

## **Justification/Reason for Appeal**

The Parks in LA Mixed-Use Building

(CPC-2019-2567-GPAJ-VZCJ-HD-CUB-SPR; ENV-2019-2568-SCEA)

### **I. REASON FOR THE APPEAL**

The Sustainable Communities Environmental Assessment (“SCEA”) prepared for The Parks in LA Mixed-Use Building (CPC-2019-2567-GPAJ-VZCJ-HD-CUB-SPR; ENV-2019-2568-SCEA) (“Project”) fails to comply with the California Environmental Quality Act (“CEQA”). Furthermore, the approval of the Site Plan Review entitlements (CPC-2019-2567-GPAJ-VZCJ-HD-CUB-SPR) was in error because (1) the City of Los Angeles (“City”) must fully comply with CEQA prior to any approvals in furtherance of the Project and (2) the findings are not supported by substantial evidence. Therefore, the City of Los Angeles (“City”) must set aside the Site Plan Review entitlements and prepare and circulate an environmental impact report (“EIR”) prior to considering approvals for the Project.

### **II. SPECIFICALLY THE POINTS AT ISSUE**

For the specific reasons set forth in the attached comment letter dated March 21, 2023, the SCEA fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project’s impacts. Furthermore, proper CEQA review must be complete *before* the City approves the Project’s entitlements. (*Orinda Ass’n. v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 [“No agency may approve a project subject to CEQA until the entire CEQA process is completed and the overall project is lawfully approved.”].) As such, the approval of the Project’s Site Plan Review entitlements was in error. Additionally, by failing to properly conduct environmental review under CEQA, the City lacks substantial evidence to support its findings for the Site Plan Review entitlements.

### **III. HOW YOU ARE AGGRIEVED BY THE DECISION**

Members of appellant Supporters Alliance for Environmental Responsibility (“SAFER”) live and/or work in the vicinity of the proposed Project. They breathe the air, suffer traffic congestion, and will suffer other environmental impacts of the Project unless it is properly mitigated.

### **IV. WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION**

The City Planning Commission sustained the PLUM Committee’s March 21, 2023 approval of the Site Plan Review and adopted the SCEA for the Project, despite substantial evidence in the record that SCEA fails to adequately analyze the Project’s environmental impacts and fails to incorporate all feasible mitigation measures to reduce the Project’s impacts. The City should have prepared an initial study followed by an EIR or negative declaration in accordance with CEQA prior to consideration of approvals for the Project. The City is not permitted to approve the Project’s entitlements until proper CEQA review has been completed.



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March 21, 2023

*Via Email*

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Monica Rodriguez, Councilmember  
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**Re: Comment on Sustainable Communities Environmental Assessment, The  
Parks in L.A. Project (ENV-2019-2568-SCEA) (PLUM Committee Agenda  
Item No. 6)**

Dear Honorable Councilmembers Harris-Dawson, Rodriguez, Yaroslavsky, Lee, and Hutt, and  
Ms. Dang:

I am writing on behalf of Supporters Alliance for Environmental Responsibility  
("SAFER") regarding the Sustainable Communities Environmental Assessment ("SCEA")  
prepared for The Parks in L.A. Project (ENV-2019-2568-SCEA), including all actions related or  
referring to the proposed construction of a mixed-use development consisting of 251 apartment  
units and 40,500 square feet of commercial uses, located at 3431-3455 West 8th Street and 749,  
765 & 767 South Harvard Boulevard, in the City of Los Angeles ("Project"), which is being  
heard on March 21, 2023 by the Planning and Land Use Management ("PLUM") Committee as  
Agenda Item No. 6.

After reviewing the SCEA with the assistance of Certified Industrial Hygienist, Francis  
"Bud" Offermann, PE, CIH, air quality experts Matt Hagemann, P.G., C.Hg., and Paul E.  
Rosenfeld, Ph.D., of the Soil/Water/Air Protection Enterprise ("SWAPE"), and noise expert Ani  
S. Toncheva of Wilson Ihrig, SAFER concludes that the SCEA fails as an informational  
document and fails to impose all feasible mitigation measures to reduce the Project's impacts.  
Therefore, we request that the City of Los Angeles ("City") City Planning Department prepare a

revised SCEA or, in the alternative, prepare an Environmental Impact Report (“EIR”) for the Project pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000, et seq.

Mr. Offerman’s comment and curriculum vitae are attached as Exhibit A hereto and is incorporated herein by reference in its entirety. SWAPE’s comment and the consultants’ curriculum vitae are attached as Exhibit B hereto and are incorporated herein by reference in their entirety. Ms. Ju’s comment and curriculum vitae are attached as Exhibit C hereto and is incorporated herein by reference in its entirety.

## **I. PROJECT DESCRIPTION**

The proposed Project will construct an eight-story mixed-use building with 251 residential units above two levels of subterranean parking on 1.45 acres located on 8th Street West between Hobart and Harvard Boulevards in the Wilshire Community Plan area. The proposed building will have 18,000 square-feet of commercial retail space on the ground floor and 22,500 square-feet of office space on the second floor. Residential units include 18 live/work units and 29 income-restricted units, and a total of 284 automobile parking spaces and 204 bicycle parking spaces are also included. Construction will require demolition of five existing commercial buildings and one single family house comprising a total of approximately 22,000 square-feet.

A SCEA has been prepared for the proposed Project pursuant to Section 21155.2 of the California Public Resources Code (“PRC”).

## **II. LEGAL STANDARD**

### **Sustainable Communities Environmental Assessment under SB 375**

The California Legislature passed SB 375, also known as the Sustainable Communities and Climate Protection Act, in an effort to integrate transportation and land use planning to reduce greenhouse gas (“GHG”) emissions. (*See* California Senate Bill 375, Chapter 728, section 1(a).) SB 375 required the state Air Resources Board to develop regional emission reduction targets for cars and light trucks. (Gov. Code § 65080(b)(2)(A).) In addition, federally-designated metropolitan planning organizations that prepare regional transportation plans were required to include in those plans a “sustainable communities strategy” to achieve the emission targets. (Gov. Code § 65080(b)(2)(B).)

CEQA allows for the streamlining of environmental review for “transit priority projects” meeting certain criteria. (Pub. Res. Code §§ 21155, 21155.1, 21155.2.) To qualify as a transit priority project, a project must:

- (1) contain at least 50 percent residential use, based on total building square footage and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75;
- (2) provide a minimum net density of at least 20 dwelling units per acre; and

- (3) be within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan.

(Pub. Res. Code § 21155(b).) A transit priority project is eligible for CEQA’s streamlining provisions where:

[The transit priority project] is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, for which the State Air Resources Board . . . has accepted a metropolitan planning organization’s determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.

(Pub. Res. Code § 21155(a).) In 2020, the Southern California Association of Governments’ (“SCAG”) Regional Council formally adopted the Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (“2020–2045 RTP/SCS”), which was accepted by the California Air Resources Board (“CARB”) on October 30, 2020, and was certified on May 7, 2020.

If “all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports and adopted in findings made pursuant to Section 21081” are applied to a transit priority project, the project is eligible to conduct environmental review using a Sustainable Communities Environmental Assessment (“SCEA”). (Pub. Res. Code § 21155.2.) A SCEA must contain an initial study which “identif[ies] all significant or potentially significant impacts of the transit priority project . . . based on substantial evidence in light of the whole record.” (Pub. Res. Code § 21155.2(b)(1).) The initial study must also “identify any cumulative effects that have been adequately addressed and mitigated pursuant to the requirements of this division in prior applicable certified environmental impact reports.” (*Id.*) The SCEA must then “contain measures that either avoid or mitigate to a level of insignificance all potentially significant or significant effects of the project required to be identified in the initial study.” (Pub. Res. Code § 21155(b)(2).) The SCEA is not required to discuss growth inducing impacts or any project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network. (Pub. Res. Code § 21159.28(a).)

After circulating the SCEA for public review and considering all comments, a lead agency may approve the SCEA with findings that all potentially significant impacts have been identified and mitigated to a less-than-significant level. (Pub. Res. Code § 21155(b)(3), (b)(4), (b)(5).) A lead agency’s approval of a SCEA must be supported by substantial evidence. (Pub. Res. Code § 21155(b)(7).)

### **III. ANALYSIS**

#### **A. The SCEA failed to implement all required mitigation measures.**

A SCEA must incorporate all mitigation measures from the Sustainable Communities

Strategy. (Pub. Res. Code section 21155(a) and (b).) However, the SCEA declines to implement numerous mitigation measures set forth in the SCEA. Therefore, the City may not rely on the SCEA and must prepare an EIR. Among the many 2020–2045 RTP/SCS mitigation measures that the SCEA fails to implement are:

- PMM AES-1: requiring graffiti resistant materials. (SCEA p. 28.)
- PMM AES-2: Measures to reduce aesthetic impacts. (SCEA p. 28.)
- PMM AES-3: Shielding for lighting fixtures. (SCEA p. 30.)
- PMM AQ-1: Tier 4 construction equipment and other measures. (SCEA p. 34.)
- PMM GHG-1: MM to reduce GHGs. (SCEA p. 52.)
- PMM HYD-1: SWPPP for construction. (SCEA p. 61.)
- PMM NOISE-1: Install noise barriers for construction. (SCEA p. 65.)
- PMM PSP-1: Ensure adequate public services. (SCEA p. 69.)
- PMM TRA-1: Transportation Demand Management strategies, such as bike lanes, universal transit passes, parking cash-out, vanpools, carpooling, etc. (SCEA p. 71.)

The SCEA contends that all of the above measures are “not necessary.” But the measures are absolutely necessary if the City intends to dispense with the requirement to prepare an environmental impact report (“EIR”) and instead prepare the short-form SCEA. The whole point of the SCEA is that streamlined environmental review is allowed because the Project will implement all mitigation measures set forth in the 2020–2045 RTP/SCS. The above measures would clearly reduce the Project’s impacts and they are required to be implemented pursuant to CEQA Section 21155. Since the City has refused to implement these measures, the City may not rely on the SCEA and must prepare an EIR. Alternatively, the City must prepare an updated SCEA that incorporates all feasible mitigation measures included in the 2020–2045 RTP/SCS.

**B. The SCEA’s conclusions regarding the Project’s air quality impacts are not supported by substantial evidence.**

Indoor air quality expert Francis “Bud” Offermann, PE, CIH, and air quality experts Matt Hagemann, P.G., C.Hg., and Paul E. Rosenfeld, Ph.D. of SWAPE reviewed the SCEA and found that the SCEA’s conclusions as to the Project’s air quality impacts were not supported by substantial evidence. Mr. Offermann found that the SCEA failed to address and mitigate the human health impacts from indoor emissions of formaldehyde. Mr. Offermann’s comment and CV are attached as Exhibit A. SWAPE found that the SCEA failed to properly model the Project’s emissions and failed to properly evaluate the Project’s health risk impacts from emissions of diesel particulate matter. SWAPE’s comment and CVs are attached as Exhibit B.

**1. The SCEA fails to discuss or mitigate the Project’s significant indoor air quality impacts.**

The SCEA fails to discuss, disclose, analyze, and mitigate the significant health risks posed by the Project from formaldehyde, a toxic air contaminant (“TAC”). Certified Industrial Hygienist, Francis (“Bud”) Offermann, PE, CIH, conducted a review of the Project, the SCEA,

and relevant documents regarding the Project's indoor air emissions. Mr. Offermann is one of the world's leading experts on indoor air quality, in particular emissions of formaldehyde, and has published extensively on the topic. As discussed below and set forth in Mr. Offermann's comments, the Project's emissions of formaldehyde will result in very significant cancer risks to future residents of the Project's residential component and employees in the Project's commercial components. Mr. Offermann's expert opinion demonstrates the Project's significant health risk impacts, which the City has a duty to investigate, disclose, and mitigate in the SCEA prior to approval. Furthermore, Mr. Offermann's expert opinion and calculation is substantial evidence that the Project may have a significant health risk impact as a result of indoor air pollution that was not analyzed or mitigated in the SCEA.

Mr. Offermann explains that many composite wood products used in building materials and furnishings commonly found in offices, warehouses, residences, and hotels contain formaldehyde-based glues which off-gas formaldehyde over a very long time period. He states, "[t]he primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims." (Ex. A, pp. 2-3.)

Formaldehyde is a known human carcinogen. Mr. Offermann states that future residents of the Project would be exposed to a 120 in one million risk, and future commercial employees would be exposed to a 17.7 in one million risk, *even assuming* all materials are compliant with the California Air Resources Board's formaldehyde airborne toxics control measure. (*Id.*, pp. 4-5.) This potential exposure level exceeds the South Coast Air Quality Management District's ("SCAQMD") CEQA significance threshold for airborne cancer risk of 10 per million.

