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September 30, 2022

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**APPEAL RESPONSE FOR 656 SOUTH SAN VICENTE MEDICAL OFFICE PROJECT, CPC-2017-467-GPA-VZC-HD-SPR-1A; CF 22-0922-S1**

In response to appeals and communications (as set forth below) submitted to the Council File for the 656 South San Vicente Medical Office Project (Project), the Department of City Planning has prepared the following responses for the PLUM Committee's consideration for the hearing scheduled on October 4, 2022.

The Project would demolish a 5,738 square-foot, vacant educational building, and an 8,225 square-foot Big 5 Sporting Goods store and associated surface parking to develop a medical office and retail-commercial development on an approximately 0.74-net acre (33,066 gross square-foot, 32,290 net square-foot) site located at 650–676 South San Vicente Boulevard (Project Site). The Project would include up to 145,305 square feet of floor area, comprised of 140,305 square feet of medical office space and 5,000 square feet of ground floor retail-commercial space, of which up to 4,000 square feet may be a restaurant and 1,000 square feet may be other retail commercial uses, such as a pharmacy. The proposed building would be 12 stories and would measure approximately 218 feet in height (230 feet to the top of the mechanical penthouse). The Project would include seven floors of medical office uses over four floors of above-grade parking, and a ground floor containing a lobby for the medical office, and commercial uses fronting South San Vicente Boulevard.

**PROJECT HISTORY**

On June 23, 2022, the City Planning Commission (CPC) considered the Project and took the following actions on case CPC-2017-467-GPA-VZC-HD-SPR: 1) recommended approval of a General Plan Amendment to the Wilshire Community Plan to re-designate the Site from Limited Commercial to Regional Commercial land use, 2) recommended approval of a Vesting Zone Change and Height District Change from C1-1VL-O to (T)(Q)C2-2D to allow for a FAR up to 4.5:1 and up to a 20 percent reduction in vehicle parking; and 3) approved a Site Plan Review. At the same meeting, the CPC also certified the Project's Environmental Impact Report (EIR) and denied

first-level appeals and approved a Vesting Tentative Tract Map in connection with the Project proposal.

On August 8, 2022, an appeal of the CPC case was filed by Richard Drury on behalf of the Lozeau Drury LLP, representing the Supporters Alliance for Environmental Responsibility (SAFER) (Appellant 1). On August 22, 2022, a second appeal was filed by Jamie T. Hall on behalf of Channel Law Group, representing the Beverly Wilshire Homes Association (Appellant 2). This report serves to respond to the points raised in these two appeals.

In addition, on August 8 and August 12, 2022, the same two appellants submitted second-level appeals of the Vesting Tentative Tract Map, addressed separately in the Staff Appeal Response Report in CF 22-0922-S2.

For the CPC case, the Appellants primarily restate and reference previous comment letters and appeal points provided in the first-level Tract Map appeal. The City has already adequately provided detailed and full responses and/or previous discussions pertaining to the appeal points discussed in the February, 21, 2022 Final EIR comment letter submitted by Appellant 1 and the City has already adequately provided detailed and full responses and/or previous discussions pertaining to the appeal points discussed in the May 13, 2022 Appeal Justification submitted by Appellant 2. Responses are provided in the first-level Tract Map Appeal and CPC Staff Recommendation Reports, both dated June 23, 2022. Both City responses are incorporated herein by reference.

On June 21, 2022, Appellant 1 provided an additional letter two days before the CPC meeting and has submitted the letter as part of its CPC Appeal. For the record, provided below is a summary of the respective Appellants' appeal points and staff's responses to both letters.

Both the Tract Map appeal (Council File 22-0922-S2) and CPC case appeal (Council File 22-0922-S1) will be heard by the Planning and Land Use Management (PLUM) Committee of the City Council on October 4, 2022.

### ***Scope of CPC Case Appeals***

Regarding the Vesting Zone Change and Height District Change entitlements, pursuant to Los Angeles Municipal Code (LAMC) Section 12.32 D, if the Planning Commission recommends disapproval of an application, in whole or in part, the *applicant* may appeal that decision to the City Council by filing an appeal with the Planning Commission that made the initial decision. Since the City Planning Commission recommended approval of the Zone Change and Height District Change entitlements, the Commission's recommendations on the entitlements then proceed to City Council for consideration and a decision. The Commission's *recommendation* for approval is not appealable. Similarly, the Commission's *recommendation* for approval of the General Plan Amendment is also not appealable. Rather, the City Council considers the Commission's recommendation, together with public testimony, including any testimony related to the proposed conditions of approval, and then issues a decision on the General Plan Amendment, Zone Change and Height District Change requests.

