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January 29, 2019

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

Attention: City Council

Dear Honorable Members:

**CERTIFICATION OF PARTIALLY REVISED FEIR (EIR No. 2014031014) FOR THE  
LANDMARK APARTMENTS PROJECT LOCATED AT 11750-11770 WILSHIRE BOULEVARD**

**Project Summary**

The proposed project is a mixed-use development consisting of the new construction of a 34-story residential building with 376 multi-family dwelling units, including market rate and affordable units and an approximately 40,544 square-foot publicly accessible open space area (Project) on a 2.8-acre site (Project Site). The existing 42,900 square-foot single-story supermarket building will be demolished to accommodate the new residential building and the existing 364,791 square-foot, 17-story office building will remain.

The Project applicant proposes to demolish the existing supermarket building and construct in its place a 34-story residential building containing up to 376 multi-family dwelling units. At least 16 of the residential units, or five percent of the maximum units allowed under the R4 zoning density standards (which apply to the Project Site's C2 zoning),<sup>1</sup> would be set aside as affordable housing for Very Low Income<sup>2</sup> residents. The residential building would also include various amenities to serve the needs of Project residents and guests, including a lobby, lounge, fitness center, recreation room, and bicycle storage area, as well as leasing offices. An outdoor pool, pool deck,

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<sup>1</sup> The maximum permitted residential density on the Project Site would be governed by the R4 zone, and thus, would be restricted to 108 dwelling units per acre (i.e., a minimum lot area of 400 square feet per dwelling unit). Thus, the maximum number of dwelling units permitted on the Project Site would be 313 dwelling units. The Project would set aside at least 16 of its residential units, or 5 percent of the maximum units allowed under the R4 zoning designation, for Very Low Income residents. As such, the Project qualifies for a density bonus of up to 20 percent. The 20 percent density bonus allows an additional 63 dwelling units for a total of 376 dwelling units (313 + 63).

<sup>2</sup> Persons or families earning 50 percent of the median family income for the area, subject to specified adjustments for areas with unusually high or low incomes.

and terrace would serve the recreational needs of project residents and guests. The proposed residential building would reach a maximum height of 349 feet above grade level<sup>3</sup>.

The Project would also construct an approximate 18,000 square-foot, privately maintained, publicly accessible open space area at the northeast corner of the project site fronting Wilshire Boulevard. The open space area would consist of enhanced landscape and hardscape features including seating areas, pedestrian pathways, raised planters, and shade trees.

To support the foundation of the new residential building, the Project proposes the partial demolition and reconstruction of the four-level subterranean parking structure that spans much of the project site. Upon completion, the project would provide a total of 1,122 parking spaces, including approximately 1,065 subterranean parking spaces and 57 surface parking spaces. The project would retain the existing office building and pedestrian plaza in the northwest portion of the project site, with no changes to existing operations therein.

In total, the Project would remove approximately 42,900 square feet of existing floor area and construct approximately 360,291 square feet of new floor area, resulting in a net increase of approximately 317,391 square feet of floor area within the project site. With implementation of the project, the Project Site would include a total of 717,391 square feet of developed floor area. Upon completion of the project, the total Floor Area Ratio (FAR) on the Project Site, inclusive of the existing office building, would increase from 3.27:1 to 5.9:1.

### **Project Location**

The Project Site is located in the West Los Angeles Community of the City of Los Angeles. The surrounding area is highly urbanized and includes mid- to high-rise, high-density commercial, retail, and office uses fronting Wilshire Boulevard, transitioning to lower density multi-family residential neighborhoods to the north and south of the Wilshire Boulevard commercial corridor. The rectangular-shaped project site is bounded by Wilshire Boulevard to the north, an alley to the south, Stoner Avenue to the east, and Granville Avenue to the west.

This summary is taken from the original Project Approvals: The Project Site is currently occupied by an approximate 42,900 square-foot, single-story supermarket building; an approximate 357,100 square-foot, 17-story office building; and surface parking and circulation areas. The currently vacant supermarket building is located in the southern half of the project site, with access available from the interior surface parking lot. The office building, which reaches a height of approximately 249 feet above grade, is located in the northwestern portion of the project site and is operational. A pedestrian plaza marks the main entrance to the office building at the corner of Wilshire Boulevard and Granville Avenue. Surface parking and circulation areas occupy the northeastern and central portions of the project site. A four-level subterranean parking garage spans much of the project site. A total of 1,321 parking spaces are provided on site, including 87 surface spaces and 1,234 subterranean spaces. Vehicular access to the surface parking lot at the plaza level is provided by an ingress-only driveway on Stoner Avenue and an egress-only driveway on Granville Avenue. To the south of each driveway, a two-way access ramp provides direct vehicular access to the subterranean parking lot (one on Stoner Avenue and one on Granville Avenue). Loading access for the existing supermarket building is provided at the southeast corner of the project site from Stoner Avenue. Pedestrian access is available from sidewalks along Stoner Avenue, Granville Avenue and Wilshire Boulevard and along internal pedestrian pathways adjacent to the new buildings.

