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September 30, 2024

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

Attention: PLUM Committee

Dear Honorable Members:

## **STAFF RESPONSE TO SUPPLEMENTAL SUBMITTAL BY APPELLANT FOR THE ARTISAN HOLLYWOOD PROJECT; CASE NO. VTT-82764-2A; CF 24-0290**

On September 15, 2023, the Deputy Advisory Agency (DAA) certified the Artisan Hollywood Environmental Impact Report (EIR) No. ENV-2019-5591-EIR and approved Vesting Tentative Tract Map (VTTM) No. 82764, for the merger of a 1.55 acre (67,581 square-foot) site into one ground lot in connection with the Artisan Hollywood Project (Project); and the Zoning Administrator (ZA) dismissed a Zone Variance, and approved a Transit Oriented Communities (TOC) Affordable Housing Incentives Program review and Site Plan Review to allow for the development of a new 267,168-square foot, 25-story mixed-use building on the northeastern portion of the site, which would include 260 multi-family residential units (including 26 units restricted for Extremely Low Income households) and 6,790 square feet of ground floor commercial space, under related Case No. ZA-2019-5590-ZV-TOC-SPR. Both decisions were subsequently appealed and on December 14, 2023, the City Planning Commission (CPC) denied both appeals and sustained the respective decisions of the DAA and ZA.

On February 26, 2024, a second-level appeal was filed on the VTTM (under Council File No. 24-0290) by Leo Mellace, the same Appellant who had filed the first-level appeal of the VTTM. For both appeals, the Appellant claimed that the EIR fails to comply with CEQA, and the current appeal relies on the same arguments and information as presented in the Appellant's previous appeal to the CPC, to which the City has either previously discussed and/or responded directly to in the Draft EIR dated September 22, 2022, the Final EIR, dated August 4, 2023, the Appeal Staff Recommendation Reports, both dated December 14, 2023 (ZA Appeal Report and VTTM Appeal Report, respectively), and the Supplemental Appeal Response dated December 6, 2023 (Supplemental Appeal Response).

On September 25, 2024, Leo Mellace submitted an additional, undated letter to the Planning and Land Use Management (PLUM) Committee with additional rationale for their second-level appeal of the VTTM, including an attachment prepared by RNS Acoustics with additional arguments

regarding the Project's noise analysis. The Applicant's environmental consultant has also submitted a response (Applicant's Appeal Response) dated September 30, 2024. The Appellant's additional points and Staff's Responses are provided below:

### **Appellant Point 1**

City Planning's requirement for a Haul Route on Selma, sending 11,555 trucks hauling excavated dirt right past our recording studios for 10 weeks or more, is an error.

### **Staff Response 1**

The proposed haul route was specifically selected to limit the impact on noise sensitive uses, including residential areas, and represents the shortest, most direct route to the nearest freeway. As provided in Appendix I of the Draft EIR, the Project haul routes have been reviewed and approved by the City of Los Angeles Department of Transportation and the Bureau of Street Services, and analyzed in the Project EIR for noise and other potential impacts. Furthermore, all construction trucks shall be staged on the jobsite, and prohibited on Selma Avenue, Ivar Avenue, or Cahuenga Boulevard.

### **Appellant Point 2**

Noise from jackhammers, generators, concrete mixers, impact tools, clanging steel, bad mufflers, etc., can be avoided or reduced. There is no compelling reason or overriding consideration to keep pushing a project forward without recognizing and avoiding the damage. The omissions and inappropriate thresholds are non-compliant with CEQA.

### **Staff Response 2**

The Hollywood neighborhood is an active and heavily developed urban area where noise associated with construction, trucks, vehicles and other such activities is common. As acknowledged in Section IV.G, Noise of the Draft EIR, construction of the Project would result in temporary noise and vibration impacts associated with human annoyance at the Sound Factory building exterior. All feasible mitigation measures to reduce the potential construction noise and vibration impacts have been evaluated, and mitigation measures including temporary and impermeable sound barriers and vibration monitoring have already been incorporated to reduce impacts to the extent possible.

