



Department of City Planning

City Hall, 200 North Spring Street, Room 272, Los Angeles, CA

December 6, 2023

TO: City Planning Commission
FROM: Erin Strellich, City Planning Associate

ADDITIONAL INFORMATION TO STAFF RECOMMENDATION REPORT FOR CASE NO. ZA-2019-5590-ZV-TOC-SPR-1A LOCATED AT 1520-1542 N CAHUENGA BLVD; 1523-1549 N IVAR AVE; 6350 W SELMA AVE

The following are City responses to a letter submitted by The Silverstein Law Firm, on behalf of The Sound Factory (hereafter referred to as “Appellant”), on November 27, 2023, to be incorporated into the Staff Recommendation Report for consideration at the City Planning Commission meeting of December 7, 2023, related to Item No. 12 (Case No. ZA-2019-5590-ZV-TOC-SPR-1A (ZA case)) on the meeting agenda.

It should be noted that outside of the focused comments on noise and vibration impacts identified in the Sound Factory appeal of the ZA case, all of the issues raised in this letter are new. Further, none of these concerns were submitted during the Draft EIR Comment Period, at the Joint Public Hearing for the ZA or related VTT Case, or within the appeal of the ZA case.

Project Description

The Appellant asserts that the Project description should have disclosed the size of each of the affordable units, and that failure to do so rendered the findings for the Statement of Overriding Consideration deficient. Contrary to the Appellant’s assertion, the EIR properly disclosed the square footage and number of bedrooms of all units, ensuring that the analysis of all environmental impacts includes these details and that the Statement of Overriding Considerations considers the addition of all the new residential units as well as the new commercial space in its determination.

The Appellant mistakenly claims that the Project proposes a 50 percent increase in density, and is actually referring to the TOC base incentive for a 50 percent increase in the Floor Area Ratio (FAR) for the site, and the Artisan Hollywood Project is not seeking an increase of density and is actually proposing fewer units than permitted by the site’s existing zoning. The selection of affordable units for a particular project is managed by the Los Angeles Housing Department (LAHD), who ensures that a range of units within a project are selected for affordable housing covenants. Further, the selection of units prior to project approval is not a requirement of the TOC entitlement or necessary for the findings of the Statement of Overriding Considerations.

Objectives

The Appellant makes several objections related to the Project’s stated objectives and/or the Project’s fulfillment of those stated objectives, claiming that the Reduced Density Alternative would meet the Project’s objectives to a greater degree than the Proposed Project. The Appellant asserts that the first objective, to “Maximize the provision of high-density, multi-family housing units [...]” is

unreasonable and too narrowly defined. However, this objective is similar, and directly related to, the Housing Objective 3a of the adopted Hollywood Community Plan, which is “[t]o make provision for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.”

Regarding the Project’s ability to meet the objectives, the Appellant selectively critiques key words from different objectives, taking them out of context and misinterpreting the intent of the objectives as they are fully written. For instance, the Appellant claims the Project does not maximize the number of affordable units, when the objective, as stated, is to maximize the provision of ALL housing units, inclusive of but not limited to affordable, to support the demand for housing at a range of income levels. The Project meets this objective by offering designated affordable and market rate units in a range of sizes from studio to three-bedroom, along with unbundled parking, to provide opportunities for a wider range of household sizes and incomes. Similarly, the Appellant cites traffic accident data in the vicinity to make a case that the area is not bike-friendly and, therefore, the Project does not meet the objective to “incorporate smart growth by providing housing, employment, and retail/restaurant opportunities within an employment hub with walkable streets, a bike-friendly environment, and access to transit.” Notwithstanding the room for additional safety improvements, the Project vicinity is relatively bike-friendly, consisting of a dense, flat, interconnected road network with marked bicycle routes. Further, there is no debate that the Project area is an employment hub, or that those same densely developed, interconnected streets are also highly walkable. The Project, by providing mixed-use development with new residential uses within a dense, walkable, transit-rich employment hub, will reduce overall vehicle miles traveled (VMT) and auto dependency through shorter travel distances and encourage mode shifts, be it by walking, bicycle, or transit.

