iv) Included in a local tribal register.

PRC 21080.66(c) (1) (A) The local government shall, as a condition of approval for the development, require the development proponent to complete a phase I environmental assessment, as defined in Section 78090 of the Health and Safety Code.

(B) If a recognized environmental condition is found, the development proponent shall complete a preliminary endangerment assessment, as defined in Section 78095 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.

(C) If a release of a hazardous substance is found to exist on the site, the release shall be removed or any effects of the release shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.

(D) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.

(2) For any housing on the site located within 500 feet of a freeway, all of the following shall apply:

(A) The building shall have a centralized heating, ventilation, and air-conditioning system.

(B) The outdoor air intakes for the heating, ventilation, and air-conditioning system shall face away from the freeway.

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(C) The building shall provide air filtration media for outside and return air that provides a minimum efficiency reporting value of 16.

(D) The air filtration media shall be replaced at the manufacturer's designated interval.

(E) The building shall not have any balconies facing the freeway.

PRC 21080.66(d) (1) Notwithstanding any other law, all construction workers employed in the execution of a housing development project exempt from this division pursuant to this section where 100 percent of the units within the development project are dedicated to lower income households, as defined by Section 50079.5 of the Health and Safety Code, shall be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate, regardless of whether the housing development project is a public work.

(2) Notwithstanding any other law, the labor standards of paragraph (8) of subdivision (a) of Section 65913.4 of the Government Code shall apply to buildings over 85 feet in height above grade in any housing development project exempt from this division pursuant to this section.

(3) (A) Notwithstanding any other law, the labor standards of Article 4 (commencing with Section 65912.130) of Chapter 4.1 of Division 1 of Title 7 of the Government Code shall apply for projects of 50 units or greater in the City and County of San Francisco that are not covered by paragraph (2), for any construction craft where at least 50 percent of the units in market-rate multifamily housing projects that received their certificate of occupancy between 2022 and 2024, inclusive, were built by workers that were paid not less than the general prevailing rate of per diem wages.

(B) For purposes of this section, "market-rate multifamily housing development project" means a housing development project of greater than 10 units where less than 95 percent of the units are dedicated to lower income households, as defined by Section 50079.5 of the Health and Safety Code.

(C) (i) The eligibility of this subparagraph, by classification, will be determined by the Department of Industrial Relations and published on its internet website by January 1, 2026.

(ii) In making a determination of eligibility pursuant to this subparagraph, the Director of Industrial Relations shall obtain and consider data from the labor organizations and employers or employer associations concerned no later than October 1, 2025.

(iii) To determine the number of market-rate multifamily housing projects that received their certificate of occupancy in a given year, the Department of Industrial Relations shall use the annual progress report data as reported by the jurisdiction pursuant to Section 65400 of the Government Code.

(4) The provisions of Section 218.8 of the Labor Code shall extend to the development proponent in addition to the direct contractor or subcontractor. For purposes of this paragraph, "development proponent" shall mean a developer who submits the housing development project application to a local government that is exempt from this division pursuant to this section.

(5) (A) A joint labor-management cooperation committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a) may undertake any of the following on a housing development project that is exempt from this division pursuant to this section:

(i) Bring an action in a court of competent jurisdiction against a contractor or subcontractor at any tier on behalf of construction workers employed by the contractor or subcontractor on a housing development project that is exempt from this division pursuant to this section to enforce Section 226 of the Labor Code. A contractor is not subject to an action pursuant to this subparagraph due to the failure of a subcontractor to comply with Section 226 of the Labor Code.

(ii) Bring an action in a court of competent jurisdiction on behalf of an affected employee against an employer for damages as if Division 4 (commencing with Section 3200) of the Labor Code did not apply, if the employer fails to secure the payment of compensation as

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required by Article 1 (commencing with Section 3700) of Chapter 4 of Part 1 of Division 4 of the Labor Code.

(iii) In addition to the remedies set forth in Section 7028.3 of the Business and Professions Code, on proper showing by a joint labor-management cooperation committee of a continuing violation of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code by a person who constructs a housing project and does not hold a state contractor's license in any classification, an injunction shall issue by a court specified in Section 7028.3 of the Business and Professions Code at the request of the joint labor-management cooperation committee, prohibiting that violation.

(B) For any action brought pursuant to this paragraph, the court shall award a prevailing joint labor-management committee its reasonable attorney's fees and costs incurred maintaining the action.

(C) An action brought pursuant to this paragraph shall be filed within one year of a local government issuing a certificate of occupancy for the housing development project or for the portion relating to the action.

(D) This paragraph shall apply only to violations that occur on the site of construction of the housing development project.

(e) This section does not affect the eligibility of a housing development project for a density bonus, incentives or concessions, waivers or reductions of development standards, and reduced parking ratios pursuant to Section 65915 of the Government Code.

Gov'n Code 65598.5 (h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of any of the following:

(A) **Residential units only.**

(B) **Mixed-use developments** consisting of residential and nonresidential uses that meet any of the following conditions:

(i) At least two-thirds of the new or converted square footage is designated for residential use.

(ii) At least 50 percent of the new or converted square footage is designated for residential use and the project meets both of the following:

(I) The project includes at least 500 net new residential units.

(II) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.

(iii) At least 50 percent of the net new or converted square footage is designated for residential use and the project meets all of the following:

(I) The project includes at least 500 net new residential units.

(II) The project involves the demolition or conversion of at least 100,000 square feet of nonresidential use.

(III) The project demolishes at least 50 percent of the existing nonresidential uses on the site.

(IV) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.

(C) **Transitional housing** or supportive housing.

(D) **Farmworker housing**, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

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PRC 21080.66(e) This section does not affect the eligibility of a housing development project for a density bonus, incentives or concessions, waivers or reductions of development standards, and reduced parking ratios pursuant to Section 65915 of the Government Code.