In addition, as indicated in the Draft EIR, the construction noise analysis is based on a conservative assumption with all equipment operating near the affected receptors with noisiest equipment located at the closest distance. However, in practice, construction equipment would be operating throughout the Project Site and not at this exact location, which would result in a lower effective noise level at the Sound Factory location. Therefore, in practice the construction noise levels at the Sound Factory would be lower than the Draft EIR's estimated noise levels during much of construction.

Notwithstanding the above, the Draft EIR acknowledges and concludes that even with the incorporation of all feasible mitigation measures to reduce potential impacts as much as possible, there will still be significant and unavoidable impacts at the Sound Factory location. As such, the EIR fully analyzes and recognizes all potential impacts and reduces them to the extent feasible. As outlined further in the Applicant's Appeal Response, the Project's noise impacts were properly analyzed in compliance with CEQA, and additional mitigation measures for noise impacts are either infeasible or would not serve to reduce the Project's impacts.

### **Appellant Point 3**

The FEIR fails to adequately respond to expert noise and vibration data. A focused EIR should be re-circulated, or errata issued correcting items in Exhibit 1.

### **Staff Response 3**

As reflected over the entirety of the administrative record, including the responses provided in the Supplemental Appeal Response, the assessment of the Project's potential to result in noise- and vibration-related impacts upon surrounding properties, including upon the Sound Factory, has been exhaustively detailed and shown to utilize proper methodologies. Moreover, each of the Final EIR's responses to comments include detailed explanations of why the comments fail to demonstrate any deficiencies in the Draft EIR's analyses, as well as why any additional suggested mitigation measures would not be warranted or relevant. These prior responses include supplemental construction noise level analyses utilizing the acoustical data provided by the Sound Factory itself, which demonstrate that, notwithstanding the Draft EIR's conclusion that exterior noise level increases at the Sound Factory could exceed applicable significance thresholds, construction-period noise levels inside the studio building would be consistent with current industry standards, as identified by the Sound Factory itself. Furthermore, the Final EIR provides explicit responses to prior comments made by the Sound Factory, including the correct number of haul trucks anticipated per hour along Selma Avenue as well as the inapplicability of vibration mitigation measures to structures that are not at risk of vibration-related building damage (e.g., the Sound Factory building, which is located at a sufficient distance from the Project Site to allow potentially damaging vibration levels associated with Project construction to be attenuated to a less-than-significant level). Notwithstanding these prior explanations contained in the Final EIR's responses to comments, the Appellant now claims these responses are inadequate. Such claims do not constitute any substantial evidence of any deficiency in the Draft EIR or Final EIR.

### **Appellant Point 4**

The Sound Factory was omitted entirely from any EIR analysis or mitigations of vibration, and was included in noise analysis in the EIR erroneously as "for informational purposes."

### **Staff Response 4**

As mentioned in the Final EIR's Response to Comment No. 5-4, it is noted that recording studios are not defined as a noise-sensitive use by the L.A. CEQA Thresholds Guide. Notwithstanding, and as the Appellant acknowledges, the Sound Factory recording studio was identified as nearby receptor location R7 and included in the Draft EIR noise analysis, and the Project's potential noise and vibration impacts upon this receptor was analyzed with the conclusion that there would be significant and unavoidable noise and vibration impacts even with the incorporation of all feasible mitigation measures.

### **Appellant Point 5**

The FEIR fails to adequately respond to expert noise and vibration data. The FEIR agreed to only two points raised by the FEIR comment letter from our technical consultant, RNS Acoustics, and of nine recommendations for additional mitigation measures, only one Project Design Feature was added.

### **Staff Response 5**

As detailed on page 6 of the Staff Supplemental Appeal Response (and attached as Exhibit A here), the majority of the recommended mitigation measures submitted by RNS Acoustics have either already been incorporated into the project design, are already required by code and therefore would be considered mandatory regulatory compliance and not a mitigation measure, or would not address the identified short-term noise and vibration environmental impacts beyond the mitigation measures already identified in the EIR.