Traffic Hazard Impacts

The Appellant states that because the Project would introduce substantial additional daily trips in areas that have seen a substantial number of bicycle accidents in recent years, the DEIR has, therefore, failed to identify the additional bicycle hazards resulting from the introduction of an excessively high-density building and thus incompatible use, at this location.

Contrary to the Appellant’s claim, the Draft EIR properly assessed the potential for the Project to result in hazards pertaining to conflicts between Project-related traffic and pedestrian and bicycle traffic in the vicinity of the Project Site, and concluded that no significant impacts would occur. This analysis is guided by the City’s Transportation Assessment Guidelines (TAG), which establish relevant thresholds of significance for determining whether potential safety conflicts may result. Pursuant to the TAG, and as set forth in the Transportation Assessment prepared for the Project, the Project would result in the closure of an existing driveway along Selma Avenue and the provision of two new driveways along Ivar Avenue. As described in the Transportation Assessment, the proposed driveways along Ivar Avenue provide adequate sight distance and no unusual or new obstacles are presented in the design that would reduce sight distance or be considered hazardous to vehicles, bicycles, or pedestrians. Project traffic can be accommodated at the driveways and would not substantially affect operating conditions along Ivar Avenue. Moreover, the Project’s closure of the current Selma Avenue driveway would reduce currently existing conflicts between Project Site vehicular traffic and the existing bicycle route along Selma Avenue, thereby improving bicycle conditions along this portion of Selma Avenue. Therefore, the Project’s potential to result in additional bicycle hazards has been appropriately analyzed and, as demonstrated by the City-approved Transportation Assessment, was found to be less than significant.

Inadequate Alternatives Analysis

The Appellant claims that the EIR fails to include alternatives that would obtain most of the Project Objectives while also reducing the unavoidable and significant noise and vibration impact; for instance, by having a different building footprint, having fewer subterranean parking levels, being located further away from sensitive receptors, or by proposing a lower-rise, mixed-use project. The

alternatives analysis included in Section V, Alternatives, of the Draft EIR fully complies with CEQA Guidelines Section 15126.6(a), which states:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible.

There are no requirements governing the nature or scope of the “reasonable range” of alternatives to be discussed, other than the “rule of reason” (CEQA Guidelines Section 15126.6(a) & (f)). What constitutes a “reasonable range” of alternatives will vary with the facts of each project and should be guided only by the purpose of offering substantial environmental advantages over the project proposal which may be feasibly accomplished in a successful manner considering the economic, environmental, social, and technological factors involved (PRC Sections 21002, 21061.1; CEQA Guidelines Section 15364).

As set forth in Section V, Alternatives of the Draft EIR, the Project would result in significant unavoidable construction noise and vibration impacts (specifically, Project-level on- and off-site construction noise and Project-level on- and off-site construction vibration associated with human annoyance). In addition, the Project would potentially result in significant unavoidable cumulative construction noise and vibration impacts (specifically, on- and off-site construction noise and off-site construction vibration associated with human annoyance). As such, the alternatives analysis appropriately focused on alternatives to reduce these impacts. Pages V-5 and V-6 of Section V, Alternatives explain approaches that were considered to substantially avoid or reduce these impacts, and which were rejected as infeasible. These included approaches that eliminated below-grade parking, extended the construction duration, and concluded there is a lack of space to create a meaningful buffer zone within the Project Site. In addition to the required No Project Alternative, the Draft EIR also evaluated two build alternatives (Alternative 2, Reduced Density and Alternative 3, Office Restaurant) that included less floor area and less construction activity. The analysis for these alternatives concluded that construction noise impacts would be less than the Project (but still significant) when construction activities are reduced and similar to the Project during peak days of construction activities. As such, the alternatives analysis fully considered designs to substantially reduce or avoid these impacts, including designs that reduce subterranean parking and establish a buffer area. The footprint suggested by the comments, which would limit construction activities to what appears to be half of the Project Site would be unreasonable and infeasible. Furthermore, even with a reduced building footprint, construction activities would be necessary adjacent to the Project perimeter given the small size of the Project Site within an urban area. In addition, the reduced building height suggested by the comments would not substantially reduce or eliminate the construction noise impacts of the Project as such impacts would continue occur at the ground level.