Thus, the only actions of the City Planning Commission which are appealable by the two parties under case CPC-2017-467-GPA-VZC-HD-SPR is the Site Plan Review.

The following represents a summary and responses to the appeals filed on August 8, 2022 and August 22, 2022:

**APPELLANT NO. 1:**

**Richard Drury, Lozeau Drury, LLP  
Supporters Alliance for Environmental Responsibility (SAFER)  
An Appeal of the Entire Decision of the City Planning Commission  
(See undated Justification attached to Appeal Application)**

**SAFER Appeal Point 1**

The Appellant claims that the approval of the Site Plan Review entitlements (CPC-2017-467-GPA-VZC-HD-SPR) was in error because the City must fully comply with CEQA prior to any approvals in furtherance of the Project.

**Response to SAFER Appeal Point 1**

The City Planning Commission, as a decision-making body of the City, is authorized by the LAMC to approve Site Plan Review entitlements, pursuant to LAMC Section 16.05 E and 12.36 C. Additionally, the Advisory Agency is required to certify the EIR before approving the Project's subdivision map, per CEQA Guidelines Section 15090. The EIR fully disclosed and analyzed the whole of the action, and identified the subdivision requests, as well as the General Plan Amendment, Vesting Zone and Height District Change, Site Plan Review, and other associated entitlement requests. In addition, the Appellant generally states that the EIR fails to comply with CEQA but does not provide any specific aspects of CEQA with which the EIR fails to comply. Therefore, the appeal point has no merit and should be denied.

**SAFER Appeal Point 2**

The Appellant claims that the approval of the Site Plan Review entitlements (CPC-2017-467-GPA-VZC-HD-SPR) was in error because the findings are not supported by substantial evidence and, as such, the City must set aside the entitlements and circulate a revised EIR prior to considering approvals for the Project.

**Response to SAFER Appeal Point 2**

The Appellants claim, that the approval of the Site Plan Review entitlement was in error, was not accompanied with any substantial evidence. Additionally, the justification provided included two letters, dated February 1, 2022 and June 21, 2022, which have been responded to in detail in the second-level Appeal Report prepared for VTT-74865-2A, and contain no information specific to the Site Plan Review conditions and findings. Thus, please refer to Appeal responses in the second-level Appeal Report prepared for VTT-74865-2A for further clarification (CF 22-0922-S2). As the Appeal justification was unrelated to the Site Plan Review entitlement, the Appeal point has no merit and should be denied.

**APPELLANT NO. 2:**

**Jamie T. Hall  
Beverly Wilshire Homes' Association  
An Appeal of the Entire Decision of the City Planning Commission  
Letter Dated: August 22, 2022**

**Beverly Wilshire Homes' Association Appeal Point 1**

The Appellant claims that the approval of the Site Plan Review violates the LAMC because Site Plan Review Condition 3.b conditions the Project to require that each parking level shall be designed to be able to be repurposed for other uses. As such, the Appellant asserts that the Findings fail to include evidence that future conversion of the parking areas implements the General Plan or the Wilshire Community Plan nor does it mitigate potential effects on the environment and surrounding areas. Additionally, the Appellant claims that the Findings lack substantial evidence as drafted and it is not possible for the City to substantiate a finding conditioning future potential enlargement of the Project.

**Response to Beverly Wilshire Homes' Association Appeal Point 1**

See Site Plan Review Condition 3.b. for reference:

- i. Any above grade parking shall be designed to be utilized and easily repurposed to other uses.*
- ii. The height of each parking level shall have sufficient clearance to be adaptable to non-parking uses. Once converted, the building shall permit a minimum floor to ceiling height of nine feet for commercial uses.*

While the Appellant asserts that the approval of the Site Plan Review and associated conditions violate the LAMC, they do not provide substantial evidence to demonstrate how the Site Plan Review conditions or findings violate the LAMC. As stated in LAMC Section 16.05 F below, the following Site Plan Review findings must be made in relation to the Project.