### **Appellant Point 6**

The VTT fails to reveal the inconsistencies of the proposed project with current Zoning, thus denying the decision makers and the public their ability to assess how large the zoning requests are. Specifically, the VTT merges multiple individual lots into one lot and concentrates development onto one portion of the Project Site across from the Sound Factory, and mentions the possibility of creating commercial condominiums.

### **Staff Response 6**

As detailed in the findings in the VTTM Letter of Determination dated September 15, 2023, the proposed map has been designed in conformance with all tentative map regulations and complies fully with the City's General Plan and Zoning Code. The merger of multiple lots into a single lot is allowable under subdivision code and procedures. The proposed VTTM was found suitable for the proposed type of development and density (which may be provided on only a portion of the Project Site), and the VTTM does not itself confer any other entitlements. Commercial condominiums are further permissible under subdivision code. The proposed development meets all applicable requirements of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program and was approved on December 14, 2023 by the City Planning Commission; this decision is not further appealable.

### **Appellant Point 7**

The Land Use section of the Draft EIR does not include substantiation to show how the FAR increases are achieved. The Project Conditions fail to restrict future development of the other existing lots which are not being built on, although their entitlements were transferred off. An action removing the "D" Limitations is missing from the case.

### **Staff Response 7**

As stated above, the Project was fully approved pursuant to the TOC Program under related Case No. ZA-2019-5590-ZV-TOC-SPR and the December 14, 2023 approval by the City Planning Commission was final and not appealable; as such, the appeal herein concerns only the proposed land subdivision action under the VTT. However, the DEIR did analyze and account for the full build-out of the Project, including the development bonuses proposed under the TOC Program. As stated on page IV-F-27 of the Draft EIR's Land Use Analysis section, the TOC incentives, including the increase in FAR of 50 percent from 3:1 to 4.5:1, is permitted by LAMC Section 12.22.A.31 and the TOC Guidelines.

The City's Planning entitlement process considers development across the entire ownership of a property, not just the part of a property where development is proposed. As such, the approved entitlements under related Case No. ZA-2019-5590-ZV-TOC-SPR must be in substantial conformance with the approved Project plans. In addition, in practice additional development on

the existing lots which are not proposed to be built on would be limited as the entire property has maximized its FAR under the TOC Program approval, as the Appellant states. Nonetheless, any additional future development which deviates from the current approved entitlements would be required to undergo additional entitlement and CEQA review at that time.

Further, the project complies with and does not remove the existing Development "D" Limitations, established under Ordinance No. 165,660 and effective May 6, 1990. There is no Zone Change requested or required for the proposed Project, as it complies fully with the existing C4-2D and C4-2D-SN Zones. The TOC Program and its Incentives do not change the base zoning on a lot, but rather are applied as bonuses on top of the base zoning.

### **Appellant Point 8**

Concentration of noise and vibration is closest to the Sound Factory. Development intensity is doubled at least - if not more - exceeding what is allowed opposite the Sound Factory, with no formal density averaging or transfer of development rights revealed to the public.

### **Staff Response 8**

The EIR accounted for the Project layout and the tower proximity to the Sound Factory. While the noise and vibration impacts would be significant and unavoidable in the short-term duration of construction, the impacts would be less-than-significant during operation of the mixed-use residential and commercial building, and similar to any other adjacent development in a dense urban area. All alternatives analyzed to reduce the significant construction impacts were determined to either be infeasible, would not effectively reduce the noise and vibration impacts to less-than-significant, or would not substantially meet the stated objectives of the Project. As stated in Staff Response 7 above, the City's Planning entitlement process considers development across the entire ownership of a property, not just the part of a property where development is proposed. The Project's entitlements under related Case No. ZA-2019-5590-ZV-TOC-SPR which permit the proposed density and other development standards have been fully disclosed, noticed, and approved.

### **Appellant Point 9**

Land Use CEQA chapters and appendices cherry-pick deceptively. Our City's stated policies are to support the industry and its businesses.

