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August 21, 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:

**APPEAL RESPONSE 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 dismissed a Zone Variance, and approved a Transit Oriented Communities (TOC) Affordable Housing Incentives Program 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 by Leo Mellace, the same Appellant who had filed the first-level appeal of the VTTM. For both appeals, the Appellant claims 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, and the Supplemental Appeal Response dated December 6, 2023. However, for the record, these appeal points are summarized below along with Staff's responses.

**Appeal Point 1**

The Appellant argues that the ability of the Sound Factory to operate will be impacted as the Project will require thousands of haul trips for the excavation of the parking garage, which will

create noise and vibration that significantly exceeds existing ambient levels and has no feasible means of mitigation.

### **Staff Response 1**

As discussed in Section IV.G Noise, of the Draft EIR, off-site haul trucks during construction would result in significant and unavoidable, but temporary vibration impacts associated with human annoyance at the Sound Factory building, generating ground-borne vibrations up to 72 VdB, exceeding the 65-VdB significance criteria for recording studio use. The vibration impacts from off-site haul trucks would be less than significant, however, with respect to building damage. Furthermore, vibration impacts associated with offsite haul trucks are temporary and intermittent. The Sound Factory business operates 24 hours a day, seven days a week. As a Condition of Approval of the VTTM and haul route, haul truck activities for the Project will be restricted to 9:00am to 3:00pm on weekdays and 8:00am to 4:00pm on Saturdays.

### **Appeal Point 2**

During operation of the Project, the rooftop amenities and 320 parking spaces would generate noise and vibration levels that would make recording at the Sound Factory impossible.

### **Staff Response 2**

As discussed in Section IV.G, Noise, and in Response to Comment Nos. 5-15 and 5-16 of the Final EIR, operation of the Project's new mixed-use building, including the proposed outdoor areas and parking facilities, would not result in significant noise or vibration impacts. The parking would be entirely contained and enclosed within or underneath the building, with the Project driveways located on Ivar Avenue, furthest away from the Sound Factory. In addition, the Sound Factory is currently operational with existing above-grade, multi-level parking structures located within the same distance as the proposed Project, specifically at 1641 Ivar Avenue and 1540 Ivar Avenue, the latter being parking for the LA Film School.

### **Appeal Point 3**

Construction of the Project over 26 months with the admitted noise and sound vibration will harm the Sound Factory property, business, and employees, and violates goals and policies of the Hollywood Redevelopment Plan.

### **Staff Response 3**

As identified in the Draft EIR, the Project's temporary construction noise impacts, associated with both on- and off-site noise sources would be significant and unavoidable, and cumulative impacts related to both on- and off-site construction noise would also be significant and unavoidable in the event of concurrent construction activities associated with related projects in the near vicinity. Implementation of Mitigation Measure NOI-MM-1 would reduce the Project's on-site construction noise levels to the extent feasible, but it is acknowledged in the EIR that temporary on- and off-site construction noise impacts would remain significant and unavoidable even after implementation of this mitigation measure. However, these noise impacts are pursuant to the significance threshold for human annoyance and would thus have no physical impact on the Sound Factory property.

In regard to the Sound Factory business and employees, it should be noted that the noise measurement locations, as shown in the Draft EIR's Figure IV.G-3 and described in Table IV.G-6, represent the exterior of each identified sensitive receptor site closest to the Project Site. As such, the impact conclusions conservatively do not take any account for the design or construction of the buildings themselves in attenuating exterior noise, and thus do not represent interior sound levels. RNS Acoustics, engaged by the Appellant to conduct a review of the DEIR, identified various sound isolation techniques (Final EIR Comment No. 5-3) in the design and construction of the Sound Factory building that limit sound transfer from the exterior to interior, including both the primary recording suites as well as the ancillary spaces such as the office, kitchen and lounge which employees would occupy. As further detailed in the Final EIR's Response to Comment 5-9 and provided by the Appellant's consultant, the Sound Factory building is attenuating exterior noise by approximately 52 dBA, which RNS Acoustics notes is above standard commercial and residential construction with windows that usually attenuates exterior noise by only 25-35 dBA. As provided in the Draft EIR, the estimated maximum construction noise levels (L<sub>max</sub>) at the exterior of The Sound Factory would be 75 dBA (with implementation of mitigation measures). Therefore, based on RNS Acoustics' provided information, the noise levels at the interior of The Sound Factory during the Project's loudest construction phases would be approximately 23 dBA L<sub>max</sub> (75 dBA minus 52 dBA), which would be consistent with The Sound Factory's existing measured interior ambient noise levels of 17–23 dBA, and would also be below the FTA's noise impact criteria of 25 dBA for recording studios. Furthermore, the estimated maximum construction noise levels at the Sound Factory of 75 dBA (L<sub>max</sub>) would be lower than measured maximum noise levels of 82.6 dBA L<sub>max</sub> as reported by the RNA Acoustical Report (due to motorcycle pass by).