The Appellant also asserts that Alternative 2 was improperly rejected; however, as noted above and discussed in detail in Section V, Alternatives of the Draft EIR, Alternative 2 would reduce (but not eliminate) construction noise impacts when construction activities are reduced, and construction noise impacts would be similar to the Project on peak days. Vibration impacts would also continue to be significant. The analysis also correctly states that Alternative 2 would not meet the Project objective to maximize the provision of housing but would attain the remaining Project objectives, albeit some to a lesser degree than the Project. Specifically, Alternative 2 would result in a reduction of 67 residential units. Overall, the comparative impact analysis for Alternative 2 and comparison to the Project objectives is based on fact and Alternative 2 has not been improperly rejected.

The Project objectives do not impede the development and evaluation of a reasonable range of alternatives in conformance with the requirements of CEQA. Rather, the Draft EIR includes an

analysis of three alternatives to the Project, as well as a discussion of why other alternatives were rejected as infeasible and not subject to additional analysis. In accordance with CEQA Guidelines Section 15126.6(b), the alternatives that were evaluated were chosen because they were determined to be potentially capable of avoiding or substantially lessening significant effects of the Project while still accomplishing most of the Project objectives.

Reliance on Project Design Features (PDFs)

This comment incorrectly states that the Draft EIR improperly relies on Project Design Features (PDFs) that should be mitigation measures. The proposed PDFs within the Draft EIR are not intended to be mitigation and do not “mitigate” any significant impacts but are integral features of the Project (i.e., they are part of the Project that is analyzed in the Draft EIR). All of the PDFs in the Draft EIR including those referenced by the Appellant are part of the Project’s design and construction. By definition, mitigation measures are not part of a project’s design. Rather, mitigation measures are actions taken by the lead agency to reduce impacts to the environment resulting from the project design. Mitigation measures are identified by the lead agency after the project has undergone environmental review and are necessary to reduce environmental impacts.

Furthermore, as is the case with every EIR published by the City, the proposed PDFs would be included in the Project’s Mitigation Monitoring Program, along with details about the enforcement and monitoring agencies, timing, and action indicating compliance. Implementation of the Mitigation Monitoring Program would be required as part of the Conditions of Approval for the Project. All of the necessary and required impact analysis is contained in the Draft EIR. Accordingly, the PDFs are fully described, and their effectiveness in reducing or avoiding potential impacts are analyzed in the Draft EIR, consistent with CEQA and *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645 (per *Lotus*, concluding that an impact is less than significant without describing how avoidance and minimization measures of the project design prevent or minimize the impact, is not legally adequate).

Aesthetic Impacts to Historic Resources

The Appellant states that the EIR fails to analyze the Project’s aesthetic impacts to historic resources in the vicinity; however, they quote (and misidentifies) PRC Section 21099(d)(2)(B), which states that “aesthetic impacts do not include impacts on historical or cultural resources.” It is for this reason that the potential impacts to the historic resources in the vicinity are not included in an aesthetics section, but are thoroughly analyzed in Section IV.B, Cultural Resources, of the Draft EIR, which analyzed both direct and indirect impacts of the Project on the designated historical and potentially historical resources in the study area, including whether the integrity of setting of the historical resources in the study area would be diminished by the new construction to the degree they would no longer qualify as historical resources. The analysis considered that the Project would introduce a new visual element to the setting of the identified historical resources, as the Project would replace an existing surface parking area with a new 25-story building reaching 268 feet in height to the top of the parapet. The analysis determined that the overall integrity of setting in the study area is relatively low due to the substantial amount of development that has already occurred (or is currently underway) in the study area, including other towers in the same visual vicinity, and the Project has been designed with materials, massing, and articulation to be compatible with and relate to the existing setting.

