

# ORIGINAL



## APPLICATIONS:

### APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

#### 1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission    ☐ City Planning Commission    ☒ City Council    ☐ Director of Planning

Regarding Case Number: CPC-2016-2658-VZC-HD-MCUP-ZAD-SPR ,ENV-2016-1892- EIR (SCH 2016071049)

Project Address: 3900 S. Figueroa, 3901-3969 S. Flower Street, 450 W. 39th Street,

Final Date to Appeal: 4/15/2019

Type of Appeal:    ☐ Appeal by Applicant/Owner  
                              ☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved  
                              ☐ Appeal from a determination made by the Department of Building and Safety

#### 2. APPELLANT INFORMATION

Appellant's name (print): Jim Childs

Company: West Adams Heritage Association

Mailing Address: 2341 Scarff Street

City: Los Angeles

State: CA

Zip: 90007

Telephone: 213 747-2526

E-mail: jeanjim2341@att.net

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☐ Self

☐ Other: \_\_\_\_\_

- Is the appeal being filed to support the original applicant's position?

☐ Yes

☐ No

#### 3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

#### 4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☐ No

If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

#### 5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: James K. Chids Date: \_\_\_\_\_

#### 6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>89</u>	Reviewed & Accepted by (DSC Planner): <u>Sarahi Ortega</u>	Date: <u>4/9/19</u>
Receipt No: <u>0101024848</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

## West Adams Heritage Association

Master Appeal Form Continuation - Attachment

**CPC-2016-2658-VZC-HD-MCUP-ZAD-SPR**

**ENV-2016-1892- EIR (SCH 2016071049)**

**Related Case: VTT 374193-1A**

**3900 S. Figueroa, 3901-3969 S. Flower Street, 450 W. 39<sup>th</sup> Street, CD 9, Southeast Community Plan, North University Park – West Adams Neighborhood Stabilization Overlay**

The City Planning Commission erred and abused its discretion in:

- It's finding that no subsequent EIR or addendum is required for this project.
- Its recommendation that City Council adopt the Vesting Zone Change and Height District (not appealable but **related impacts under CEQA need to be considered**)
- Its approval of the ZA determination to allow building heights up to 90 feet within 100 to 199 feet of an OS zone
- Its approval of site plan review for the above referenced project, known as "The FIG."

The West Adams Heritage Association appeals to City Council in the aspiration that finally the errors made in the whole of the administrative process, extensively noted by many commenters to the administrative record, can now be rectified.

We urge the City Council to remedy the injustice and displacement of families and the failure to include in the FEIR an alternative for your consideration that would both save the rent stabilized housing, preserve a significant historic resource and allow for the new development and the accompanying benefits.

The FEIR fails to understand that the Flower Drive is not an isolated island but connects to our very community's history as one of the parcels of the original Zobelein Tract, as it is relational to the Zobelein historic cultural monument (HCM), and the other historic elements which include Exposition Park. As commenter Jim Childs expressed: *"When traveling west along 39th Street from the east of the I-110 freeway a viewer emerges from the viaduct at Flower Drive and is confronted with the striking view of the LA Memorial Coliseum dead ahead with its' Peristyle, the Olympic-Torch, the headless statues and the historic formal landscaped entrance of Christmas Tree Lane. To the north and to the south the two flanking block faces of the Flower Drive Historic District."*<sup>1</sup> The Flower Drive Historic District is NOT an island into itself but is deeply rooted in the historic development of the area. City Council should not permit its

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<sup>1</sup> Jim Childs, ADHOC, letter to Milena Zasadzien, City Planning, on the DEIR, November 27, 2017

annihilation. There are more important goals than “harmonious density” which the CPC heralds on page F-4.<sup>2</sup> It does not justify the annihilation of a precious historic resource.

What is further egregious is the loss of family, rent-stabilized housing in buildings that have the amenities that our vintage apartment buildings provide, with yards and green space and large rooms. Many of the units have families that have been there for decades. While the new project provides for affordable units, the residents of Flower Drive will not meet the County standards of “affordable;” the current families will not be eligible for the new housing units. As commenter Maria Partida stated: *“I have lived at Flower Drive for 37 years. I am currently retired. The reasons I do not want to relocate are the following: home is downtown Los Angeles, my clinics are close by, bus and train transportation are all around me, my children grew up here, the area is evolving and the neighborhood is much nicer and safer.”*

The FEIR dismisses this statement as “not an environmental argument subject to EIR analysis.” We disagree. It is at the heart of the matter. It underscores the root issue that a neighborhood, along with its residents in a historic district, is being destroyed with no real mitigations and for no reason. An alternative exists. That alternative needs to be embraced by the City or, at the very least, be included in the official alternatives discussion in the EIR.

The entire CPC decision cherry picks portions of the Framework Element, the General Plan Southeast Community Plan and the Exposition/University Park Redevelopment Plan, and the NSO, to which this project is NOT substantially in conformance.

Further the FEIR is not legally sufficient to meet the requirements of CEQA.

### **A RECIRCULATED AND REVISED FEIR IS ESSENTIAL: THE FEIR SHOULD NOT BE ADOPTED**

The FEIR is not an objective analysis but rather is a document skewed toward adoption of the proposed project rather than an objective review of the facts.

The demonstrable negative impacts on both housing resources and on the Flower Drive Historic District are not sufficiently analyzed nor are they adequately mitigated. The cumulative impacts on housing and on historic resources are also not adequately recognized nor evaluated. The FEIR consistently states that these negative impacts are unavoidable **which is simply not true**. A project design that incorporates the Flower Drive Historic District and builds on the non-historic parcels is possible. Not only is it possible, but it has been the subject of two meetings called by the developers’ representative. We also note that the project originally included a 21 story hotel tower which allowed for more flexibility in site planning.

We believe that an alternative can be devised that preserves the historic and rent controlled housing while meeting most of the project’s objectives. We also urge the developer to make the majority of the parking underground which would also allow for a design that is more flexible and aesthetically pleasing.

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<sup>2</sup> Los Angeles City Planning Commission Letter of Determination, March 26, 2019, page F-4.

*“In a series of meetings held last year at the offices of the project architect, a number of alternatives were presented. A review of the effects of each one forced a difficult decision from the community as they struggled to find common ground and reach a compromise with the developer. The alternative accepted by the community would have given the developer perhaps 98% of what he was asking for while preserving the Flower Drive District. It was not an ideal solution but was pragmatic. The DEIR has dismissed any real preservation alternatives as the developer continues his campaign to seek an “all or nothing” result. The DEIR refers throughout to “unavoidable” impacts, which is deceptive as most, if not all, of the impacts of this project are design flaws and therefore avoidable.”<sup>3</sup>*

The meeting’s purpose was described as *“As a few of you know, after the scoping meeting, we decided to engage the Page & Turnbull team to help us identify options that might retain some or all of the contributors while carrying out the project program. I am not sure we will find a solution but we are looking for it. I would ask that you participate in a discussion on this. The team has some preliminary thoughts to which we want to get your reaction and of equal or greater importance is we want to hear your thoughts.”<sup>4</sup>*

The rationale for not including the tower alternative provided by the representative of the development team at the November 5 public hearing was that those preservation representatives in attendance were not able to arrive at a consensus. This is another intellectually fraudulent comment: the consensus was to preserve the Flower Drive and that a “towers” version would be supported.

*“At the conclusion of the second meeting I understood that there was a consensus for a proposed new Project Alternative concept, which would retain the elements of the FLOWER DRIVE HISTORIC DISTRICT, the proposed 21-story Hotel, and add a second tower for the residential components.”<sup>5</sup>*

The exact details were not hashed out because there were no further meetings. There **was** a consensus. The representative is being somewhat disingenuous. A further meeting could have provided the details of such an alternative.

While the FEIR recognizes that the demolition of 7 out of the 17 contributing resources in the Flower Drive Historic District is a significant impact, it incorrectly claims this impact is unavoidable. **Demolition of these resources is unnecessary as there are feasible alternatives proposed that could allow for development of needed housing and commercial uses that would incorporate these existing residential units into the Project.**

The response by the developer’s representative at the CPC to justify the 7 story design was that no building on Figueroa was more than 11 stories (the USC Radisson Hotel.) Well, that by itself

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<sup>3</sup> Letter, Mitzi March Mogul, November 21, 2017 to Milena Zasadzien, City Planner

<sup>4</sup> Bill Delvac, Attorney for Spectrum, e-mail of 10/18/2016, Spectrum Flower Drive Options

<sup>5</sup> ADHOC letter, Jim Childs, November 27, 2017, to Milena Zasadzien, City Planner

is more than 7 stories. And you need only walk across the street to the USC campus and you will see watch tower buildings along side of two and three story halls of learning. How 7 stories became sacrosanct is an arbitrary and capricious mystery and the derivation of this embedded prejudice is not known.

### **Cumulative Impacts**

The FEIR fails to adequately analyze cumulative impacts. The City claimed that it did not have to analyze the 3800 Figueroa project by another developer on the site north of this development and adjacent to the remaining contributors to the Flower Historic District because the application was not submitted until after the NOP for this project was published. That is not the standard for evaluating cumulative impacts. The EIR must analyze reasonably foreseeable probable future projects.

What is also telling about the 3800 Figueroa Project is its retention of ALL of the Flower Drive historic buildings with design considerations that enable the new buildings to step down and give some protection to the eleven multi-family buildings of Flower Drive. This can be done: new development can co-exist with the old; just as we see in Exposition Park where we have the Lucas Museum and Science Center next door to the Museum of Natural History and the Rose Garden.

The FEIR fails to consider impacts to the northerly section of the Flower Drive Historic District. It contains within it a view that somehow Districts are inconsequential and malleable to the aims of a developer. This was confirmed at the NOP scoping meeting of August 10, 2016 wherein the developers' representative stated to one of our representatives "Well you at least have eleven buildings left in the District." This weighs heavily on the prejudice with which the developer has treated and misunderstood the significance of the Flower Drive Historic District and how indeed a District is significant in its relationship to all of the properties within a District. When the NOP comments contain so many suggestions by WAHA, NUPCA, ADHOC, the Los Angeles Conservancy, and others that Flower Drive be evaluated in its total context, this glaring omission also calls in question the accuracy of the impacts analysis in the FEIR.