Construction period vibration impacts are also anticipated to be significant and unavoidable at the level of human annoyance, but the vibration levels would be below the building damage significance criteria for The Sound Factory building.

As discussed in VTTM Findings of Fact page 59 - 62, the subdivision's design and improvements are consistent with the Redevelopment Plan and demonstrate compliance with regard to lot size and configuration, as well as other specific physical requirements in both plans relating to floor area, height, density and use. In addition, as discussed in the Associate Zoning Administrator's findings for related Case No. ZA-2019-5590-ZV-TOC-SPR, the Project meets Goals 3, 9, and 10 of the Hollywood Redevelopment Plan by improving an underutilized site for the construction of new housing, increasing housing supply and options while preserving existing and increasing commercial uses within a highly developed commercial area of Hollywood.

The Appellant has previously raised these same issues in relation to the proposed Project's noise and vibration impacts, at various stages of the Project's entitlement review process, including the initial public hearing and on appeal to the CPC. Previously, the DAA, ZA, and CPC have all found that the Project is substantially consistent with the General Plan. The Appellant has not, however, provided any new information to support the assertion that the map is inconsistent with the goals and policies the Hollywood Redevelopment Plan.

#### **Appeal Point 4**

The City's responses to our comments regarding inadequate assessment of infrastructure impacts are weak and do not deal with the real issues we have identified.

#### **Staff Response 4**

The EIR analysis was performed in full compliance with CEQA, and comprehensive responses have been provided to every comment and supplemental submission by the Appellant, as documented above. The Appellant does not specify what infrastructure impacts they are referring to, and the Appellant does not provide substantial evidence to demonstrate any deficiencies with the EIR that would require additional environmental analysis pursuant to CEQA.

#### **Appeal Point 5**

The City and applicants have claimed that the additional mitigation measures proposed in letters submitted by our attorney and expert consultants would be unreasonable and infeasible and would not substantially reduce impacts, but they provide no substantial evidence for such conclusions, without which the EIR's Statement of Overriding Considerations cannot be adopted or recommended, since all feasible mitigation measures to reduce project impacts have not been adopted.

#### **Staff Response 5**

The Appellant is misrepresenting the response provided regarding the Appellant's suggested additional mitigation measures. As detailed in Staff's Supplemental Responses Memo to CPC dated December 6, 2023, several of the suggested measures are already incorporated into the project and identified as Project Design Features or required by mitigation measures already identified, including the suggestion for properly tuned and muffled construction equipment, use of temporary noise barriers, and informational signage during construction. In addition, other mitigation measures proposed by the Appellant, such as limiting the hours of construction, or having all construction trucks avoid Selma Avenue, would not further reduce the construction impacts identified in the EIR and would instead extend the duration of construction noise impacts and potentially cause new noise impacts to residential sensitive receptors along a revised haul route. Other suggestions, such as sound barrier walls for upper floor construction, or independent noise monitoring, are either infeasible or already covered by another mitigation measure.

#### **Appeal Point 6**

The EIR acknowledged that The Sound Factory is an off-site historic resource eligible for listing/designation and erred in only analyzing a change in setting of the building's exterior when assessing the Project's potential historic impacts, and ignored the importance of the physicality of The Sound Factory's interior recording studios and the history of the artists who have recorded there in its determination of cultural impacts.

#### **Staff Response 6**

As detailed in the Draft EIR's Cultural Resources analysis, The Sound Factory building (at 6357 Selma Avenue) was identified in multiple historic surveys, including the CRA/LA Historic Resources Survey Report for the Hollywood Redevelopment Plan Area completed in January 2020, as a potential historic resource, citing the building's significant association with the recording industry. However, the threshold of significant impact for a historical resource is whether the project would cause a "substantial adverse change in the significance of an historical resource pursuant to CEQA Section 15064.5." CEQA Guidelines Section 15064.5 defines "substantial adverse change" to mean the "physical demolition, destruction, relocation, or alteration, of the resource or its immediate surroundings such that the significance of an historical resource would

be materially impaired.” Material impairment would occur if a project demolished or altered the physical characteristics that convey the significance of a historical resource and that justify its inclusion in or eligibility for inclusion in national, state, or local landmark or historic district programs pursuant to the requirements of CEQA. The Sound Factory building itself would not be demolished, destroyed, relocated, or altered as a result of the Project. Furthermore, as detailed in the Draft EIR’s Cultural Resources analysis, while the Project would introduce a new visual element to the study area (a new building in place of a parking lot), it would not affect the setting of any of the identified historical resources, nor would it affect the physical integrity of the designated historical and potentially historical buildings within the study area to the degree that they would no longer qualify as historical resource. This finding would apply equally, if not more so, to the interior setting of The Sound Factory as it would the exterior. Therefore, the Project would not result in a specific adverse impact to the historic recording studio building.