As discussed in the Draft EIR, the eight historical resources, including the building at 6361 Selma Avenue, would also remain highly visible and would continue to be prominent features of the block on which they are located. Therefore, the EIR did properly include analysis of the Project’s potential Historic Cultural Resources impacts and concluded that the Project would not have any impact on the physical characteristics that convey the historic significance of the eight identified designated historical and potentially historical resources and justify their inclusion in, or eligibility for, applicable landmark and historic district designation programs.

It should also be noted that the Protect Niles case cited by the Appellant is entirely distinguishable, as it involved a Mitigated Negative Declaration and not an EIR, did not involve a project located within a Transit Priority Area, and involved an assessment of potential aesthetics-related impacts pertaining to changes in visual character, which under current applicable CEQA Guidelines, is not a relevant impact threshold for developments occurring within urbanized areas, such as the Project. Furthermore, notwithstanding the applicability of PRC Section 21099, the Initial Study prepared for the Project including an extensive analysis of the Project's potential to result in significant aesthetics-related impacts, including whether such a significant impact could arise due to a conflict with applicable zoning and other regulations governing scenic quality. As set forth in Section 4.I, Aesthetics, of the Initial Study, there is no such potential for the Project to result in such significant impacts. Accordingly, contrary to the Appellant's claims, the CEQA analysis conducted for the Project has properly assessed all potential aesthetics-related impacts, including upon nearby historical resources, and has properly concluded that no such impacts would occur.

Air Quality Impacts

The Appellant claims that the Project's nitrogen oxides (NO_x) emissions are close to South Coast Air Quality Management District (SCAQMD) thresholds and therefore the EIR must include mitigations to ensure that the assumptions of how the EIR came up with the levels are not exceeded. As explained in the same response to the SCAQMD's comment letter that is cited by the Appellant, the Final EIR describes the highly conservative construction assumptions that were utilized to assess the maximum potential peak emissions that could occur in connection with the construction of the Project. Specifically, as detailed in the Final EIR, the number of assumed vendor trips used in the air quality analysis is approximately 3.5 times the average daily number of trips that would occur, the haul route distance utilized reflects the farthest-out potential landfill that may be used, and the number of pieces of on-site construction equipment assumed for peak daily activities is almost six times the default assumptions under CalEEMod. By making these highly conservative assumptions, the absolute peak level of anticipated construction-period emissions can be identified and compared against SCAQMD thresholds, and as shown by the EIR, these peak emission levels do not result in a significant impact. Moreover, as also explained in the Draft EIR and Final EIR, average daily emissions would be substantially reduced from these peak levels, owing to fewer pieces of equipment being used and fewer truck trips occurring. The Project's peak-level construction emissions were properly estimated pursuant to CEQA's requirements, and no new analysis or new mitigation is required.

Noise and Vibration Mitigation

The Appellant claims there are a number of failures in the EIR related to the identified noise and vibration mitigations, including that all feasible mitigation measures are not included, and that the mitigation measure proposed for potential vibration impacts was inadequate. The noise analysis has been prepared in full compliance with CEQA and feasible mitigation measures have been included to reduce the significant noise impacts. Section IV.G, Noise of the Draft EIR concludes that the Project will result in short-term noise and vibration impacts associated with human annoyance even with the incorporation of feasible mitigation measures. The mitigation measures include sound barriers that will substantially reduce but not eliminate construction noise impacts and a comprehensive monitoring program that will ensure that vibration impacts associated with building damage will not occur. No additional feasible mitigation measures have been identified. As set forth in Section IV.G, Noise of the Draft EIR, measures that were considered and determined to be infeasible included a temporary noise barrier five stories in height to mitigate noise at a nearby building, a temporary noise barrier along public roadways that would obstruct access and visibility to nearby properties, and a wave barrier (or subterranean vibration barrier) that would be infeasible to construct (and the installation of which would itself generate vibration in excess of human annoyance thresholds). Section V, Alternatives also includes a discussion of several approaches to reduce these impacts that were considered but rejected as they were concluded to be infeasible. These included a design with only above-grade parking, extending the duration of construction and a design with reduced development.