Mr. Offermann concludes that mitigation measures should be imposed to reduce the risk of formaldehyde exposure. (*Id.*, pp. 5-7.) Mr. Offermann identifies mitigation measures that are available to reduce these significant health risks, including the installation of air filters and a requirement that the applicant use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins or ultra-low emitting formaldehyde (ULEF) resins in the buildings' interiors. (*Id.*, pp. 9-13.) Since the SCEA does not analyze this impact at all, none of these or other mitigation measures have been considered.

The City has a duty to investigate issues relating to a project's potential environmental impacts, especially those issues raised by an expert's comments. (*See Cty. Sanitation Dist. No. 2 v. Cty. of Kern*, (2005) 127 Cal.App.4th 1544, 1597-98 ("under CEQA, the lead agency bears a burden to investigate potential environmental impacts").)

The proposed building will have significant impacts on air quality and health risks by emitting cancer-causing levels of formaldehyde into the air that will expose future residents and employees to cancer risks potentially in excess of SCAQMD's threshold of significance for cancer health risks of 10 in a million. Currently, outside of Mr. Offermann's comments, the City does not have any idea what risks will be posed by formaldehyde emissions from the Project or the residences. As a result, the City must include an analysis and discussion in an updated SCEA or prepare an EIR which discloses and analyzes the health risks that the Project's formaldehyde emissions may have on future residents and employees and identifies appropriate mitigation measures.

2. The SCEA cannot be relied upon to determine the significance of the Project's air quality impacts because the SCEA's air model underestimated the Project's emissions.

SWAPE found that the SCEA incorrectly estimated the Project's construction and operational emissions and therefore cannot be relied upon to determine the significance of the Project's impacts on local and regional air quality. (Ex. B, pp. 1-2.) The SCEA relies on emissions calculated from the California Emissions Estimator Model Version CalEEMod.2016.3.2 ("CalEEMod"). This model, which is used to generate a project's construction and operational emissions, relies on recommended default values based on site specific information related to a number of factors. (*Id.*) CEQA requires that any changes to the default values must be justified by substantial evidence.

SWAPE reviewed the Project's CalEEMod output files and found that the values input into the model were inconsistent with information provided in the SCEA. (*Id.*, p. 2.) This results in an underestimation of the Project's emissions. As a result, the SCEA's air quality analysis cannot be relied upon to determine the Project's emissions.

Specifically, SWAPE found that the following values used in the SCEA's air quality analysis were either inconsistent with information provided in the SCEA or otherwise unjustified:

1. Unsubstantiated Reductions to Acres of Grading Values. (Ex. B, pp. 2-3.)
2. Underestimated Number of Saturday and Sunday Vehicle Trips. (Ex. B, pp. 3-4.)
3. Incorrect Trip Purpose Percentages. (Ex. B, pp. 4-5.)

Based on the issues listed above, the SCEA's analysis of air quality cannot be relied upon to determine the significance of these impacts.

### **C. The SCEA inadequately analyzed the Project's impact on human health from emissions of diesel particulate matter.**

One of the primary emissions of concern regarding health effects for land development projects is diesel particulate matter (DPM), which can be released during Project construction and operation. DPM consists of fine particles with a diameter less than 2.5 micrometers including a subgroup of ultrafine particles (with a diameter less than 0.1 micrometers). Diesel exhaust also contains a variety of harmful gases and cancer-causing substances. Exposure to DPM is a recognized health hazard, particularly to children whose lungs are still developing and the elderly who may have other serious health problems. According to the California Air Resources Board ("CARB"), DPM exposure may lead to the following adverse health effects: aggravated asthma; chronic bronchitis; increased respiratory and cardiovascular hospitalizations; decreased lung function in children; lung cancer; and premature deaths for those with heart or lung disease.<sup>1</sup>

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<sup>1</sup> See CARB Resources - Overview: Diesel Exhaust & Health, available at: <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

The SCEA incorrectly concludes that the Project would have a less-than-significant health risk impact without conducting a quantified construction or operational health risk analysis (“HRA”). SWAPE concluded that the SCEA’s HRA is incorrect for four reasons.

First, by failing to prepare a quantified construction and operational HRA, the SCEA fails to quantitatively evaluate construction and operational-related TACs, or make a reasonable effort to connect emissions to health impacts posed to nearby existing sensitive receptors from the Project. (Ex. B, p. 6.) SWAPE identifies potential emissions from both the daily vehicle trips and exhaust stacks of construction equipment. (*Id.* (citing SCEA, pp. 16, 27 (Table 5)).) As such, the SCEA fails to meet the CEQA requirement that projects correlate increases in project-generated emissions to adverse impacts on human health caused by those emissions. In failing to connect TAC emissions from construction and operation of the Project to potential health risks to nearby sensitive receptors, the Project fails to meet CEQA requirements. (*See Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 510.)

Second, the SCEA’s conclusion is also inconsistent with the most recent guidance published by the Office of Health Hazard Assessment (“OEHHA”), the organization responsible for providing guidance on conducting HRAs in California, as well as local air district guidelines. (Ex. B, pp. 6-7.) OEHHA recommends that projects lasting at least 2 months be evaluated for cancer risks to nearby sensitive receptors, a time period which this Project easily exceeds. (*Id.*) The OEHHA document also recommends that if a project is expected to last over 6 months, the exposure should be evaluated throughout the project using a 30-year exposure duration to estimate individual cancer risks. (*Id.*, p. 7.) Based on its extensive experience, SWAPE reasonably assumes that the Project will last at least 30 years, and therefore recommends that health risk impacts from the Project be evaluated. (*Id.*) SWAPE states that an updated SCEA should therefore be prepared to analyze these impacts. (*Id.*)

Third, by failing to prepare a quantified construction and operational HRA for nearby, existing sensitive receptors, the SCEA fails to compare the excess health risk impact of the Project to the SCAQMD’s specific numeric threshold of 10 in one million. (Ex. B, p. 7.) Without conducting a quantified construction and operational HRA, the SCEA also fails to evaluate the cumulative lifetime cancer risk to nearby, existing receptors from the Project’s construction and operation together. This is incorrect, and as a result, the SCEA’s evaluation cannot be relied upon to determine Project significance. OEHHA guidance requires that the excess cancer risk be calculated separately for all sensitive receptor age bins, then summed to evaluate the total cancer risk posed by all Project activities. Therefore, in accordance with the most relevant guidance, an assessment of the health risk posed to nearby, existing receptors from Project construction and operation should be conducted and compared to the SCAQMD threshold of 10 in one million. (*Id.*)

SWAPE prepared a screening-level HRA to evaluate potential impacts from Project construction and operation using AERSCREEN, a screening-level air quality dispersion model. (Ex. B, p. 7-12.) SWAPE applied a sensitive receptor distance of 50 meters and analyzed impacts to individuals at different stages of life based on OEHHA and SCAQMD guidance utilizing age sensitivity factors. (*Id.*)

SWAPE found that the excess cancer risks at a sensitive receptor located approximately



50 meters away over the course of Project construction and operation are approximately 187 in one million for infants, 132 in one million for children, and 14.7 in one million for adults. (*Id.*, p. 11.) SWAPE also found that the *excess cancer risk associated with Project construction and operation over the course of a residential lifetime (30 years) is approximately 342 in one million.* (*Id.*) The risks to infants, children, adults, and lifetime residents exceed SCAQMD's threshold of 10 in one million. Because a SCEA is only appropriate where all impacts have been mitigated to a level of insignificance, the City must prepare a revised SCEA to mitigate this impact or otherwise prepare an EIR.

#### **D. The SCEA inadequately analyzed the Project's greenhouse gas impacts.**

SWAPE's review of the SCEA found that the City failed to adequately evaluate the Project's greenhouse gas ("GHG") impacts. (Ex. B, pp. 12-14.) The SCEA estimates that the Project would generate net annual GHG emissions of 2,696.1 metric tons of carbon dioxide equivalents per year ("MT CO<sub>2</sub>e/year"), which would not exceed the SCAQMD threshold of 3,000 MT CO<sub>2</sub>e/year. (SCEA, pp. 118, Table V-10.) Furthermore, the SCEA's analysis relies upon the Project's consistency with the SCAQMD's 2008 *Interim CEQA GHG Significance Threshold for Stationary Sources, Rules, and Plans* report to conclude that the Project would result in a less-than-significant GHG impact. (*Id.*, p. 118.) However, after reviewing the proposed Project, SCEA, and related appendices, SWAPE concludes that the SCEA's analysis, as well as the subsequent less-than-significant impact conclusion, are incorrect for two reasons:

1. The SCEA's quantitative GHG analysis relies upon an outdated threshold; and
2. The SCEA's unsubstantiated air model indicates a potentially significant impact. (Ex. B, pp. 13-14.)

First, the SCEA utilizes an outdated GHG threshold. (*Id.*, p. 13.) When compared to the correct quantitative threshold, SWAPE found the Project's GHG emissions are demonstrably significant. (*Id.*)

Second, the SCEA's unsubstantiated air model indicates a potentially significant impact. (Ex. B, pp. 13-14.) Specifically, SWAPE found that the Project's service population efficiency value, as estimated by the SCEA's asserted net annual GHG emissions (SCEA, p. 118, Table V-10), and service population, which is the number of residents and employees supported by the Project, i.e. 827 people (SCEA, Appendix A, p. 35 (estimating that the Project will support 718 residents); SCEA, p. 146, Table V-15 (indicating the Project will employ approximately 109 people during operation)), exceed the SCAQMD 2035 efficiency target of 3.0 MT CO<sub>2</sub>e/SP/year, indicating a potentially significant impact not previously addressed by the SCEA. (Ex. B, p. 14.) Consequently, the SCEA's less-than-significant GHG impact conclusion is incorrect and should not be relied upon.

Because a SCEA is only appropriate where all impacts have been mitigated to a level of insignificance, the City must prepare a revised SCEA to mitigate this impact or otherwise prepare an EIR.

#### **E. The SCEA inadequately analyzed the Project's noise impacts.**

The comment of noise expert Ani S. Toncheva is attached as Exhibit C. Ms. Toncheva has identified several issues with the SCEA. Ms. Toncheva's concerns are summarized below. (See Exhibit C.)

After reviewing the proposed Project, SCEA, and related appendices, Ms. Toncheva found that the SCEA failed to adequately evaluate the Project's potentially significant construction and operational noise impacts for the following reasons and therefore concludes that a revised SCEA or EIR should be prepared to mitigate those impacts.

1. The SCEA uses incorrect measurements to establish baseline noise for Project construction and operation.

Ms. Toncheva explains that the Project's noise baseline is based on four short-term measurements of a 15-minute duration that were only taken during the day. (Ex. C, p. 3.) As she points out, however, the SCEA includes no discussion of how these 15-minute measurements are applicable to the construction day or Project operations. (*Id.*) Ms. Toncheva found the short-term noise measurements taken at the southwest, northwest, eastern, and southeast corners of the Project site were incorrectly averaged and applied for all adjacent sensitive receptor properties in the area. (*Id.*) According to Ms. Toncheva, this is not an appropriate approach. (*Id.*) For example, she explains that there is a big difference between the levels measured on W. 8th Street and those further set back from that traffic. (*Id.*) As a result, the SCEA's approach effects the ambient-based thresholds of significance for both Project construction and operational noise. (*Id.*) Thus, the SCEA's analysis of the Project's noise impacts cannot be relied upon to determine the significance of these impacts.

2. The SCEA fails to adequately analyze the Project's significant construction noise impacts that exceed criteria thresholds and therefore the mitigation measures included in the SCEA to reduce these impacts may be insufficient.

The SCEA's construction noise impact analysis is inadequate for several reasons, all of which are identified in Ms. Toncheva's expert comments.

