



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- Area Planning Commission City Planning Commission City Council Director of Planning
- Zoning Administrator

Regarding Case Number: CPC-2022-7047-CU-DB-SPR-HCA

Project Address: 1200 -1218 North Vine Street; 6245 - 6247 West Lexington Avenue

Final Date to Appeal: 06/07/2023

2. APPELLANT

Appellant Identity:
(check all that apply)

- Representative Property Owner
- Applicant Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved
Supporters Alliance for Environmental Responsibility

Person affected by the determination made by the **Department of Building and Safety**

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: Supporters Alliance for Environmental Responsibility

Company/Organization: Lozeau Drury LLP (representing Appellant)

Mailing Address: 1939 Harrison Street, Suite 150

City: Oakland State: CA Zip: 94612

Telephone: (510) 836-4200 E-mail: richard@lozeaudrury.com

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

- Self Other: _____

b. Is the appeal being filed to support the original applicant's position? Yes No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Amalia Bowley Fuentes

Company: Lozeau Drury LLP

Mailing Address: 1939 Harrison Street, Suite 150

City: Oakland State: CA Zip: 94612

Telephone: (510) 836-4200 E-mail: amalia@lozeaudrury.com

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? Entire Part

b. Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: All Condition Use Permit and Site Plan Review conditions

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature:  Date: June 5, 2023

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Appeal Application (form CP-7769)
- Justification/Reason for Appeal
- Copies of Original Determination Letter

b. Electronic Copy

Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITIES (TOC)

1. Density Bonus/TOC

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

- Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: 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.

- Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

- 1.** Appeal of the *Department of Building and Safety* determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

- Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- 2.** Appeal of the *Director of City Planning* determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

- Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

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.

Please note that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

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

Justification/Reason for Appeal

1200 North Vine Street Project

CPC-2022-7047-CU-DB-SPR-HCA

I. REASON FOR THE APPEAL

Supporters Alliance for Environmental Responsibility (“SAFER”) appeals the approval by the City Planning Commission of the Conditional Use Permit and Site Plan Review entitlements for the 1200 North Vine Street Project (CPC-2022-7047-CU-DB-SPR-HCA; ENV-2022-7048-CE). The approvals are invalid because they are based on incorrect findings. Specifically, the City Planning Commission’s finding that the project is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15332 of the CEQA Guidelines (“Infill Exemption”) is incorrect.

II. SPECIFICALLY THE POINTS AT ISSUE

Specifically, for the reasons detailed in the attached comment letters dated February 7, 2023 and May 5, 2023, the Planning Commission’s finding that the Project is exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines is in error because the Project will have significant noise impacts and because the City’s conclusion that air quality impacts will be less than significant is unsupported by substantial evidence.

Because the Infill Exemption prepared for the Project fails to comply with CEQA, the City Planning Commission’s approval of the Project’s Site Plan Review entitlements is invalid. Proper CEQA review must be complete *before* the City approves the Project’s entitlements (*Orinda Ass’n. v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 [“No agency may approve a project subject to CEQA until the entire CEQA process is completed and the overall project is lawfully approved”]). Additionally, by failing to properly conduct environmental review under CEQA, the City lacks substantial evidence to support its findings for the Site Plan Review entitlements.

Because the Project does not qualify for an infill exemption, the Planning Commission’s Project approvals are based upon incorrect findings. The City must fully comply with CEQA prior to any approvals in furtherance of the Project. Since the Project is not exempt from CEQA, the City must prepare an initial study and determine the appropriate level of review required under CEQA prior to *any approvals* in furtherance of the Project.

III. HOW YOU ARE AGGRIEVED BY THE DECISION

Members of appellant, SAFER, live and/or work in the vicinity of the proposed Project. They breathe the air, suffer noise impacts, and will suffer other environmental impacts of the Project unless those impacts are properly mitigated.

IV. WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION

The City Planning Commission approved a Site Plan Review (CPC-2022-7047-CU-DB-SPR-HCA) and approved an Infill Exemption for the Project, despite a lack of substantial evidence in the record that the Project met the requirements for the Infill Exemption. Rather than exempt the Project from CEQA, the City should have prepared an initial study followed by an EIR or negative declaration in accordance with

CEQA prior to consideration of approvals for the Project. The City is not permitted to approve the Project's entitlements until proper CEQA review has been completed.



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May 3, 2023

Via Email

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Samantha Millman, President
Caroline Choe, Vice President
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**Re: Comment on Categorical Exemption, 1200 N. Vine Street Project (CPC-2022-7074-CU-DB-SPR-HCA; ENV-2022-7048-CE)
City Planning Commission Hearing; May 11, 2023**

Dear President Millman, Vice President Choe, Members of the City Planning Commission, and Ms. Escobar:

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the proposed Class 32 In-fill Development Categorical Exemption (“Exemption”) for the 1200 N. Vine Street Project (CPC-2022-7074-CU-DB-SPR-HCA; ENV-2022-7048-CE), including all actions related or referring to the proposed construction of a seven-story, 151 dwelling unit mixed-use project, including 3,690 square feet of ground floor commercial uses, located at 1200-1218 N. Vine Street and 6245-6247 W. Lexington Ave. in the City of Los Angeles (“Project”).

SAFER objects to the City of Los Angeles’ (“City”) decision to exempt the Project from review under the California Environmental Quality Act (“CEQA”) pursuant to Section 15332 of the CEQA Guidelines. CEQA review is required for the Project. As demonstrated below, the Exemption is inapplicable because the Project will have significant noise impacts, and the City’s conclusion that air quality impacts will be less than significant is unsupported by substantial evidence, precluding use of the Class 32 Exemption. Since the Project is not exempt from CEQA, an initial study must be prepared to determine the appropriate level of CEQA review required.

This comment has been prepared with the assistance of expert consulting firm Baseline Environmental Consulting (“Baseline”) (Exhibit A). We incorporate the Baseline comments herein by reference.

DISCUSSION

I. The Class 32 Exemption Does Not Apply on its Face.

The proposed Project does not qualify for a Class 32 Exemption under CEQA because of the Project’s significant noise impacts, and because of the City’s lack of substantial evidence that air quality impacts will be less than significant. The City must prepare an Initial Study to determine the appropriate level of CEQA review, be it a mitigated negative declaration or an environmental impact report.

The Class 32 exemption provides:

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value, as habitat for endangered, rare or threatened species.
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) The site can be adequately served by all required utilities and public services.

(14 CCR § 15332 [emph. added].)

One of the key limitations of the Exemption is that it does not apply if the project will have any significant effects relating to air quality or noise. (14 CCR § 15332(d).)

a. There is Substantial Evidence that the Project Will Have Significant Construction Noise Impacts.

Expert consulting firm Baseline Environmental Consulting (Baseline) reviewed the Categorical Exemption (“CE”) for the Project to determine whether environmental impacts related to noise and air quality were properly evaluated. Baseline found various flaws in the CE’s analysis. Baseline’s comment letter is attached as Exhibit A.

First, construction noise impacts were evaluated using the SoundPLAN Essential model (version 5.1), and “best practice techniques” were assumed as part of the analysis. (CE p. 3-42; Ex. A, p. 1.) However, the CE and accompanying appendix on Noise Technical Modeling did not provide specific information as to the noise reduction amounts that could be achieved through use of the best practices technique. (Ex. A, p. 1.) Baseline found that this information is crucial in determining the significance of the Project’s construction noise impact, and should be disclosed in the CE. (Id.) Without this information, the analysis is incomplete and cannot be relied upon as substantial evidence that construction noise impacts would be less than significant.

Further, Baseline found that the CE failed to properly evaluate the noise levels at the nearest sensitive receptors at the two residential receptors located five feet east of the project site, and the Mental Health Center located adjacent to the north of the Project. (Ex. A, p.1.) The figures in Appendix D of the CE demonstrate that the analyzed distances used to measure impacts on sensitive receptors were not located on the building facades nearest to the Project site, and therefore do not represent the worst-case scenario. (Id. at 1-2.)

A review of the construction noise sound contour map for the Project shows that for the two residential buildings east of the Project site, modeled construction-generated noise levels on the façade facing the Project are around 70-75 dBA, which is more than 10 dBA higher than the reported existing ambient noise level of 59.5 dBA. (Ex. A, p. 2-3; CE, p. 2-41; Table 6-5.) Similarly, the modeled construction-generated noise levels for the Mental Health Center on the façade facing the Project site are 70-75 dBA, which is up to 7 dBA higher than the reported existing ambient noise level of 68.1 dBA. (Id.). Construction noise impacts on sensitive receptors were therefore significantly underestimated.

The City’s 2006 L.A. CEQA Thresholds Guide states that a project would have a significant impact on noise levels from construction if construction activities lasting more than 10 days in a 3-month period exceed existing ambient exterior noise levels by 5 dBA or more at noise-sensitive uses. (Ex. A, p. 3; City of Los Angeles, 2006. L.A. CEQA Thresholds Guide.) ***When properly modeled, the Project’s construction noise impacts exceed the City of Los Angeles’ noise threshold at both of the residential receptors east of the Project site, and at the Mental Health Center to the north.*** Therefore, the Project’s noise impacts would be significant, and the City is precluded from using an Infill Exemption for the Project.

b. The City’s Analysis of Health Risk Impacts is Incomplete, and Therefore its Findings Cannot be Relied Upon to Support a Categorical Exemption.

An agency’s determination that a categorical exemption applies to a project must be supported by substantial evidence. (See, *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720, 728.) Substantial evidence is defined in the CEQA Guidelines as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be

reached,” and includes “facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” (14 CCR § 15384.)

Here, the City has failed to provide substantial evidence that air quality impacts from the Project would be less than significant. The Project would result in Diesel Particulate Matter (“DPM”) emissions from the exhaust of off-road diesel construction equipment. The CE relied on two main reasons to conclude that the Project would not expose sensitive receptors to substantial DPM construction emissions. Baseline found that neither reason is supported by substantial evidence.

First, the CE stated that daily DPM emissions from the Project would be less than one pound per day throughout the construction period, and that therefore, the emissions would not result in substantial pollutant concentrations at off-site locations nearby. (CE, pp. 2-78 – 2-79.) Baseline stated that the CE failed to define a threshold concentration of DPM that would be considered “substantial pollutant concentrations at off-site locations nearby,” or provide scientific evidence to justify this statement. (Ex. A, p. 5.) Further, the CE did not provide a quantitative health risk assessment (“HRA”) to demonstrate that DPM emissions would be below South Coast Air Quality Management District (“SCAQMD”) thresholds. (Id.) Therefore, the CE’s conclusions regarding DPM emissions are not supported by substantial evidence, and the City is precluded from relying on these conclusions to support the use of an Infill Exemption for this Project.