The Appellant requests that additional mitigation measures be included to address the significant noise and vibration impacts. As demonstrated by the discussion below, these mitigation measures are already included in the Draft EIR or are not applicable to the CEQA process:

- Suggested Mitigation to Create Mitigation Trust Fund for Sound Factory – This proposed measure would not address the Project’s short-term noise or vibration (human annoyance) impacts. Also note that the Final EIR’s responses to the Sound Factory’s November 7, 2022, letter demonstrate that, based upon the Sound Factory’s own measured exterior to interior sound isolation of the Sound Factory building and the interior background noise levels at the Sound Factory, noise levels from the Project’s construction activities would be consistent with the Sound Factory’s existing measured interior ambient noise levels and would also be below the industry standard of 25 dBA for recording studios. (See Final EIR Response to Comment No. 5-9.)
- Suggested Mitigation to Restrict Construction Hours – The Project will comply with LAMC requirements relative to construction hours. Further limitation on daily construction hours would not reduce the short-term noise and vibration (human annoyance) impacts. Rather, a reduction in hours would elongate the construction timeframe.
- Suggested Mitigation Regarding Use of Properly Tuned and Muffled Construction Equipment Engines – This measure has already been included as Project Design Feature NOI-PDF-1 that will be implemented as part of the Project’s construction activities and enforced as part of the Project’s Mitigation Monitoring Program.
- Suggested Mitigation Regarding Location of Construction Equipment, Use Barriers and Limitation of Peak Noise Levels to a Maximum of 75 dBA – Project Design Feature NOI-PDF-1 already requires stationary construction equipment to be integrated with temporary noise barriers and located as far from noise-sensitive receptors as feasible, while Mitigation Measure NOI-MM-1 already requires that noise barriers be erected between the Project Site and sensitive receptors. With this mitigation, noise levels at sensitive receptors would be reduced to below 75 dBA (refer to Table IV.G-20 of the Draft EIR).
- Suggested Mitigation Regarding Informational Sign and Complaint Hot-line – This suggested measure has already been incorporated into Project Design Feature TR-PDF-2 that will be implemented during construction activities and enforced as part of the Project’s Mitigation Monitoring Program.
- Suggested Mitigation Regarding Notification of Scheduling of Construction Activities and Prohibition of Use of Steel Plates. – This suggested measure to provide noticing of scheduled construction activities would not reduce the Project’s short-term noise and vibration (human annoyance) impacts. In addition, steel plates are not expected to be used on adjacent public streets as part of the Project’s construction activities.
- Suggested Mitigation Regarding Concrete Parking Ramps- This proposed measure is not required as there are no significant impacts associated with the Project’s parking areas, as the parking levels are fully enclosed. In addition, the Project is expected to use concrete, not metal, for any parking ramps.
- Suggested Mitigation Regarding Limitations on Audio System and Special Events – The Project has been designed such that noise associated with use of the outdoor amenity areas, including use of any amplified sound, would not generate significant noise impacts. Refer to Project Design Feature NOI-PDF-4 that will be enforced as part of the Project’s Mitigation Monitoring Program.
- Suggested Mitigation for Vibration Monitoring at Sound Factory – As demonstrated in Section IV.G, Noise of the Draft EIR, while vibration monitoring to prevent building damage to the abutting commercial building to the northwest of the Project Site will be implemented as part of MM-NOI-2, the Project would not result in significant impacts associated with building damage at the Sound Factory. In addition, implementation of such monitoring for the Sound Factory would not address

the short-term significant impacts associated with human annoyance due to vibration, the prevention of which is infeasible, as demonstrated by the Draft EIR.

- Suggested Mitigation for Sound Curtain – This measure is already included as Mitigation Measure NOI-MM-1 that requires that a noise barrier be erected between the Project Site and the Sound Factory.