### **Staff Response 9**

CEQA does not require that a project be completely consistent with every single relevant General Plan policies (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal App.4th 704, 717) but, rather, requires substantial conformance. As discussed in Section IV.F, Land Use, of the Draft EIR, Response to Comment No. 1-4 of the Final EIR, and in the Supplemental Appeal Response, the Project would generally be consistent with the Hollywood Redevelopment Plan and Hollywood Community Plan land use provisions and policies. Contrary to this Appellant's statement, the Project would not conflict with these goals and policies that address support of the entertainment industry in Hollywood and preservation of its landmarks, nor would the Project remove any landmark buildings associated with the entertainment industry or studio uses, nor would it result in permanent impacts to any off-site uses. The Project's EIR included detailed a consistency analysis with all the relevant goals, policies and objectives of the currently adopted Hollywood Community Plan, demonstrating that the Project's uses, density, and development

envelope are substantially and overall consistent with the Community Plan, the LAMC, and the City's adopted TOC Guidelines.

### **Appellant Point 10**

The Redevelopment Plan Sunset Plan has a 75-foot height limit which went unmentioned in approving a 264-foot structure.

### **Staff Response 10**

The Appellant references a Redevelopment Plan Sunset Plan; however, the Project Site is located in the Hollywood Redevelopment Plan, which does not impose a 75-foot height limit in the Regional Center Commercial area in which the Project is located. Similarly, the Project Site is zoned C4-2D, which does not impose a maximum building height limitation either.

### **Appellant Point 11**

By choosing to get discretionary actions and choosing to consolidate doubled transferred entitlements over on to a very small site, with commercial uses, this is no longer an "automatic" housing project.

### **Staff Response 11**

As stated previously, the entitlements under related Case No. ZA-2019-5590-ZV-TOC-SPR have been fully approved and are final. The City Planning Commission determined that the Project meets all applicable requirements of and qualifies as an eligible Housing Development Project pursuant to the TOC Program.

### **Appellant Point 12**

Findings for Site Plan Review are unsubstantiated.

### **Staff Response 12**

The Appellant does not provide any specific detail as to how the Site Plan Review findings are unsubstantiated. Further, the Site Plan Review with findings was approved by the Associate Zoning Administrator on September 26, 2023, and upon appeal, approved unanimously by the City Planning Commission on February 14, 2024. The Site Plan Review entitlement is not under current consideration or further appealable.

### **Appellant Point 13**

The FEIR did not adequately respond to the Appellant's comments, as outlined in Exhibit I, FEIR Responses.

### **Staff Response 13**

The Appellant contends that the FEIR did not adequately address the Appellant's previously raised concerns, including the rejection of additional proposed mitigation measures. However, as previously discussed in Staff Response 5 and as discussed in the Applicant's Appeal Response, the Project has incorporated all feasible mitigation measures and acknowledges and concludes that there would be significant and unavoidable noise and vibration impacts at the Sound Factory.

Additional requests by the Applicant would not serve to reduce any noise or vibration impacts at the Sound Factory.

**Appellant Point 14**

The EIR and City have underestimated the impact of Project construction trucks on Sound Factory operations, as detailed in Exhibit 2, Trucks on Selma.

**Staff Response 14**

As explained in the Applicant's Appeal Response, the Appellant's (and RNS') arguments are incorrect as they are based on noise levels for much older trucks and assume a much higher speed of travel than in practice. The EIR properly calculated noise impacts and concluded that Project truck noise levels would be consistent with the maximum noise level in the current environment.

**Appellant Point 15**

The current noise mitigation measures are inadequate to achieve a sufficient reduction at the Sound Factory and reduce construction noise levels within the studio space.

**Staff Response 15**

As explained in the Applicant's Appeal Response, the mitigation measures incorporated into the EIR would achieve a 15-dBA reduction at the Sound Factory, and no additional reduction would be feasible. In addition, the estimated maximum construction noise levels from the Project would be consistent with the existing ambient noise levels measured at the Sound Factory.

**Conclusion**

As the supplemental letter did not introduce any substantial evidence of any deficiencies in the VTTM or the EIR, the Department of City Planning recommends that the appeal be denied and that the actions of the Deputy Advisory Agency and CPC be sustained.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning



Erin Strellich  
City Planning Associate

VPB:MZ:MN:MS:ES

Attachments:

Exhibit A: Supplemental Appeal Response to City Planning Commission dated December 6, 2023