Second, the City stated that because the anticipated construction period is 35 months, this is a short-term exposure period and would result in less-than-significant impacts. (CE, pp. 2-78 – 2-79.) The CE pointed to SCAQMD’s guidance that health risks be measured for receptors exposed to toxic air contaminants over a 30-year period. (Id.) Baseline responded that the Office of Environmental Health Hazards Assessment (OEHHA) states that “there is valid scientific concern that the rate of short-term exposure may influence the risk – in other words, a higher exposure to a carcinogen over a short period of time may be a greater risk than the same total exposure spread over a much longer time period.” (Ex. A, p. 5, quoting Office of Environmental Health Hazard Assessment (OEHHA). 2015. Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February.) Baseline also pointed out that while OEHHA guidance states that cancer risks should not be estimated for projects lasting less than two months, this Project’s 35-month construction period significantly exceeds that threshold, and an HRA should therefore be prepared. (Id.) Baseline stated that this HRA can evaluate the effectiveness of implementing exhaust control measures to reduce health risks. (Id.)

II. The Unusual Circumstances Exception Precludes Reliance on the Class 32 Exemption.

A categorical exemption is inapplicable “where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” (14 CCR 15300.2(c).) In *Berkeley Hillside Preservation v. City of Berkeley*, the California Supreme

Court explained that there are two ways a party may invoke the unusual circumstances exception. First, “a party may establish an unusual circumstance with evidence that the project *will* have a significant environmental effect. That evidence, if convincing, necessarily also establishes ‘a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.’” (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105 [emph. added].) Alternatively, “[a] party invoking the exception may establish an unusual circumstance without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location. In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance.” (*Id.*)

As discussed above, the Project will have a significant noise impact. The fact that this significant impact will occur constitutes an unusual circumstance, precluding the City’s reliance on an exemption.

CONCLUSION

The City cannot rely on a Class 32 exemption because the Project does not meet the terms of the exemption and because the unusual circumstances exception to exemption applies. Accordingly, the City must prepare an initial study to determine the appropriate level of environmental review to undertake pursuant to CEQA. Thank you for considering these comments.

Sincerely,



Amalia Bowley Fuentes
Lozeau Drury LLP

EXHIBIT A



14 April 2023
23207-00

Amalia Bowley Fuentes
Lozeau Drury LLP
1939 Harrison St., Suite 150
Oakland, CA 94612

Subject: Review of Noise and Air Quality Analyses in the Categorical Exemption for the 1200 Vine Project

Dear Ms. Fuentes:

Baseline Environmental Consulting (Baseline) has reviewed the Categorical Exemption (CE) for the 1200 Vine Project (project) in the City of Los Angeles (City), California to determine whether potential environmental impacts related to noise and air quality were appropriately evaluated. Based on our review, we have identified flaws in the CE analysis used to support the significance determinations. The specific concerns identified in the CE analysis for potential environmental impacts related to noise and air quality are described in detail below.

UNSUBSTANTIATED ANALYSIS OF CONSTRUCTION NOISE IMPACTS

The construction noise impacts at nearby sensitive receptors were modelled using SoundPLAN Essential model (version 5.1). As stated on page 2-42 of the CE, the use of industry standard “best practices techniques” required by the City’s Building and Safety code, such as temporary sound barriers, was assumed to be included in the project construction activities and therefore the noise modeling results are representative of reduced noise levels that would be achieved through use of best practices techniques. However, the CE and the Noise Technical Modeling (included in Appendix D of the CE) did not provide information on the specific noise reduction amounts that could be achieved by the best practices techniques (e.g., 10 dBA¹ noise reduction) or the noise levels at the sensitive receptors before the implementation of best practices techniques. This information is crucial in determining the significance of the project's construction noise impact, which should be disclosed in the CE.

Besides the lack of required information, the CE failed to properly evaluate the noise levels at the nearest sensitive receptors at the two residential buildings located five feet east of the project site and at the Mental Health Center located adjacent to the north of the project. Page 16 of Appendix D of the CE includes a figure illustrating the locations of the sensitive receptors analyzed for the project, which is presented as **Figure 1** below. As shown in **Figure 1**, the analyzed distances to sensitive receptors for the two residential buildings to the east of the

¹¹ The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network.

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14 April 2023
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project (green circles 6 and 7) and the Mental Health Center adjacent to the north of the project (green circle 4) do not represent the worst-case scenario, because they were not located at the building facades nearest to the project site.

Figure 1. Sensitive Receptors Analyzed in the CE



Source: 1200 Vine Project Categorical Exemption, Appendix D

The estimated construction noise sound contour map was provided on page 2-41 of the CE, which is presented as **Figure 2** below. As shown in **Figure 2**, for the two residential buildings located east of the project site, the modeled construction-generated noise levels at the west building facades facing the project site would be around 70 to 75 dBA. These noise levels are higher than the noise levels at the analyzed locations representing these buildings as shown on **Figure 1** and reported in Table 6-5 of the CE on page 2-42, which indicates modeled noise level of 61.4 dBA at green circle 6 for Residences – 6231-39 Lexington Avenue and 49.2 dBA at green circle 7 for Residences – 6232-38 La Mirada Avenue. According to Table 6-5 of the CE, an existing ambient noise level of 59.5 dBA was used for these two residential buildings, which was based on a short-term (15-minute) noise measurement at 6239 Lexington Avenue. The modeled construction-generated noise levels at the west building facades are more than 10 dBA higher than the existing ambient noise levels.

Figure 2. Construction Noise Sound Contours



Source: 1200 Vine Project Categorical Exemption, Figure 6-2.

Similarly, for the Mental Health Center adjacent to the north of the project site, the modeled construction-generated noise levels of 70 to 75 dBA at the southern building facade shown on **Figure 1** are higher than the modeled noise level of 58.5 dBA at the analyzed location (green circle 8 in **Figure 1**) which was reported in Table 6-5 of the CE. According to Table 6-5 of the CE, an existing ambient noise level of 68.1 dBA was used for this building, which was based on a short-term (15-minute) noise measurement at 1224 Vine Street.

In accordance with the City’s 2006 *L.A. CEQA Thresholds Guide*,² a project would normally have a significant impact on noise levels from construction if construction activities lasting more than 10 days in a three-month period would exceed existing ambient exterior noise levels by 5 dBA (hourly Leq³) or more at a noise-sensitive use. The modeled construction-generated noise levels of 70 to 75 dBA at the building facades facing the project site at the nearest sensitive receptors are more than 5 dBA higher than the existing ambient noise levels for these sensitive receptors, and therefore would exceed the City’s significance threshold of a 5 dBA increase over existing ambient conditions. Therefore, the project’s construction noise impact would be significant.

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In summary, the CE failed to disclose the project's noise levels at the nearest sensitive receptors before the implementation of best practices techniques and the amount of noise reduction that could be achieved with the implementation of best practices techniques used in noise modeling. The CE analyzed construction noise levels at locations that do not face the project site at the nearest buildings to the project site, which resulted in underestimating the construction noise levels for sensitive receptors that face the project site. As stated above, the project's construction noise impacts at noise sensitive receptors would be significant as the noise levels would be more 5 dBA higher than existing ambient noise levels even with the incorporation of best practices techniques.

An Initial Study should be prepared because the project's noise impact would be significant even with the incorporation of best practices techniques. The Initial Study should properly evaluate the project's noise impact at the nearest sensitive receptors and include a mitigation measure with performance measures to ensure that implementation of best practices techniques would result in the necessary reduction in noise levels during construction.

INCOMPLETE ANALYSIS OF HEALTH RISKS

In 1998, the California Air Resources Board (CARB) identified diesel particulate matter (DPM) from diesel-powered engines as a toxic air contaminant (TAC) based on its potential to cause cancer and other adverse health effects.⁴ Project construction would generate DPM emissions from the exhaust of off-road diesel construction equipment. The nearest off-site sensitive receptors to the project site which could be exposed to DPM emissions generated by project construction are the Mental Health Center adjacent to the north and the residences five feet to the east, as identified in the CE.

As stated on pages 2-78 and 2-79, the CE concluded that the project would not expose sensitive receptors to substantial DPM constructions due to the following two reasons:

- 1) The project's daily DPM emissions would be less than one pound per day throughout the course of project construction. The level of daily DPM emissions would not be sufficient to result in substantial pollutant concentrations at off-site locations nearby.
- 2) The anticipated duration of construction activities is approximately 35 months, but health risks are typically performed for receptors that are exposed to toxic air contaminants over a 30-year period.

² City of Los Angeles, 2006. L.A. CEQA Thresholds Guide.

³ The average A-weighted noise level during the measurement period.

⁴ California Air Resources Board (CARB), 1998. Initial Statement of Reasons for Rulemaking; Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, June.

Ms. Amalia Bowley Fuentes
14 April 2023
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Regarding reason 1 above, the CE failed to define a threshold concentration of DPM that would be considered “substantial pollutant concentrations at off-site locations nearby” or provide scientific evidence to justify such a threshold; and therefore, the CE’s conclusion that less than one pound per day of DPM emissions would not result in “substantial pollutant concentrations at off-site locations” is not substantiated. Additionally, the CE did not provide a quantitative health risk assessment to demonstrate that the project would not generate DPM emissions exceeding the South Coast Air Quality Management District (SCAQMD) Air Quality Significance Thresholds for toxic air contaminants (TACs).

Regarding reason 2 above, the California Environmental Protection Agency, Office of Environmental Health Hazard Assessment (OEHHA) states that “there is valid scientific concern that the rate of short-term exposure may influence the risk – in other words, a higher exposure to a carcinogen over a short period of time may be a greater risk than the same total exposure spread over a much longer time period”.⁵ The OEHHA guidance also includes cancer risk evaluation of short-term projects, such as construction. According to OEHHA guidance, cancer risk should not be estimated for projects lasting less than two months due to the uncertainty in assessing very short-term exposures. As stated above, project construction is expected to last 35 months, which is substantially longer than the two-month limitation for short-term exposures recommended by OEHHA.

Therefore, a health risk assessment should be performed to estimate the incremental increase in cancer risk at nearby sensitive receptors (e.g., the Mental Health Center adjacent to the north of the project site and residential buildings five feet to the east of the project site) that would be exposed to DPM emissions during project construction in accordance with the OEHHA guidance. If needed, the health risk analysis should also evaluate the effectiveness of implementing exhaust control measures (e.g., use of Tier 4 engines) to reduce health risks below the SCAQMD’s recommended thresholds of significance.

CONCLUSIONS

Based on our review of the CE analysis regarding noise and air quality impacts for the project, Baseline recommends that the City of Los Angeles prepare an Initial Study to address the environmental concerns described above.

Sincerely,



Patrick Sutton,
Principal Environmental Engineer



Yilin Tian, PhD
Environmental Engineer

⁵ Office of Environmental Health Hazard Assessment (OEHHA). 2015. Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February.

Ms. Amalia Bowley Fuentes

14 April 2023

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Attachment

Attachment

Staff Resumes

Patrick Sutton, P.E.