First, according to Ms. Toncheva's expert comments and the SCEA's construction noise impact analysis, the LAMC section 112.05 "prohibits the use of any powered equipment or powered hand tool for construction within a residential zone or within 500 ft thereof that produces a maximum noise level exceeding 75 dBA at a distance of 50 feet from the source." (Ex. C, p. 1 (citing SCEA, p. 137).) Ms. Toncheva explains that "this is an Lmax limit, representing the highest sound level that occurs during a stated time period." (*Id.*, p. 1.) Based on Ms. Toncheva's review of the calculations of the Project's estimated unmitigated construction equipment max noise levels included at Table V-11 of the SCEA, she found that the SCEA's noise analysis "incorrectly applies a usage factor to the 50-foot Lmax levels for each equipment and compares these hourly average (Leq) levels to the Lmax criteria."<sup>2</sup> (*Id.* (citing SCEA, p. 138 & Table V-11).) Instead, the LAMC limit of 75 dBA should have been compared to Lmax

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<sup>2</sup> The SCEA states, "The sound level prediction equation is expressed as follows for the hourly average sound level (Leq) at distance (D) between the source and receiver.  $Leq = Lmax @ 50' - 20 \cdot \log (D/50') + 10 \cdot \log (U.F./100) - I.L.$  Where: *Lmax @ 50'* is the published reference noise level at 50 feet *U.F.* is the acoustical usage factor for full power operation per hour *I.L.* is the insertion loss for intervening barriers[.]" (SCEA, p. 138 & Table V-11 (emphasis in original).)

levels, not the Leq or average levels. (*Id.*) If the SCEA had properly analyzed the max noise level of each potential type of construction equipment that may be used to build the Project, the SCEA would have concluded that “[m]ost of the equipment in Table V-11 exceeds 75 dBA Lmax at 50 feet (12 of 14 types of equipment range from 77 to 90 dBA).” (*Id.*)

Second, Ms. Toncheva found that the SCEA’s analysis of the Project’s construction equipment noise reductions at Table V-12 of the SCEA was inadequate because it failed to include a discussion to support the 15 dBA reduction assumed for industrial mufflers with diesel engines. (*Id.*, pp. 1-2.) As Ms. Toncheva notes, most construction equipment already includes a muffler, so listing this as a mitigation measure to reduce the Project’s max construction equipment noise levels is likely insufficient. (*Id.*, p. 1.) According to Ms. Toncheva, while “[t]he values provided in Table V-11 are representative of the maximum noise levels that nearby residents will be exposed to during construction (74 to 90 dBA at 50 feet), she found that “[a]t the residences 10 feet north of the project site, these maximum noise levels will range from 88 to 104 dBA based on the source levels in Table V-11 and adjustment for distance.” (*Id.*, pp. 1-2.) Therefore, Ms. Toncheva states that “the 15dB reduction for mufflers is unsubstantiated and unrealistic.” (*Id.*, p. 1.)

More specifically, Ms. Toncheva notes “that mufflers are only effective for machinery powered by internal combustion engines, not operational noise produced during work such as sawing.” For example, based on the Federal Highway Administration (“FHWA”) Construction Noise Handbook’s Lmax level of 90 dBA at 50 feet for concrete saws, “15 dB of reduction are needed for that operation to meet the LAMC criteria.” (Ex. C, p. 2.) Ms. Toncheva explains that while “[n]oise barriers could provide 10 to 15 dB of reduction, depending on site geometry and barrier construction, ... contractors are often reluctant to employ barriers because they slow production.” (*Id.*) Thus, “[t]he SCEA should provide substantial evidence that the proposed mitigation measure[s] will both reduce noise levels below the applicable threshold and be feasible to deploy,” and “[d]etails of deployment should be included in the MMRP.” (*Id.*)

Third, per the SCEA’s CEQA Guidelines checklist, “thresholds of significance of noise include assessment of a temporary or permanent increase in ambient levels in the vicinity of the project.” (Ex. C, p. 2 (citing SCEA, p. 136).) Based on Ms. Toncheva’s review of Table 6-1 of the SCEA’s noise study included at Appendix J of the SCEA, multiple pieces of equipment will be used during each phase of construction. (*Id.* (citing SCEA, Appendix J, p. 13).) According to Ms. Toncheva, the SCEA’s noise analysis should have used a Leq calculation “to compare construction noise levels for each phase with existing ambient measurements.” (*Id.*, p. 2.) Using the proper Leq calculation, Ms. Toncheva calculated Leq for each phase shown in Table 6-1 at the nearest residential property north of the Project, using FHWA usage factors. (*Id.*, pp. 2-3 & Table 1.) Compared to the SCEA’s 60 dBA measurement of ambient noise near the residences at M2, which is located at the northwest corner of the Project site, Table 1 of Ms. Toncheva’s comment letter shows “construction phase Leq levels ranging from 28 to 41 dBA over the ambient dBA calculated in Table 6-1 of the SCEA’s noise study, which she concludes “is, by any reasonable assessment, a significant increase.” (*Id.*) Thus, the SCEA’s analysis of the Project’s construction noise impacts cannot be relied upon to determine the significance of these impacts and as a result the mitigation measures intended to reduce this impact to less than significant may be insufficient.

### 3. The SCEA’s evaluation of noise impacts from Project operations is incorrect.

The SCEA's HVAC operational noise calculations include a 5 dB reduction from the parapet of the roof. However, no documentation is shown for this value or the geometry of the roof in relation to equipment. After reviewing the SCEA and related noise study, we found several errors in the HVAC unit calculations. For example, the online specification for the HVAC unit listed shows 59 dB as the sound pressure level for the model, not 57 dB as listed in Table 6-5 of the noise study included as Appendix J to the SCEA. (SCEA, Appendix J, p. 16, Table 6-5.) There is also an error in the decibel addition for the 255 HVAC units.

In addition, the ambient noise level for HVAC noise is not properly established for the Project. Specifically, the SCEA includes no nighttime measurement for HVAC operational noise and the presumed ambient HVAC noise level in Table V-13 of the SCEA for nighttime operation is incorrectly based on the land use of the Project site, not the land use for nearby, sensitive receptor properties. (SCEA, p. 141, Table V-13.)

Lastly, the SCEA's analysis of noise impacts from Project operations failed to include a quantitative analysis of landscape maintenance noise, which should be compared to the criteria in LAMC section 112.05(c) (i.e., 65 dBA limit). In addition, the parking ramp noise associated with Project operations is not addressed in the SCEA or the related noise study. Thus, the SCEA's analysis of the Project's operational noise impacts cannot be relied upon to determine the significance of these impacts.

Because the SCEA inadequately analyzed the Project's potentially significant noise impacts and as a result the mitigation measures included to reduce the Project's noise impacts to less than significant may be insufficient, the City must prepare a revised SCEA to properly mitigate this impact or otherwise prepare an EIR.

#### **IV. CONCLUSION**

For the foregoing reasons, the City must prepare either a revised SCEA or an EIR and recirculate the document for public comment prior to any project approvals. We reserve the right to supplement these comments, including but not limited to at public hearings concerning the Project. (*Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal.App.4th 1109, 1121 (1997).)

Sincerely,

A handwritten signature in cursive script, appearing to read "Victoria Yundt".

Victoria Yundt

LOZEAU DRURY LLP



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

**MAILING DATE: AUGUST 29, 2023**

**Case No. CPC-2019-2567-GPAJ-VZCJ-HD-CUB-SPR**

Council District: 10 – Hutt

CEQA: ENV-2019-2568-SCEA

Plan Area: Wilshire

**Project Site:** 3431 – 3455 West 8th Street; 749 – 767 South Harvard Boulevard;  
744 – 762 South Hobart Boulevard

**Applicant:** Charles Park & Associates, LLC  
Representative: Steve S. Kim

At its meeting of **May 25, 2023** the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of the existing single-family house, commercial buildings, and parking lot for the construction of a new 292,820 square-foot, eight-story, 251-unit, mixed-use building containing 29 affordable housing units above two levels of subterranean parking. The Project proposes 46,000 square feet of commercial area, 15,500 square feet of office area, 284 parking stalls, 204 bicycle parking spaces, and 20,700 square feet of usable open space.

1. **Found**, pursuant to Public Resources Code (PRC) Section 21155.2, after consideration of the whole of the administrative record, including the Senate Bill 375 Sustainable Communities Environmental Assessment dated November 2022, Mitigation Monitoring and Reporting Program under Case No. ENV-2019-2568-SCEA (collectively known as the SCEA), and all comments received, after imposition of all mitigation measures there is no substantial evidence that the project will have a significant effect on the environment; **Found** that the City Council held a hearing on and adopted the SCEA on April 14, 2023 pursuant to PRC Section 21155.2(b)(6); **Found** the Project is a “transit priority project” as defined by PRC Section 21155 and the Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior Environmental Impact Reports (EIR), including Southern California Association of Governments (SCAG) 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) (Connect SoCal) Program EIR SCH No. 2019011061; **Found** all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA; **Found** with respect to each significant effect on the environment required to be identified in the initial study for the SCEA, changes or alterations have been required in or incorporated into the Project that avoid or mitigate the significant effects to a level of insignificance or those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; **Found** the SCEA reflects the independent judgment and analysis of the City; **Found** the mitigation measures have been made enforceable conditions on the project; and **Adopted** the SCEA;
2. **Approved and Recommended**, that the Mayor and City Council **adopt**, pursuant to Charter Section 555 and Section 11.5.6 of the Los Angeles Municipal Code (LAMC), a General Plan Amendment to the Wilshire Community Plan to re-designate the land use of the Project Site from Neighborhood Office Commercial to Regional Center Commercial;
3. **Approved and Recommended**, that the City Council **adopt**, pursuant to City Charter Section 558 and LAMC Section 12.32 F, a Vesting Zone Change and Height District Change on the

Project Site from C2-1 and PB-1 to (T)(Q)C2-2D, consistent with the recommended General Plan Amendment, and **approved** two Developer Incentives to permit:

- a. To allow a 16-foot rear yard setback in lieu of the 20-foot rear yard setback otherwise required; and
- b. A 20 percent reduction to permit a minimum 20,580 square feet of overall usable open space in lieu of the minimum 25,725 square feet otherwise required;
4. **Approved**, pursuant to LAMC Section 12.24, a Conditional Use to allow for a full line of alcoholic beverages for on-site consumption, in conjunction with three restaurants;
5. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a mixed-use development project that creates 252 dwelling units and 61,500 square feet of commercial floor area;
6. **Adopted** the attached Modified Conditions of Approval; and
7. **Adopted** the attached Amended Findings.

The vote proceeded as follows:

Moved: Noonan  
 Second: Choe  
 Ayes: Lawshe, Mack, Zamora  
 Absent: Cabildo, Leung, Millman

**Vote: 5 – 0**



\_\_\_\_\_  
 Cecilia Lamas, Commission Executive Assistant II  
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission as it relates to the General Plan Amendment is final. The Zone Change and Height District Change, is appealable by the Applicant only, if disapproved in whole or in part by the Commission. The decision of the Los Angeles City Planning Commission, regarding the remaining approvals, is appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE: SEPTEMBER 18, 2023**

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Zone Change Ordinance, Maps, Modified Conditions of Approval, Amended Findings, Resolution, Appeal Filing Procedures

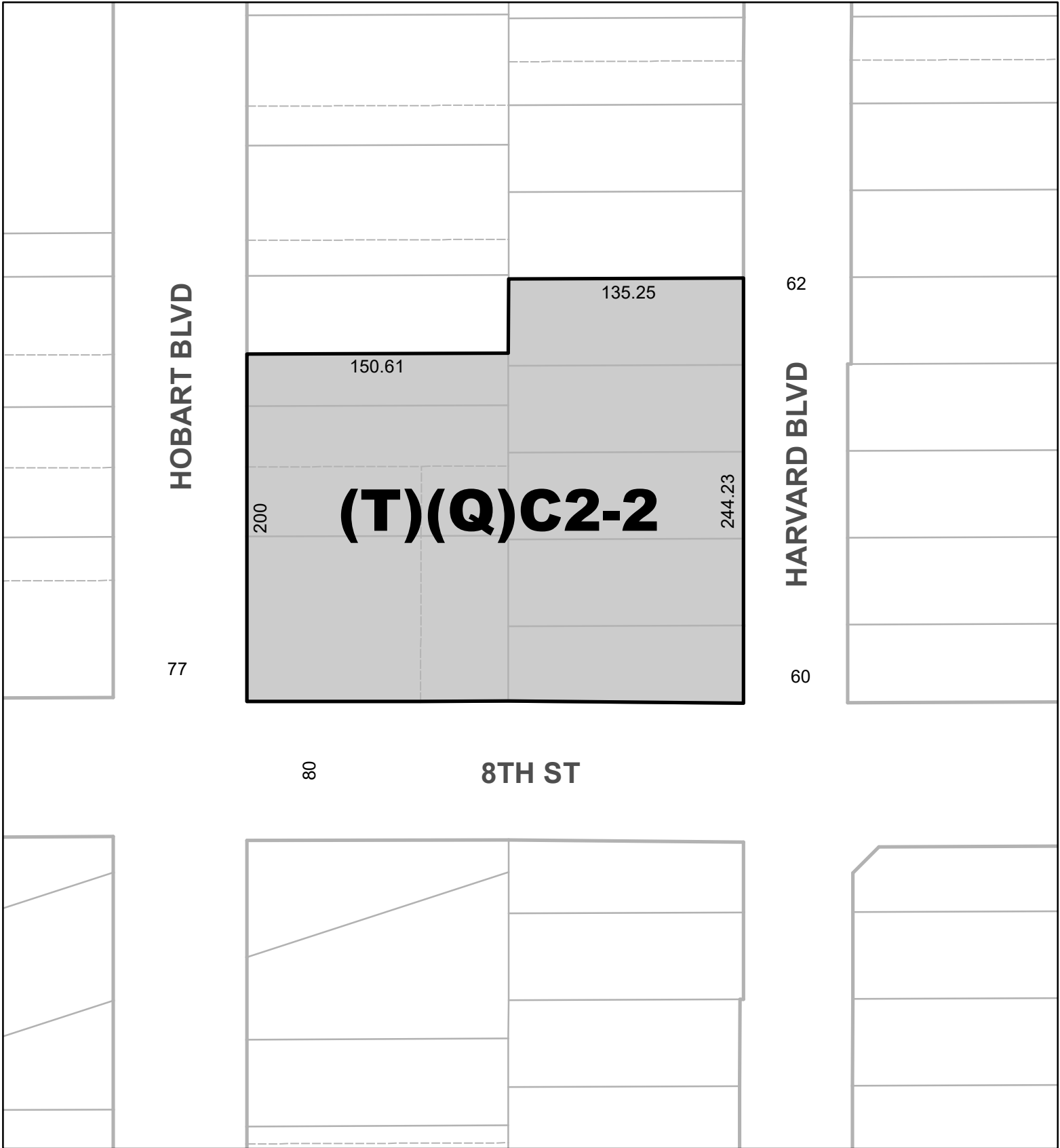
c: Jane Choi, Principal City Planner  
 Deborah Kahan, Senior City Planner  
 Chi Dang, City Planner

ORDINANCE NO. \_\_\_\_\_

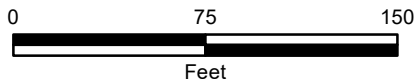
An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:



80 8TH ST

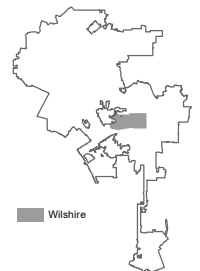


CPC-2019-2567-GPAJ-VZCJ-HD-CUB-SPR

AA/ *cf*

040523

City of Los Angeles





## (Q) QUALIFIED CONDITIONS

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the “Q” Qualified classification.

1. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit “A” dated April 22, 2021. Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Central Project Planning Bureau of the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Affordable Housing.** Prior to the issuance of a permit, the project shall submit proof of compliance with the Affordable Housing provisions of Los Angeles Municipal Code Section 11.5.11.
  - a. A minimum of 29 of the 251 residential dwelling units shall be reserved as affordable units as follows:
    - i. A minimum of five (5) percent, or 13 units, shall be reserved for Extremely Low Income Households as determined by the California Department of Housing and Community Development (HCD).
    - ii. A minimum of six (6) percent, or 16 dwelling units, shall be reserved for Very Low Income Households as determined by the California Department of Housing and Community Development (HCD).
  - b. **Changes in Restricted Units.** Deviations that change the composition of units shall be consistent with LAMC Section 11.5.11(a)(1)(iii).
  - c. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD). The Covenant shall bind the owner to reserve 13 units available to Extremely Low Income Households and 16 units for Very Low Income Households for rental as determined to be affordable to such households by LAHD for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD.
3. **Use.**
  - a. Residential uses shall be limited to a maximum density of 251 dwelling units.
  - b. A maximum of 61,500 square feet of commercial uses permitted in the C2 Zone may be permitted.
4. **Labor Requirement.** Pursuant to Los Angeles Municipal Code Section 11.5.11, certified by City Council on December 13, 2017 and codified as Section 5.522 of the Administrative Code,

the applicant shall confer with Department of Public Works, Bureau of Contract Administration, Office of Contract Compliance, and shall provide the following to the Department of City Planning:

- a. A signed Preconstruction Checklist Agreement between the Applicant and the Bureau of Contract Administration (maintained in the case file), prior to clearing any Building Permit, which covers the following:
  - i. **Licenses.** All building and construction work on the project will be performed at all tiers by contractors that are licensed by the State of California and the City of Los Angeles. The project will employ only construction workers that possess all licenses and certifications required by the State of California and the City of Los Angeles.
  - ii. **Local Hire.** At least 30% of all respective workforces' construction workers' hours of Project Work will be performed by permanent residents of the City of Los Angeles. Of these, at least 10% of all their respective workforces' construction workers' hours of Project Work shall be performed by Transitional Workers whose primary place of residence is within a 5-mile radius of the covered project. If such minimums are not met, evidence of a good faith effort to solicit such local workers shall be evidenced.
  - iii. **Wages.** The project will pay construction workers performing Project Work hourly wage rates for those classifications in compliance with the applicable prevailing wage rate determination established pursuant to the California Labor Code.
  - iv. **Training.** At least 60% of construction workforces employed on the project will be:
    - (1) Workers who graduated from a Joint Labor Management apprenticeship training program approved by the State of California.
    - (2) Alternatively, workers employed that have minimum hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program.
    - (3) Workers who are registered apprentices in an apprenticeship training program approved by the State of California or an out-of-state, federally-approved apprenticeship program.
  - ii) **Bond.** A Bond may be required to ensure compliance.
- b. After the project has completed construction, and prior to any Certificate of Occupancy, a signed report from the Bureau of Contract Administration that indicates compliance with the above licenses, local hire, wages and training requirements shall be added to the case file.

## **“D” DEVELOPMENT LIMITATIONS**

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the “D” Development Limitations.

1. **Floor Area.** The total floor area of all buildings or structures located on the lot shall not exceed a Floor Area Ratio (FAR) of 4.64:1.
2. **Height.** The height of all buildings or structures located on the lot shall not exceed a height of 88 feet, 6 inches. Roof structures and equipment that comply with LAMC Section 12.21.1 B.3 may exceed this height limit.

## **CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL**

Pursuant to Section 12.32-G of the Municipal Code, the (T) or [T] Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

**Dedications and Improvements.** Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies as may be necessary).

### Responsibilities/Guarantees.

1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
2. Bureau of Engineering. Prior to the issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

a. Dedication Required:

**8<sup>th</sup> Street (Avenue II)** - A 3-foot wide strip of land along the property frontage to complete a 43-foot half right-of-way and 20-foot radius property line returns at the intersections with Hobart Boulevard and Harvard Boulevard in accordance with Avenue II of Mobility Plan 2035.

**Harvard Boulevard (Collector Street)** - A 3-foot wide strip of land along the property frontage to complete a 33-foot wide half right-of-way in accordance with Collector Street standards of Mobility Plan 2035.

**Hobart Boulevard (Local Street)** - None.

b. Improvements Required:

**8<sup>th</sup> Street** - Trim tree roots. Construct a new 15-foot full-width concrete sidewalk, integral concrete curb and 2-foot gutter along the property frontage. Reconstruct all driveways and existing curb ramps at the intersections with Hobart Boulevard and Harvard Boulevard to comply with ADA requirements.

**Harvard Boulevard** - Trim tree roots. Construct a new 13-foot concrete sidewalk, integral concrete curb and 2-foot gutter along the property frontage. Reconstruct all driveways to comply with ADA requirements and close all unused driveways with standard integral concrete curb, gutter and sidewalk.

**Hobart Boulevard** - Trim tree roots. Construct a new 12-foot construct concrete sidewalk. Repair all broken, off-grade or bad order concrete curb and gutter. Reconstruct all driveways to comply with ADA requirements and close all unused driveways with standard concrete sidewalk, integral concrete curb and gutter.

Note: Broken curb and/or gutter includes segments within existing score lines that are depressed or upraised by more than ¼ inch from the surrounding concrete work or are separated from the main body of the concrete piece by a crack through the entire vertical segment and greater than 1/8 inch at the surface of the section.

Non-ADA compliant sidewalk shall include any sidewalk that has a cross slope that exceeds 2% and/or is depressed or upraised by more than ¼ inch from the surrounding concrete work or has full concrete depth cracks that have separations greater than 1/8 inch at the surface. The sidewalk also includes that portion of the pedestrian path of travel across a driveway.

All new sidewalk curb and gutter shall conform to the Bureau of Engineering Standard Plans S410-2, S410-4, S442-5 and S444-0.

Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. Some tree removal in conjunction with the street improvement project may require Board of Public Works approval. The applicant should contact the Urban Forestry Division for further information (213) 847-3077.

Trees: That Board of Public Works approval shall be obtained prior to the issuance of the Certificate of Occupancy of the development project for the removal of any tree in the existing or proposed public right-of-way. The Bureau of Street Services, Urban Forestry Division is the lead agency for obtaining Board of Public Works approval for the removal of such trees.

Removal of street trees may be required for this project. Please include the tree removal issue in your public hearing notice for this application.

Notes: Street lighting may be required satisfactory to the Bureau of Street Lighting (213) 847-1551.

Department of Transportation may have additional requirements for dedication and improvements.

Contact the Department of Transportation regarding any conflicts with parking spaces, meters, traffic signs, colored curbs, or traffic control devices.

3. There is a 20-foot and variable width storm drain and sanitary sewer easement that traverses across the properties. No building shall be constructed over this easement without prior approval from the B-Permit Group of the Bureau of Engineering. Roof drainage and surface run-off from the property shall be collected and treated at the site and drained to the streets through drain pipes constructed under the sidewalk or through curb drains connected to the catch basins.
4. Sewer lines exist in 8th Street, Hobart Boulevard and Harvard Boulevard. Extension of the 6-inch house connection lateral to the new property line may be required. All Sewer Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit at (213) 482-7030.

5. An investigation by the Bureau of Engineering Central District Office Sewer Counter may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Central District Office of the Bureau of Engineering at (213) 482-7030.
6. Submit shoring and lateral support plans to the Bureau of Engineering for review and approval prior to excavating adjacent to the public right-of-way (213) 482-7048.
7. Submit parking area and driveway plans to the Central District Office of the Bureau of Engineering and the Department of Transportation for review and approval.
8. Los Angeles Fire Department. Submit plot plans for Fire Department approval and review prior to recordation of City Planning Case.
9. Access for Fire Department apparatus and personnel to and into all structures shall be required.
10. One or more Knox Boxes will be required to be installed for LAFD access to project. location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75).
11. 505.1 Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
12. The entrance to a Residential lobby must be within 50 feet of the desired street address curb face.
13. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
14. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
15. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.

#### 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)

1. When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.
2. It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
3. This policy does not apply to single-family dwellings or to non-residential buildings.

16. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend onto the roof.
17. Entrance to the main lobby shall be located off the address side of the building.
18. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
19. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
20. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
21. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.
22. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
23. Site plans shall include all overhead utility lines adjacent to the site.
24. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
25. Department of Transportation. Transportation Demand Management (TDM) Program:

The purpose of a TDM plan is to reduce the use of single occupant vehicles (SOV) by increasing the number of trips by walking, bicycle, carpool, vanpool and transit. A TDM plan should include design features, transportation services, education, and incentives intended to reduce the amount of SOV during commute hours. Through strategic building design and orientation, this project can facilitate access to transit, can provide a pedestrian-friendly environment, can promote non-automobile travel and can support the goals of a trip-reduction program. A preliminary TDM program shall be prepared and provided for DOT review prior to the issuance of the first building permit for this project and a final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project. The TDM program should include, but not be limited to, the following strategies:

- a. Provide an on-site transportation coordinator to promote the TDM program and alternatives to the car and facilitate rideshare;
- b. Transportation Information Center, educational programs, kiosks and/or other measures;
- c. Implementation of vehicle trip reduction incentives and services for Project employees and/or tenants; provide on-site education on alternative transportation modes;
- d. Parking incentives and support for formation of carpools/vanpools;

- e. Incentives such as discounted transit passes for using alternative travel modes;
  - f. Unbundling and lease of parking spaces for residents;
  - g. Contribute a one-time fixed fee contribution of \$50,000 to be deposited into the City's Bicycle Plan Trust fund to implement bicycle improvements in the vicinity of the project;
26. Record a Covenant and Agreement to ensure that the TDM program will be maintained;
27. Street Lighting: No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights; two (2) on Hobart Bl., one (1) on Harvard Bl., and three (3) on 8<sup>th</sup> St.

Notes: The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

28. Urban Forestry

**On-Site Trees** - The applicant shall submit a tree report and a landscape plan prepared by a Tree Expert, as required by LAMC Ordinance No. 177,404, for approval by the City Planning Department and the Urban Forestry Division, Bureau of Street Services. The Tree Report shall contain the Tree Expert's recommendations for the preservation of as many desirable (eight inches diameter or greater) trees as possible and shall provide species, health, and condition of all trees with tree locations plotted on a site survey. An on-site 1:1 tree replacement shall be required for the unavoidable loss of any desirable on-site trees.

Note: Removal of Protected trees requires the approval of the Board of Public Works. Contact Urban Forestry Division at: (213) 847-3077 for tree removal permit information. CEQA document must address protected tree removals.