*In granting an approval, the Director, or the Area Planning Commission on appeal, shall find:*

- 1. that the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan;*
- 2. that the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties; and*
- 3. that any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.*

As such, the Project does not propose any conversion of the above grade parking uses to useable floor area. Thus, no findings were prepared nor required as this is not within the scope of the Project. The conditions referenced above were added in support of the CPC's Advisory Notice related to Above-Grade Parking (October 24, 2019), which provides design guidance for above-grade parking, including, "To facilitate the future adaptive reuse of a parking garage, incorporate flat floor levels along with the future structural needs and potential floor-to-ceiling heights when designing and engineering parking garages". As such, the above-grade parking levels was designed to support this strategy. However, any potential future conversions to usable floor area would require a new project application be submitted, along with additional discretionary entitlement review and environmental review, in accordance with the LAMC and CEQA requirements. Likewise, the Appellant fails to reference the Project's associated entitlements, that further restrict development to the scope of the Project, including a limit on floor area, which does

not include conversion of above grade parking uses to useable floor area (Site Plan Review Conditions 1 and 2, proposed Q-Condition 1, and proposed D-limitation Condition 1). In conditioning the Project, the City Planning Commission is ensuring that the intent for future potential conversions of the above grade parking uses is recorded as part of the Project's case history, as well as potential conversions are not substandard or out of the scope of the existing Project in the future.

Therefore, Condition 3b. does not require or condition future potential enlargement, it ensures that the design intent to do so is conditioned to provide adequate restrictions on any potential additional usable floor area, which as mentioned above, would also be subject to additional entitlement and environmental review. Therefore, the appeal point has no merit and should be denied.

### **Beverly Wilshire Homes' Association Appeal Point 2**

The Appellant claims that the Project conflicts with the land use compatibility policies in both the Framework Element and the Wilshire Community Plan and as such, the Vesting Zone Change and Height District Change are inconsistent with numerous goals, objectives and policies in the Wilshire Community Plan. Additionally, the Appellant states that the Project results in a 50 percent reduction in vehicle parking relative to LAMC standards and would loom over development in adjacent residential neighborhoods, zoned R3, R2 and R1, while diverting its traffic burden onto residential streets including Orange Street and Sweetzer Avenue.

### **Response to Beverly Wilshire Homes' Association Appeal Point 2**

As noted above, the General Plan Amendment and Vesting Zone Change and Height District change are not appealable. Nonetheless, a response to the general comment is provided. The Appellant's assertion lacks substantial evidence to support that claim that the Project conflicts with applicable land use policies as it fails to recognize the Project's associated General Plan Amendment. In addition, the Appellant references several Goals, Objectives, and Policies of the Wilshire Community Plan but does not provide substantial evidence of how the Project conflicts, only to say that it does given its scale. Again, the Appellant does not recognize associated entitlements and findings that address potential Project conflicts, nor do they recognize approved conditions that address specific programs that they have referenced, namely Condition 16 which requires the implementation of a Neighborhood Transportation Management Project (NTMP) which would serve to address potential issues of residential cut-through traffic and off-site parking.

In addition, under State Planning and Zoning law (Government Code Section 65000, et seq.), strict conformity with all aspects of a plan is not required. Generally, plans reflect a range of competing interests and agencies are given great deference to determine consistency with their own plans. A proposed project should be considered consistent with a general plan or elements of a general plan if it furthers one or more policies and does not obstruct other policies. Generally, given that land use plans reflect a range of competing interests, a project should be compatible with a plan's overall goals and objectives, but need not be in perfect conformity with every plan policy.

Based on the analysis of Project consistency with applicable goals and policies (detailed in Section IV.F, Land Use, of the Draft EIR), including SCAG's 2020-2045 RTP/SCS; the City's General Plan, including the City of Los Angeles General Plan Framework Element, Conservation Element, Plan for Healthy Los Angeles, and Wilshire Community Plan; the Los Angeles Municipal Code (LAMC); and Citywide Design Guidelines, the Project would not conflict with the relevant land use policies adopted for the purpose of avoiding or mitigating a significant environmental

effect. Further evidence demonstrating the Project's General Plan consistency are provided on pages F-1 through F-11 of the CPC's determination.

Lastly, the Appellant states that the Project results in a 50 percent parking reduction to LAMC standards. However, as further detailed in Chapter II, Project Description, of the Draft EIR, the Project is requesting a parking reduction not to exceed 20 percent pursuant to LAMC Section 12.32 P, as well as replace up to 30 percent of required automobile parking spaces with bicycle spaces (at a rate of four bicycle parking spaces per one automobile parking space) pursuant to LAMC Section 12.21 A.4(c). Thus, the Project would meet the LAMC required automobile and bicycle parking spaces and would provide parking in accordance with State and citywide standards and would promote multimodal transportation, consistent with off-street parking and transit goals of the Wilshire Community Plan. Therefore, the appeal point has no merit and should be denied.