Principal Environmental Engineer



Areas of Expertise

Air Quality, GHGs, Noise, Hazardous Materials, Geology, and Hydrology

Education

M.S., Civil and Environmental Engineering, University of California – Davis

B.S., Environmental Science, Dickinson College

Registration

Professional Engineer No. 13609 (RI)

Years of Experience

19 Years

Patrick Sutton is an environmental engineer who specializes in the assessment of hazardous materials released into the environment. Mr. Sutton prepares technical reports in support of environmental review, such as Phase I/II Environmental Site Investigations, Air Quality Reports, Greenhouse Gas (GHG) Reduction Plans, and Health Risk Assessments. He has prepared numerous CEQA/NEPA evaluations for air quality, GHGs, geology, hazardous materials, and water quality related to residential, commercial, and industrial projects, as well as large infrastructure developments. His proficiency in a wide range of modeling software (AERMOD, CalEEMod, RCEM, CT-EMFAC) as well as relational databases, GIS, and graphics design allows him to thoroughly and efficiently assess and mitigate environmental concerns.

For mixed-use development projects, Mr. Sutton has prepared health risk assessments for sensitive receptors exposed to toxic air contaminants based on air dispersion modeling. He has also prepared GHG Reduction Plans to demonstrate how projects can comply with State and/or local GHG reduction goals. For large highway infrastructure improvement projects, Mr. Sutton has prepared air quality and hazardous materials technical reports in accordance with Caltrans requirements. Air quality assessments include the evaluation of criteria air pollutants, mobile source air toxics, and GHG emissions to support environmental review of the project under CEQA/NEPA and to determine conformity with the State Implementation Plan. Hazardous materials investigations include sampling and statistically analysis of aerially-deposited lead adjacent to highway corridors.

Project Experience

Oakland Downtown Specific Plan EIR. Prepared a program- and project-level Air Quality and GHG Emissions analysis. Developed a mitigation measure with performance standards to ensure GHG emissions from future projects comply with the Citywide 2030 GHG reduction target.

I-680 Express Lanes from SR 84 to Alcosta Boulevard Project. Prepared Initial Site Assessment and Preliminary Site Investigation to evaluate contaminants of potential concern in soil and groundwater. Prepared Air Quality Report to determine the project's conformity to federal air quality regulations and to support environmental review of the project under CEQA and NEPA.

Altamont Corridor Expressway (ACE/Forward) Project EIR/EIS. Prepared a program- and project-level Hazardous Materials analysis for over 120 miles of railroad corridor from San Jose to Merced. Hazardous materials concerns, such as release sites, petroleum pipelines, agricultural pesticides, and nearby school sites were evaluated in GIS.

Stonegate Residential Subdivision EIR. Prepared a project-level Hydrology and Water Quality analysis for a residential development located within the 100-year floodplain. The proposed project included modifications to existing levees and flood channels.

BART Silicon Valley Extension Project. Prepared Initial Site Assessment and Hazardous Materials EIS/EIR section for extending 6 miles of proposed BART service through the Cities of San Jose and Santa Clara.

Yilin Tian, Ph.D.

Environmental Engineer



Areas of Expertise

Air Quality, GHGs, Noise, Energy, and Environmental Compliance

Education

Ph.D./M.S., Environmental Science and Engineering, Clarkson University

B.S., Environmental Science, Beijing University of Technology

Registrations/Certifications

40-hour HAZWOPER training

Engineer-In-Training, No. 167986

Years of Experience

11 Years

Yilin Tian is an environmental engineer who specializes in the analysis of air quality and human exposure to toxic air contaminants. For CEQA environmental review, Yilin assists in the analysis of air quality, greenhouse gas (GHG), noise and vibration, and energy impacts. She is also familiar with state/local environmental regulations and guidelines related to CEQA review. Yilin has worked on variety of land uses development projects, including large mixed-use infill, wetland restoration, levee improvement, and highway expansion projects. She is experienced with preparing health risk assessments for sensitive receptors exposed to toxic air contaminants during construction and operation. Yilin is proficient with air pollution models (e.g., CalEEMod and AERMOD), noise models (e.g., FHWA TNM and SoundPLAN), geospatial data analysis, and database management.

Besides CEQA studies, Yilin has worked with the Bay Area Air Management District (BAAQMD) to improve existing emissions estimation techniques and update emission inventories related to wood-burning devices and ammonia emissions in the Bay Area. Her strong background in statistics and air pollutants emissions allows her to process and analyze data properly and efficiently.

Yilin has assisted the City of Berkeley and the San Francisco Public Utilities Commission (SFPUC) with environmental compliance and mitigation monitoring, including reviewing submittals and performing environmental field inspections. Beyond that, Yilin has experience with Phase I Environmental Site Assessments, air monitoring, noise monitoring, and the state's Underground Storage Tank Cleanup Fund application.

Project Experience

Belvedere Seismic Upgrade Project EIR – Prepared Air Quality, GHG Emissions, and Noise and Vibration analysis for the installation of sheet piling along specific roadway segments in an area of existing levees in Belvedere.

2136-54 San Pablo Project IS/MND – Prepared Air Quality, GHG Emissions, and Noise and Vibration analysis for the development of a new, six-story mixed-use building in Berkeley.

Saratoga Housing Element Update EIR – Prepared noise and vibration analysis for the Saratoga General Plan Housing Element Update.

I-80/Ashby Avenue Interchange Improvement Project. Prepared Air Quality Report to determine the project's conformity to federal air quality regulations and to support environmental review of the project under CEQA and NEPA.

Residential Wood Combustion for San Francisco Bay Area. Updated the methodology and datasets used by the BAAQMD to quantify residential wood combustion emissions within the San Francisco Bay Area Air Basin.

Environmental Compliance Monitoring for the City of Berkeley – Reviewed noise reduction plans submitted by the developers against the requirements of the MMRP and standard conditions of approval.



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February 7, 2023

Via Email

Stephanie Escobar, Planning Assistant
City of Los Angeles
200 North Spring St, Rm. 763
Los Angeles, CA 90012
Stephanie.escobar@lacity.org

**Re: Comment on Categorical Exemption, 1200 N. Vine Street Project
(CPC-2022-7074-CU-DB-SPR-HCA; ENV-2022-7048-CE)
Hearing Officer Hearing; February 7, 2023**

Dear Ms. Escobar:

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the proposed Class 32 In-fill Development Categorical Exemption (“Exemption”) for the 1200 N. Vine Street Project (CPC-2022-7074-CU-DB-SPR-HCA; ENV-2022-7048-CE), including all actions related or referring to the proposed construction of a seven-story, 151 dwelling unit mixed-use project, including 3,690 square feet of ground floor commercial uses, located at 1200-1218 N. Vine Street and 6245-6247 W. Lexington Ave. in the City of Los Angeles (“Project”).

SAFER objects to the City of Los Angeles’ (“City”) decision to exempt the Project from review under the California Environmental Quality Act (“CEQA”) pursuant to Section 15332 of the CEQA Guidelines. CEQA review is required for the Project. As demonstrated below, the Exemption is inapplicable because the Project will have significant indoor air quality impacts, precluding use of the Class 32 Exemption. Since the Project is not exempt from CEQA, an initial study must be prepared to determine the appropriate level of CEQA review required.

This comment has been prepared with the assistance of indoor air quality expert Francis “Bud” Offermann (Exhibit A). We incorporate the Offermann comments herein by reference.

PROJECT DESCRIPTION

The Project is located on an approximately 0.9-acre site that is currently developed with two commercial buildings and surface parking. The Project proposes to develop 151 multifamily residential units and approximately 3,690 square feet of ground floor commercial uses.

The site is surrounded by commercial and residential uses, including the immediately adjacent property, which contains multiple apartment buildings. Approvals from the City of Los Angeles that are necessary for the project include a Density Bonus with two off-menu incentives, a Conditional Use Permit, and Site Plan Review.

LEGAL BACKGROUND

As the California Supreme Court has held, “[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR.” (*Communities for a Better Env’t v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-20.) “Significant environmental effect” is defined very broadly as “a substantial or potentially substantial adverse change in the environment.” (Pub. Res. Code (“PRC”) § 21068; see also, 14 CCR § 15382.) An effect on the environment need not be “momentous” to meet the CEQA test for significance; it is enough that the impacts are “not trivial.” (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83.) “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Communities for a Better Env’t v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 109.)

The EIR is the very heart of CEQA. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.) The EIR is an “environmental ‘alarm bell’ whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return.” (*Bakersfield Citizens*, 124 Cal.App.4th at 1220.) The EIR also functions as a “document of accountability,” intended to “demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (*Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392.) The EIR process “protects not only the environment but also informed self-government.” (*Pocket Protectors*, 124 Cal.App.4th at 927.)

To achieve its objectives of environmental protection, CEQA has a three-tiered structure. (14 CCR § 15002(k); *Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1185-86.) First, if a project falls into an exempt category, or it can be seen with certainty that the activity in question will not have a significant effect on the environment, no further agency evaluation is required. (*Id.*) Second, if there is a possibility the project will have a significant effect on the environment, the agency must perform an initial threshold study. (*Id.*; 14 CCR § 15063(a).) If the study indicates that there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment the agency may issue a negative declaration. (*Id.*; 14 CCR §§ 15063(b)(2), 15070.) Finally, if the project will have a significant effect on the environment, an EIR is required. (*Id.*)

The classes of projects which are exempt from the provisions of CEQA are called categorical exemptions. (14 CCR §§ 15300, 15354.) “Exemptions to CEQA are narrowly construed and ‘[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.’ [Citations].” (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 125.) The determination as to the appropriate scope of a categorical exemption is a question of law subject to independent, or de novo, review. (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.*, (2006) 139 Cal. App. 4th 1356, 1375 [“[Q]uestions of interpretation or application of the requirements of CEQA are matters of law. [Citations.] Thus, for example, interpreting the scope of a CEQA exemption presents ‘a question of law, subject to de novo review by this court.’ [Citations].”].) In addition, there are several exceptions to CEQA’s categorical exemptions. (See, 14 CCR § 15300.2.)

DISCUSSION

I. The Class 32 Exemption Does Not Apply on its Face.

The proposed Project does not qualify for a Class 32 Exemption under CEQA because of the Project’s significant indoor air quality impacts. The City must prepare an Initial Study to determine the appropriate level of CEQA review, be it a mitigated negative declaration or an environmental impact report.

The Class 32 exemption provides:

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value, as habitat for endangered, rare or threatened species.
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) The site can be adequately served by all required utilities and public services.

(14 CCR § 15332 [emph. added].)

One of the key limitations of the Exemption is that it does not apply if the project will have any significant effects relating to air quality. (14 CCR § 15332(d).) Here, the Exemption cannot apply because, as demonstrated below, the project will have significant indoor air quality impacts.

a. There is Substantial Evidence that the Project May Have a Significant Health Risk Impact from Indoor Air Quality Impacts, Therefore the Categorical Exemption Does Not Apply.