## **CONDITIONS OF APPROVAL**

(As Modified by the City Planning Commission at its meeting on May 25, 2023)

Pursuant to Sections 11.5.11(e), 12.24 and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

### **A. Development Conditions**

1. **Site Development.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A" dated April 22, 2021. Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Developer's Incentives.**
  - a. Open Space.
    - i. The total required open space required pursuant to LAMC Section 12.21 G may be reduced by a maximum of twenty (20) percent provided that:
      - (1) The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O"; and
      - (2) Except as modified herein, the landscape plan shall comply with the applicable regulations of LAMC Section 12.21 G.
  - b. Rear Yard Setback.
    - i. A minimum 16-foot rear yard setback is required in lieu of the 20-foot rear yard setback otherwise required.
3. **Parking.**
  - a. Commercial vehicular parking shall be provided pursuant to LAMC Section 12.21 A.4.
  - b. The project shall provide unbundled parking leases for residential units. Residential tenants shall have the option to lease parking spaces separately from the residential dwelling units or commercial tenant space, or to opt out of leasing parking spaces.
  - c. All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
4. **Sustainability.**
  - a. The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

- b. Prior to the issuance of the Certificate of Occupancy for each building, the applicant shall install a minimum of 21,786 square feet of solar panels on the rooftop.
5. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping.
6. **Art Mural.** The project shall provide art murals on the ground floor façade of the south elevation along 8th Street, as shown on Sheet A3.01 of Exhibit “A” and an art mural on the west elevation along Hobart Boulevard, as shown on Sheet A3.02 of Exhibit “A.” Prior to the issuance of building permits, the project shall receive approval from the Department of Cultural Affairs for the proposed art murals. Any art mural installed on the building façade shall be in compliance with all applicable City regulations, pursuant to LAMC Section 14.4.20 and 22.119 of the Los Angeles Administrative Code, subject to the approval from the Department of Cultural Affairs.
7. **Pedestrian Oriented Landscaping.** As illustrated in Sheets A3.01 and A3.02 of Exhibit “A”, vertical landscaping screens shall be planted along the east, west, and north elevations as shown in Landscape Sheet LP-01. The Landscape Plan and final plans shall be revised to note all plant species for the vertical landscaping and submitted to Central Project Planning staff for substantial conformance review with “Exhibit A”. Species and location of the vines may be revised to the satisfaction of Central Project Planning staff. As illustrated in Sheets A2.02 and LP-01 of Exhibit “A”, pedestrian amenities along 8<sup>th</sup> Street, Hobart Boulevard and Harvard Boulevard shall be provided as landscape planters, trees, and outdoor seating.
8. **Pedestrian Corner.** An outdoor pedestrian area shall be located at the ground floor corner intersection of Harvard Boulevard and 8<sup>th</sup> Street and it shall be improved with art sculptures, planters, trees, and outdoor seating as shown in Sheet A2.02 and Landscape Sheet LP-01 of “Exhibit A”. The façades along Harvard Boulevard, Hobart Boulevard and 8<sup>th</sup> Street shall be consistent with “Exhibit A” and shall provide inset windows with landscape planters, as well as vertical landscaping. The Landscape Plan and final plans shall be revised to note all plant species for the vertical landscaping and submitted to Central Project Planning staff for substantial conformance review with “Exhibit A”.
9. **Construction.**
  - a. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.
  - b. Notwithstanding the provisions of LAMC Section 14.4.17, no signs shall be permitted on construction fencing except for those signs required by the Department of Building and Safety or other Department, Bureau, or Agency.
10. **Lighting.**
  - a. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
  - b. Pedestrian lights shall be installed within the public rights-of-way directly adjacent to the Project Site subject to the review, determination, and approval by the Bureau of Street Lighting that it is feasible to accommodate the pedestrian lights in addition to the required street lights. Pedestrian lights shall not be required if the Bureau of Street Lighting determines that the pedestrian lights would not be in compliance with the

minimum distance requirements from other infrastructure located within the public rights-of-way.

#### **11. Street Trees.**

##### Pre-Construction

12. Erect tree protection zone fencing as shown in the Arborist Report dated August 9, 2021.
  - i. No construction activity, heavy equipment access, or materials storage should take place within the tree protection zones during construction without the direct supervision and approval of a certified arborist.
  - ii. Fencing should be sturdy, in ground, at least four feet in height, and brightly colored.
13. After receiving approval from the City, remove the trees marked for removal.
14. Prune Tree 4 and Trees 6-12 for clearance over the work area. All pruning should be performed by a crew directly supervised by a Certified Arborist. Only the minimum amount of living foliage necessary to establish clearance over the work area should be removed.
15. Spray Trees 13-23 with a jet of water to wash off the accumulated spider webs and dust.

##### During Construction

16. Inform all construction personnel of the intention to preserve the trees. This includes contractors and their respective subcontractors as well.
17. If any changes are made to the plans resulting in any excavation or equipment access within the dripline of any protected tree, the project arborist should be informed. Additional protection measures may need to be discussed.
18. Throughout the construction period, a certified arborist should make periodic site visits to ensure the tree protection plan is being followed.
19. No construction activity should take place within the tree protection fencing. This includes construction worker access, materials storage, and equipment access.
20. If any tree is injured during construction, the project arborist should be informed within 24 hours so it may be evaluated and treated as soon as possible. All excavation within 5 feet of the drip line of any tree intended for preservation should be directly supervised by a Certified Arborist. If roots larger than 1 inch in diameter are encountered, the arborist should determine whether they may be retained or may be severed. Significant roots to be retained should be wrapped in foam before the new sidewalk concrete is poured.
21. The new sidewalk should be sloped to avoid cutting significant roots of the street trees.
22. If during any part of the construction phase there is a significant amount of particulates in the air (from cutting materials or any other activity), a shop vacuum or equivalent should be used during the cutting or other activity to reduce the amount of particulates that are deposited on the foliage. If despite a good faith effort to reduce particulates, a layer is still deposited on the foliage, wash it off with a jet of water at the end of each construction day where particulates are deposited.

23. During the painting phase, if spray-application of paint is used within proximity of any tree, cover the windward side of the trunk and scaffold branches of the tree with plastic at the beginning of each painting day to avoid paint drifting onto the tree. Remove the plastic at the end of each day to allow for air circulation.
24. Retain the tree protection zone fencing until construction activity has been completed or until the landscape installation phase begins. Even when landscapers are permitted near the trees, make sure they are aware of the intention to preserve the tree and the roots if any digging is performed for irrigation lines or plant installation.

#### Post-Construction Care

25. Retain the leaf drop around the root zone of the subject trees where practical. The best ground cover for a tree is its own leaf mulch. Leaf mulch will continue to reduce soil evaporation and mitigate soil temperature changes. If leaf drop is not practical for use, apply a layer of coarse mulch 2-4 inches thick around the base of the protected trees intended for preservation.
26. The subject trees may be monitored by a certified arborist for development of disease, decay, or other symptoms of stress due to construction activity. Deadwood may be removed as it appears, and as much live wood as possible should be retained on the trees, provided that it doesn't come into conflict with the infrastructure.

### **B. Conditional Use – Alcohol**

27. **Main Plan Approval (MPA) Requirement.** Each individual venue shall be subject to a Main Plan Approval (MPA) determination pursuant to Section 12.24-M of the Los Angeles Municipal Code in order to implement and utilize the Main Conditional Use authorization granted. The purpose of the Main Plan Approval determination is to review each proposed venue in greater detail and to tailor site-specific conditions of approval for each of the premises including but not limited to hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval.
28. Notwithstanding approved "Exhibit A" and the Conditions above, this grant recognizes that there may be changes resulting from identified tenants, which may result in smaller or larger restaurants, different locations, and/or a reduced number of restaurants than those originally proposed and identified in "Exhibit A". Such outcome is permitted provided that the other conditions noted herein, specifically those related to the combined maximum interior floor areas, maximum interior and exterior seating numbers, maximum (total) number of establishments authorized under this grant, and the maximum number of establishments approved for each type of grant in the Conditions above are not exceeded. The sale and dispensing of beer and wine may be provided in lieu of a full line of alcoholic beverages at any of the establishments approved for a full line of alcoholic beverages (but not the reverse), provided that the maximum (total) number of establishments authorized for alcoholic beverages is not exceeded, and subject to all other conditions of this grant.
29. **Authorization.** Approved herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with three restaurants containing a combined total of 11,777 square feet.
30. **Hours of Operations.** The restaurants may operate between the hours of 7:00 a.m. to 11:00 p.m. daily.

31. There shall be no entertainment such as a piano bar, jukebox, dancing, live entertainment, movies, etc. There shall be no karaoke, disc jockey, male or female performers or fashion shows.
32. No music, sound or noise shall be emitted from the subject businesses at a level prohibited by the noise regulations of the Los Angeles Municipal Code. Amplified recorded-music shall not be audible beyond the area under control of the applicant. Any violation of LAMC 116.01 for loud, unnecessary or unusual noise that is attributable to a sound or noise under the control of the applicant shall constitute a violation of these conditions of approval. The establishment shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant, or any noise associated with the operation of the establishment, or equipment of the restaurant.
33. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting with or otherwise spending time with customers while in the premises, nor shall the licensee(s) provided, permit or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions or guests of any of the customers. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.
34. There shall be no coin-operated game machines or video machines permitted on the premises at any time.
35. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator and valet service(s), if any, shall be retained on the premises at all times and be immediately produced upon request of the Los Angeles Police Department, the Department of City Planning, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions.
36. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator who acted on this case as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within 2 months of their employment.
37. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
38. The applicant/restaurant operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:
  - a. Posted at the entry, and the cashier or customer service desk,
  - b. Provided to the immediate neighbors, schools, and the Neighborhood Council, and
  - c. Responded to within 24-hours of any complains/inquires received on this hotline.

39. The applicant shall document and maintain a log of complaints received, the date and time received and the disposition of the response. The log shall be made available for review by the Los Angeles Police Department and the Zoning Administrator upon request.
40. The applicant shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
41. The applicant shall not maintain or construct any type of enclosed room intended for use by patrons or customers for any purpose, except for the restrooms, within the restaurant.
42. Prior to the beginning of operations, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to [planning.ccu@lacity.org](mailto:planning.ccu@lacity.org), with the subject of the email to include the case number, "CPC-2019-2567-GPAJ-VZCJ-HD-CUB-SPR/Operation Notification". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
43. Prior to the beginning of operations, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30-days of the beginning day of operation of the establishment. The statement shall read as follows,

*We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a full line of alcohol for on-site consumption, in conjunction with the restaurant, known as [NAME OF VENUE], and agree to abide and comply with said conditions.*

44. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the Condition Compliance Unit in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Condition Compliance Unit within 30-days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation. This condition does not apply to a change of ownership to the overall development known at the time of this determination as The Parks in LA.
45. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C Section 19.01-E,3 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous ZA Sign Offs shall be paid to the City.
  - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and

results of said inspection will be documented and included in the administrative file.

- b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.

### **C. Environmental Conditions**

46. **Implementation.** The Mitigation Monitoring and Reporting Program (MMRP), attached as Exhibit "C.2" and part of the case file, shall be enforced throughout all phases of the project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measures (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.
47. Prior to issuance of building permits, the applicant shall submit the Council Action and updated Letter of Determination confirming that the Sustainable Communities Environmental Assessment has been adopted by City Council as required per PRC 21155.
48. **Condition Monitor (Construction).** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant, the election of which is in the sole discretion of the Applicant), approved by the City of Los Angeles Department of City Planning which approval shall not be reasonably withheld, who shall be responsible for monitoring implementation of project design features and condition measures during construction activities consistent with the monitoring phase and frequency set forth in this CRP. The Construction Monitor shall also prepare documentation of the Applicant's compliance with the project design features and condition measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to report to the Enforcement Agency any non-compliance with condition measures and project design features within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of written notification to the Applicant by the monitor or if the noncompliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.
49. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
  - (1) Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1202.

- (2) If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- (3) The Applicant shall implement the tribe's recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- (4) The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- (5) If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- (6) The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
- (7) Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

#### **D. Administrative Conditions**

50. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
51. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
52. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.



53. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
54. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
55. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
56. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

**57. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

## FINDINGS

(As Amended by the City Planning Commission at its meeting on May 25, 2023)

### **General Plan/Charter Findings**

1. **General Plan Land Use Designation.** The project site is located within the Wilshire Community Plan, which was adopted by the City Council on September 19, 2001. The project site is irregularly-shaped, and comprised of eleven lots consisting of approximately 1.45 acres or 63,197 gross square feet of lot area and is located at the end of the block on the northeast corner of Hobart Boulevard and West 8<sup>th</sup> Street. The site occupies several parcels on the north side of West 8th Street, between Hobart Boulevard to the west and Harvard Boulevard to the east. The Community Plan designates the site with a land use designation of Neighborhood Office Commercial which lists C2 and P Zones as the corresponding zones.