### **Appeal Point 7**

The Artisan Hollywood Project Site is immediately adjacent to a proposed 21-story project at 6407 Sunset Blvd and an approved 26-story project across Sunset Blvd at 6400 Sunset. There would be cumulative impacts of noise and traffic congestion should the projects be constructed either concurrently or consecutively.

### **Staff Response 7**

As acknowledged in the Draft EIR, there would be potential cumulative noise impacts at the nearby sensitive (residential) uses located in proximity to the Project Site and the related projects at 6400 and 6407 Sunset in the event of concurrent, not consecutive, construction activities.

However, pursuant to Senate Bill (SB) 743 and the State CEQA Guidelines, traffic congestion is no longer a basis for determining significant impact for land use projects. Nonetheless, the Project includes TR-PDF-2, which will require a Construction Traffic Management Plan and Worksite Traffic Control Plan to be submitted and approved by LADOT prior to construction activities, which will facilitate traffic and pedestrian movement and minimize the potential conflicts between construction activities, street traffic, bicyclists and pedestrians.

### **Appeal Point 8**

The ability of students to pursue their education at the adjacent LA Film School would be significantly undermined by the proposed Artisan Hollywood Project and by cumulative related projects. This is not adequately addressed in the EIR.

### **Staff Response 8**

As analyzed in the Draft EIR, the operation of the Project would not result in significant noise impacts at any off-site location, including the LA Film School. Construction noise and vibration impacts, although significant for identified sensitive receptors in the vicinity, would be temporary and the Appellant’s contention that the Project would limit the ability of students to pursue their education at the LA Film School is unsupported by any substantial evidence. This has also been addressed in detail in the Responses to Comments 3-2 through 3-6 in the Final EIR.

### **Appeal Point 9**

The City Planning Commission ignored expert testimony and did not seriously consider our appeals, and the President did not do due diligence as required under the City charter, which is an abuse of discretion.

### **Staff Response 9**

The Appellant cited Commissioner Mack's testimony regarding consideration of a continuance as well as a portion of the response by Commission President Millman. Commissioner Millman clearly explained the procedural requirements and her reasoning to move the case forward by denying the appeal, stating that "the issue is a communication issue and not an issue of staff's findings being incorrect or data on the record being incorrect or inadequacies with the environmental document." As such, the CPC fulfilled its obligations and considered the entirety of the record in making its decision.

### **Appeal Point 10**

The proposed map is inconsistent with the goals and policies of the Hollywood Community Plan and the Hollywood Redevelopment Plan.

### **Staff Response 10**

As analyzed in the Draft EIR and addressed in Response to Comments in the FEIR as well as responses to the Appellant's first level appeal, the Project is in substantial conformance with the purposes, intent, and provisions of the City's General Plan, including the Hollywood Community Plan and Hollywood Redevelopment Plan. The Project's uses, density, and development envelope are consistent with the Community Plan, the LAMC, and the City's adopted TOC Guidelines. The Project would construct a mixed-use development consisting of residential uses and community-serving commercial uses in an infill, transit-priority area, as encouraged within the Regional Center Commercial land use designation and consistent with many of both plan's goals, policies, and objectives. Furthermore, there is no density increase requested and the Project is developing less than the base or by-right density. As mentioned above, the Project specifically meets Goals 3, 9, and 10 of the Hollywood Redevelopment Plan by improving an underutilized site for the construction of new housing, increasing housing supply and options while preserving existing and increasing commercial uses within a highly developed commercial area of Hollywood. The subdivision's design and improvements are consistent with the General Plan and Redevelopment Plan and demonstrate compliance with regard to lot size and configuration, as well as other specific physical requirements in both plans relating to floor area, height, density and use.

In addition, 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). Furthermore, the Appellant did not provide any new information to support the assertion that the map is inconsistent with the goals and policies of the Hollywood Community and Redevelopment Plans. As such, and as previously found by the DAA, ZA, and CPC, Planning staff maintains that the Project is substantially consistent with the General Plan.

**CONCLUSION**

Based on the information submitted and the administrative record, the Department of City Planning recommends that the Planning and Land Use Management (PLUM) Committee and City Council deny the appeals and approve the Project's VTTM No. 82764. The VTTM made the prescribed findings demonstrating that the proposed map is consistent with the Subdivision Map Act, including consistency with the applicable general and specific plans, that the site is physically suitable for the proposed type of development and density, that the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, not likely to cause serious public health problems, will not conflict with applicable public easements, and that the design of the proposed subdivision will provide future passive or natural heaven or cooling opportunities to the extent feasible. Therefore, Staff recommends that the appeal be denied and that the actions of the Deputy Advisory Agency and CPC be sustained.

Sincerely,

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Director of Planning



Erin Strellich  
City Planning Associate

VPB:MZ:MN:MS:ES