Certified Industrial Hygienist, Francis “Bud” Offermann, PE, CIH, has conducted a review of the proposed Project and relevant documents regarding the Project’s indoor air emissions. Indoor Environmental Engineering Comments (February 5, 2023). Mr. Offermann concludes that it is likely that the Project will expose residents and commercial employees of the Project to significant impacts related to indoor air quality, and in particular, emissions of the cancer-causing chemical formaldehyde. Mr. Offermann is a leading expert on indoor air quality and has published extensively on the topic. Mr. Offermann’s expert comments and curriculum vitae are attached as Exhibit A.

Mr. Offermann explains that many composite wood products used in building materials and furnishings commonly found in offices, warehouses, residences, and hotels contain formaldehyde-based glues which off-gas formaldehyde over a very long time period. He states, “[t]he primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.” (Ex. A, p. 2-3).

Formaldehyde is a known human carcinogen. Mr. Offermann states that future residents of the Project would be exposed to a 120 in one million cancer risk, and commercial employees of the Project would be exposed to a 17.7 in one million risk, **even assuming** all materials are compliant with the California Air Resources Board's formaldehyde airborne toxics control measure. (*Id.* at 4-5). This potential exposure level exceeds the SCAQMD CEQA significance threshold for airborne cancer risk of 10 per million.

Mr. Offermann identifies mitigation measures that are available to reduce these significant health risks, including the installation of air filters and a requirement that the applicant use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins or ultra-low emitting formaldehyde (ULEF) resins in the buildings' interiors. (*Id.* at 12-14). These significant environmental impacts preclude the use of a Categorical Exemption for the Project. These impacts should be reviewed in a full CEQA analysis and mitigation measures should be imposed to reduce the risk of formaldehyde exposure.

II. The Unusual Circumstances Exception Precludes Reliance on the Class 32 Exemption.

A categorical exemption is inapplicable "where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." (14 CCR 15300.2(c).) In *Berkeley Hillside Preservation v. City of Berkeley*, the California Supreme Court explained that there are two ways a party may invoke the unusual circumstances exception. First, "a party may establish an unusual circumstance with evidence that the project *will* have a significant environmental effect. That evidence, if convincing, necessarily also establishes 'a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.'" (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105 [emph. added].) Alternatively, "[a] party invoking the exception may establish an unusual circumstance without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location. In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance." (*Id.*)

As discussed above, the Project will have a significant air quality impact. The fact that this significant impact will occur constitutes an unusual circumstance, precluding the City's reliance on an exemption.

CONCLUSION

The City cannot rely on a Class 32 exemption because the Project does not meet the terms of the exemption and because the unusual circumstances exception to exemption applies. Accordingly, the City must prepare an initial study to determine the appropriate level of environmental review to undertake pursuant to CEQA. Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink that reads "Amalia Bowley Fuentes". The signature is written in a cursive, flowing style.

Amalia Bowley Fuentes
Lozeau Drury LLP

EXHIBIT A



INDOOR ENVIRONMENTAL ENGINEERING



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Date: February 5, 2023

To: Amalia Bowley Fuentes
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, California 94612

From: Francis J. Offermann PE CIH

Subject: Indoor Air Quality: 1200 – 1218 N. Vine Street, 6245 - 6247 W. Lexington
Avenue Project, Los Angeles, CA
(IEE File Reference: P-4681)

Pages: 19

Indoor Air Quality Impacts

Indoor air quality (IAQ) directly impacts the comfort and health of building occupants, and the achievement of acceptable IAQ in newly constructed and renovated buildings is a well-recognized design objective. For example, IAQ is addressed by major high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014). Indoor air quality in homes is particularly important because occupants, on average, spend approximately ninety percent of their time indoors with the majority of this time spent at home (EPA, 2011). Some segments of the population that are most susceptible to the effects of poor IAQ, such as the very young and the elderly, occupy their homes almost continuously. Additionally, an increasing number of adults are working from home at least some of the time during the workweek. Indoor air quality also is a serious concern for workers in hotels, offices and other business establishments.

The concentrations of many air pollutants often are elevated in homes and other buildings relative to outdoor air because many of the materials and products used indoors contain

and release a variety of pollutants to air (Hodgson et al., 2002; Offermann and Hodgson, 2011). With respect to indoor air contaminants for which inhalation is the primary route of exposure, the critical design and construction parameters are the provision of adequate ventilation and the reduction of indoor sources of the contaminants.

Indoor Formaldehyde Concentrations Impact. In the California New Home Study (CNHS) of 108 new homes in California (Offermann, 2009), 25 air contaminants were measured, and formaldehyde was identified as the indoor air contaminant with the highest cancer risk as determined by the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), No Significant Risk Levels (NSRL) for carcinogens. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000 (i.e., ten in one million cancer risk) and for formaldehyde is 40 µg/day. The NSRL concentration of formaldehyde that represents a daily dose of 40 µg is 2 µg/m³, assuming a continuous 24-hour exposure, a total daily inhaled air volume of 20 m³, and 100% absorption by the respiratory system. All of the CNHS homes exceeded this NSRL concentration of 2 µg/m³. The median indoor formaldehyde concentration was 36 µg/m³, and ranged from 4.8 to 136 µg/m³, which corresponds to a median exceedance of the 2 µg/m³ NSRL concentration of 18 and a range of 2.3 to 68.

Therefore, the cancer risk of a resident living in a California home with the median indoor formaldehyde concentration of 36 µg/m³, is 180 per million as a result of formaldehyde alone. The CEQA significance threshold for airborne cancer risk is 10 per million, as established by the South Coast Air Quality Management District (SCAQMD, 2015).

Besides being a human carcinogen, formaldehyde is also a potent eye and respiratory irritant. In the CNHS, many homes exceeded the non-cancer reference exposure levels (RELs) prescribed by California Office of Environmental Health Hazard Assessment (OEHHA, 2017b). The percentage of homes exceeding the RELs ranged from 98% for the Chronic REL of 9 µg/m³ to 28% for the Acute REL of 55 µg/m³.

The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and

particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.

In January 2009, the California Air Resources Board (CARB) adopted an airborne toxics control measure (ATCM) to reduce formaldehyde emissions from composite wood products, including hardwood plywood, particleboard, medium density fiberboard, and also furniture and other finished products made with these wood products (California Air Resources Board 2009). While this formaldehyde ATCM has resulted in reduced emissions from composite wood products sold in California, they do not preclude that homes built with composite wood products meeting the CARB ATCM will have indoor formaldehyde concentrations below cancer and non-cancer exposure guidelines.

A follow up study to the California New Home Study (CNHS) was conducted in 2016-2018 (Singer et. al., 2019), and found that the median indoor formaldehyde in new homes built after 2009 with CARB Phase 2 Formaldehyde ATCM materials had lower indoor formaldehyde concentrations, with a median indoor concentrations of $22.4 \mu\text{g}/\text{m}^3$ (18.2 ppb) as compared to a median of $36 \mu\text{g}/\text{m}^3$ found in the 2007 CNHS. Unlike in the CNHS study where formaldehyde concentrations were measured with pumped DNPH samplers, the formaldehyde concentrations in the HENGH study were measured with passive samplers, which were estimated to under-measure the true indoor formaldehyde concentrations by approximately 7.5%. Applying this correction to the HENGH indoor formaldehyde concentrations results in a median indoor concentration of $24.1 \mu\text{g}/\text{m}^3$, which is 33% lower than the $36 \mu\text{g}/\text{m}^3$ found in the 2007 CNHS.

Thus, while new homes built after the 2009 CARB formaldehyde ATCM have a 33% lower median indoor formaldehyde concentration and cancer risk, the median lifetime cancer risk is still 120 per million for homes built with CARB compliant composite wood products. This median lifetime cancer risk is more than 12 times the OEHHA 10 in a million cancer risk threshold (OEHHA, 2017a).

With respect to the 1200 – 1218 N. Vine Street, 6245 - 6247 W. Lexington Avenue Project, Los Angeles, CA, the buildings consist of residential and commercial spaces.

The residential occupants will potentially have continuous exposure (e.g. 24 hours per day, 52 weeks per year). These exposures are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in residential construction.

Because these residences will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor residential formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 24.1 $\mu\text{g}/\text{m}^3$ (Singer et. al., 2020).

Assuming that the residential occupants inhale 20 m^3 of air per day, the average 70-year lifetime formaldehyde daily dose is 482 $\mu\text{g}/\text{day}$ for continuous exposure in the residences. This exposure represents a cancer risk of 120 per million, which is more than 12 times the CEQA cancer risk of 10 per million. For occupants that do not have continuous exposure, the cancer risk will be proportionally less but still substantially over the CEQA cancer risk of 10 per million (e.g. for 12/hour/day occupancy, more than 6 times the CEQA cancer risk of 10 per million).

The employees of the commercial spaces are expected to experience significant indoor exposures (e.g., 40 hours per week, 50 weeks per year). These exposures for employees are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in offices, warehouses, residences and hotels.

Because the commercial spaces will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 24.1 $\mu\text{g}/\text{m}^3$ (Singer et. al., 2020)

Assuming that the employees of commercial spaces work 8 hours per day and inhale 20 m^3

of air per day, the formaldehyde dose per work-day at the offices is 161 µg/day.

Assuming that these employees work 5 days per week and 50 weeks per year for 45 years (start at age 20 and retire at age 65) the average 70-year lifetime formaldehyde daily dose is 70.9 µg/day.

This is 1.77 times the NSRL (OEHHA, 2017a) of 40 µg/day and represents a cancer risk of 17.7 per million, which exceeds the CEQA cancer risk of 10 per million. This impact should be analyzed in an environmental impact report (“EIR”), and the agency should impose all feasible mitigation measures to reduce this impact. Several feasible mitigation measures are discussed below and these and other measures should be analyzed in an EIR.

In addition, we note that the average outdoor air concentration of formaldehyde in California is 3 ppb, or 3.7 µg/m³, (California Air Resources Board, 2004), and thus represents an average pre-existing background airborne cancer risk of 1.85 per million. Thus, the indoor air formaldehyde exposures describe above exacerbate this pre-existing risk resulting from outdoor air formaldehyde exposures.

Additionally, the SCAQMD’s Multiple Air Toxics Exposure Study (“MATES V”) identifies an existing cancer risk at the Project site of 541 per million due to the site’s elevated ambient air contaminant concentrations, which are due to the area’s high levels of vehicle traffic. These impacts would further exacerbate the pre-existing cancer risk to the building occupants, which result from exposure to formaldehyde in both indoor and outdoor air.

Appendix A, Indoor Formaldehyde Concentrations and the CARB Formaldehyde ATCM, provides analyses that show utilization of CARB Phase 2 Formaldehyde ATCM materials will not ensure acceptable cancer risks with respect to formaldehyde emissions from composite wood products.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of

formaldehyde the meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

The following describes a method that should be used, prior to construction in the environmental review under CEQA, for determining whether the indoor concentrations resulting from the formaldehyde emissions of specific building materials/furnishings selected exceed cancer and non-cancer guidelines. Such a design analyses can be used to identify those materials/furnishings prior to the completion of the City's CEQA review and project approval, that have formaldehyde emission rates that contribute to indoor concentrations that exceed cancer and non-cancer guidelines, so that alternative lower emitting materials/furnishings may be selected and/or higher minimum outdoor air ventilation rates can be increased to achieve acceptable indoor concentrations and incorporated as mitigation measures for this project.

Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment

This formaldehyde emissions assessment should be used in the environmental review under CEQA to assess the indoor formaldehyde concentrations from the proposed loading of building materials/furnishings, the area-specific formaldehyde emission rate data for building materials/furnishings, and the design minimum outdoor air ventilation rates. This assessment allows the applicant (and the City) to determine, before the conclusion of the environmental review process and the building materials/furnishings are specified, purchased, and installed, if the total chemical emissions will exceed cancer and non-cancer guidelines, and if so, allow for changes in the selection of specific material/furnishings and/or the design minimum outdoor air ventilations rates such that cancer and non-cancer guidelines are not exceeded.

1.) Define Indoor Air Quality Zones. Divide the building into separate indoor air quality zones, (IAQ Zones). IAQ Zones are defined as areas of well-mixed air. Thus, each ventilation system with recirculating air is considered a single zone, and each room or

group of rooms where air is not recirculated (e.g. 100% outdoor air) is considered a separate zone. For IAQ Zones with the same construction material/furnishings and design minimum outdoor air ventilation rates. (e.g. hotel rooms, apartments, condominiums, etc.) the formaldehyde emission rates need only be assessed for a single IAQ Zone of that type.

2.) Calculate Material/Furnishing Loading. For each IAQ Zone, determine the building material and furnishing loadings (e.g., m² of material/m² floor area, units of furnishings/m² floor area) from an inventory of all potential indoor formaldehyde sources, including flooring, ceiling tiles, furnishings, finishes, insulation, sealants, adhesives, and any products constructed with composite wood products containing urea-formaldehyde resins (e.g., plywood, medium density fiberboard, particleboard).

3.) Calculate the Formaldehyde Emission Rate. For each building material, calculate the formaldehyde emission rate (µg/h) from the product of the area-specific formaldehyde emission rate (µg/m²-h) and the area (m²) of material in the IAQ Zone, and from each furnishing (e.g. chairs, desks, etc.) from the unit-specific formaldehyde emission rate (µg/unit-h) and the number of units in the IAQ Zone.

NOTE: As a result of the high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014), most manufacturers of building materials furnishings sold in the United States conduct chemical emission rate tests using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers,” (CDPH, 2017), or other equivalent chemical emission rate testing methods. Most manufacturers of building furnishings sold in the United States conduct chemical emission rate tests using ANSI/BIFMA M7.1 Standard Test Method for Determining VOC Emissions (BIFMA, 2018), or other equivalent chemical emission rate testing methods.

CDPH, BIFMA, and other chemical emission rate testing programs, typically certify that a material or furnishing does not create indoor chemical concentrations in excess of the maximum concentrations permitted by their certification. For instance, the CDPH emission rate testing requires that the measured emission rates when input into an office, school, or

residential model do not exceed one-half of the OEHHA Chronic Exposure Guidelines (OEHHA, 2017b) for the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017). These certifications themselves do not provide the actual area-specific formaldehyde emission rate (i.e., $\mu\text{g}/\text{m}^2\text{-h}$) of the product, but rather provide data that the formaldehyde emission rates do not exceed the maximum rate allowed for the certification. Thus, for example, the data for a certification of a specific type of flooring may be used to calculate that the area-specific emission rate of formaldehyde is less than $31 \mu\text{g}/\text{m}^2\text{-h}$, but not the actual measured specific emission rate, which may be 3, 18, or $30 \mu\text{g}/\text{m}^2\text{-h}$. These area-specific emission rates determined from the product certifications of CDPH, BIFA, and other certification programs can be used as an initial estimate of the formaldehyde emission rate.

If the actual area-specific emission rates of a building material or furnishing is needed (i.e. the initial emission rates estimates from the product certifications are higher than desired), then that data can be acquired by requesting from the manufacturer the complete chemical emission rate test report. For instance if the complete CDPH emission test report is requested for a CDHP certified product, that report will provide the actual area-specific emission rates for not only the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017), but also all of the cancer and reproductive/developmental chemicals listed in the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), all of the toxic air contaminants (TACs) in the California Air Resources Board Toxic Air Contamination List (CARB, 2011), and the 10 chemicals with the greatest emission rates.

Alternatively, a sample of the building material or furnishing can be submitted to a chemical emission rate testing laboratory, such as Berkeley Analytical Laboratory (<https://berkeleyanalytical.com>), to measure the formaldehyde emission rate.

4.) Calculate the Total Formaldehyde Emission Rate. For each IAQ Zone, calculate the total formaldehyde emission rate (i.e. $\mu\text{g}/\text{h}$) from the individual formaldehyde emission rates from each of the building material/furnishings as determined in Step 3.

5.) Calculate the Indoor Formaldehyde Concentration. For each IAQ Zone, calculate the indoor formaldehyde concentration ($\mu\text{g}/\text{m}^3$) from Equation 1 by dividing the total formaldehyde emission rates (i.e. $\mu\text{g}/\text{h}$) as determined in Step 4, by the design minimum outdoor air ventilation rate (m^3/h) for the IAQ Zone.

$$C_{in} = \frac{E_{total}}{Q_{oa}} \quad (\text{Equation 1})$$

where:

C_{in} = indoor formaldehyde concentration ($\mu\text{g}/\text{m}^3$)

E_{total} = total formaldehyde emission rate ($\mu\text{g}/\text{h}$) into the IAQ Zone.

Q_{oa} = design minimum outdoor air ventilation rate to the IAQ Zone (m^3/h)

The above Equation 1 is based upon mass balance theory, and is referenced in Section 3.10.2 “Calculation of Estimated Building Concentrations” of the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017).

6.) Calculate the Indoor Exposure Cancer and Non-Cancer Health Risks. For each IAQ Zone, calculate the cancer and non-cancer health risks from the indoor formaldehyde concentrations determined in Step 5 and as described in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines; Guidance Manual for Preparation of Health Risk Assessments (OEHHA, 2015).

7.) Mitigate Indoor Formaldehyde Exposures of exceeding the CEQA Cancer and/or Non-Cancer Health Risks. In each IAQ Zone, provide mitigation for any formaldehyde exposure risk as determined in Step 6, that exceeds the CEQA cancer risk of 10 per million or the CEQA non-cancer Hazard Quotient of 1.0.

Provide the source and/or ventilation mitigation required in all IAQ Zones to reduce the health risks of the chemical exposures below the CEQA cancer and non-cancer health risks.

Source mitigation for formaldehyde may include:

- 1.) reducing the amount materials and/or furnishings that emit formaldehyde

- 2.) substituting a different material with a lower area-specific emission rate of formaldehyde

Ventilation mitigation for formaldehyde emitted from building materials and/or furnishings may include:

- 1.) increasing the design minimum outdoor air ventilation rate to the IAQ Zone.

NOTE: Mitigating the formaldehyde emissions through use of less material/furnishings, or use of lower emitting materials/furnishings, is the preferred mitigation option, as mitigation with increased outdoor air ventilation increases initial and operating costs associated with the heating/cooling systems.

Further, we are not asking that the builder “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers,” (CDPH, 2017), and use the procedure described earlier above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Outdoor Air Ventilation Impact. Another important finding of the CNHS, was that the outdoor air ventilation rates in the homes were very low. Outdoor air ventilation is a very important factor influencing the indoor concentrations of air contaminants, as it is the primary removal mechanism of all indoor air generated contaminants. Lower outdoor air exchange rates cause indoor generated air contaminants to accumulate to higher indoor air concentrations. Many homeowners rarely open their windows or doors for ventilation as a result of their concerns for security/safety, noise, dust, and odor concerns (Price, 2007). In the CNHS field study, 32% of the homes did not use their windows during the 24-hour Test Day, and 15% of the homes did not use their windows during the entire preceding week. Most of the homes with no window usage were homes in the winter field session. Thus, a

substantial percentage of homeowners never open their windows, especially in the winter season. The median 24-hour measurement was 0.26 air changes per hour (ach), with a range of 0.09 ach to 5.3 ach. A total of 67% of the homes had outdoor air exchange rates below the minimum California Building Code (2001) requirement of 0.35 ach. Thus, the relatively tight envelope construction, combined with the fact that many people never open their windows for ventilation, results in homes with low outdoor air exchange rates and higher indoor air contaminant concentrations.

According to the Environmental Assessment Form Application, 1200 – 1218 N. Vine Street, 6245 - 6247 W. Lexington Avenue Project (City of Los Angeles, 2022) the Project is close to roads with moderate to high traffic (e.g., Santa Monica Blvd - 66, Vine Street, Lexington Avenue, Fountain Avenue, N. El Cento Avenue, N. Cahuenga Blvd, etc.). As a result the Project site is a sound impacted site.

In order to design the building for this Project such that interior noise levels are acceptable, an acoustic study of the existing and future ambient noise levels needs to be conducted.

As a result of the high outdoor noise levels, the current project will require a mechanical supply of outdoor air ventilation to allow for a habitable interior environment with closed windows and doors. Such a ventilation system would allow windows and doors to be kept closed at the occupant's discretion to control exterior noise within building interiors.

PM_{2.5} Outdoor Concentrations Impact. An additional impact of the nearby motor vehicle traffic associated with this project, are the outdoor concentrations of PM_{2.5}. According to the Environmental Assessment Form Application, 1200 – 1218 N. Vine Street, 6245 - 6247 W. Lexington Avenue Project (City of Los Angeles, 2022), the Project is located in the South Coast Air Basin, which is a State and Federal non-attainment area for PM_{2.5}.

Additionally, the SCAQMD's MATES V study cites an existing cancer risk of 541 per million at the Project site due to the site's high concentration of ambient air contaminants resulting from the area's high levels of motor vehicle traffic.

An air quality analyses should be conducted to determine the concentrations of PM_{2.5} in the outdoor and indoor air that people inhale each day. This air quality analyses needs to consider the cumulative impacts of the project related emissions, existing and projected future emissions from local PM_{2.5} sources (e.g. stationary sources, motor vehicles, and airport traffic) upon the outdoor air concentrations at the Project site. If the outdoor concentrations are determined to exceed the California and National annual average PM_{2.5} exceedence concentration of 12 µg/m³, or the National 24-hour average exceedence concentration of 35 µg/m³, then the buildings need to have a mechanical supply of outdoor air that has air filtration with sufficient removal efficiency, such that the indoor concentrations of outdoor PM_{2.5} particles is less than the California and National PM_{2.5} annual and 24-hour standards.

It is my experience that based on the projected high traffic noise levels, the annual average concentration of PM_{2.5} will exceed the California and National PM_{2.5} annual and 24-hour standards and warrant installation of high efficiency air filters (i.e. MERV 13 or higher) in all mechanically supplied outdoor air ventilation systems.