As recommended, the amendment would re-designate the project site to the Regional Commercial land use designation, which lists the following corresponding zones: CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4 and R5. Footnote No. 6 of the Community Plan indicates that the corresponding Height District for the Regional Center Commercial land use designation is Height District 2. A Zone Change is also requested to change all PB lots to C2. The Regional Center Commercial land use designation allows for the construction of commercial, parking, and high-density multi-family residential uses. The area contains a variety of high intensity urban activities in a compact built environment that includes commercial, residential, cultural, recreational, and hotel uses. These diverse uses support balanced community development and create increased interest for a variety of visitors who come to the area. The recommended change to the Zone and Height District to (T)(Q)C2-2D for the site would be consistent with the adoption of the recommended Plan Amendment and would be in substantial conformance with the purpose, intent, and provisions of the General Plan as it is reflected within the Wilshire Community Plan. Therefore, the proposed mixed-use project is appropriate for this area.

2. **Charter Finding – City Charter Finding 556 and 558 (General Plan Amendment)**

The proposed General Plan Amendment complies with Sections 556 and 558 in that the plan amendment is consistent with numerous goals, policies and objectives of the Citywide General Plan Framework and the Wilshire Community Plan to provide adequate housing for all economic, age and ethnic segments of the community, to locate higher residential densities and encourage mixed-use development near transit stations, and to develop mixed-use projects along major boulevards.

The General Plan Amendment would increase density and FAR on the site fronting a Mixed-Use Boulevard as identified in the General Plan Framework, encouraging growth within the Wilshire Center Regional Commercial area. The site is adjacent to the Wilshire Center Regional Commercial area, which is an area of the City with its own significant social, economic and physical identity. The site is in proximity to both the Wilshire Center Regional Commercial area and the Koreatown Regional Commercial Center, according to the Wilshire Community Plan, which is a cultural meeting place and nucleus of Korean American businesses, restaurants, and shops in addition to a wide range of community serving commercial uses and large shopping centers. The General Plan Amendment of the site to Regional Commercial Center will contribute to the social, economic and physical significance of both Commercial Centers within the Wilshire Community Plan.

There have been numerous transit investments in the vicinity over the past three decades, and the proposed General Plan Amendment will allow targeted growth for this transit infrastructure. The site is located in one of the City's most developed communities with multiple transit options within one-half mile of the site. Los Angeles Metro Bus Route 66 runs along 8th Street with stops roughly every 2 to 3 blocks. North/south bus routes run on Irolo Street to the east (Route 206) and Western Avenue to the west (Bus Route 207). The LADOT DASH Wilshire Center/Koreatown clockwise and counterclockwise routes also runs on Western Avenue. Metro's Rail Service can be accessed from either the Wilshire/Western Station or the Wilshire/Normandie Station, both roughly 0.3 miles from the project site providing access to the Purple Line, and Bus Routes 720 and 20 both run on Wilshire Boulevard. Further from the site, Bus Route 18 is available on 6th Street, and Route 28 on Olympic Boulevard. Granting the general plan amendment would provide the future residents, employees, and patrons of the project access and convenience to a variety of modes of transportation.

The Framework Element defines Regional Centers as areas intended to provide a significant number of jobs and many non-work destinations and function safely during both day and nighttime hours. The proposed mixed-use project with 251 residential dwelling units, 46,000 square feet of commercial area and 15,500 square feet of office uses will provide a significant number of housing and jobs within approximately one-half mile of a variety of modes of public transit. The project will also improve pedestrian safety, comfort, and well-being of the neighborhood.

Granting the general plan amendment would allow the redevelopment of an under-utilized site to a Regional Center Commercial Land Use designated site. Regional Centers are intended to contain a diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting service and the development of sites and structures integrating housing with commercial uses is encouraged. The proposed mixed-use project will provide more much needed housing and attract visitors and tourists to the corporate and professional offices as well as entertainment. The proposed commercial restaurant uses will further support worker and residents and attract visitors to the Wilshire area with additional dining options.

3. **General Plan Text.** The Wilshire Community Plan text includes the following relevant provisions, objectives and policies:

#### **Residential Policies and Objectives:**

Objective 1-2: Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations, and existing bus routes.

*Policy 1-2.1: Encourage higher density residential uses near major public transportation centers.*

*Policy 1.4-3: Encourage multiple family residential and mixed-use development in commercial zones.*

#### **Commercial Policies and Objectives:**

Objective 2-1: Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.

*Policy 2-1.1: New commercial uses should be located in existing established commercial areas or shopping centers.*

*Policy 2-1.3: Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.*

Objective 2-2: Promote distinctive commercial districts and pedestrian-oriented areas.

*Policy 2-2.1: Encourage pedestrian-oriented design in designated areas and in new development.*

*Policy 2-2.3: Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first-floor street frontage of structures, including mixed use projects located in Neighborhood Districts.*

Objective 2-3: Enhance the visual appearance and appeal of commercial districts.

*Policy 2-3.1: Improve streetscape identity and character through appropriate controls of signs, landscaping, and streetscape improvements; and require that new development be compatible with the scale of adjacent neighborhoods.*

The project is an eight-story mixed-use project over two-levels of subterranean parking levels. The development will include 251 dwelling units and approximately 61,500 square feet of commercial/retain space located on 8th Street between Hobart Boulevard and Harvard Boulevard, two blocks south of Wilshire Boulevard. The Project provides residential units near existing jobs and services. The proposed project will be located within proximity to an existing Metro subway station and just south of a major transportation corridor that provides substantial public transit opportunities and facilities.

The project proposes a re-designation from Neighborhood Commercial to Regional Center Commercial, which currently includes a dense collection of high-rise office buildings, large hotels, regional shopping complexes, churches, entertainment centers, both high-rise and low-rise apartment buildings. The Regional Center Commercial land use designation allows for the construction of commercial, parking, and high-density multi-family residential uses. The area contains a variety of high-intensity urban activities in a compact built environment that includes commercial, residential, cultural, recreational, and hotel uses. Accordingly, this Regional Center Commercial area is a proper location for the proposed mixed-use development, because it is a focal point of regional interests, commercial stores, cultural facilities and offices. Therefore, the proposed mixed-use project is appropriate for this area.

The Wilshire Community Plan encourages mixed-use developments in regional and community commercial centers. The Wilshire Community Plan Objective 2-1 encourages the City to preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas. The area contains a variety of high-intensity urban activities in a compact built environment that includes commercial, residential, cultural, recreational, and hotel uses. These diverse uses support balanced community development and create increased interest for a variety of visitors who come to the area.

4. **Framework Element.** The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los

Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following provisions, objectives and policies relevant to the request:

### Land Use

**GOAL 3C:** Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

**Objective 3.7:** Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

### Economic Development

**GOAL 7G:** A range of housing opportunities in the City.

**Objective 7.9:** Ensure that the available range of housing opportunities is sufficient, in terms of location, concentration, type, size, price/rent range, access to local services and access to transportation, to accommodate future population growth and to enable a reasonable portion of the City's work force to both live and work in the City.

***Policy 7.9.1:*** Promote the provision of affordable housing through means which require minimal subsidy levels and which, therefore, are less detrimental to the City's fiscal structure.

The project will incorporate measures to reduce impacts for the surrounding community, such as providing more housing, open space, and employment opportunities for the area. The character of the area includes a mix of commercial uses, as well as high density residential uses, and the Project's recommended density and height will be compatible with adjacent land uses.

- 5. Housing Element.** The Housing Element of the General Plan contains the following relevant goals, objectives, and policies:

**GOAL 1:** A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

**Objective 1.1:** Forecast and plan for existing and projected housing needs over time with the intention of furthering Citywide Housing Priorities.

***Policy 1.1.2:*** Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, cost, and size within the City to meet housing needs, according to Citywide Housing Priorities and the City's General Plan.

**Objective 1.2:** Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities

*Policy 1.2.1:* Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.

**GOAL 3:** A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

*Policy 3.1.7:* Promote complete neighborhoods by planning for housing that includes open space, and other amenities.

**Objective 3.2:** Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.

*Policy 3.2.1:* Promote the integration of housing with other compatible land uses at both the building and neighborhood level.

*Policy 3.2.2:* Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.

The Project will provide an increase in the number of housing units in an urban setting along with a restaurant use, open court and commercial retail uses accessible from the street. This project will activate the street by generating pedestrian activity during and after normal commercial business hours. The development will replace currently under-utilized commercial uses with a building that improves the quality of the public realm with a pedestrian-scale design in an urban setting. At the street level the Proposed Project proposes a combination of landscaping and will include a small park area, open to the public which will all enhance the public realm.

The project's location is well served by a large variety of transit options. The site is located near a major transit corridor, Wilshire Boulevard, which is served by Metro bus lines and DASH routes. The site is also less than a half mile from the Western Metro subway station along Wilshire Boulevard. Its proximity to local and rapid public transit routes will facilitate a reduction of vehicle trips and vehicle miles traveled, thus helping to mitigate traffic congestion, air pollution, and urban sprawl. Also, the Project will provide for the development of land use patterns that emphasize bicycle access and use. The proposed project will include bike racks for the commercial uses and secured bicycle storage for the residential tenants.

6. **Mobility Element.** The Mobility Element of the General Plan is not likely to be affected by the recommended action herein. The proposed project, with the requested General Plan Amendment and Vesting Zone Change, proposes to construct a new mixed-use building consisting of 251 residential dwelling units and 61,500 square feet of commercial floor area. 8<sup>th</sup> Street is a designated Avenue II with a dedicated to a width of 86 feet at the project site's street frontage, and is improved with sidewalks, curb and gutter, and street trees. Harvard Boulevard is a designated Collector Street with a half right of way of 30 feet and is fully improved with sidewalks, curb and gutter, and street trees. Hobart Boulevard is a Local Street improved with sidewalk, curb, gutter and street trees. The project will be required to dedicate and improve the public right-of-way to the satisfaction of the Bureau of Engineering. The Project is conditioned to provide a 3-foot dedication and sidewalk improvements along 8<sup>th</sup> Street and Harvard Boulevard, and the construction of a 12-foot sidewalk on Hobart Boulevard. In addition, the Mobility Element encourages "the adoption of low and zero

emission fuel sources, new mobility technologies, and supporting infrastructure” (Policy 5.4). The Project has been conditioned to comply with Building Code requirements for EV parking spaces.

7. **The Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity, then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.
8. **Health and Wellness Element and Air Quality Element.** Policy 5.1 and 5.7 of the Plan for a Healthy LA, the Health and Wellness Element, and Policy 4.2.3 of the Air Quality Element are policy initiatives related to the reduction of air pollution and greenhouse gases. As conditioned herein, the Project would be required to provide parking spaces which would be equipped for the immediate installation and use of EV Charging Stations, as well as for future use. The Project has also been conditioned to install solar panels to an operating photovoltaic system. The installation and operation of the solar panels would help to reduce the site’s dependence on fossil fuels and carbon generating public utility electrical power. Taken together, the conditions would provide for the public welfare and public necessity by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and the City. As conditioned, the Project would be consistent with the aforementioned policies, as well as Policy 5.1.2 of the Air Quality Element, by ensuring that future developments are compatible with alternative fuel vehicles and shift to non-polluting sources of energy. The solar and EV conditions are also good zoning practices because they provide a convenient service amenity to the occupants or visitors who use electric vehicles and utilize electricity on site for other functions. As such, the Project provides service amenities to improve habitability for future residents of the Project and to minimize impacts on neighboring properties.

## 9. **Wilshire Center/Koreatown Redevelopment Project**

The following Wilshire Center/Koreatown Redevelopment Project land use goals are consistent with the proposed restricted affordable housing development:

Goal 3: Promote the economic, social, educational and cultural and physical wellbeing through the revitalization of the residential, commercial and industrial areas.

Goal 4: Promote the livability of the Project Area as a cohesive and sustainable neighborhood.

Goal 5: Encourage the development of housing in a wide range of types, prices, rent levels and ownership options.

Goal 6: Enhance the safety and security of residents, businesses, employees and visitors

Goal 7: Promote and encourage artists, crafts people and entertainers to live and work within the Project Area.

Goal 11: Provide additional open space and recreational activities and facilities.

The redevelopment of the site with a new 8-story mixed-use project with affordable housing would promote community revitalization. The goals of the Redevelopment Plan are met with



a project that would provide green space, live/work housing, 46,000 square feet of commercial area, and 15,500 square feet of office area. The project would provide 20,700 square feet of usable open space with amenities for the residents, workers and visitors within the project area. The immediate vicinity is currently improved with commercial and residential uses that are compatible with the proposed project. The project would also be developed with more uses and architectural design features than what is currently existing and is therefore consistent and compatible with the goals of the Wilshire Center/Koreatown Redevelopment Project.

### **Entitlement Findings**

#### **10. Vesting Zone Change and Height District Change Findings.**

- a. Pursuant to Section 12.32 C of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

The Project Site has a Neighborhood Office Commercial General Land Use Designation of the Wilshire Community Plan area. As described by the Community Plan, the Plan aims to encourage well planned and enlarged mixed use developments in designated Commercial areas which have the potential to benefit from pedestrian-oriented development.