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<sup>3</sup> Rooftop structures, including a helipad and a nine-foot screen wall to conceal future heating/ventilating/air conditioning (HVAC) and other equipment, would not exceed 380 feet above grade level.

## Summary of Entitlements

The following entitlements required for development of the Project were requested by the applicant (and granted by the City on February 14, 2017 as noted below):

- Consideration and Certification of the Environmental Impact Report (EIR) and Errata, ENV-2013-3747-EIR, SCH No. 2014031014, and adoption of the Statement of Overriding Considerations, Mitigation Measures and Mitigation Monitoring Program, and Findings;
- Vesting Zone Change from [Q]C2-2-CDO to (T)(Q)C2-2-CDO pursuant to LAMC Section 12.32;
- Design Overlay Plan Approval under the CDO pursuant to LAMC Section 13.08;
- Zoning Administrator's Determination for Reduced Off-Street Parking Spaces pursuant to LAMC Section 12.24 Y to permit a 10 percent reduction in the required parking for an existing commercial building located not more than 1,500 feet from a bus station or similar transit facility;
- Approval of a Reduced Side Yard Setback pursuant to LAMC Section 17.03 to allow a reduced side yard setback for the podium level of the residential building along Granville Avenue of 15 feet in lieu of the required 16 feet;
- Site Plan Review pursuant to LAMC Section 16.05; and
- A Vesting Tract Map to create five land and/or airspace lots on the Project Site pursuant to LAMC Section 17.15.

## PROJECT CASE HISTORY

### Previous Council Actions

The City certified the EIR (SCH No. 2014031014) for the Project on February 14, 2017. The Certified EIR consisted of the Draft EIR dated April 2016, the Final EIR dated September 2016, and the Errata dated October 2016. The City also approved the Vesting Zone Change from [Q]C2-2-CDO to (T)(Q)C2-2-CDO, granted special permission for a 10 percent reduction of off-street parking spaces for an existing commercial building located within 1,500 feet of a transit facility, approved a Design Overlay Plan Approval with respect to the West Wilshire Boulevard Community Design Overlay District, approved a Site Plan, and adopted the Conditions of Approval and Findings.

### Summary of Litigation and Court Order

Subsequently, a lawsuit was filed by Petitioner Golden State Environmental Justice challenging the City's certification of the Project EIR. The Petitioner contended that the EIR violated CEQA by failing to adequately assess energy impacts, GHG impacts, health risk and shading impacts. The Los Angeles County Superior Court's ruling (Court Ruling), dated June 28, 2018, granted in part and denied in part the Petition for Writ of Mandate filed in Case No. BS168429, Golden State Environmental Justice Alliance vs. City of Los Angeles, et. al.

In granting the petition in part, the Court ordered the City to only decertify the energy impact analysis within Section VII, Other Environmental Considerations, of the Draft EIR, due to an inaccurate calculation of the Project's net new operational energy demand contained in that section. Although the Court invalidated the energy analysis section of the Draft EIR, it determined that the remaining sections of the Draft EIR—specifically its analyses regarding GHG impacts, health risk assessments, and shading impacts—were severable and in full compliance with CEQA. Moreover, the Court Ruling did not require the City to rescind the project approvals, each of which remains valid and in full force and effect.

### **Current Project Status**

As noted above, the Court Ruling let stand in place all Project Approvals and only required recirculation of the energy impact analysis. The Court subsequently issued a Writ of Mandate on October 2, 2018 consistent with the Court Ruling and expressly provided that Project construction could continue at the Applicant's risk. The Project has been under construction since April 2018 and is expected to be completed by November 2021.

### **City Actions to Comply with Court Order**

A Recirculated Energy Analysis of the Draft EIR was prepared in compliance with CEQA Guidelines Section 15088.5 and the Court Ruling. As with the determinations in the original Draft EIR, the Recirculated Energy Analysis of the Draft EIR determined that:

1. There is sufficient capacity to meet the Project's energy demand and that such demand would not exceed available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; and
2. The Project would not cause wasteful, inefficient, or unnecessary consumption of energy during construction or operation.

As the recirculation was limited to the energy analysis only, pursuant to CEQA Guidelines Section 15088.5, subdivision (c), the rest of the Draft EIR was not recirculated for public review and comment.

In accordance with CEQA requirements, the Recirculated Energy Analysis of the Draft EIR was made available for public review and comment from October 4, 2018, to November 19, 2018. Pursuant to CEQA Guidelines Section 15088.5, subdivision (f)(2)(ii), the Notice of Availability and the Recirculated Energy Analysis of the Draft EIR stated that written responses would be prepared only to comments received regarding the Recirculated Energy Analysis.

Following the public comment period, a Partially Revised Final EIR (PR-FEIR) was prepared and released to the public on January 3rd, 2019 (Exhibits C and D). The PR-FEIR includes responses to the comments received regarding the Recirculated Energy Analysis. Based on the comments provided, no revisions to the Recirculated Energy Analysis were required. In addition, following publication of the PR-FEIR, the City received a late comment letter concerning the PR-EIR from counsel for the Golden State Environmental Justice Alliance. Though no response to such comments is required, the City has prepared responses to such additional comments (Exhibit E). No revisions to the Recirculated Energy Analysis were required based on the late comments, or responses to such comments.