Indoor Air Quality Impact Mitigation Measures

The following are recommended mitigation measures to minimize the impacts upon indoor quality:

Indoor Formaldehyde Concentrations Mitigation. Use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins (CARB, 2009). CARB Phase 2 certified composite wood products, or ultra-low emitting formaldehyde (ULEF) resins, do not insure indoor formaldehyde concentrations that are below the CEQA cancer risk of 10 per million. Only composite wood products manufactured with CARB approved no-added formaldehyde (NAF) resins, such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

Alternatively, conduct the previously described Pre-Construction Building Material/Furnishing Chemical Emissions Assessment, to determine that the combination of formaldehyde emissions from building materials and furnishings do not create indoor formaldehyde concentrations that exceed the CEQA cancer and non-cancer health risks.

It is important to note that we are not asking that the builder “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017), and use the procedure described above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Outdoor Air Ventilation Mitigation. Provide each habitable room with a continuous mechanical supply of outdoor air that meets or exceeds the California 2016 Building Energy Efficiency Standards (California Energy Commission, 2015) requirements of the greater of 15 cfm/occupant or 0.15 cfm/ft² of floor area. Following installation of the system conduct testing and balancing to insure that required amount of outdoor air is entering each habitable room and provide a written report documenting the outdoor airflow rates. Do not use exhaust only mechanical outdoor air systems, use only balanced outdoor air supply and exhaust systems or outdoor air supply only systems. Provide a manual for the occupants or maintenance personnel, that describes the purpose of the mechanical outdoor air system and the operation and maintenance requirements of the system.

PM_{2.5} Outdoor Air Concentration Mitigation. Install air filtration with sufficient PM_{2.5} removal efficiency (e.g. MERV 13 or higher) to filter the outdoor air entering the mechanical outdoor air supply systems, such that the indoor concentrations of outdoor PM_{2.5} particles are less than the California and National PM_{2.5} annual and 24-hour standards. Install the air filters in the system such that they are accessible for replacement by the occupants or maintenance personnel. Include in the mechanical outdoor air ventilation

system manual instructions on how to replace the air filters and the estimated frequency of replacement.

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APPENDIX A

INDOOR FORMALDEHYDE CONCENTRATIONS AND THE CARB FORMALDEHYDE ATCM

With respect to formaldehyde emissions from composite wood products, the CARB ATCM regulations of formaldehyde emissions from composite wood products, do not assure healthful indoor air quality. The following is the stated purpose of the CARB ATCM regulation - *The purpose of this airborne toxic control measure is to “reduce formaldehyde emissions from composite wood products, and finished goods that contain composite wood products, that are sold, offered for sale, supplied, used, or manufactured for sale in California”*. In other words, the CARB ATCM regulations do not “assure healthful indoor air quality”, but rather “reduce formaldehyde emissions from composite wood products”.

Just how much protection do the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products? Definitely some, but certainly the regulations do not “*assure healthful indoor air quality*” when CARB Phase 2 products are utilized. As shown in the Chan 2019 study of new California homes, the median indoor formaldehyde concentration was of 22.4 $\mu\text{g}/\text{m}^3$ (18.2 ppb), which corresponds to a cancer risk of 112 per million for occupants with continuous exposure, which is more than 11 times the CEQA cancer risk of 10 per million.

Another way of looking at how much protection the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products is to calculate the maximum number of square feet of composite wood product that can be in a residence without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy.

For this calculation I utilized the floor area (2,272 ft^2), the ceiling height (8.5 ft), and the number of bedrooms (4) as defined in Appendix B (New Single-Family Residence Scenario) of the Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers, Version 1.1, 2017, California Department of Public Health,

For the outdoor air ventilation rate I used the 2019 Title 24 code required mechanical ventilation rate (ASHRAE 62.2) of 106 cfm (180 m³/h) calculated for this model residence. For the composite wood formaldehyde emission rates I used the CARB ATCM Phase 2 rates.

The calculated maximum number of square feet of composite wood product that can be in a residence, without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 15 ft² (0.7% of the floor area), or
Particle Board – 30 ft² (1.3% of the floor area), or
Hardwood Plywood – 54 ft² (2.4% of the floor area), or
Thin MDF – 46 ft² (2.0 % of the floor area).

For offices and hotels the calculated maximum amount of composite wood product (% of floor area) that can be used without exceeding the CEQA cancer risk of 10 per million for occupants, assuming 8 hours/day occupancy, and the California Mechanical Code minimum outdoor air ventilation rates are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 3.6 % (offices) and 4.6% (hotel rooms), or
Particle Board – 7.2 % (offices) and 9.4% (hotel rooms), or
Hardwood Plywood – 13 % (offices) and 17% (hotel rooms), or
Thin MDF – 11 % (offices) and 14 % (hotel rooms)

Clearly the CARB ATCM does not regulate the formaldehyde emissions from composite wood products such that the potentially large areas of these products, such as for flooring, baseboards, interior doors, window and door trims, and kitchen and bathroom cabinetry, could be used without causing indoor formaldehyde concentrations that result in CEQA

cancer risks that substantially exceed 10 per million for occupants with continuous occupancy.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde that meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

If CARB Phase 2 compliant or ULEF composite wood products are utilized in construction, then the resulting indoor formaldehyde concentrations should be determined in the design phase using the specific amounts of each type of composite wood product, the specific formaldehyde emission rates, and the volume and outdoor air ventilation rates of the indoor spaces, and all feasible mitigation measures employed to reduce this impact (e.g. use less formaldehyde containing composite wood products and/or incorporate mechanical systems capable of higher outdoor air ventilation rates). See the procedure described earlier (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Alternatively, and perhaps a simpler approach, is to use only composite wood products (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins.



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: MAY 23, 2023

Case No. CPC-2022-7047-CU-DB-SPR-HCA

CEQA: ENV-2022-7048-CE

Plan Area: Hollywood

Council District: 13 – Soto-Martinez

Project Site: 1200 – 1218 North Vine Street; 6245 – 6247 West Lexington Avenue

Applicant: Vine Street Los Angeles Apartments, LLC
Representative: Dana Sayles, three6ixty

At its meeting of **May 11, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of two existing commercial buildings and one surface parking lot for the development of a seven-story mixed-use building with 151 dwelling units (17 units set aside for Very Low Income Households) and 3,690 square feet of ground floor commercial uses. The proposed building is 87 feet in height, has 143,295 square feet of floor area and 87 vehicle parking spaces (80 residential parking spaces and seven commercial parking spaces).

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, Class 32 (Urban Infill), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.24 U.26 of the Los Angeles Municipal Code (LAMC), a Conditional Use Permit to allow a Density Bonus for a housing development project in which the density increase is greater than the 35 percent otherwise permitted by LAMC Section 12.22 A.25;
3. **Approved**, pursuant to LAMC Section 12.22 A.25(g), a Density Bonus for a housing development project consisting of 151 dwelling units, of which 17 will be set aside for Very Low Income Households (16 percent of base units) and requesting the following three Off-Menu Incentives:
 - a. An Off-Menu Incentive to permit an increase in Floor Area to allow an FAR of 3.5:1 in lieu of the otherwise required 0.5:1 FAR in the C2-1D Zone;
 - b. An Off-Menu Incentive to permit a decrease in the required rear yard to allow 10 feet in lieu of the 20-foot rear yard required in the C2-1D Zone; and
 - c. An Off-Menu Incentive to permit a decrease in required side yard along Vine Street to allow zero feet in lieu of the 10-foot side yard required in the C2-1D Zone;
4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a project that results in an increase of 50 or more dwelling units and/or guest rooms;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Noonan
 Second: Cabildo
 Ayes: Choe, Lawshe, Mack, Millman, Zamora
 Absent: Leung

Vote: 7 – 0



Cecilia Lamas, Commission Executive Assistant II
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission related to the Off-Menu Density Bonus Incentives are not appealable. The remaining entitlements are appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department’s Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: JUNE 7, 2023

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City’s decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions of Approval, Findings, Interim Appeal Filing Procedure

- c: Heather Bleemers, Senior City Planner
- Renata Ooms, City Planner
- Stephanie Escobar, City Planning Associate

CONDITIONS OF APPROVAL

Pursuant to Sections 12.22-A,25, 12.24-U,26 and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

A. Development Conditions

Density Bonus

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans date 4/11/2023, submitted by the Applicant, stamped "Exhibit A," and /attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 151 dwelling units.
3. **Affordable Units.**
 - a. A minimum of 17 units, that is at least 16 percent of the base dwelling units permitted in the C2-1D Zone, shall be reserved as Very Low Income Households, as defined by the State Density Bonus Law per Government Code Section 65915(c)(2).
 - b. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,25.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make at least 16 percent of the site's base density units (102 units) available to Very Low Income Households, for sale or rental as determined to be affordable to such Households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22-A,25, to the satisfaction of LAHD, and in consideration of the project's SB 330 Determination, dated July 1, 2022 (or any subsequent update to that letter as deemed necessary by LAHD in order to comply with SB 8). Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant shall present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background section of this determination for more information.
5. **Housing Replacement.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD), and in compliance with LAHD's July 1, 2022, SB 330 Determination Letter (or any subsequent update to that letter as deemed necessary by LAHD in order to comply with SB 8). Enforcement of the terms of said covenant shall be the responsibility of LAHD. 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 the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background section of this determination for more information.

On-site Restricted Affordable Units may be used to satisfy the Housing Replacement units required pursuant to SB 8 provided such units meet the income levels, to the satisfaction of LAHD.

6. Incentives.

- a. **Floor Area.** A maximum Floor Area Ratio (FAR) of 3.5 to 1 shall be permitted in lieu of the 0.5 to 1 maximum FAR otherwise permitted by the C2-1D Zone.
- b. **Rear Yard Setback.** A maximum rear yard setback of 10 feet shall be permitted in lieu of the otherwise required 20 foot rear yard setback in the C2-1D Zone.
- c. **Side Yard Setback.** A maximum side yard setback along Vine Street of zero feet shall be permitted in lieu of the otherwise required 10 foot side yard setback in the C2-1D Zone

7. Parking.

- a. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by LAHD.
- b. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21-A,16.

8. Street Trees:

Street trees shall be provided to the satisfaction of the Urban Forestry Division. Street trees may be used to satisfy on-site tree requirements pursuant to LAMC Article Section 12.21.G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units). Per Exhibit A and 12.21.G.3, a total of six (6) street trees shall be provided or maintained to the satisfaction of the Urban Forestry Division.

9. Landscaping:

- a. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the Department of City Planning.
- b. **Tree Wells.**
 - i. The minimum depth of tree wells on the rooftop or any other location where planters are used shall be as follows:
 - (1) Minimum depth for trees shall be 42 inches.
 - (2) Minimum depth for shrubs shall be 30 inches.
 - (3) Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
 - (4) Minimum depth for an extensive green roof shall be 3 inches.
 - ii. The minimum amount of soil volume for tree wells on the rooftop or any other location where planters are used shall be based on the size of the tree at maturity:

- (1) 600 cubic feet for a small tree (less than 25 feet tall at maturity).
- (2) 900 cubic feet for a medium tree (25-40 feet tall at maturity).
- (3) 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).