#### **Public Necessity, Convenience, and General Welfare**

The zone change will facilitate a Project that will provide more housing opportunity, a public necessity, for the City's residents. The zone change will also promote public convenience and general welfare by targeting growth in an already urbanized, transit rich corridor. The site is located in one of the City's most developed communities with multiple transit options within one-half mile of the site. Los Angeles Metro bus route 66 runs along 8th Street with stops roughly every 2 to 3 blocks. North/south bus routes run on Irolo Street to the east (route 206) and Western Avenue to the west (bus route 207). The LADOT DASH Wilshire Center/Koreatown clockwise and counterclockwise routes also run on Western Avenue. Metro's rail service can be accessed from either the Wilshire/Western station or the Wilshire/Normandie station, both roughly 0.3 miles from the project site providing access to the Purple Line, and bus routes 720 and 20 both run on Wilshire Boulevard. Further from the site, bus route 18 is available on 6th Street, and route 28 on Olympic Boulevard. Granting the Zone and Height District Change to the (T)(Q)C2-2D Zone would allow the residents, employees, and patrons of the project to access and convenience to a variety of modes of transportation.

#### **Good Zoning Practice**

As recommended, the Zone Change and Height District Change would permit the development of the site with a use that is compatible with the surrounding area and would support the goals, objectives, and policies of the General Plan, as discussed in Finding Nos. 3 through 8. The zone change is in keeping with good zoning practice as it is consistent with the site's designation as being within a Mixed-Use Boulevard according to the General Plan Framework Figure 3-1, titled "Long Range Land Use Diagram – Metro."

- b. Pursuant to Section 12.32 G ("T" and "Q" Classification) and Q (Vesting Zone Change) of the Municipal Code Findings.**

The current action, as recommended, has been made contingent upon compliance with new “T” and “Q” conditions of approval imposed herein for the proposed project. As recommended, the Zone Change has been placed in temporary “T” and “Q” Classification in order to ensure consistency with the amendment to the land use designation from Neighborhood Office Commercial to Regional Center Commercial. The “T” Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public’s needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The “Q” Conditions that limit the scale and scope of future development on the site are also necessary to protect the best interests of and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

- c. **Pursuant to Section 12.32 G (D Limitations) and Q (Vesting Zone Change) of the Municipal Code “D” Limitation Findings. The Council shall find that any or all the limitations are necessary: (1) to protect the best interests of and assure a development more compatible with the surrounding property or neighborhood, and (2) to secure an appropriate development in harmony with the objectives of the General Plan, or (3) to prevent or mitigate potentially adverse environmental effects of the Height District establishment or change.**

The recommended FAR would be consistent with the anticipated development of Regional Centers as described within the Framework Element. The proposed setbacks, as well as building design, would make the buildings compatible with the surrounding area and would be consistent with the corresponding Height Districts of the recommended Regional Center Commercial Land Use Designation. As recommended, the “D” Limitation would limit the development of the site to a 4.64:1 FAR and a maximum height of 88’-6”, ensuring that the future development would maintain compatibility with the surrounding area and any future development. As discussed in Finding No. 2 through 8, the “D” Limitation would secure an appropriate development in harmony with the objectives of the General Plan.

## **11. Conditional Use Findings**

- a. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential of beneficial to the community, city or region.**

The applicant is requesting a Main Conditional Use (MCUP) to permit the sale of a full line of alcoholic beverages for on-site consumption in conjunction with three new restaurants on the ground floor of the proposed mixed-use development. The tenant spaces are shown on Sheet A2.02 of the Exhibit A. The restaurants contain approximately 4,600 square feet; 2,490.3 square feet and 4,686.7 square feet for a combined total of 11,777 square feet. Tenant operators have not been identified at this time. The proposed restaurants would provide a beneficial service to residents and employees on the site as well as the surrounding community. Each restaurant shall file a Plan Approval application in order to utilize the instant grant and detailed floor plans and the mode and character of each restaurant will be evaluated in more detail. The restaurants are contemplated to be full-service restaurants with operational kitchen and with hours of operation from 7:00 a.m. to 11:00 p.m. however the hours will be specifically addressed at the time the Plan Approval applications are filed. The property

was previously granted a Conditional Use for the sale of alcoholic beverages for on-site consumption for the existing restaurant per ZA-1991-1161-CUB.

Approval of the Conditional Use will contribute to the success and vitality of the proposed full-service restaurants and reinvigoration of the site and vicinity. Approval of alcohol sales will increase the availability of a public convenience for on-site residents and patrons who live, work and play within the surrounding neighborhood. The proposed sell of alcohol for on-site consumption will be an accessory use that will provide a service and convenient access for the surrounding community. Finally, the establishment will benefit the City through generation of additional sales tax revenue, and business license and other fees, and by providing additional short-term and long-term employment opportunities.

**b. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The addition of alcohol sales will be within restaurants with operating hours between the hours of 7:00 a.m. to 11:00 p.m. daily and will be compatible with the surrounding properties as the subject property will be a mixed-use development located proximate to commercial uses.

The subject site has a land use designation of Neighborhood Office Commercial with the corresponding zones C1, C1.5, C2, C4, P, CR, RAS3 and RAS4 in the Wilshire Community Plan. The site's proposed zoning is (T)(Q)C2-2 and the site is not located within any Specific Plan areas but is located in the Los Angeles State Enterprise Zone, Transit Priority Area and the Wilshire Center/Koreatown Redevelopment Project Area. The sale of alcohol is a typical amenity located in commercial areas and is common and often an expected amenity provided to the surrounding residents, and visitor community.

A variety of commercial uses, including restaurants, are an intrinsic part of the diversity of commercial uses necessary for the conservation, development, and success of a vibrant commercial area. The development in the area caters to a variety of needs and serves a mixture of residential, office and commercial uses, as well as visitors. The sale and dispensing of a full line of alcohol for on-site consumption in conjunction with a restaurant is not an uncommon request and offering such would be an otherwise expected amenity here. The grant authorized herein incorporates conditions that are intended to ensure that the proposed operations with on-site alcoholic beverage sales and service, will be compatible with other uses in the surrounding community. These conditions represent limitations on the type of activity that is allowed to be conducted on the site as well as explicit advisories about the responsibilities of the applicant. Further, conditions have been imposed to delineate steps to be taken if the operation of a restaurant is found to be noncompliant with these conditions. Therefore, based on the facts herein and in conjunction with the imposition of operational conditions, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

**c. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The Wilshire Community Plan designates the property for Neighborhood Office Commercial land uses with corresponding zones C1, C1.5, C2, C4, P, CR, RAS3 and RAS4. The site's proposed zoning is (T)(Q)C2-2, which is consistent with the proposed

land use designation of Regional Center Commercial. The allowance to have alcohol for on-site sales is not specifically addressed in the Wilshire Community Plan. The proposed request will provide a service and amenity in a commercial district of the community, permit the development of the site with a use that is compatible with the surrounding area, and would support the goals, objectives, and policies of the General Plan, as discussed in Finding Nos. 3, 10.a, and 10.b., thereby consistent with a number of goals of the adopted Wilshire Community Plan. Therefore, the proposed request is in substantial compliance with the intent of the General Plan.

**d. The proposed use will not adversely affect the welfare of the pertinent community.**

The project would enhance the surrounding neighborhood by providing new housing opportunities and introduce neighborhood-serving uses to the community in a beautifully redeveloped area. The project would replace the current underutilized uses on the property and would provide 251 apartment units and approximately 61,500 square feet of commercial/retail opportunities for neighborhood amenities and services. The project's well designed and mixed-use character will promote a synergy between commercial corridors along West 8th Street and the residential uses adjacent to major thoroughfares, such as multi-family residences along Harvard and Hobart Boulevards.

Approval of the Conditional Use will contribute to the success and vitality of the proposed uses, and reinvigoration of the site and vicinity. Approval of alcohol sales will increase the availability of a public convenience for on-site residents and patrons who live, work and play within the surrounding neighborhood. The uses will benefit the City through generation of additional sales tax revenue, and business license and other fees, and by providing additional short-term and long-term employment opportunities.

While there may appear to be an overconcentration of licenses in the census tract, the high activity entertainment, retail, government and commercial centers, such as within the Wilshire Regional Center, are supported by a significant visitor/employee population in addition to the resident population base. The uses with normal operations that would not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. Within this urban context, the proposed establishments, permitted to sell and dispense of alcoholic beverages, is consistent with the character of development in the area. Therefore, it can be reasonably assured that the economic welfare of the community will not be adversely impacted.

**e. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages.**

The applicant seeks a main conditional use authorization to allow the sale and dispensing of a full line of alcohol for on-site consumption for three potential restaurants, with proposed with hours of operation from 7 a.m. to 11 p.m., daily.

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria, three on-site and two off-site licenses are allocated to the subject Census Tract 2125.02. Currently there are 23 active on-site license and three active off-site licenses in this Census Tract.

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 2033, which has jurisdiction over the subject property, a total of 315 crimes were reported in 2022 (284 Part I Crimes and 31 Part II Arrests), compared to the Citywide Average of 156 crimes and the High Crime Reporting District Average of 187 crimes. Part II Arrests reported include (14) Other Assaults, (1) Weapon Possession, (1) Prostitution, (1) Sex, (5) Narcotics, (0) Liquor Laws, (1) Public

Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (0) Gambling, (3) Other Violations, and (6) DUI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved because the request does not result in any additional alcoholic beverages licenses within the community.

The above crime statistics indicate that the crime rate in the reporting district where the subject site is located are higher than the citywide average. However, no evidence has been submitted to the record establishing any nexus between the subject site or use and the area's crime rate.

Nevertheless, to safeguard the welfare of the community and provide for a reasonable operation, conditions have been imposed as a part of this approval. Negative impacts commonly associated with the availability of alcohol such as criminal activity, public drunkenness, and loitering are minimized through compliance with public safety measures to mitigate nuisance and criminal activities, such as participation in a STAR/LEAD/RBS Training Program, age verification, security cameras, and staff monitoring, which have been incorporated into the grant by the City Planning Commission to assure better oversight in conjunction with this approval. The ABC also has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. These imposed conditions are a necessary and integral part of this action and requires diligent compliance on the part of the applicant for effectiveness. As conditioned, allowing the sale of alcoholic beverages for on-site consumption at the subject location will benefit the public welfare and convenience because a successful restaurant business supports the economic vitality of the area. Therefore, as conditioned, the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages in the area of the City involved.

- f. That the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The following sensitive uses are located within a 1,000-foot radius of the site:

- Iglesia Cristiana Pentecostes (3471 W. 8<sup>th</sup> Street) (approximately 384 feet)
- Global Hope Church (3388 W. 8<sup>th</sup> Street) (approximately 528 feet)
- The Gospel Pre-School (831 S. Kingsley Drive) (approximately 528 feet)
- Pio Pico Library (694 S Oxford Avenue) (approximately 1000 feet)

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The alcohol uses will be incorporated into the mixed-use development and separated from nearby residential uses by distance and the physical development. The site itself is located across the street from the C2 Zone, however, the area contains a mixture of commercial, office, residential, and surface parking uses. Because the C2 Zone in the Wilshire Community Plan is a corresponding zone in the Regional Center Commercial Land Use designation, the provision of

commercial retail is expected within the Community Plan. The Regional Center Commercial land use category encourages commercial uses, including mixed-use, commercial and higher density residential uses although alcohol is only permitted through a Conditional Use permit.

The number of active on-site ABC licenses within the census tract where the subject site is located does not meet ABC guidelines. In active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial centers are supported by a significant employee population, in addition to the resident population base in the area. ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. If granted, conditions can be imposed on the proposed project to minimize potential impacts and possible nuisances for the surrounding area. Therefore, the subject request would not detrimentally affect nearby sensitive uses. The Project will not be detrimental to the character of development in the immediate neighborhood.

## 12. Site Plan Review Findings.

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

The proposed project involves the demolition of the existing buildings and the construction, use, and maintenance of a new eight-story mixed-use building with 251 residential units and 61,500 square feet of commercial floor area. The requested entitlement includes a General Plan Amendment from Neighborhood Office Commercial to Regional Center Commercial and a zone change from C2-1 and PB-1 to (T)(Q)C2-2. The General Plan Amendment and Zone Change are consistent with the overall goals, objectives, policies programs of the Framework of the General Plan and the Wilshire Community Plan. The Framework Element and the Community Plan designates and encourages mixed use development along this portion of West 8th Street. As designated by the Community Plan, the project site is located within the boundaries of the Wilshire Center Regional Center Commercial and is located within Koreatown.

The project is consistent with the objectives of the Community Plan in that it will strengthen viable commercial development in the area. In conjunction with the plan amendment, the project will help to establish and secure a Regional Center “pocket” anchor along the southern boundaries of Wilshire Center and Koreatown. The development will serve as a mechanism to help create and encourage new development and provide additional employment opportunities along an underdeveloped commercial corridor.