### **Beverly Wilshire Homes' Association Appeal Point 3**

The Appellant claims that the City Council imposed permanent [Q] Conditions and [D] Limitations authorizing an enlargement in the scope of development beyond what was depicted in the Project plans, although the authority to impose [Q] Conditions and [D] Limitations may be exercised only to *restrict* development of the Property relative to the proposed development, not to authorize future enlargements. Furthermore, the Appellant states that the findings to justify the [Q] Conditions and [D] Limitations lack substantial evidence as they only explicitly address the Project *as proposed* while altogether failing to address the expansion of commercial floor area into the parking levels.

Finally, the Appellant states that the conversion of parking to additional commercial floor area would not prevent or mitigate environmental effects of the Zone or Height District Change, because it could only increase environmental impacts. As such, all references to approved enlargements of the Project must be removed from the [Q] Conditions and [D] Limitations.

### **Response to Beverly Wilshire Homes' Association Appeal Point 3**

As noted above, the General Plan Amendment and Vesting Zone Change and Height District change are not appealable. Nonetheless, a response to the general comment is provided.

Staff would like to note that the Appellants claim are speculative in that they assert approval of conditions that have not yet gone before the Council. Nonetheless, the Appellants general claims are incorrect in the same manner that is outlined in Response to Beverly Wilshire Homes Association Appeal Point 1 (above), regarding the scope of the proposed Project. Likewise, in asserting that the conversion of above grade parking to usable floor area would not prevent or mitigate environmental effects of the Zone or Height District Change, the Appellant does not identify the language of the referenced (Q) Conditions and (D) Limitations which expressly state the following:

#### ***(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 Development.** *The use and development of the property shall be in substantial conformance with the plans submitted with the application and marked Exhibit A, dated June 23, 2022. No change to the plans will be made without prior review by the Department of City*

*Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions. The Project shall be constructed in a manner consistent with the following:*

- a) *A maximum of 140,305 square feet of medical office and/or lab floor area; and*
- b) *A maximum of 5,000 square feet of commercial floor area.*

*Additional floor area may be permitted if: above-ground parking areas are repurposed to commercial uses and the site's Floor Area Ratio (FAR) does not exceed 6:1, subject to the Q clarification procedures of LAMC Section 12.32-H or other appropriate LAMC required process, and subject to any applicable CEQA review.*

and;

#### **D 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.*

##### **A. Development Limitations:**

- 1. Floor Area Ratio.** *The total floor area over the Project Site shall not exceed a 4.5:1 floor area ratio (FAR), or a total of 145,305 square feet. The FAR may be increased if: above-ground parking areas are repurposed to commercial uses and the site's FAR does not exceed 6:1, subject to any applicable CEQA review and implementation.*

As such, the Appellant neglects to provide an accurate reference of the Project's (Q) Conditions and (D) Limitations, which expressly limit the scope of the Project and mandates that any increases of usable floor area undergo additional discretionary entitlement review and environmental review, in accordance with LAMC and CEQA requirements. Therefore, the appeal point has no merit and should be denied.

#### **Beverly Wilshire Homes' Association Appeal Point 4**

The Appellant claims that the findings prepared for the General Plan Amendment, Zone Change, and Height District Change make no attempt to justify the 20 percent parking reduction except for stating that it is *eligible* for a reduction due to its location within a Transit Priority Area.

The Appellant states that a project's eligibility for a parking reduction is not sufficient to establish that the full extent of the parking reduction is consistent with the required findings. Here, the Project's proximity to low and low medium density residential zones, combined with the limited access to the frontage road will funnel vehicles onto Orange Street and Sweetzer Avenue, will exacerbate neighborhood intrusion traffic and parking issues from the parking reduction. The parking reduction request must be rejected.

#### **Response to Beverly Wilshire Homes' Association Appeal Point 4**

As noted above, the Vesting Zone Change and Height District change, and associated reduced parking reduction, are not appealable. Nonetheless, a response to the general comment is provided.

The Appellant misrepresents the Project's associated requests for a reduction in the required number of automobile parking spaces by conflating the 20 percent reduction of automobile parking, pursuant to LAMC Section 12.32 P, with the 30 percent reduction and replacement of automobile parking to bicycle parking, pursuant to LAMC Section 12.21 A.4(c), the latter of which is by-right given the Project's current location within a Transit Priority Area (TPA).