- 10. Circulation.** The applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval.
- 11. Solar.** The project shall provide for the installation of a photovoltaic system, in substantial conformance with the plans stamped "Exhibit A", and comply with the Los Angeles Municipal Green Building Code, Section 99.04.211 and 99.05.211, to the satisfaction of the Department of Building and Safety.
- 12. Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
- 13. Construction Generators.** The project construction contractor shall use on-site electrical sources and solar generators to power equipment rather than diesel generators, where feasible.
- 14. Materials.** A variety of high quality exterior building materials, consistent with Exhibit A, shall be used. The variety of materials used shall include at least the following: fiber cement panel, bok modern metal panel, natural stone tile, dark vinyl windows, dark bronze storefront, glass guardrails, metal guardrails, aluminum louvres, and stucco. Substitutes of an equal quality shall be permitted, to the satisfaction of the Department of City Planning.
- 15. Vehicle Access.** The project shall be limited to a maximum of two (2) driveways, with a maximum of one driveway located along Vine Street and one located along Lexington Avenue as shown in Exhibit A. The curb cut dimension shall be as narrow as permitted by LADOT.
- 16. Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer, if located in the front yard or Vine Street side yard, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides (those not adjacent to a building wall).
- 17. Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.
- 18. Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
- 19. Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.

B. Administrative Conditions

- 21. Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
- 22. Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval attached herein as a cover sheet, and shall include any modifications or notations required herein.
- 23. Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its 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.
- 24. Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 25. Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
- 26. Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
- 27. Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
- 28. 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 Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for

additional review and sign-off prior to the issuance of any permit in connection with those plans.

- 29. Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
- 30. Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
- 31. Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
- 32. Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
- 33. Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. 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 (b).
- d. 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 (b).

- e. 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 include 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.

FINDINGS

Conditional Use Findings

- 1. That 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 corner property is comprised of five parcels, measuring approximately 40,787 square feet square feet (0.9 acres) with approximately 198 feet along Vine Street, and 173 feet and six (6) inches feet along Lexington Avenue. The site is currently improved with two single-story commercial buildings and a surface parking lot. The property does not contain any existing residential housing units as confirmed by the Replacement Unit Determination issued by the Los Angeles Housing Department (LAHD) on July 1, 2022.

The Conditional Use for an additional 12.5 percent density bonus (beyond the 35 percent permitted through a by-right density bonus) approved herein results in an additional 13 housing units, for a total of 151 units. In exchange, the project will set aside at least 16 percent (17 units) of the base density for Very Low Income Households for a minimum of 55 years.

The proposed building reaches a height of 87-feet, and will have a Floor Area Ratio (FAR) of 3.5:1. The project includes 3,690 square feet of commercial ground floor uses and 87 parking spaces (80 residential parking spaces and seven commercial parking spaces) within two levels of above grade parking.

The proposed building with street activating uses and landscaping will replace two (2) vacant commercial buildings and a surface parking lot thereby providing a function that is both essential and beneficial to the Hollywood Community Plan area and the City of Los Angeles by providing 151 dwelling units including 17 Very Low Income units in a region with high demand for affordable housing and housing in general.

At the hearing officer hearing held on February 14, 2023 for the proposed project, members of the surrounding community stated that the vacant buildings had recently attracted crime activity. By redeveloping the subject site with a new mixed-use residential building with active pedestrian level uses such as retail uses and pedestrian plaza, the project will contribute to increased eyes on the street and resident activity. Therefore, the proposed project will add a function that is beneficial to the community by providing retail amenities to the surrounding community and by increasing pedestrian safety.

Therefore, the proposed 151-unit development, will provide 134 new market rate and 17 new Very Low Income affordable housing units, and thus is performing a function, the provision of adequate housing that is affordable to households of various income levels, that is essential and beneficial to the city and the region.

- 2. That 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.**

The proposed project consists of the construction of a new seven-story, 151 dwelling unit mixed-use residential development which includes 17 units set aside for Very Low Income households. The project site is currently developed with two vacant commercial buildings with surface parking which will be demolished as part of the proposed development.

The approval herein is for a Conditional Use to allow an additional 12.5 percent density bonus (for a total of a 47.5 percent density bonus from the base density) to allow for a total of 151 dwelling units, representing an increase of 13 units beyond what would otherwise be permitted through the by-right 35 percent density bonus. In order to obtain the additional requested 12.5 percent density bonus, the project must set aside at least 16 percent of the base density, equal to 17 units, for Very Low Income units. The project will provide 17 units for Very Low Income households in exchange for the requested Density Bonus. As such, the Density Bonus request results in 138 units and the Conditional Use request results in an additional 13 units for a total of 151 dwelling units with 17 affordable units.

The project is zoned C2-1D and proposes a maximum height of 87 feet. The Height District 1 allows unlimited height and stories in the C2 Zone. The proposed height of the project is allowed by-right and is thus in compliance with the permitted height requirements under the designated zone. Furthermore, the applicant is requesting an Off-Menu incentive, pursuant to Density Bonus law, to allow a FAR increase from 0.5:1 to 3.5:1 to allow 143,295 square feet in floor area. There are buildings near the subject site that are of similar size and scale to the proposed project.

The property is located within the Hollywood Community Plan, a densely populated portion of the City of Los Angeles. The project site is located in an urbanized area surrounded by medium residential and commercial zones that are generally developed with a combination of commercial, residential, hotel, restaurant and office uses. The subject property is not adjacent to any single-family zoned properties. Rather, it is surrounded by properties zoned for Highway Oriented Commercial uses and Medium Residential uses. Therefore, construction of the housing development with a retail component will serve to benefit the neighborhood rather than degrade it. The façades are well-articulated and feature a prominent ground design that distinguishes it from the upper levels. The residential lobby and retail component at the ground level engage pedestrians along Vine Street and Lexington Avenue. Well-designed landscaping and addition of pedestrian plaza at the ground level will create a pleasing transition from the pedestrian realm of the sidewalk to the façade of the building. Therefore, the project is compatible with the surrounding neighborhood and will not adversely affect nor degrade adjacent properties, surrounding neighborhood, or the public health, safety, or welfare.

With the exception of the requests herein, the proposed project is otherwise entirely consistent with the requirements of the underlying zone. The project's significant features, including the proposed building's use, density, height, and FAR, are permitted by the underlying zone and the provisions of Density Bonus law. The project has been thoughtfully designed to include landscaping and above ground on-site parking.

Given the proposed project's location within the Hollywood Community Plan area, along with the existing development in the immediate vicinity of the subject property and its proximity to commercial thoroughfares, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

3. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The project site is located within the Hollywood Community Plan, which is one of 35 Community Plans which together form the land use element of the General Plan. The Community Plan was adopted in 1988 and designates the site for Highway Oriented Commercial land uses corresponding to the C Zone. The project site is zoned C2-1D and is

thus consistent with the existing land use designation. The subject property is not located within the boundaries of and is not subject to any specific plan or community design overlay.

The proposed project conforms to the following goals, objectives and policies of the Community Plan:

- Further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.
- 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.

The Conditional Use approved herein is for a 47.5% Density Bonus which allows for the construction of a mixed-use residential development with 151 dwelling units, of which 17 units are restricted for families or persons of Very Low Income, and 3,690 square feet of commercial ground floor uses. The 35 percent by-right density bonus would allow for 138 units (equal to an increase of 36 units beyond the 102 base density) to be constructed on the project site therefore, the density bonus request results in 138 units and the Conditional Use request results in an additional 13 units for a total of 151 dwelling units with 17 affordable units. The project's Very Low Income and market rate units satisfy both the needs of affordable housing as well as the City's need for more housing overall. The project will result in the net addition of 17 covenanted affordable dwelling units in a community in-need of more affordable housing.

The project is further consistent with other elements of the General Plan, including the Framework Element, the Housing Element, and the Mobility Element. The Framework Element was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also 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 project supports the following goal and objective of the Framework Element:

Goal 3C: Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

The project enhances the quality of life for the City's existing residents by providing a modern and upgraded residential structure in an area that needs new housing supply. The increased density is compatible with the nearby surrounding area. The project is located on the intersection of Vine Street and Lexington Avenue, a major cross-street with multiple transit options. Residents will be able to utilize transit and are within walking distance to a church, various restaurants, retail stores, small businesses and government facilities.

The Housing Element of the General Plan (2021-2029) will be implemented by the recommended action herein. The Housing Element is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and

provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element includes the following objectives and policies relevant to the instant request:

Goal 1: A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

Objective 1.1: Forecast and plan for existing and projected housing needs over time with the intention of furthering Citywide Housing Priorities.

Policy 1.1.2: Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, cost, and size within the City to meet housing needs, according to Citywide Housing Priorities and the City's General Plan.

Policy 1.1.6: Allocate citywide housing targets across Community Plan areas in a way that seeks to address patterns of racial and economic segregation, promote jobs/ housing balance, provide ample housing opportunities, and affirmatively further fair housing

Objective 1.2: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

Policy 1.2.2: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households

Objective 1.3: Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities.

Policy 1.3.1: Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.

Goal 2: A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.

Objective 2.3: Preserve, conserve and improve the quality of housing.

Goal 3: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

Objective 3.1: Use design to create a sense of place, promote health, foster community belonging, and promote racially and socially inclusive neighborhoods.

Policy 3.1.5: Develop and implement environmentally sustainable urban design standards and pedestrian-centered improvements in development of a project and within the public and private realm such as shade trees, parkways and comfortable sidewalks.

Policy 3.1.6: Establish plans and development standards that promote positive health outcomes for the most vulnerable communities and populations.

Policy 3.1.7: Promote complete neighborhoods by planning for housing that includes open space, and other amenities.

Objective 3.2: Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.

Policy 3.2.1: Promote the integration of housing with other compatible land uses at both the building and neighborhood level.

Policy 3.2.2: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing.

With the approval of the Conditional Use for a 47.5% density bonus the project is able to provide 151 total units, including 17 units affordable for Very Low Income Households or individuals. The additional market rate and affordable units that are allowed with the approval of the Conditional Use promote the objectives of the Housing Element by adding to the City's housing stock and contributing to the need for mixed-income housing. The project site is currently developed with two vacant commercial buildings and a surface parking lot. The project will expand affordable rental housing (17 units) while utilizing the property to its full potential, resulting in a net gain of 151 units to the City's housing stock. It is within close proximity to various major employment and retail centers, along with several major transportation lines, thereby connecting residents to jobs, amenities, services, and transit.

The project's proposed 134 market-rate units and 17 Very Low Income units fulfill the Community Plan, Framework Element, and Housing Element goals and objectives of providing quality housing for all persons in the community, including those who otherwise might not be housed. The project utilizes development incentives to provide a higher number of residential units than would otherwise be permitted, thereby facilitating the creation of a higher number of affordable units and addressing the need for affordable housing in the City.