The non-identified cumulative impacts extend not only to the northerly section of the district, but to all affordable housing that is in the Exposition Park-University Park neighborhood that is threatened with demolition and insensitive new construction. Tally the number of demolitions of vintage housing that have occurred in his area and the accompanying loss of RSO historic affordable housing. The FEIR does not.

The developers have gotten on a train that waxes poetic about their development and ignores the severe negative impacts; even when recognizing impacts, they state their desire for this project and its benefits overrides the environmental considerations. The result: a train wreck to people and historic resources.

## **Inadequate Mitigations**

You cannot mitigate impacts to a historic district by moving three or four historic apartments elsewhere. The decision makers fail to understand that a District relies on its context and the relationship of each of the buildings to the other. Part of the district's uniqueness is that nineteen buildings have survived for almost a hundred years relatively intact, creating a grouping of buildings and people that warrants attention, designation and preservation. So much so, that the State Historic Resources commission found the District eligible not once but twice over politically connected opposition.<sup>6</sup>

The lead agency cannot merely adopt a statement of overriding considerations and approve a project with significant impacts; it must first adopt feasible alternatives and mitigation measures.<sup>7</sup>

## **Alternatives**

The range of alternatives is unreasonable when one realizes there is no discussion of the omitted alternatives: the original 21 story hotel tower version, and the two tower, Page & Turnbull version. A FEIR should contain a reasonable range of alternatives to foster informed decision making as required by 14 Cal Code Reg section 15126.6(a). There is no alternative that offers substantial environmental advantages over the proposed project **and** meets all of project objectives. The FEIR fails to meet the most basic objectives of an alternatives discussion and therefore is legally deficient. The FEIR evades then the responsibility and obligation of the proponent to adopt an environmentally superior alternative because it has identified an environmentally superior alternative that does not meet the developer's expansive list of project objectives.

As CEQA expert Amy Minter explained: "The project objectives determine what constitutes a reasonable range of alternatives. (CEQA Guidelines § 15126.6(a).) The Project's underlying purpose is "to revitalize the Project Site by developing a high quality mixed-use development that provides new multi-family housing opportunities and neighborhood-serving retail and restaurant uses that serve the community and promote walkability." (DEIR p. II-7.) There is no reason that an alternative retaining the historic buildings would not satisfy the Project's underlying purpose."

At what point does the commitment the applicant has made proposing a development that severely impacts such a sensitive historic site, in a very fragile historic environment, become an unwise speculative venture that cannot be permitted in the light of the severe, adverse environmental impacts? The FEIR has engaged in discussion weighted in favor of the project as proposed and without regard for the actual environmental setting.

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<sup>6</sup> The CA State Historic Resources Commission determined that Flower Drive met the criteria for a California Register Historic District not once, but twice, on July 25, 2008 and again on November 7, 2008

<sup>7</sup> 10 Public Resource Code, Sec. 21081; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 185.

“The Project Site is located in historic University Park and includes numerous historic districts, cultural monuments and a landmark, and is one of the most revered historic neighborhoods south of downtown including a California Register District within the development site” would be a more accurate and specific description. Again, the facts are skewed in favor of the Project.

We hereby appeal the CPC decision and ask City Council to finally bring some sense of responsibility and justice to this process. The CPC abused its discretion and failed to respond to the substantial evidence in the record which would have justified NOT adopting the FEIR but rather revising and recirculating the EIR.

The entire history of this development has been replete with misrepresentations and failure to independently judge the project. From the first NOP meeting, the developers believed that the ruination of the Flower Drive Historic District was a trifle and something that could be ignored. The City curiously has been an enabler for the destruction of historic resources rather than a true steward of them.

The City made a fundamental error in judgement early in the process when it directed the developer to “pancake” his project from the original 21 story tower concept to a limit of 7 stories which then necessitated the destruction of the Flower Drive Historic District. We question how a justification for “compatibility” can ignore the genocide of an entire neighborhood. The belief that this 7 story version would be more “compatible” with the surroundings is an arbitrary decision that had no transparency and is unexplained.

- The City cannot approve a project that has severe environmental impacts (which the FEIR acknowledges) when there is a feasible alternative that eliminates these impacts. There is an alternative, the “tower” alternative that meets the development objectives, provides the economic benefits and preserves the Flower Drive Historic District and its affordable 32 units RSO housing. It is not in the FEIR.
- The CPC approved the tract map when it could not reasonably make the required findings of the Subdivision Map Act; the SE Community Plan designates the Flower Drive as RD1.5.
- There was insufficient fact based evidence to support the adoption of the severely flawed FEIR.

The City enabled this abuse of discretion by misstatement, obfuscation and omission in the materials (including the FEIR) that were placed before the CPC and DAA.

At the November 7 and the December 5, 2018 public hearings for the project, numerous persons who reside on Flower Drive urged that this displacement of families and destruction of population, housing and historic resources be stopped. Nothing in the decision material shows the content of that testimony nor the salient facts brought forward at the public hearing. Neither the hearing officers nor CPC reacted nor comprehended the facts of the human suffering that this project imposes on families who have lived on Flower Drive for decades.

The CPC decision (as does the FEIR) largely ignores and sanitizes what is really happening here. We urge the City Council to rectify the injustice and displacement of families and the failure to include an alternative for your consideration that would both save the rent stabilized housing and preserve a significant historic resource and allow for the new development and the accompanying benefits.

The decision makers erred because what was before them directed them to a foregone conclusion, omitting significant facts and which drove the reviewer to accept a previously embraced decision. The actual facts and the existence of a tower alternative were obscured deliberately by omission, skewing the factual analysis. This is not compliant with CEQA.

The decision minimizes the true impacts to affordable housing in the demolition of eight multifamily apartment buildings containing 32 units within the Flower Drive Historic District by ignoring the widespread displacement of persons who will not be able to qualify for the new low income housing components even if they withstand the disruption to their lives and well-being that this project causes.

We urge the City Council to **not certify the FEIR but rather send it back for recirculation to include a tower alternative that preserves the RSO affordable historic housing and provides also for the benefits of development.** Upon inclusion and recirculation of this alternative towers option, the City would have an obligation under the law to adopt the environmentally superior alternative.

This win/win alternative was not included in the FEIR. This alternative, the towers alternative, would provide for all of the benefits so richly touted in the decision while preserving the families and buildings in the district.

#### **Government Code section 66474.2(b)**

The FEIR response to comments claims that because the application for “the FIG” project was deemed complete prior to the adoption of the Southeast Los Angeles Community Plan Update, and it is a vesting tract map, the Southeast Community Plan Update should not apply. There is, however, an exception to this rule. Here, the Southeast Los Angeles Community Plan update should apply to “the FIG” project because the City initiated the proceedings to update this community plan prior to September 8, 2016, the date on which the City found “the FIG” project application to be complete. The City also provided proper notice of the pending update to this community plan prior to this date. Thus, pursuant to Government Code section 66474.2(b), the updated community plan does apply to the vesting tentative tract map action.

Planning staff has not acknowledged its obligation under Government Code section 66474.2(b) and has advised otherwise to decision-makers at public hearings.

## **FINDINGS ERRORS:**

**The CPC erred in its decisions making numerous findings not supported by the facts.** First of all, the job of the decision makers at each administrative level have been furnished “cherry picked” requirements it wishes to adhere to rather than having a fact-based, comprehensive look at the issues. The flaw has continued throughout the administrative process.

*“In the most general terms, this DEIR (and any DEIR) should be outlining environmental issues so that the final decision-makers (in this case, both the Los Angeles City Council and then the Successor Agency to the Community Redevelopment Agency of the City of Los Angeles) are able to understand all of the “competing environmental challenges” before coming to a final determination about the proposed project. And yet, throughout the DEIR for The Fig Project, the authors are relatively dismissive of those land use policies, goals and objectives (both City of Los Angeles and in the Redevelopment Plan) that would argue against this project as currently proposed, while highlighting other policies, goals and objectives that favor the project both as it is proposed and, frankly, as it could be envisioned if real alternatives had been explored.*

*Still addressing the broad brushstrokes, the DEIR fails to balance its analysis of land use policies regarding historic preservation, retention of affordable housing, and the conservation of multi-family neighborhoods versus other land use policies regarding transit-oriented mixed use projects.”<sup>8</sup>*

### **1. The project is NOT “in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the Southeast Los Angeles Community Plan.”<sup>9</sup>**

There is a lack of recognition of the goals of the SE Community Plan which includes:

p. I-5. The intrusion of incompatible higher density resident and commercial uses in lower density residential area; the need to preserve and enhance historic resources;

p. I-7 The historic resources are a valuable asset to this Community They offer significant opportunities for developing neighborhood identity and pride within the Community. It is important to retain the currently available inventory of such buildings.

p. I-9 Inconsistent architectural development, which does not address neighborhood or community themes;

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<sup>8</sup> Laura Meyers, North University Park Community Association, letter to Planning, November 27, 2017

<sup>9</sup> Los Angeles City Planning Commission Letter of Determination, March 26, 2019, page F-4

p. III-2, 1-1.2

Protect existing single family and low-density residential neighborhoods from encroachment by higher density and other incompatible uses;

p. III 3, 1-3.1 Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods;

p. III-39 GOAL 18: A COMMUNITY WHICH PRESERVES AND RESTORES THE MONUMENTS, CULTURAL RESOURCES, NEIGHBORHOODS, AND LANDMARKS WHICH HAVE HISTORICAL AND/OR CULTURAL SIGNIFICANCE.

p. III-41. Policy 18.4.1 to assist private owners of historic resources to maintain and/or enhance their properties in a manner that will preserve the integrity of such resources in the best possible condition.