Contrary to the comments, Mitigation Measure NOI-MM-2 will not result in significant impacts associated with building damage. This mitigation measure requires a qualified structural engineer to affect the physical conditions of the single-story commercial building adjacent to the Project Site to the northwest, located at 1556-1564 N. Cahuenga Boulevard. As detailed in Section IV.G, Noise of the Draft EIR, this structure is the only nearby building that could potentially incur vibration-related damage during Project construction, whereas the Sound Factory would not be subject to any potentially damaging vibration levels (see Table IV.G-21 of the Draft EIR). Accordingly, to reduce the Project's potentially significant vibration (building damage) impact upon the building at 1556-1564 N. Cahuenga Boulevard, Mitigation Measure NOI-MM-2 requires preparation of a vibration monitoring program to be implemented during the demolition, shoring, and excavation phases, which are the construction phases that generate the more substantial sources of vibration; groundborne vibration occurring during later stages of construction would not be substantial, as heavy construction equipment are not anticipated to operate along the western perimeter adjacent to the building at 1556-1564 N. Cahuenga Boulevard. The analysis performed in the Draft EIR and the identified monitoring levels in Mitigation Measure NOI-MM-2 are based on building type and reflect the fact that the building that will be monitored is an engineered building with a building damage threshold of 0.3 inch/second PPV. The mitigation measure requires activities to be monitored and vibration levels to be reduced at a lower, warning level, and all construction activities to be halted if the threshold is met. Finally, although not anticipated to occur, should any damage occur, the contractor/Applicant would be responsible for repairing the damage.

Haul Truck Routes

The Appellant claims that the analyzed and approved haul routes are inconsistent with the “approved Truck Routes for the Area specified in the City’s NavigateLA system.” The map layer in the NavigateLA system shows approved haul truck routes for construction sites, but not until the hauling permit is issued; therefore, the DOT approved haul routes for the Artisan Hollywood Project are not yet reflected.

Inadequate Assessment of Infrastructure Impacts

The Appellant raises a number of issues with other City Plans that are then considered deficiencies in the Project’s EIR by extension. For instance, the Firm states that the City’s One Water LA 2040 Plan, completed in 2018, is outdated because it was completed before the latest SCAG RHNA numbers and current Housing Element and, therefore, by extension, the Project’s infrastructure analysis is also flawed. The RHNA and Housing Element are cyclically updated every eight years, however, and City plans such as the One Water LA 2040 incorporate the most recently adopted Housing Element and RHNA information at the time of their preparation and are also updated over time to ensure that such plans take into account growth projections and planning. The Appellant cites deficiencies in the Hollywood Community Plan Update, which is unrelated to the Project’s EIR, since the Project’s EIR is based upon the currently adopted Hollywood Plan, and not the Community Plan Update which is not yet in effect.

Regarding the Bureau of Sanitation’s sewer system capacity wastewater service information letter, the Appellant mischaracterizes regulatory compliance as a deferred mitigation. As explained in the Project’s Wastewater Service Letter from the Bureau of Sanitation dated May 18, 2020, although more detailed gauging will be needed at the permitting stage to determine the Project’s connection point and local sewer line capacities, the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity.

Land Use

The Appellant cites a provision of the City's Framework Element that states "should population and employment growth be greater than the levels anticipated by the Framework Element, policy stipulates that the studies be undertaken to correlate with the necessary supporting capital, facility or service improvements and/or demand reduction programs," ; however, the Appellant has submitted no evidence that the proposed Project proposes population or employment growth greater than anticipated by the Framework Element.

The Appellant also reiterates claims from the original appeal application that the proposed Project would "violate" key objectives of the Hollywood Community Plan, citing three specific objectives of the currently adopted Hollywood Community Plan, as well as one of the objectives of the Hollywood Community Plan Update, which is not in effect. As noted in Staff's Appeal Response Report which addressed this same appeal point, CEQA does not require that a project be completely consistent with all relevant General Plan policies (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal App.4th 704, 717). 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 consistent with the Community Plan, the LAMC, and the City's adopted TOC Guidelines.

Inadequate Response to Comments

The Appellant claims that the Final EIR failed to provide a good faith, reasoned analysis in response to issues raised in comments. Contrary to the Appellant's claims, the Final EIR provides direct, good faith, and adequate responses to each of the public comments received on the Draft EIR, including additional relevant analyses in support of these analyses. The Appellant's claimed examples of inadequate responses do not reflect any deficiency or failure of the City to be responsive.