The Community Plan contains the following text:

**Objective 2-3:** Enhance the visual appearance and appeal of commercial districts.

*Policy 2-3.1:* Improve streetscape identity and character through appropriate controls of signs, landscaping, and streetscape improvements; and require that new development be compatible with the scale of adjacent neighborhoods.

As part of the proposed project, the existing buildings which were constructed between 1909 and 1925 will be demolished. The project will construct a new eight-story mixed-use project that has been redesigned to create a pedestrian friendly environment

through the separation of vehicular and pedestrian access points and the incorporation of a ground floor outdoor open space as part of the proposed project. Currently there is minimal landscaping on the site and within the public rights-of-way. The project will preserve the street trees along West 8<sup>th</sup> Street, as well as utilize landscaping as a screening mechanism along 8<sup>th</sup> Street and Harvard Boulevard. In addition, landscaped green screens will be installed along the property line abutting the apartment buildings to the north and additional landscaping will be provided along the 2<sup>nd</sup> story roof. The retail spaces along 8<sup>th</sup> Street propose outdoor seating areas, which will enhance the pedestrian experience along 8<sup>th</sup> Street. As proposed, the project will be in substantial conformance with the provisions of the General Plan and the Wilshire Community Plan. The project is not in any specific plan area.

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

Building Arrangement (height, bulk and setbacks)

The proposed project involves the demolition of the existing buildings and the construction, use and maintenance of a new eight-story, mixed-use development consisting of 251 apartment units and 61,500 square feet of commercial space that is proposed for retail uses and office use. The project will unify ten independently developed lots with one development, which will eliminate the need for multiple driveway aprons, and will create a pedestrian friendly environment along West 8<sup>th</sup> Street. The project has been designed to carefully consider the circulation of pedestrians and vehicles, by focusing pedestrian access along West 8<sup>th</sup> Street and vehicular access along Harvard Boulevard. The proposed driveways entrance is along Harvard Boulevard and vehicle egress exits onto Hobart, where existing driveway aprons currently exist. The driveway will provide access to the subterranean parking levels and to the ride share drop off/pick up. Pedestrian access to the commercial areas and office will be located along West 8<sup>th</sup> Street and the corner of 8<sup>th</sup> and Harvard Boulevard. The project proposes two residential lobby entrances, one located on Harvard Boulevard and the other on Hobart Boulevard. The vehicular driveway will be improved to meet new standards and is located along Harvard Boulevard, generally where there is currently an existing driveway.

The project proposes an 88'-6" tall eight-story building, as measured from grade to the top of the parapet. The building observes a zero-foot along West 8<sup>th</sup> Street, Harvard Boulevard, and Hobart Boulevard and a 16-foot rear yard setback along the site's northern property line. A row of trees is proposed on the second floor along the northern property line to serve as a landscaping barrier. In order to promote a pedestrian-friendly environment and façade articulation, the project proposes varying setbacks along the commercial ground floor of 8<sup>th</sup> Street, Harvard Boulevard, and Hobart Boulevard to allow for outdoor seating areas.

The proposed project will consist of a development that is complementary to the neighborhood and is consistent with many of the Urban Design Policies for individual projects in the Wilshire Community Plan that are intended to ensure that new projects are compatible with existing and future development on neighboring properties. The project proposes to place art murals on ground floor elevations at the corner of 8<sup>th</sup> Street and Harvard Boulevard and the western elevation along Hobart Boulevard to create an enhanced pedestrian environment. The project has been conditioned to obtain approval

from the Department of Cultural Affairs for the proposed murals prior to the issuance of building permits.

#### Off-Street Parking Facilities and Loading Areas

The project proposes to provide 284 automobile parking spaces, which would be located within two subterranean levels, along with short- and long-term bicycle parking. An off-street loading area is provided internally for the commercial uses that abut the driveway entrance along Harvard Boulevard.

#### Lighting

The proposed plans do not indicate a lighting plan; however, Condition No. 10 of the Conditions of Approval would ensure that the installation of lights would not result in a substantial amount of light that would adversely affect the day or night time views in the project vicinity.

#### Landscaping

Of the 10,300 square feet common open space provided, the project is required to provide a minimum of 25-percent or 2,575 square feet of landscaped common open space area pursuant to LAMC 12.21.G.2.(a)(3). The project proposes 9,308 square feet of landscaping and will provide 63 trees containing a 24" minimum box size. The project proposes 608 square feet of landscaping on the street and 1,472 square feet of landscaping on the ground floor in the form of parkways, planter boxes and planter walls. Several greenscreen trellis panels are proposed on all of the ground floor facades as shown on elevation sheets A3.01 and A3.02 of "Exhibit A". The second floor proposes 3,802 square feet of landscaping that includes a wall of trees proposed along the northern property line, trees proposed in the common open space area, and planters along West 8<sup>th</sup> street facade. The fourth floor will provide 3,426 square feet of landscaping, a wall of vines that will cascade along the West 8<sup>th</sup> street façade and an L-shape line of trees and planters that will surround the outdoor open space area.

#### Trash Collection

The project proposes a recycling area and residential and commercial trash areas within the ground floor of the rear of building that is accessible from the internal driveway. The recycling area and a residential trash area abuts the residential lobby near Hobart Boulevard and the commercial trash area abuts the commercial elevator and commercial space located along Harvard Boulevard.

#### Sustainability

The Project has been conditioned to meet the building code standards for the installation of wiring for current and future installation of electric vehicle charging stations, as well as the installation of an operational photovoltaic system (solar) that would offset the electrical demand of the EV chargers and other on-site electrical uses. The electric vehicle charging spaces and solar panels will improve habitability for residents and neighboring properties by reducing the level of greenhouse gas emissions and fuel consumption from the project site, in spite of increased parking capacity, through encouraging the use of low or zero emission vehicles.

- c. Any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**



The project proposes several active and passive recreational areas appropriate for residents of varied age range, lifestyle, and interests. The variety of recreational amenities would include a pool, jacuzzi with fire pit locations and outdoor seating, private party area for family events, a game room, screen room and a fitness center. A business center is also available for those tenants who wish to utilize the facility. The ground level will house the residential lobby and several commercial/retail units, three restaurants, a promenade area and a 2,339 square-foot open space area which will be open to the public for their enjoyment and relaxation. The second floor will provide creative office spaces, commercial, a large communal area and 18 Live-Work units with loft levels expanded into the third level floor plan area. These recreational and service amenities will improve habitability for residents.

### **Environmental Findings**

- 13. Environmental Finding.** A Sustainable Communities Environmental Assessment (SCEA) dated November 2022, Case No. ENV-2019-2568-SCEA, and Mitigation Monitoring Program have been prepared for the Project, pursuant to Public Resources Code (PRC) Section 21155.2. The SCEA determined that the imposition of mitigation measures would mitigate any potential impacts under the following impact categories: Cultural Resources (archeological resources), Geology and Soils (paleontological resources), Noise (construction noise), and Tribal Cultural Resources (tribal archeological resources).

The Project is a Transit Priority Project pursuant to Public Resources Code (PRC) Section 21155:

- (a) The Project is consistent with the general use designation, density, building intensity, and applicable policies specified in the project area in the current SCAG RTP/SCS.
- (b) The Project contains at least 50 percent residential use, based on total building square footage, and if the project contains between, 26 percent and 50 percent non-residential uses, a floor area ratio of not less than 0.75;
- (c) The Project provides a minimum net density of at least 20 dwelling units per acre;
- (d) The Project is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan, consistent with PRC Section 21155(b).

The Transit Priority Project has incorporated all feasible mitigation measures, performance standards or criteria set forth in the 2020-2045 RTP/SCS PEIR.

An initial study has been prepared and circulated in compliance with PRC Section 21155.2(b). On April 14, 2023, the City Council adopted the SCEA dated November 2022 and MMRP, pursuant to PRC Section 21155.2(b)(6). All potentially significant or significant effects required to be identified in the initial study have been identified and analyzed. With respect to each significant effect on the environment required to be identified in the initial study, either of the following apply:

- (a) Changes or alterations have been required in or incorporated into the project that avoid or mitigate the significant effects to a level of insignificance.

(b) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

1. **Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas of minimal flooding. Currently, there are no flood zone compliance requirements for construction in these zones.

## RESOLUTION

**WHEREAS**, the subject project is located within the area covered by the Wilshire Community Plan, updated by the City Council on September 19, 2001; and

**WHEREAS**, the City Planning Commission recommended approval of a General Plan Amendment from Neighborhood Office Commercial to Regional Center Commercial for the subject property; and recommended adoption of a Zone Change and Height District Change from C2-1 and PB-1 to (T)(Q)C2-2 with a 4.64:1 FAR limitation on the site; and

**WHEREAS**, the approved project is for the construction, use, and maintenance of a mixed-use building containing 251 residential dwelling units, with 13 units set aside for Extremely Low Income Households and 16 units set aside for Very Low Income Households and 61,500 square feet of commercial/office floor area, with a maximum 4.64:1 Floor Area Ratio; and

**WHEREAS**, the City Planning Commission at its meeting on May 25, 2023 approved the General Plan Amendment and recommended adoption by the City Council of a General Plan Amendment over the subject property; and

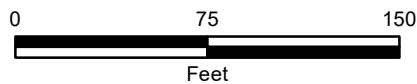
**WHEREAS**, pursuant to the provisions of the Los Angeles City Charter, the Mayor and City Planning Commission have transmitted their recommendations; and

**WHEREAS**, the requested General Plan Amendment is consistent with the intent and purpose of the adopted Wilshire Community Plan to designate land use in an orderly and unified manner; and

**WHEREAS**, the Regional Commercial land use designation and the (T)(Q)C2-2 Zone and Height District will allow the project as described above which is consistent with the Plan and Zone; and

**WHEREAS**, a Sustainable Communities Environmental Assessment, Case No. ENV-2019-2568-SCEA been prepared for the subject proposal in accordance with the State's Guidelines for implementation of the California Environmental Quality Act (CEQA);

**NOW, THEREFORE, BE IT RESOLVED** that the Wilshire Community Plan be amended as shown on the attached General Plan Amendment map.



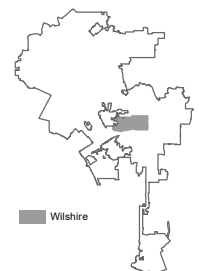
CPC-2019-2567-GPAJ-VZCJ-HD-CUB-SPR

AA/ *cf*

040523

**WILSHIRE**

City of Los Angeles





## **LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES**

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

**Online Application System:** The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

**Drop off at DSC:** Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

**Metro DSC**

(213) 482-7077

201 N. Figueroa Street

Los Angeles, CA 90012

**Van Nuys DSC**

(818) 374-5050

6262 Van Nuys Boulevard

Van Nuys, CA 91401

**West Los Angeles DSC**

(CURRENTLY CLOSED)

(310) 231-2901

1828 Sawtelle Boulevard

West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

**An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination.** Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online  
Appeal Filing



QR Code to Forms  
for In-Person Filing

**Applicant Copy**

Office: Downtown

Application Invoice No: 90791



\*6800190791\*

City of Los Angeles  
Department of City Planning**City Planning Request**

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

**Payment Info: \$204.18 was paid on 09/18/2023 with receipt number 180923010-638EB943-816F-4CB4-991F-62845107EA6B**

Applicant: Supporters Alliance for Environmental Responsibility (Lozeau Drury LLP)
Representative:
Project Address: 3433 W 8TH ST, 90005

NOTES:
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CPC-2019-2567-GPAJ-VZCJ-HD-CUB-SPR-1A			
Item	Fee	%	Charged Fee
Appeal by Person Other Than The Applicant	\$166.00	100 %	\$166.00
<b>Case Total</b>			<b>\$166.00</b>
* Fees Subject to Surcharges			\$166.00
Fees Not Subject to Surcharges			\$0.00
Plan & Land Use Fees Total			\$0.00
Expediting Fee			\$0.00
Development Services Center Surcharge (3%)			\$4.98
City Planning Systems Development Surcharge (6%)			\$9.96
Operating Surcharge (7%)			\$11.62
General Plan Maintenance Surcharge (7%)			\$11.62

* Fees Subject to Surcharges	\$166.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$0.00
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Development Services Center Surcharge (3%)	\$4.98
City Planning Systems Dev. Surcharge (6%)	\$9.96
Operating Surcharge (7%)	\$11.62
General Plan Maintenance Surcharge (7%)	\$11.62
Grand Total	\$204.18
Total Overpayment Amount	\$0.00
Total Paid (amount must equal sum of all checks)	\$204.18

Council District:

Plan Area:

Processed by RUBEN VASQUEZ on 9/18/2023

Signature: \_\_\_\_\_