The FEIR also fails to analyze impacts and alternatives in the context of the **newly adopted** Southeast Community Plan. The FEIR for the South and Southeast Community Plans adopted on November 22, 2017, also provides guidance to developers concerning preservation goals and objectives, for example:

Goal LU22: Preserve neighborhoods that are identified and/or appear to be eligible for historic district status by initiating and adopting new Historic Preservation Overlay Zones (HPOZs) and other neighborhood conservation techniques.

Policy LU22.1 Support Continued District Designations. Promote district designations, as well as maintenance and rehabilitation of historically significant structures in potential and proposed historic districts.

Policy LU22.2 Promote Neighborhood Conservation Techniques. Promote the initiation and adoption of innovative neighborhood conservation techniques such as community plan implementation overlays and community design overlays for areas that retain cohesive character but are not eligible to become an HPOZ.

Goal LU23: A community that capitalizes upon and enhances its existing cultural resources.

Policy LU23.1 Forge Partnerships for Community Preservation. Promote public/private partnerships to create new informational and educational programs, tours and signage programs that highlight the community's history and architectural legacy.

Policy LU23.2 Protect Community-Identified Cultural Resources. Protect and enhance places and features identified within the community as cultural resources for the City of Los Angeles.

Policy LU23.3 Coordinate Cultural Programs. Encourage the coordination of cultural programs at local schools utilizing resources such as the Cultural Affairs Department and local artists.

Policy LU23.4 Cultural Heritage Tourism. Encourage cultural heritage tourism by capitalizing on existing monuments within the community and supporting efforts to showcase important historic resources and events, such as the Watts Cultural Renaissance Plan.

SOURCE: City of Los Angeles. South and Southeast Los Angeles Community Plans, 2017.

In the light of these acknowledged goals and policies, how can this project be approved in its current form? When does compliance become “substantial”?

Given that this project also does not conform to either the former or newly adopted Southeast Community Plan (was R-4 and is RD1.5 zoning on Flower), nor the Redevelopment Plan, the CPC should not have approved the project nor adopted the FEIR.

Having participated in the South and Southeast Community Plan update process, it was never envisioned nor intended that the City would destroy historic neighborhoods in this discretionary project approval.

## **2. The Project is not in conformance to the Redevelopment Pan for the area.**

**This proposed Project lies within the CRA Exposition/University Park Redevelopment Project Area**, which remains a governing “specific plan” type land use overlay. The Project conflicts with multiple goals and elements of the redevelopment plan as the FEIR admits. The redevelopment plan also requires the preservation of historic resources with “special consideration.”

### ***“COMMUNITY REDEVELOPMENT AGENCY OF LOS ANGELES EXPOSITION/UNIVERSITY PARK REDEVELOPMENT PLAN***

*The Fig Project is inconsistent and incompatible with many CRA policies and objectives, yet the DEIR states otherwise.*

*On page IV.G-75, this project, contrary to the FEIR’s assertion, is not consistent with the goal “to eliminate and prevent the spread of blight...and to conserve, rehabilitate and redevelop the Project Area in accordance with the Redevelopment Plan.” The project does not “conserve” nor “rehabilitate” the current 32 units of housing for the same number of households/families.*

*The Fig Project does not present a redevelopment project that is in accordance with the Redevelopment Plan because it demolishes and/or removes nearly half of the Flower Drive Historic District. Given that the proposed project is mixed use, and this use is not permitted by right within this Redevelopment Plan, the FEIR should not say it is consistent with it.*

*More troubling is the DEIR's evaluation that the project is consistent with the Redevelopment Plan's goal "to promote compatible development, with consideration to scale, height, material, architectural quality, and site orientation" (IV.G-77). As proposed, The Fig Project would not have any consideration as to scale in relationship to the adjacent remnant portion of the Flower Drive Historic District. It would have an eight-story parking structure (the tallest structure in the complex) as a replacement for the prior continuation of the Flower Drive streetscape; this massive structure (seemingly not included in the FAR calculations) appears to not have a setback on Flower Drive, thus interrupting further the integrity of the Flower Drive District.*

*Applicants have also asked for a waiver of transitional height regulations (noting that Flower Drive has now been approved for an RD1.5 zoning designation). The fact that The Fig Project improves the pedestrian streetscape environment along Figueroa and potentially creates a "more cohesive" street environment there and across from Exposition Park does not mean it is a compatible development in relationship to Flower Drive."*<sup>10</sup>

All of the CPC's lengthy decision denies the existence and viability of the Flower Drive historic district. It is outrageous to allege that this project satisfies the Framework Element Objective 3.4 that it conserves "existing neighborhoods and related districts" or Objective 3.15 that it serves "protecting and preserving surrounding low density neighborhoods from the encroachment of incompatible land uses."<sup>11</sup> Such allegations fly in the face of the facts. Flower Drive IS an existing neighborhood worthy of protection. This project eradicates it.

### **3. The Project is not in "substantially conformance" with the objectives and policies of the General Plan Framework.**

#### **"GENERAL PLAN FRAMEWORK"**

*Here I will simply walk through the charts presented in the DEIR Land Use chapter.*

*On page IV.G-29, Framework Objective 3.1, the DEIR states the project is consistent with the objective to "accommodate a diversity of uses that support the needs of the City's existing and future residents..." Excuse me, but this project does not accommodate the residents who will lose their 32 homes. These working class families will not be accommodate in this new development.*

*Page IV.G-31, regarding Framework Policy 3.2.4, "Provide for the siting and design of new development that maintains the prevailing scale and character of the City's stable neighborhoods..." The DEIR makes the common mistake of equating the zoning for the character of a neighborhood. Zoning is not character, so the fact that the zoning on Figueroa happens to be commercial has nothing to do with a policy that addresses scale, design, and*

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<sup>10</sup> Laura Meyers, North University Park Community Association, letter to Planning, November 27, 2017

<sup>11</sup> Los Angeles City Planning Commission Letter of Determination, March 26, 2019, page F-2.

*character. The correct answer for this particular Policy 3.2.4 is that The Fig Project is inconsistent insofar as it is currently proposed it places a domineering, eight-story and massive parking structure adjacent to the remaining portion of the Flower Drive Historic District. The project is asking city officials to waive transitional height rules. And the remaining residents of Flower Drive will basically be presented with the rear side of a development that is not designed around the prevailing scale and character of their neighborhood.*

*Yes, we can agree that the scale is compatible with the larger uses found in Exposition Park across the way. But I do not believe this is what the policy makers on the citywide Framework Element had in mind when they wrote Policy 3.2.4.*

*There's a late night talk show host whose popular tag line is "Really?" On page IV.G-33, relative to Policy 3.4.1 and Objective 3.7 – Really? "Conserve existing stable residential neighborhoods" and "provide for the stability and enhancement of multi-family neighborhoods" by demolishing half of the Flower Drive Historic District neighborhood, and the DEIR states that this is consistent with these two elements? Again, really? Do the authors not realize that real people live in this neighborhood and they will not only lose their homes, but the loss of this half of the neighborhood destabilizes the other half.*

*Ditto Objective 3.18 (page IV.G-37), the DEIR's assertion that the project is consistent with the objective to "provide for the stability and enhancement of multi-family residential...areas" is patently false. This project will be a destabilizing influence on the portions of the neighborhood that remains behind.*

*In its further analysis of how the project would, in the authors' view, "maintain the prevailing scale and character of the City's stable residential neighborhoods" (page IV.G-46), the DEIR again states that the project is consistent because it would be compatible to the "surrounding" uses across a wide boulevard and thence deeper into Exposition Park, without even a mention of the compatibility (or lack thereof) with the remaining portion of the Flower Drive district neighborhood.*

#### **LOS ANGELES GENERAL PLAN CONSERVATION ELEMENT**

*On page IV.G-51 – Oh, come on. The DEIR says that despite the proposed demolition of the Flower Drive Historic District, the project is otherwise consistent with the Conservation Element. Do you mean because there are no tribal burial grounds or the last survivor of an animal or insect species (that we know of) here?*

*The Fig Project is completely, utterly, absolutely inconsistent with the City's Conservation Element inasmuch as it proposes the unprecedented action of demolishing nearly one half of an entire California Register Historic District. With the geographic boundaries of a Certified Local Government whose "job" requirement is to assure these things do not happen on its watch.*

*There is simply no justification for this DEIR to state that the project is at all consistent with the City's Conservation Element. " 12*

At numerous hearings representatives of the developers have waxed poetic at Footnote 14 of the Southeast Community Plan which they present as the magic bullet allowing them the entitlements which they seek. It is after all a "footnote": as Merriam-Webster defines: *a note of reference, explanation, or comment usually placed below the text on a printed page.... one that is a relatively subordinate or minor part (as of an event, work, or field).*

The applicant has seized upon this as a justification for his project as if it made all other considerations vanish. As was explained by Ms. Meyers,

*FIGUEROA CORRIDOR GENERAL PLAN AMENDMENT (GPA) AND FOOTNOTE 14*

*On page IV.G-71, the DEIR authors write that The Fig Project is "subject to" Community Plan Footnote 14. Not exactly. No developer is required to seek a zone and height district change nor an increase in FAR. Although it is clear that the City's priorities have to some extent changed since the adoption of the GPA and footnote, it is also clear that its purpose was to facilitate mixed-used student housing alternatives (to development within nearby stable/character residential neighborhoods); its stated purpose was not to facilitate the construction of hotels nor to hasten the demolition of a historic district nor the demolition of a stable character neighborhood (that is, the Flower Drive district).*

*Indeed, even though it is true that Flower Drive is included on the GPA map, the actual action was to: "adopt a General Plan Amendment ...for mixed use projects on Figueroa Street and the west side of Flower Street from the Santa Monica Freeway on the north to Martin Luther King Boulevard on the south, subject to limitations" and with no mention of "Flower Drive." Flower Street is not the same street as Flower Drive. " 13*

CEQA is supposed to be a fact based process, not a shoring up of a developer's whims at the expense of our history.