As one example, the Appellant claims, without providing any evidence, that Project-related construction staging may block local roadways and impact local businesses. As a threshold matter, and as acknowledged by the Appellant, CEQA does not require the analysis of potential social or economic effects of a project, particularly when the potential occurrence of such effects are purely speculative. Furthermore, as reflected in the City-approved Transportation Assessment and the Draft EIR itself, the Project's potential to result in construction-related impacts was assessed against the relevant thresholds included in the TAG, and with implementation of the required Construction Traffic Management Plan, local access to and from the Project Site, as well as access to surrounding areas, would be ensured, and construction-related activities such as staging, loading, deliveries, and potential temporary lane closures would be coordinated and controlled so as not to result in significant effects upon local traffic patterns, pedestrian or bicycle traffic, or other surrounding uses.

As another example, and again without providing any substantial evidence, the Appellant claims that the Draft EIR's noise analyses and proposed construction noise mitigation measures are deficient, and further claims that the Final EIR's responses to the noise- and vibration-related comments on the Draft EIR are inadequate, including the Final EIR's rejection of additional suggested noise mitigation measures. However, as reflected over the entirety of the administrative record, including the responses provided to this and prior appeal-related submittals, 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 attenuate 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.

Rejection of Alternative 2

The Appellant claims that Alternative 2 was rejected improperly based upon a previous argument that one of the stated objectives, to "maximize the provision of housing" is inappropriate and unfairly biases the comparison of alternatives to the proposed Project. The merit of the objective is addressed under Objectives beginning on page 1 of this report. Alternative 2 would provide a reduced density alternative to the Project, including fewer housing units and fewer affordable housing units. Further, Alternative 2 would result in the same significant and unavoidable noise and vibration impacts as the Project, and would not lessen the environmental impacts of developing the Site.

Alternative 2 would meet the underlying purpose to redevelop the Site by constructing a new mixed-use development. However, as stated in the DEIR, Alternative would not meet the Project objective of maximizing the provision of high-density, multi-family housing units, including affordable housing units, to support the much-needed demand for housing at a range of income levels. Alternative 2 would meet the other objectives of the Project, but at a lesser degree. As such, the Project proposes to develop the infill Site, currently used as surface parking, with the highest potential for housing allowed under the Community Plan and Redevelopment Plan.

City Failure to Conduct Mitigation Monitoring

The Appellant states that the City overall fails to conduct mitigation monitoring and, therefore, the potential for impacts remains unless there is funding for an independent monitor. However, no evidence has been submitted to support the statement that the City fails to conduct mitigation monitoring and no evidence has been presented to justify the requirement for the funding of an independent monitor. The City enforces a project's mitigation through the permitting process. A project must submit written records demonstrating compliance with mitigations and other conditions of approval in order to receive their project review and permits prior to receiving a certificate of occupancy.

Unsupported Overriding Considerations

The Appellant states that the balancing of impacts on the historic Sound Factory compared to the benefits of the Project in the Statement of Overriding Considerations is arbitrary, claiming that the Project has the potential to close the Sound Factory and impact the Los Angeles Film School, and that there is no evidence the cost of the potential business closures have been weighed against the benefits of the Project.

As specified in CEQA Guidelines Section 15093, CEQA does require the decision-maker to balance economic benefits of a proposed project against its unavoidable environmental risks when determining when to approve a project (emphasis added), but notably does not require analysis of economic risks or impacts, as clearly stated in CEQA Guidelines Section 15131(a), "Economic or social effects of a project shall not be treated as significant effects on the environment."

The Deputy Advisory Agency's Determination for the Vesting Tentative Tract Map concluded that the Project's economic, social, and other benefits outweigh the potential adverse environmental impacts in the Statement of Overriding Consideration, as appropriate. Specifically, the underlying purpose for the Project would be sufficient to override the significant environmental impacts, including the temporary noise and vibration impacts during construction of the Project.

The Project would support City and regional land use and housing goals, provide economic development, employment opportunities and tax revenue for the City, represent smart growth, and enhance the Project vicinity.