### **EXPLANATION OF RECOMMENDATIONS**

The Court Ruling did not require the City to rescind the Project approvals, each of which remains valid and in full force and effect. Furthermore, the Court Ruling only invalidated the energy analysis section of the Draft EIR, determining that the remaining sections of the Draft EIR were severable and in full compliance with CEQA. Therefore, the recommended actions listed above deal solely with the Recirculated Energy Analysis for the Landmark Apartment Project EIR.

To comply with the Court Ruling, City Council must first de-certify the Energy Impact Section of the Final EIR that analyzed environmental impacts related to energy found on pages VII-12 – VII-19 of the Draft Environmental Impact Report dated April 2016, then certify the new, recirculated section of the Final EIR.

The City Council must then consider a finding that the Project's Environmental Findings need not be amended except for the amendments specific to energy impacts that correct a factual error in those findings and so as to be consistent with the Landmark Apartment Project EIR Energy Impact section and adopt these amendments to the Findings (Exhibit F). While the City Council has authority to add further mitigation measures pertaining to Project energy use, no such additional measures are recommended because the Project incorporates numerous project design features to reduce energy use and increase energy efficiency, and the Recirculated Energy Analysis concludes that the Project's energy impacts will be less than significant.

Finally, the City Council must determine whether the Project's environmental impacts related to energy are less than significant, which is the same conclusion that was determined in the original Final EIR dated September 2016, and as such, the Statement of Overriding Considerations and Mitigation Monitoring Program adopted by the City Council on February 14, 2017 do not have to be revised or readopted, and remain in full force and effect.

**Recommended Actions:**

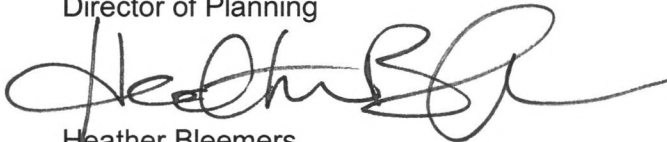
1. Recommend that the City Council de-certify the section of the Final EIR, originally certified on February 14, 2017, that analyzed environmental impacts related to energy found on pages VII-12 – VII-19 of the Draft Environmental Impact Report dated April 2016.
2. Recommend that the City Council take the following actions to certify a new section of the Final EIR analyzing environmental impacts related to Energy:
  - a. FIND that the City Council has reviewed and considered the information contained in the Energy Impact section (EIR No. 2014031014) dated October 2018, and the Final EIR prepared for the Energy Impact section (collectively Landmark Apartment Project EIR Energy Impact Section), dated January 2019, as well as the whole of the administrative record.
  - b. CERTIFY that:
    - i. The Landmark Apartment Project EIR Energy Impact Section has been completed in compliance with the California Environmental Quality Act (CEQA);
    - ii. The Landmark Apartment Project EIR Energy Impact section has been completed in compliance with the June 28, 2018 Court Ruling and the October 2, 2018 Writ of Mandate;
    - iii. The Landmark Apartment Project EIR Energy Impact Section was presented to the City Council as a decision-making body of the lead agency;
    - iv. The Landmark Apartment Project EIR Energy Impact Section reflects the independent judgment and analysis of the lead agency; and
    - v. The Responses To Comments on the Landmark Apartment Project EIR Energy Impact Section fully considered and responded to the comments received and include substantial evidence that none of these comments provided substantial evidence that the project would result in changed circumstances, significant new information, considerably different mitigation measures, new or more severe significant impacts than were discussed in the Landmark Apartment Project EIR Energy Impact Section, a feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the Project, but the Project's proponents decline to adopt it, or that the Landmark Apartment

Project EIR Energy Impact Section was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. Accordingly, recirculation of the Landmark Apartment Project EIR Energy Impact Section is not required.

- c. FIND that because the Landmark Apartment Project EIR Energy Impact Section determined that the Landmark Apartment Project's environmental impacts related to energy are less than significant as was determined in the Final EIR dated September 2016, the Environmental Findings made pursuant to CEQA Guidelines Section 15091 need not be amended except for amendments to the findings related to energy impacts to correct a factual error in those findings and so as to be consistent with the Landmark Apartment Project EIR Energy Impact section and adopt these amendments to the Findings.
- d. FIND that because the Landmark Apartment Project EIR Energy Impact Section determined that the Landmark Apartment Project's environmental impacts related to energy are less than significant as was determined in the Final EIR dated September 2016, the Statement of Overriding Consideration and Mitigation Monitoring Program adopted by the City Council on February 14, 2017 do not have to be revised or readopted, and remain in full force and effect.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning



Heather Bleemers  
Senior City Planner

Exhibits:

- Notice of Completion and Availability of the Draft Recirculated Energy Analysis
- Recirculated Portion of Draft Environmental Impact Report regarding the Energy Analysis
- Notice of Completion and Availability of the Final Recirculated Energy Analysis
- Recirculated Portion of Final Environmental Impact Report regarding the Energy Analysis
- Response To Late Comment (January 2019)
- Amended CEQA Findings – Energy Impacts