*"Today, the Flower Drive District remains the last intact cluster of multi-family residences created in the once larger Zobelein Tract during the Roaring Twenties. Further, the District and its contributing elements continue to retain their original use and association as multi-family dwellings for the working and middle classes in the University District south of downtown. " 14*

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<sup>12</sup> Laura Meyers, N.U.P.C.A. representative to the CRA University-Exposition Park CAC citizen advisory committee, North University Park Community Association, letter to Planning, November 27, 2017

<sup>13</sup> Laura Meyers, North University Park Community Association, letter to Planning, November 27, 2017

<sup>14</sup> Letter, ADHOC, by Jim Childs, November 27, 2017 to Milena Zasadzien, City Planning

The CPC decision and the FEIR again “cherry pick” what criteria should be set as the standard for assessing existing development and community character. Figueroa is different than Flower in density and zoning. By genocide of the residential historic community on Flower, which this proposed project brings, you no longer have the community character standard established by Flower Drive. Flower Drive no longer exists: developer problem solved. The CPC completely ignores certain elements of the community character and the contextual support of its sister historic building, the Zobelein estate, as well as Exposition Park and Christmas Tree Lane. So again, omission and bad facts guide the decision making.

The CPC and the City has dismissed the Neighborhood Stabilization Ordinance (NSO) which was intended to preserve just such family housing and protect it from the pressures of student housing development. The decision states that while the NSO exempts Figueroa, it need not apply it to Flower Drive because **once the tract map is approved here will be no Flower Drive** and all development will front Figueroa. This is yet another sleight of hand that obscures the issues and ought not to be permitted. **The NSO Ordinance applies to Flower Drive.** The existing historic district fronts Flower Drive not Figueroa. The project does not conform to the NSO.

### **Public Monies are being provided**

At the DDA hearing of December 5, the proponent talked about what rights were accrued to him because he purchased the property. What was not stated, was that all of the responsibilities of stewardship of the historic properties accrued to him by his ownership and that the development limitations were well known to all upon his purchase. All of the owners had to be aware that Flower Drive was a historic district and that the Redevelopment Plan called for its preservation and inclusion in any new development. When Ventus purchased the property they became stewards of these historic resources.

Further, public monies are being expended to finance this project which imposes another element of responsibility and stewardship to safeguard the public’s interest. Severe environmental impacts to historic resources, population and housing should not be subsidized. And how can a City takes these destructive actions under its obligations as a Certified Local Government?<sup>15</sup>

### **Eliminating Severe Impacts**

The FEIR alternatives fail to meet the test of eliminating the substantial and severe environmental impacts of the project as proposed. One of the primary purposes of CEQA is to identify, through the evaluation of alternatives to the proposed project, ways in which the environmental effects of a project can be avoided or minimized. It is not true that the negative impacts are unavoidable. **None of the alternatives provided, except for Alternative #2, avoid**

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<sup>15</sup> Laura Meyers at the NOP hearing: *Staff should exercise its CLG responsibilities and authority and require that the Project Applicant re-design the site plan in such a manner as it would protect the Flower Drive Historic District*

*"My name is Elyse Valenzuela. I live on 3915 South Flower Drive there in the 39 block on on where we will be getting displaced by the project that's happening. I'm a little nervous so --But it angers me that this is happening because when this happens, a lot of families that I grew up with, and that I live with, will potentially be homeless if this project goes through. I was born and raised there. This is where I was born and my brother, who has cerebral palsy, was also born there. It's been a blessing living there in that block due to the fact that we've had everything around us, which would be our school, our doctors, even our jobs. Not having our building, our -- our street anymore will destroy our memories that we have built there. There have been family members that have lived there for over 40 years. I've seen children grow up to be adults, like myself. We've developed a family community environment there. We have each other's backs. My father unfortunately passed away in one of those -- in the apartment, as well as other family member's relatives have passed away there. It is more than just those old buildings that these people see there. It is our home and our entire life."*<sup>17</sup>

For all of the reasons above, as well and those contained in the administrative record, we ask the City Council to consider the win/win two towers alternative and begin the process of including this alternative in the FEIR.

Respectfully yours,

Jim Childs  
on behalf of the West Adams Heritage Association  
c/o 2341 Scarff Street  
LA, CA 90007  
213 747 2526, [jeanjim2341@att.net](mailto:jeanjim2341@att.net)

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<sup>17</sup> November 7, 2018, public hearing, City of Los Angeles Planning Department, transcript, pages 33, 34



## 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: MAR 26 2019

**Case No. CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR**

Council District: 9 – Price

CEQA: ENV-2016-1892-EIR (SCH. 2016071049)

Plan Area: South Los Angeles (Southeast Los Angeles)

Related Case: VTT-74193-1A

**Project Site:** 3900 South Figueroa Street  
3900-3972 South Figueroa Street  
3901-3969 South Flower Drive  
450 West 39<sup>th</sup> Street

**Applicant:** Ventus Group  
Representative: William F. Delvac, Armbruster Goldsmith & Delvac, LLP

At its meeting of **February 14, 2019**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Proposed seven-story mixed-use development comprised of Hotel, Student Housing, and Mixed-Income Housing components, within three separate buildings with a maximum building height of 83 feet. The Hotel Component would include up to 298 guest rooms, 15,335 square feet of retail and restaurant uses, 13,553 square feet of shared guest and public amenities, and 7,203 square feet of public meeting spaces, and includes a basement level. The Student Housing Component would include up to 222 student housing units and 32,991 square feet of retail and restaurant uses. The Mixed-Income Housing Component would include up to 186 dwelling units (77 dwelling units reserved for Low Income households and 5 dwelling units reserved for Very Low Income households), 20,364 square feet of office, and 7,000 square feet of retail and restaurant uses. All three components would be served by a central eight-story above-ground parking structure, containing one subterranean parking level and a rooftop amenity level, with a maximum building height of up to 90 feet. The Project results in up to 620,687 square feet of floor area, and a floor area ratio (FAR) of up to 3.25:1, including a commercial FAR of 0.50:1. The Project includes the removal of eight multi-family residential buildings within the Flower Drive Historic District, the removal of surface parking areas, and the export of approximately 60,800 cubic yards of soil.

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in the Fig Project EIR, No. ENV-2016-1892-EIR, SCH No. 2016071049, certified on February 14, 2019; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration or addendum is required for approval of the Project;
2. **Approved and recommended** that the City Council **adopt**, pursuant to Section 12.32 of the Los Angeles Municipal Code (LAMC) a Vesting Zone Change and Height District Change from C2-1L and R4-1L to (T)(Q)C2-2D;
3. **Approved**, pursuant to LAMC Section 12.24 W.24, a Conditional Use Permit for a hotel use in the C2 Zone within 500-feet of an R Zone;

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:

## **(Q) QUALIFIED CONDITIONS OF APPROVAL**

As modified by the City Planning Commission on February 14, 2019

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.

### **A. Development Conditions:**

1. **Site Development.** The use and development of the property shall be in substantial conformance with the Plot Plan, Site Plan, Floor Plans, Unit Plans, Building Elevations, Courtyard Plans, and Landscape Plans (Exhibit A, dated February 14, 2019) of the subject case file. 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 project description:
  - a. Limit the proposed development to up to 298 guest rooms (including 160 short-term and 138 long-term stay rooms), up to 222 student housing units, up to 186 dwelling units (including 82 units reserved for Very Low and Low Income households), up to 55,326 square feet of retail/restaurant uses, up to 20,364 square feet of office, and up to 7,203 square feet of meeting rooms, totaling up to 620,687 square feet of floor area.
2. **Affordable Housing.** In accordance with Footnote 14 of the Southeast Los Angeles Community Plan (2000), a minimum of 77 units shall be reserved as Low Income Restricted Affordable Units, and a minimum of 5 units shall be reserved as Very Low Income Restricted Affordable Units, for a total of 82 restricted affordable units, or 20 percent of the total dwelling units. These units shall be restricted to households earning no more than 80 percent of the Area Median Income for Low Income Restricted Affordable Units and no more than 50 percent of the Area Median Income for Very Low Income Restricted Affordable Units, as defined by Section 50079.5 of the California Health and Safety Code, and as determined by the Los Angeles Housing and Community Investment Department (HCIDLA).
3. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 77 units available to Low Income Households and 5 units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. 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 any monitoring requirements established by the HCIDLA.
4. **Landscaped Plaza.** A minimum 7,900 square-foot landscaped plaza shall be provided adjacent to Figueroa Street, as shown in Exhibit A - Project Plans, dated February 14, 2019.
5. **Development Services Center.** Prior to sign-off on building permits by the Department of City Planning's Development Services Center for the project, the Department of City Planning's Major Projects Section shall confirm, via signature, that the project's building

## 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 limitation.

A. Development Limitations:

1. **Building Height.** Building height shall be limited to 90 feet.
2. **Floor Area Ratio.** Floor area over the entire site, as identified in the Ordinance Map, shall not exceed 3.25 times the buildable area of the site.
3. **Community Plan Footnote.** The applicable floor area ratio limitations of Footnote 14 of the Southeast Los Angeles Community Plan Land Use Map, in effect as of September 8, 2016, shall apply to the site:
  - a. 100% commercial projects shall be limited to Height District 1 and a 1.5:1 FAR.
  - b. Mixed-use (residential/commercial) developments shall not exceed a maximum total floor area ratio (FAR) of 3:1. An additional FAR of 1.5:1, for a maximum total FAR of 4.5:1, may be granted for mixed-use projects that 1) set aside 20% of the dwelling units developed in the increment from 3:1 to 4.5:1 FAR for affordable housing, or 2) for projects reserved for and designed primarily to house students and/or students and their families. The affordable housing requirement will be satisfied by units that are affordable to households that earn 30%-120% of Area Median Income (AMI), defined as very low, low and moderate income households in Sections 50079.5, 50093, 50105 and 50106 of the California Health and Safety Code. Commercial uses in such mixed-use projects shall comprise no less than 0.5 and no more than 0.9 FAR.
  - c. 100% residential development shall not be permitted.

before the intersection with Martin Luther King Jr. Boulevard all in an alignment satisfactory to the City Engineer. Above off-site public street dedication shall be completed by a separate instrument prior to the recordation of the final map.