Additionally, the 20 percent reduction, pursuant to LAMC Section 12.32 P, is incident to a legislative action, in this case the General Plan Amendment, Zone Change, and Height District change, and does not require additional findings beyond those included in the Findings prepared for the Project. Thus, the Project would meet the LAMC required automobile and bicycle parking spaces and would provide parking in accordance with State and citywide standards and would promote multimodal transportation, consistent with off-street parking and transit goals of the Wilshire Community Plan. Therefore, the appeal point has no merit and should be denied.

In concluding that the parking reduction request should be denied, the Appellant offers no substantial evidence of such, as they state that the Project could potentially exacerbate neighborhood intrusion traffic and parking issues. Please refer to Response to Beverly Wilshire Homes Association Appeal Point 2 (above) regarding Project conditions and related neighborhood intrusion and the NTMP.

#### **Beverly Wilshire Homes' Association Appeal Point 5**

The Appellant claims that the Project violates requirements in the City Charter limiting the circumstances under which the City may approve a General Plan Amendment. Los Angeles City Charter, Section 555 provides:

*"The General Plan may be amended in its entirety, by subject elements or parts of subject elements, or by geographic areas, provided that the part or area involved has significant social, economic or physical identity."*

Additionally, that Appellant asserts that the City Charter requires that the geographic area maintains significant identity as currently developed, regardless of future development plans, and that the site lacks significant social, economic or physical identity.in a

#### **Response to Beverly Wilshire Homes' Association Appeal Point 5**

As noted above, the General Plan Amendment is not appealable. Nonetheless, a response to the general comment is provided.

The Appellant's assertion that the Project and/or Project Site lacks proposed and existing significant, economic, or physical identity is circular in logic and is a misrepresentation of the surrounding geographic area and associated uses as it claims that both the current Project Site with a Limited Commercial land use designation and the proposed Project, with a Regional Center Commercial land use designation, are not at the time of these proceedings maintaining a significant identity.

For reference, directly northwest of the Project Site, along South San Vicente Boulevard, is a five-story office building with existing rooftop billboards, and an associated four-story parking



structure. Further north is a three-story rehabilitation center. Directly across from the Project Site in the City of Beverly Hills is a 10-story office building with ground floor commercial uses. North of the 10-story office building is a three-story office/retail building and two apartment complexes that are two- and three-stories in height. To the south, across from the intersection of South San Vicente Boulevard and Wilshire Boulevard, is a low-rise commercial center and associated surface parking. To the southeast, fronting Wilshire Boulevard is a 22-story medical office building owned by Cedars-Sinai Medical Center, which includes a rooftop heliport. Directly east of the Project Site, across South Sweetzer Avenue, is a two-story brick building used as office space. East of the building is a 12-story office building used by the Jewish Federation Goldsmith Center and the five-story Los Angeles Obchestvo Remeslenogo Truda (ORT) College. Likewise, as described by the Community Plan, the area is part of a historic thoroughfare and commercial corridor, Wilshire Boulevard, as well as the South San Vicente Boulevard commercial corridor. The Project Site is at the intersection of these two corridors, which include a variety of medical services such as offices, clinics, small practices, acute care centers, hospitals, etc.

Further, the General Plan and Charter Findings provided in the CPC staff report (CPC-2017-467-GPA-VZC-HD-SPR) related to the General Plan Amendment provides justification regarding how the Project would contribute to and strengthen an area which has significant social, economic, or physical identity as well as a justification on how the Project complies with good zoning practice and does not spot zone the Project Site. Therefore, the appeal point has no merit and should be denied.

### **Conclusion**

The appeals and referenced comment letters address specific concerns regarding the adequacy of the EIR and entitlement findings. Upon careful consideration of the Appellants' points, the Appellants have failed to adequately disclose how the City erred or abused its discretion. In addition, no new substantial evidence was presented that the City has erred in its actions relative to the EIR and the associated entitlements. The Appellants have repeatedly failed to raise new information to dispute the Findings of the EIR or the City's actions on this matter. Therefore, the appeals should be denied and the actions of the City Planning Commission should be sustained.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning



Paul Caporaso  
Planning Assistant

VPB:MZ:KH:PC

Enclosures  
*none*

c: Dylan Sittig, Senior Planning Deputy, Council District 5