- e. That in the event the off-site dedications for the southerly extension of Flower Drive to Martin Luther King Jr. Boulevard cannot be obtained prior to the recordation of the final map, then a revised map submitted for Advisory Agency approval showing revised tract and street layout.
3. Improvements Required: That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
- a. **Flower Drive.** Improve Flower Drive adjoining the subdivision by the construction of the following:
    - i. A concrete curb, a concrete gutter, and a five-foot wide concrete sidewalk and landscaping of the parkway or a 10-foot wide sidewalk with tree wells.
    - ii. Suitable surfacing to join the existing pavement and to complete a 15-foot half roadway, if necessary.
    - iii. Any necessary removal and reconstruction of existing improvements.
    - iv. The necessary transitions to join the existing improvement.
  - b. **Flower Drive.** Improve the southerly extension of Flower Drive on-site and off-site by the construction of the following:
    - i. Concrete curbs, concrete gutters, and a 5-foot wide concrete sidewalk along easterly side and 10-foot wide sidewalk along the westerly side.
    - ii. Suitable surfacing to join the existing pavement and to complete a 30-foot wide total roadway.
    - iii. Any necessary removal and reconstruction of existing improvements.
    - iv. The necessary transitions to join the existing improvement.
    - v. Reconstruct any off-site driveway if necessary.
  - c. **Figueroa Street.** Improve Figueroa Street adjoining the subdivision by the construction of a new full-width concrete sidewalk with tree wells if necessary, including any necessary removal and reconstruction of existing improvements.
  - d. **39<sup>th</sup> Street.** Improve 39th Street adjoining the subdivision by the removal and reconstruction of the existing sidewalk to provide new full width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvement.
  - e. **Corner Cuts.** Improve all newly dedicated corner cuts with concrete sidewalks. In addition, provide a 25-foot radius curb return at the corner of Figueroa Street and 39th Street satisfactory to the City Engineer.
  - f. **Curb Ramps.** Construct 8-off-site curb ramps in 39th Street being relinquished to the

11. That any surcharge fee in conjunction with the street merger requests be paid.

**12. Department of Transportation.**

Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:

- a. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line when driveway is serving less than 100 parking spaces. A minimum of 40-foot reservoir space be provided between any security gates(s) and the property line when driveways serve more than 100 parking spaces. A minimum of 60-foot reservoir space be provided between any security gates(s) and the property line when driveways serves more than 300 parking spaces, or to the satisfaction of the Department of Transportation.
- b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
- c. Nonresidential Parking will be provided in a central above ground parking garage on Flower Drive. Vehicle access to and from the hotel will be provided by a porte-cochere on 39th Street and a driveway on Flower Drive to the parking garage.
- d. Vehicle access for the housing component will be via a single driveway on Figueroa Street with all movements except for left turn out, and two driveways on Flower Drive. A loading area will be off Flower Drive.
- e. The Project shall comply with mitigation measures described in the traffic assessment letter (DOT Case No. CEN 18-47228 and CEN 16-44396) dated June 17, 2018 to the attention of Luciralia Ibarra, Senior City Planner Department of City Planning.
- f. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street, Room 550. For an appointment, call (213) 482-7024.
- g. That a fee in the amount of \$205 be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

**13. Department of Water and Power.**

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering.

- a. Prior to receiving water service, the developer must arrange for the Department to install fire hydrants.
- b. Conditions under which water service will be rendered: Pressure regulators will be required in accordance with Los Angeles City Plumbing Code for the following lot(s)

shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

beverages shall be made aware that violations of these conditions may result in revocation of the privileges of serving alcoholic beverages on the premises.

8. **Building Plans.** A copy of this grant and all Conditions and/or any subsequent appeal of this grant and 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.
9. **Ownership/Operator Change.** 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 BEST (Beverage and Entertainment Streamlined Program) 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 BEST (Beverage and Entertainment Streamlined Program) 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.
10. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may 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 used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be 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 therein, may result in denial of future requests to renew or extend this grant.
11. **Covenant and Agreement.** Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center or the BEST (Beverage and Entertainment Streamlined Program) for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or BEST (Beverage and Entertainment Streamlined Program) for inclusion in the case file.

#### **C. Entitlement Conditions – Determination for Transitional Height**

1. **Building Height.** The development shall be permitted to exceed the transitional height requirements of the Code but building height shall be limited to a maximum height of 90 feet from 100 to within 199 feet of the open space zone of Exposition Park.

#### **D. Entitlement Conditions – Site Plan Review**

1. **Site Development.** The use and development of the property shall be in substantial conformance with the Plot Plan, Site Plan, Floor Plans, Unit Plans, Building Elevations,

- c. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).
11. **Lighting Design.** Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.
12. **Lighting.** All outdoor lighting shall be shielded and down-casted within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes). Areas where hotel, retail, and restaurant uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel.
13. **Trash Enclosures and Screening.** All tenant trash containers shall be screened from public view and trash receptacles shall be stored in a fully enclosed building or structure, constructed with a solid roof. Public trash receptacles shall be provided throughout the outdoor publically accessible areas of the project.
14. **Mechanical Equipment.** All exterior mechanical equipment, including heating, ventilation and air conditioning (HVAC) equipment, satellite dishes, and cellular antennas, shall be screened from public view through the use of architectural elements such as parapets.
15. **Construction Signage.** There shall be no off-site commercial signage on construction fencing during construction.
16. **Parking/Electric Vehicle Charging Stations.** Vehicular and bicycle parking shall be provided in accordance with the Municipal Code. The project shall encourage carpooling and the use of electric vehicles by providing that at least 20 percent of the total code-required parking spaces, but in no case less than one location, be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Of the 20 percent EV Ready, five (5) percent of the total Code-required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking area. Otherwise, only raceways and related components are required to be installed at the time of construction. When the application of the 20 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
17. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

2. **Mitigation Monitoring Program.** The project shall be in substantial conformance with the mitigation measures in the attached MMP and stamped "Exhibit B" and attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the mitigation measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact.

If the Project is not in substantial conformance to the adopted mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Tract Map Modification unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

3. **Mitigation 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 mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the project design features and mitigation 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 mitigation 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 non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

#### **F. Administrative Conditions**

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
2. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.

- deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) 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).
  - (v) 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 includes 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.

*downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.*

*Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.*

*Objective 3.10: Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.*

*Objective 3.15: Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities, and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.*

*Policy 3.15.3: Increase the density generally within one quarter mile of transit stations, determining appropriate locations based on consideration of the surrounding land use characteristics to improve their viability as new transit routes and stations are funded in accordance with Policy.*

*Objective 3.16: Accommodate land uses, locate and design buildings, and implement streetscape amenities that enhance pedestrian activity.*

Development of the project will also further enable the type of transit-oriented development; shopping, dining, and employment opportunities; and open space at the site as called for by the Framework Element. The project will support Objectives 3.4 and 3.15 and Policy 3.4.1 by providing a high-density mixed-use residential and commercial development within one of Southeast Los Angeles' Regional Center area, with a focus on pedestrian amenities and in close proximity to major thoroughfares. The site is near multiple transit lines, including Metro's Expo and Blue rail lines, as well as multiple bus routes, furthering Framework Element Objective 3.4 and Policy 3.4.1, by accommodating increased residential and commercial development along a major transportation and commercial corridor in a manner that encourages walking, biking, and public transit usage. The project will achieve Objective 3.10 through the addition of hotel and commercial space that will strengthen the economic base and opportunities for new businesses, by providing employment opportunities for the community. The Project's residential uses will also economically support commercial areas of the district. In addition, the Project accommodates Objective 3.16 through its pedestrian-oriented design and streetscape improvements, which include wide sidewalks, street trees, and pedestrian lighting.

Furthermore, the project's retail and restaurant uses and publicly accessible plaza and pedestrian pathways will enhance pedestrian connectivity, and are consistent with Framework Element Policy 3.10.3, which calls for Regional Centers to promote "high-activity areas in appropriate locations that are designed to introduce pedestrian activity." The project also satisfies Framework Element Design and Development Policy 3.10.5, with the provision of pedestrian-oriented open space, outdoor seating, extensive landscaping, high quality hardscape materials, and other amenities that create an active urban gathering space.

housing units. Specifically, Footnote 14 imposes a maximum FAR of 1.5:1 for 100 percent commercial or mixed-use projects and prohibits 100 percent residential projects. However, mixed-use projects may achieve an increased FAR of 3:1, provided that the City approves a corresponding Zone/Height District Change to Height District 2D. Furthermore, an additional FAR of 1.5:1, for a maximum total FAR of 4.5:1, may be granted to mixed-use projects that 1) set aside 20 percent of the dwelling units developed in the increment from 3:1 to 4.5:1 FAR for households making between 30 and 120 percent of Area Median Income, or 2) are reserved for and designed primarily to house students and/or students and their families. Footnote 14 further requires that the commercial uses in such mixed-use projects comprise no less than 0.5:1 and no more than 0.9:1 FAR.

The project includes a request for Zone Change to create a uniform commercial zoning of (T)(Q)C2-2D in accordance with the requirements of Community Plan Footnote 14 regarding FAR incentives for projects including affordable and/or student housing uses. This request would result in land use and zoning consistency, and is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the Southeast Los Angeles Community Plan.

3. **General Plan Text.** The Southeast Los Angeles Community Plan, a part of the Land Use Element of the City's General Plan, states the following objectives and policies that are relevant to the project:

**Residential**

*Objective 1-2: To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities.*

*Policy 1-2.1: Locate higher residential densities near commercial centers, light mass transit stations, and major bus routes where public service facilities, utilities, and topography will accommodate this development.*

*Policy 1.2.2: Locate senior citizen housing and mixed income housing, when feasible, near commercial centers and transit and public service facilities.*

*Objective 1-5: To promote and ensure the provision of adequate housing for all persons regardless of income, age, or ethnic background.*

*Policy 1-5.1: Promote greater individual choice in type, quality, price, and location of housing.*

The project substantially conforms with the purpose, intent and provisions of the Community Plan. The proposed project will meet the above objectives and policies by providing a significant number of new residential dwelling units along the busy Figueroa corridor, in close proximity to existing transit infrastructure, and provides local access to services and amenities, as well as regional access via the adjacent 110 Freeway and nearby 10 Freeway. In addition, the project includes a significant amount of neighborhood-serving retail and restaurant uses, which can be utilized by project residents and guests, thereby providing even greater access to dining and shopping options, and correspondingly reducing vehicle trips. Moreover, the project includes an office component, facilitating potential employment opportunities for residents of the project, as well as residents of the larger Community Plan area.

been conditioned to improve the surrounding public right-of-ways, which will serve to enhance the roadways, sidewalks, and street lighting along the site and provide for better connectivity within the neighborhood.

Each of these uses provide economic benefits as well as significant new employment opportunities at the site and within the Community Plan area, thereby strengthening the local economy and contributing to the revitalization of the surrounding neighborhood.

### Urban Design

The project is in substantial conformance with the Community Plan's Urban Design guidelines as follows:

#### Site Planning

- The shared parking garage is located at rear of site, away from the Figueroa Street frontage.
- Maximizes pedestrian-oriented retail and commercial service uses along the Figueroa frontage.
- Provides direct pedestrian access to commercial and residential components from Figueroa Street.
- Provides useable open space throughout the building, including outdoor spaces.
- Provides landscaping between driveways and walkways accessing the rear of the Site
- Screens all mechanical and electrical equipment from public views along streets.
- Locates trash areas within internal areas and not visible from public view.

#### Height and Building Design

- Orients frontage along Figueroa Street to present a lower, more pedestrian scale.
- Parking garage height also serves to buffer residential uses and the pedestrian environment from the freeway to the rear of the site.
- Common design features such as flat roofs, stepped terraces and materials including plaster, expansive glass areas, metal railings and aluminium awnings and storefronts help tie together the overall development.
- Consistent use of landscaping and street-level retail and dining entries along Figueroa Street and 39th Street enhance the streetscape experience.

#### Parking Structures/Landscaping

- The parking structure features an exterior mesh skin in an accordion-like pattern, to create visual interest along the freeway-facing side of the building and complement the exterior façade of the hotel component and other Project buildings.
- The Project's driveways serve to delineate between the project components, with extensive landscaping to provide outdoor dining/seating opportunities.
- Trees as well as attractive paving patterns and materials serve to soften the vehicular focus of these areas.

As demonstrated, the proposed mixed-use development is consistent with the General Plan Framework, Community Plan, and land use designations. The project would redevelop the site currently comprised of eight multi-family residential buildings and surface parking areas and replace it with a mid-rise development consisting of an activated mix of residential,

the site and would provide a diverse mix of housing and employment to the area, consistent with the Community Commercial land use designation and proposed zone for the site.

The General Plan Framework identifies the Project Site as located within a Regional Center, generally characterized by a diversity of uses, with robust transit access, and by floor ratios ranging from 1.5:1 to 6:1 and building heights of six to 20 stories. The project's mix of residential, hotel, and commercial uses is compatible with multiple Community Plan and General Plan goals aimed at locating new mixed-use developments along commercial corridors in areas served by transit. The proposed project would enhance the built environment through the unified development of the site and would include essential and beneficial uses through the synergetic balance of commercial and residential components within a transit-focused regional center. The project site is conveniently located adjacent to the cultural, educational, and sports arena hub of Exposition Park, with immediate access to major streets, regional freeways, and existing public transit. In addition, consistent with Footnote 14 and the North University Park-Exposition Park-West Adams Neighborhood Stabilization Overlay District, the project adds new student housing units in a new development along the Figueroa Corridor, where students can walk, take transit, or ride their bicycles to USC's campus, thereby reducing traffic congestion and improving air quality. Specifically, providing student housing along Figueroa Street reduces potential negative impacts relating to housing, parking, and traffic that may have occurred as a result of students occupying existing housing in other neighborhoods adjacent to USC. The City adopted the Neighborhood Stabilization Ordinance to create a disincentive for the dormitory-style subdivision of existing structures in these adjacent neighborhoods; however, this ordinance exempts properties along Figueroa Street, thereby incentivizing the development of new student housing along this corridor.

As such, the project will serve to alleviate the pressure for housing within neighborhoods, thereby preserving housing opportunities for local families. There is also necessity for hotel, commercial, student housing, and mixed-income residential uses to support the needs of the district, and the project will add new residents and workers immediately adjacent to a number of transit options. The project will also benefit the community, city, and region by activating the site within one of the regional centers of Southeast Los Angeles and contributing much-needed residential units, hotel, and commercial uses in support of the City's goals for housing, economic development, and neighborhood connectivity.

The proposed zone and height district change is consistent with, and conforms to, the Community Plan and the City's zoning regulations, and the proposed FAR and height increases that would be allowed by the zone and height district change will be consistent with the General Plan Framework's Regional Center long-range land use designation, which calls for FARs of "1.5:1 to 6:1 and are characterized by six- to twenty-story (or higher) buildings," and with "densities and functions [that] support the development of a comprehensive and interconnected network of public transit and services." By concentrating residential density, height, and floor area at the site, near USC and regionally serving transit, the project's zone and height district change represents a focused effort to plan for new growth along the Figueroa Corridor, and thereby conforms to the public necessity, convenience and general welfare of the City. Furthermore, such zone and height district change would demonstrate good zoning practice by providing a harmonious density and land use activity for the vicinity.

The action, as recommended, has been made contingent upon compliance with the "(Q)" and "(T)" conditions imposed herein, as well as "D" limitations. Specific conditions and mitigation measures have been incorporated to address public improvements, building design and layout, sustainability measures, and environmental impacts, consistent with the General Plan Framework. Such limitations are necessary to protect the best interests of and

Alcohol service will improve the viability and desirability of the food and hotel businesses in the mixed-use development. The availability of alcohol sales for on- and off-site consumption is a desirable amenity that is typical of many restaurants and markets and would provide a beneficial service to the immediate community as well as to patrons of the shopping center.

- 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.*

#### Hotel

Community Plan Footnote 14 incentivizes the development of mixed-use projects along the Figueroa Street Corridor pursuant to the City's approval of a zone and height district change to Height District No. 2D, potentially allowing for unlimited height and a maximum FAR of 4.5:1. The project's proposed maximum FAR will not exceed 3.25:1 across the entire site, and will consist of mid-rise hotel, student housing and mixed-income housing buildings with ground-floor commercial uses, as well as a central parking garage providing parking and rooftop amenities for all three project components, which would be located along the project's Flower Drive frontage. The development's proposed height, size, and operations fully conform with the applicable land use regulations and are also consistent with the mix of uses and development patterns in the area, including other mid-rise and higher rise developments located along the Figueroa Corridor between Exposition Park and downtown Los Angeles. Moreover, the only residentially zoned property that is within 500 feet of the site (and which triggers the requirement to obtain a Conditional Use for the Project's hotel) is a strip of land located adjacent to, and beneath, the 110 Freeway, where the development of new residential uses would not be feasible. Therefore, the project would have no anticipated potential impacts to existing residentially zoned properties and would not adversely affect or degrade the surrounding neighborhood.

#### Master CUB (Alcohol Sales)

The location of the project's alcohol-sale establishments follows an established pattern of orienting alcohol sales along established commercial streets and adjacent to other restaurant uses on Figueroa Street. The restaurant uses with alcohol sales would continue to add to the diversification of commercial activities being conducted in the area and would not adversely affect the surrounding neighborhood. The proposed hours of operation would be conditioned through the plan approval process understanding that the sale of alcohol is incidental to food sales at the restaurants.

No evidence was presented at the hearing or in writing that the sale of alcohol will be materially detrimental to the immediate neighborhood. The plan approval process will include specific conditions of approval intended to address alcohol-related issues to safeguard public welfare and enhance public convenience, such as proper employee training and outdoor security lighting. In addition, as each operator comes in, they will be required to file a plan approval to allow for the Zoning Administrator to review the floor plan and impose any other conditions as deemed appropriate. Therefore, as conditioned, it is anticipated that the use will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or 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 applicable specific plan.*

local economy and contributing to the revitalization of the surrounding neighborhood. The sale of alcohol in conjunction with the project's restaurant and hotel uses provides a complementary service to the project's uses and therefore conforms with the General Plan and Community Plan.

*Additional Findings Related to Alcohol Sales*

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

The project site is located within an area which is designated for and primarily developed with commercial uses. The approval of the master conditional use will not adversely affect the welfare of the community. The subject property is zoned for commercial uses and will be redeveloped with a mixed-use commercial development, with office, hotel, and retail and restaurant uses along the Figueroa Street Corridor, where the service of alcoholic beverages will be contained in a secure environment. The proposed use will not adversely affect the economic welfare of the community, since a vibrant commercial corridor is anticipated to positively impact the financial health of the property and improve the economic vitality of the area via increases in taxable revenue and local employment. The dining and retail establishments will help to enhance the availability of dining options to on-site residents and employees as well as that of the surrounding neighborhood. Ample parking, lighting, security and supervision will be provided to ensure that there will be no adverse effect on the welfare of the surrounding community. Therefore, the proposed alcohol sales will not be materially detrimental to the character of the development in the neighborhood.

- 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, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.*

The project is located within a Regional Center under the Framework and is designated for Community Commercial uses in the Southeast Los Angeles Community Plan, where a variety of uses are permitted and encouraged, and an increased concentration of licenses is anticipated. In addition, the census tract in which the project is located is an active commercial area that is a destination point for many and where there is a demand and expectation for increased alcohol license issuances. According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, three (3) on-sale and two (2) off-sale licenses are allocated to subject Census Tract No. 2311.00. There are currently six (6) off-site licenses and one (1) on-site license in this Census Tract.

The subject location is within a highly-developed commercial area which has a variety of event venues, museums, and retail establishments which have resulted in the existing off-site alcohol licenses to exceed the maximum number allocated. In these 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 increasing resident population base in the area. The granting of an application for the sale or dispensing of alcoholic beverages can be undue when the addition of a license will negatively impact a neighborhood. It is not undue when approval of a license does not negatively impact an area, but rather such license benefits

other commercial uses. In addition, this grant has placed numerous conditions on the proposed project, such as proper site maintenance, security lighting, employee training, and a time limitation on the grant, in order to eliminate or minimize any potentially detrimental effects on adjacent uses.

## 2. DETERMINATION FOR TRANSITIONAL HEIGHT

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

The surrounding built environment is substantially developed and urban in character. The site abuts the I-110 Freeway to the east, Exposition Park together with the newly constructed Banc of California Stadium and the Coliseum to the west across Figueroa Street, small-scale commercial development immediately north and south along Figueroa Street, with mid-rise mixed-use development further north along Figueroa Street near USC. To the north along Flower Drive are multi-family residential dwellings, comprising the remaining portion of the Flower Drive Historic District.

Community Plan Footnote 14 incentivizes the development of mixed-use projects containing student and/or affordable housing along the Figueroa Street Corridor, pursuant to the City's approval of a zone and height district change to Height District No. 2D, which potentially allows for unlimited height and a maximum FAR of 4.5:1. The project's proposed maximum FAR, to be achieved pursuant to the requested vesting zone and height district change and the provision of both affordable housing and student housing, will not exceed 3.25:1 across the entire Site. Specifically, the project will consist of mid-rise hotel, student housing, and mixed-income housing buildings with ground-floor commercial uses. A seven-story parking garage, which would provide parking for all three project components, would be located along the site's Flower Drive frontage, and would buffer the project's residential uses from the adjacent freeway.

By developing a mixed-use project that will provide new student, market-rate, and affordable housing opportunities; new neighborhood-serving shopping and dining options; office employment opportunities; and hotel lodging and meeting facilities for visitors to Exposition Park's numerous sporting and cultural facilities, the project will provide numerous beneficial services and amenities to the surrounding community and the broader Community Plan area. The proposed project would enhance the built environment through the unified development of the site and would include essential and beneficial uses through the synergetic balance of hotel retail, office, and residential uses. The project will also benefit the community, city, and region by providing quality retail and restaurant services to employees and residents of the immediate neighborhood. The project also contributes much-needed multi-family housing units to the City's housing supply.

Transitional height standards are primarily intended to protect open spaces and single-family uses from massing impacts such as shade/shadows, reduced privacy, and aesthetic incongruity. However, the project's height deviations are requested due to the project site's adjacency to Exposition Park, where the heights of the adjacent Banc of California Stadium are taller than the project. Therefore, these same considerations and protections are not needed in this instance. As such, allowing for these height deviations would permit the project to proceed with building heights and massing that execute architectural features that form a unified aesthetic and enhancement of the built environment, as well as provide adequate floor heights and essential floor area for additional community-serving retail and commercial uses.

The project would construct a mixed-use development comprised of three components: a Hotel Component, a Student Housing Component, and a Mixed-Income Housing Component. Each component would be contained in a separate seven-story building designed specifically to serve a distinctive function, and all three components would be served by a central eight-story parking structure with one level of subterranean parking and a rooftop amenity level. The three main buildings would reach a building height of 83 feet, and the parking structure would be up to 90 feet in height.

The unified mixed-use development is designed to cohesively redevelop the site with ground-floor commercial uses and hotel, student housing, and residential buildings to activate the street frontages and complement an active retail plaza. The project buildings would be set back along all frontages in order to create wider pedestrian spaces, resulting in pedestrian walkway widths of approximately 25 feet along both Figueroa Street and 39th Street and 10 feet along Flower Drive. The project's street frontages are lined with pedestrian-scale features, landscape and streetscape elements, and active uses such as transparent storefronts and residential lobbies along Figueroa Street and a hotel lobby and amenities along 39th Street. Collectively, this design would materially enhance the streetscape and activate the pedestrian realm, allowing for direct pedestrian access to each of the project components from the adjacent public streets.

Building heights for the project vary from approximately 83 feet along Figueroa Street to a maximum of 90 feet for the parking structure within the interior of the site and adjacent to the elevated I-110 Freeway. The site and building design have been carefully crafted to minimize height and massing impacts on neighboring uses. The tallest portions of structures are concentrated into the center and rear of the site, while building heights taper down closer to the Figueroa Street corridor and Exposition Park. In addition, several open-air courtyards have been punched in along each of the building facades for additional visual relief. Overall, the building elevations utilize a variety of architectural features, building materials, and changes in building depth and color in order to create a consistent rhythm and cohesive theme throughout the project site.

No shade/shadow impacts will occur on neighboring properties and the project will not impede privacy on adjacent uses through the use of balconies. In addition, hotel and commercial uses have been designed to orient along Figueroa Street and 39th Street, along the active commercial corridor, and any loading or noise-generating back-of-house uses are located towards the freeway. These building and site characteristics ensure that the project has been designed to activate the commercial corridor, and to complement the activity and uses across Figueroa Street at the Banc of California Stadium as well as other sports and cultural institutions housed at Exposition Park, therefore resulting in an overall project design that is compatible with the scale and character of the adjacent properties and neighborhood.

### 3. SITE PLAN REVIEW

- 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.*

**Framework Element.** The General Plan Framework 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's Long-Range Diagram identifies the Project Site together with adjacent commercial areas along Figueroa Street, as

*Objective 3.15: Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities, and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.*

*Policy 3.15.3: Increase the density generally within one quarter mile of transit stations, determining appropriate locations based on consideration of the surrounding land use characteristics to improve their viability as new transit routes and stations are funded in accordance with Policy.*

*Objective 3.16: Accommodate land uses, locate and design buildings, and implement streetscape amenities that enhance pedestrian activity.*

Development of the project will also further enable the type of transit-oriented development; shopping, dining, and employment opportunities; and open space at the site as called for by the Framework Element. The project will support Objectives 3.4 and 3.15 and Policy 3.4.1 by providing a high-density mixed-use residential and commercial development within one of Southeast Los Angeles' Regional Center area, with a focus on pedestrian amenities and in close proximity to major thoroughfares. The site is near multiple transit lines, including Metro's Expo and Blue rail lines, as well as multiple bus routes, furthering Framework Element Objective 3.4 and Policy 3.4.1, by accommodating increased residential and commercial development along a major transportation and commercial corridor in a manner that encourages walking, biking, and public transit usage. The project will achieve Objective 3.10 through the addition of hotel and commercial space that will strengthen the economic base and opportunities for new businesses, by providing employment opportunities for the community. The Project's residential uses will also economically support commercial areas of the district. In addition, the Project accommodates Objective 3.16 through its pedestrian-oriented design and streetscape improvements, which include wide sidewalks, street trees, and pedestrian lighting.

Furthermore, the project's retail and restaurant uses and publicly accessible plaza and pedestrian pathways will enhance pedestrian connectivity, and are consistent with Framework Element Policy 3.10.3, which calls for Regional Centers to promote "high-activity areas in appropriate locations that are designed to introduce pedestrian activity." The project also satisfies Framework Element Design and Development Policy 3.10.5, with the provision of pedestrian-oriented open space, outdoor seating, extensive landscaping, high quality hardscape materials, and other amenities that create an active urban gathering space.

Housing Element. The project also meets the policies set forth regarding housing in the land use chapter of the Framework Element and the Housing Element.

*Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.*

*Objective 1.1-4: Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.*

The project will further a key Housing Element goal of reducing the City's existing housing shortage, as well as its jobs-housing imbalance, by developing the site with new student housing units, market-rate housing units, and income-restricted housing units together with retail, office, and hotel uses which offer employment opportunities. By locating student housing units at the site, the project is consistent with the City's Community Plan Footnote

would result in land use and zoning consistency, and is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the Southeast Los Angeles Community Plan.

**General Plan Text.** The Southeast Los Angeles Community Plan, a part of the Land Use Element of the City's General Plan, states the following objectives and policies that are relevant to the project:

**Residential**

*Objective 1-2: To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities.*

*Policy 1-2.1: Locate higher residential densities near commercial centers, light mass transit stations, and major bus routes where public service facilities, utilities, and topography will accommodate this development.*

*Policy 1.2.2: Locate senior citizen housing and mixed income housing, when feasible, near commercial centers and transit and public service facilities.*

*Objective 1-5: To promote and ensure the provision of adequate housing for all persons regardless of income, age, or ethnic background.*

*Policy 1-5.1: Promote greater individual choice in type, quality, price, and location of housing.*

The project substantially conforms with the purpose, intent and provisions of the Community Plan. The proposed project will meet the above objectives and policies by providing a significant number of new residential dwelling units along the busy Figueroa corridor, in close proximity to existing transit infrastructure, and provides local access to services and amenities, as well as regional access via the adjacent 110 Freeway and nearby 10 Freeway. In addition, the project includes a significant amount of neighborhood-serving retail and restaurant uses, which can be utilized by project residents and guests, thereby providing even greater access to dining and shopping options, and correspondingly reducing vehicle trips. Moreover, the project includes an office component, facilitating potential employment opportunities for residents of the project, as well as residents of the larger Community Plan area.

Moreover, the requested zone and height district change is consistent with the intent and purposes of Footnote 14 of the Community Plan, which was adopted by the City to facilitate increases in FAR for mixed-use projects along this portion of Figueroa that contain student housing or affordable units, and to direct such increased development patterns away from stable, low density residential neighborhoods in the Community Plan area. Footnote 14 specifically provides that a mixed-use project seeking to increase its FAR above 1.5:1 may seek a zone and height district change to Height District 2D, and may achieve a maximum FAR of up to 4.5:1 through the inclusion of student housing units or affordable housing units.

The Fig Project includes both a student housing component (consisting of 222 units) and a mixed-income residential development (consisting of 186 units) with 77 of those dwelling units restricted to households making no more than 80 percent of area median income and 5 of those units restricted to households making no more than 50 percent of the area median income. These 82 restricted income units, representing 20 percent of the project's

- The shared parking garage is located at rear of site, away from the Figueroa Street frontage.
- Maximizes pedestrian-oriented retail and commercial service uses along the Figueroa frontage.
- Provides direct pedestrian access to commercial and residential components from Figueroa Street.
- Provides useable open space throughout the building, including outdoor spaces.
- Provides landscaping between driveways and walkways accessing the rear of the Site
- Screens all mechanical and electrical equipment from public views along streets.
- Locates trash areas within internal areas and not visible from public view.

#### Height and Building Design

- Orients frontage along Figueroa Street to present a lower, more pedestrian scale.
- Parking garage height also serves to buffer residential uses and the pedestrian environment from the freeway to the rear of the site.
- Common design features such as flat roofs, stepped terraces and materials including plaster, expansive glass areas, metal railings and aluminum awnings and storefronts help tie together the overall development.
- Consistent use of landscaping and street-level retail and dining entries along Figueroa Street and 39th Street enhance the streetscape experience.

#### Parking Structures/Landscaping

- The parking structure features an exterior mesh skin in an accordion-like pattern, to create visual interest along the freeway-facing side of the building and complement the exterior façade of the hotel component and other Project buildings.
- The Project's driveways serve to delineate between the project components, with extensive landscaping to provide outdoor dining/seating opportunities.
- Trees as well as attractive paving patterns and materials serve to soften the vehicular focus of these areas.

As demonstrated, the proposed mixed-use development is consistent with the General Plan Framework, Community Plan, and land use designations. The project would redevelop the site currently comprised of eight multi-family residential buildings and surface parking areas and replace it with a mid-rise development consisting of an activated mix of residential, hotel, office, restaurant, and retail uses. The project would provide much needed residential housing and new hotel and commercial uses to serve the community. The proposal would also improve the economic vitality of the area by integrating a mix of uses in-line with Plan policies for redevelopment and growth in the Regional Center. The project design will further activate the adjacent street level areas, create an inviting pedestrian environment, and will create a unified aesthetic and signage program. In addition, public right-of-way improvements have been imposed as conditions of approval for the project, consistent with City street standards. Therefore, as conditioned, the proposed project is consistent with the General Plan and the proposed land use designation and will serve to implement the goals and objective of the adopted Community Plan.

- 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.*

residential environment. Commercial uses incorporate storefront designs on the ground floor of Figueroa and 39th Streets and a plaza that enhances a pedestrian-oriented retail environment.

- B. Height/Bulk. The tallest of the proposed buildings reaches approximately 90 feet in height (parking structure), with a height of 83 feet for the hotel and residential buildings. The commercial uses are approximately 13.5 feet in height and one story. The proposed height of the buildings is compatible with the development in the immediate area. To the north along Figueroa Street, commercial, residential and mixed-use structures range in height from one story to six stories at Exposition Boulevard. Across the street, structures in Exposition Park reach over 100 feet and include the recently constructed Banc of California Stadium. To the rear of the project site, is the I-110 Freeway that is much taller than the proposed project and that of the adjacent multi-family structures along Flower Drive. As a whole, the project is comparable of recently developed mixed-use projects in the immediate vicinity.
- C. Setbacks. The project will comply with the requirements of the Municipal Code and will further the goals and streetscape guidelines of the Citywide Design Guidelines, by providing additional building setbacks to provide for wide pedestrian walkways along all street frontages. Ground floor treatments also include active retail uses, plazas, prominent entryways, and pedestrian-scaled architecture. Adequate separation distances will be maintained between all buildings within and adjacent to the site.
- D. Off-Street Parking. Residential and commercial parking for the project will be accommodated on-site in accordance with the requirements of the Municipal Code and will be consolidated within a standalone parking structure located off Flower Drive at the rear of the project site, where it abuts the I-110 Freeway. The parking facilities will be screened with architectural elements and are located at the rear of the project site, where it would be visible from the freeway but not from the project's primary frontages along Figueroa or 39th Street. The parking structure design and location orients vehicular traffic away from these primary frontages so as to maintain active pedestrian environments along the ground-level building frontages. In addition, the parking garage would include infrastructure for electric vehicle charging stations to facilitate the use of electric vehicles. Bicycle parking is also provided in accordance with the Municipal Code, and includes visible short-term bicycle along building frontages, as well as secure and accessible long-term bicycle parking facilities for residents within the ground floor parking level of the parking structure.
- E. Loading. Any loading or noise-generating back-of-house uses are located away from the primary frontages of 39th Street and Figueroa Street and instead provided via Flower Drive. Mechanical equipment and utilities are also appropriately screened within the building without detracting from the usability and active street presence of the development. Access to parking, services and fire safety lanes have been consolidated to minimize impacts on existing streetscapes and to minimize impacts to existing street parking.
- F. Lighting. Project lighting would incorporate low-level exterior lights on the building and along pathways for security and wayfinding purposes. In addition, low-level lighting to accent signage, architectural features, and landscaping elements would be incorporated throughout the site to provide for efficient, effective, and aesthetically lighting solutions that minimize light trespass from the site. Outdoor lighting sources will be shielded away from adjacent uses to minimize impacts.

### **C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

#### **FINDINGS OF FACT (CEQA)**

This Environmental Impact Report (EIR), consisting of the Draft EIR, Final EIR, and Errata is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and impacts of The Fig Project (Project), located at 3900 South Figueroa Street (Site or Project Site). The Project is a mixed-use development comprised of three components (a Hotel Component, a Student Housing Component, and a Mixed-Income Housing Component) containing a total of 298 hotel rooms, 222 student housing units, and 186 mixed-income dwelling units, as well as retail, restaurant, and office uses, with a maximum floor area of 620,687 square feet, a total floor area ratio (FAR) of 3.25:1, and a commercial FAR of 0.50:1.

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of implementation of The Fig Project by preparing an environmental impact report (EIR) (Case Number ENV-2016-1892-EIR/State Clearinghouse No. 2016071049). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 14, Division 6, Chapter 3 (the "CEQA Guidelines").

The Draft EIR was circulated for a 45-day public comment period beginning on October 12, 2017 and ending on November 27, 2017. The Final EIR was then distributed on October 11, 2018 and Errata of minor corrections and clarifications to the Final EIR were issued on November 28, 2018 and January 31, 2018. The Advisory Agency certified the Final EIR and Errata on December 7, 2018 ("Certified EIR") in conjunction with the approval of the Project (VTT-74193-CN). In connection with the certification of the EIR, the Advisory Agency adopted CEQA findings, including a statement of overriding considerations acknowledging that the Project will have significant effects on the environment (aesthetics related to historic resources, historic resources, noise, and transportation/traffic), and a mitigation monitoring program. The Advisory Agency adopted all mitigation measures in the EIR as conditions of approval. The Advisory Agency's decision to certify the EIR, approve the project, and approve the vesting tentative tract map was subsequently appealed. At its February 14, 2019 meeting, the City Planning Commission considered the appeals. The City Planning Commission denied the appeals and sustained the actions of the Advisory Agency in certifying the EIR, adopting the environmental findings prepared for the Project, adopting the mitigation monitoring program, and approving the vesting tentative tract map.

At the same February 14, 2019 meeting, the City Planning Commission approved the project and other entitlement requests, including a vesting zone change and height district change, a conditional use for a hotel, a master conditional use permit for alcohol sales, a height determination, and a site plan review. The City Planning Commission found that the Project was assessed in the previously certified EIR and no subsequent EIR or addendum was required for approval of the Project.

#### **NO SUPPLEMENTAL OR SUBSEQUENT REVIEW IS REQUIRED**

CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and 15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

## RECORD OF PROCEEDINGS

The record of proceedings for the decision includes the Record of Proceedings for the original CEQA Findings, including all items included in the case files, as well as all written and oral information submitted at the hearings on this matter. The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA Findings are based are located at the Department of City Planning, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90021. This information is provided in compliance with CEQA Section 21081.6(a)(2).

In addition, copies of the Draft EIR, Final EIR, and Errata are available on the Department of City Planning's website at <http://planning.lacity.org> (to locate the documents click on the "Environmental Review" tab on the left-hand side, then "Final EIR," and click on the Project title, where the Draft and Final EIR are made available). The Draft and Final EIR are also available at the following four Library Branches:

- Los Angeles Central Library - 630 W. Fifth Street, Los Angeles, CA 90071;
- Junipero Serra Branch Library - 4607 S. Main Street, Los Angeles, CA 90037;
- Exposition Park Regional Branch Library - 3900 S. Western Avenue, Los Angeles, CA 90062

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Department of City Planning



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## 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.

Applicant: WEST ADAMS HERITAGE ASSOCIATION - CHILDS, JIM ( B:213-7472526 )
Representative:
Project Address: 3900 S FIGUEROA ST, 90037

### NOTES:

CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR-1A

Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$89.00</b>
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (7%)	\$6.23
<b>Grand Total</b>	<b>\$109.47</b>
<b>Total Invoice</b>	<b>\$109.47</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$109.47</b>

LA Department of Building and Safety  
LA DAVI 101142727 4/9/2019 1:55:57 PM

PLAN & LAND USE \$106.00  
DEV SERV CENTER SURCH-PLANNING \$2.67

Sub Total: \$109.47

Receipt #: 0101024848

Council District: 9  
Plan Area: Southeast Los Angeles  
Processed by ORTEGA, SARAHI on 04/09/2019

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