The Mobility Element of the General Plan, also known as Mobility Plan 2035, adopted in 2016, provides policies with the ultimate goal of developing a balanced transportation network for all users. The project supports the following policies of the Mobility Element:

Policy 3.3: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

Policy 5.2: Support ways to reduce vehicle miles traveled (VMT) per capita.

Policy 5.4: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

Additionally, the project's location is near the heart of Hollywood at the intersection of Vine Street and Lexington Avenue, two roadways that are well-served by transit. The proposed project will be walking distance from transit, a church, various restaurants, retail stores, small businesses and government facilities. Thus, the project will contribute towards the creation of sustainable neighborhoods and a reduction in vehicle trips and VMT.

In addition, the project has been conditioned to comply with the electric vehicle requirements of state law. The project has also been conditioned to provide solar infrastructure. Together, these conditions further support applicable policies in the Health and Wellness Element, Air

Quality Element, and Mobility Element of the General Plan by reducing the level of pollution/greenhouse gas emissions, ensuring new development is compatible with alternative fuel vehicles, and encouraging the adoption of low emission fuel sources and supporting infrastructure. These conditions also support good planning practice by promoting overall sustainability and providing additional benefits and conveniences for residents, workers, and visitors.

The project contributes to and furthers several applicable goals, objectives, and policies of the plans that govern land use and development in the City. Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Hollywood Los Angeles Community Plan.

In addition to the above Conditional Use findings set forth in Section 12.24-E of the LAMC, the City Planning Commission shall find that:

4. The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan.

The City's Housing Element for 2021-2029 was adopted by City Council on November 24, 2021. The Housing Element of the General Plan will be implemented by the recommended action herein. The Housing Element is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City.

As discussed in Finding No. 3, the project, including 134 market-rate units and 17 units reserved for Very Low Income Households, is consistent with many of the goals and objectives of the Housing Element of the General Plan.

- 5. The project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows:**
- a. 11% Very-Low Income Units for a 35% density increase; or**
 - b. 20% Low Income Units for a 35% density increase; or**
 - c. 40% Moderate Income Units for a 35% density increase in for-sale projects.**

The project may then be granted additional density increases beyond 35% by providing additional affordable housing units in the following manner:

- a. For every additional 1% set aside of Very-Low Income Units, the project is granted an additional 2.5% density increase; or**
- b. For every additional 1% set aside of Low Income Units, the project is granted an additional 1.5% density increase; or**
- c. For every additional 1% set aside of Moderate Income Units in for-sale projects, the project is granted an additional 1% density increase; or**
- d. In calculating the density increase and Restricted Affordable Units, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.**

The subject property is zoned C2-1D, which limits density to one (1) dwelling unit per 400 square feet of lot area. The subject property has a total lot area of 40,786 square feet, and as such, the permitted base density on the subject property is 102 units.¹ In exchange for reserving a portion of the units for affordable housing, the applicant is entitled to a maximum 35 percent density bonus by-right. The applicant is seeking an additional 12.5 percent density bonus (or a total of a 47.5 percent density bonus) through a Conditional Use to allow for the proposed 151 dwelling units to be built on the site

Pursuant to the LAMC and California Government Code Section 65915, a Housing Development Project that sets aside a certain percentage of units as affordable, either in rental or for-sale units, shall be granted a corresponding density bonus, up to a maximum of 35 percent. While these provisions are limited to 35 percent, Government Code Section 65915(f) states that “the amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established.” As such, in instances where a project is seeking a density bonus increase that is more than 35 percent, the amount of required units that are set aside as affordable shall vary depending on the requested amount of density bonus. Therefore, it is appropriate that any project that requests a density bonus increase beyond 35 percent would extend the existing set-aside charts located in Section 12.22-A,25 of the LAMC. LAMC Section 12.24-U,26, which implements this provision of State law, states, as a Conditional Use, a project may be granted additional density increases beyond the 35 percent maximum by providing additional affordable housing units. Consistent with this Section, Table 1 below illustrates how the maximum allowable Density Bonus increases for every unit set aside for Very Low Income Households (2.5 percent density increase for every additional one [1] percent of Very Low Income units provided), based on the base density and the chart prescribed in LAMC Section 12.22-A,25.

Table 1: Density Bonus Percentages

Very Low Income Units (Percentage of Base Density)	Maximum Density Bonus Permitted (Based on Base Density)
5 %*	20 %*
6 %*	22.5 %*
7 %*	25 %*
8 %*	27.5 %*
9 %*	30 %*
10 %*	32.5 %*
11 %*	35 %*
15 %	45%
16 %	47.5 %

**Existing set-aside chart as listed in Section 12.22-A,25 of the LAMC*

For the subject property, a 35 percent by-right density bonus would allow for 138 units (equal to an increase of 36 units beyond the 102 base density) to be constructed on the project site. As illustrated in Table 1 above, in order to qualify for the 35 percent by-right density bonus, the project would be required to set aside 11 percent of the base density, or 11 units, for Very Low Income Households. The applicant is seeking an additional 12.5 percent density bonus (for a total of a 47.5% density bonus from the base density) through a Conditional Use to allow for a total of 151 dwelling units, representing an increase of 13 units beyond what would otherwise be permitted through the by-right 35 percent density bonus. In order to obtain the

¹ Assembly Bill 2501 clarifies that density calculations that result in a fractional number are to be rounded up to the next whole number. This applies to base density, number of bonus units, and number of affordable units required to be eligible for the density bonus.

additional requested 12.5 percent density bonus, as shown in Table 1, the project must set aside at least 16 percent of the base density, equal to 17 units, for Very Low Income units. The project will provide 17 units for Very Low Income households in exchange for the requested Density Bonus. As such, the Density Bonus request results in 138 units with 11 Very Low Income units and the Conditional Use request results in an additional 13 units for a total of 151 dwelling units with 17 affordable units.

6. The project meets any applicable dwelling unit replacement requirements of the California Government Code Section 65915(c)(3).

The project includes the demolition of two (2) one-story commercial buildings and surface parking lot. Per the SB 330 Determination Letter dated July 1, 2022, there are no existing housing units present at the site and thus the project is not required to replace any units. Therefore, the project will meet the applicable dwelling unit replacement requirements of the California Government Code Section 65915(c)(3).

7. The project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing Department, and subject to fees as set forth in Section 19.14 of the LAMC.

The proposed project has been conditioned to record a covenant for affordability restriction of a period of 55 years from the issuance of the Certificate of Occupancy, to the satisfaction of the Los Angeles Housing Department, and subject to fees as set forth in Section 19.14 of the LAMC.

8. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.

The City Planning Commission approved the Affordable Housing Incentives Guidelines (under Case No. CPC-2005-1101-CA) on June 9, 2005. The Guidelines were subsequently approved by the City Council on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. LAHD utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. The Guidelines prescribe that the design and location of affordable units be comparable to the market rate units, the equal distribution of amenities, LAHD monitoring requirements, affordability levels, and procedures for obtaining LAHD sign-offs for building permits.

The project will result in 151 new dwelling units, of which seven 17 will be reserved for Very Low Income Household occupancy and the remainder will be offered as market rate units. In order to ensure that there is equal distribution of amenities, the project has been conditioned to provide the private balconies in accordance with the requirements of the LAMC. All residents of the proposed project will have access to all common open space amenities within the building and each unit will have adequate private open space. The restricted units will comply with affordability requirements in the Guidelines set forth by LAHD in conformance with US Department of Housing and Urban Development (HUD). Additionally, as part of the building permit process, the applicant will execute a covenant to the satisfaction of LAHD who will ensure compliance with the Guidelines. Therefore, the project will address the policies and standards contained in the Guidelines.

Density Bonus/Affordable Housing Incentives Compliance Findings

9. Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(e) of the California Government Code, the decision-maker **shall approve** a density bonus and requested incentive(s) unless the Commission finds that:
- a. *The Incentives do not result in identifiable and actual cost to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested incentives do not result in identifiable and actual cost to provide for affordable housing costs per State Law. The California Health and Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for Very Low, Low, and Moderate Income Households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental Households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds depending on affordability levels.

Based on the set-aside of 16 percent of the base density for Very Low Income Households, the applicant is entitled to three (3) incentives under both Government Code Section 65915 and the LAMC. The request for FAR increase, reduction in rear yard setback and reduction in side yard setback are requested as Incentives.

Floor Area Ratio

Height District 1 in commercial zones has no limit on height or stories. Projects subject to Commercial Corner development standards are limited to 45 feet in height, however mixed-use projects are exempt from Commercial Corner standards and are allowed unlimited height and stories. Height District 1 allows for a maximum base FAR of 1.5:1. However, the "D" Limitation on the Property restricts the site to an FAR to 0.5:1 which is equal to a maximum of 20,393 square feet of total building area. The applicant is requesting an off-menu incentive for a maximum FAR of 3.5:1 to 1 to allow 143,295 square feet of floor area.

The requested increase in FAR will allow for the construction of affordable units in addition to larger-sized dwelling units and retail space at the ground level. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. This Incentives supports the applicant's decision to set aside a minimum of 17 dwelling units for Very Low Income Households for 55 years.

Rear Yard Setback

The subject property is zoned C2-1D, which requires a 20 foot rear yard along the northerly property line. Per LAMC Section 12.22-A,25, the applicant is requesting an Off-Menu incentive to permit a 10 foot rear yard setback in lieu of the otherwise required 20 foot rear yard setback. The proposed seven-story residential building has a 10 foot

proposed rear yard setback. The project has requested to reduce the rear yard by 50 percent to allow for a 10-foot rear yard setback. This additional 10 feet of building depth allows the project to accommodate the requested density of 151 units (with 17 units set aside for Very Low Income) and the requested floor area.

The requested reduction in rear yard setback will allow for the construction of affordable units in addition to larger-sized dwelling units and retail space at the ground level. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. The reduced yard creates a larger floor plate that allows more habitable floor area and more units to be built on each floor, thus avoiding a taller development that is more expensive to build. This construction cost savings is then passed on to each of the units in the project, including the affordable units. This Incentives supports the applicant's decision to set aside a minimum of 17 dwelling units for Very Low Income Households for 55 years.

Side Yard Setback (Westerly)

The subject property is zoned C2-1D, which requires a 10 foot side yard along Vine Street. Per LAMC Section 12.22-A,25, the applicant is requesting an Off-Menu incentive to permit zero (0) side yard setback in lieu of the otherwise required 10 foot side yard setback. The proposed seven-story residential building has no side yard setback along Vine Street. This additional 10 feet of building depth allows the project to accommodate the requested density of 151 units (with 17 units set aside for Very Low Income) and the requested floor area.

The requested reduction in side yard setback will allow for the construction of affordable units in addition to larger-sized dwelling units and retail space at the ground level. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. The reduced yard creates a larger floor plate that allows more habitable floor area and more units to be built on each floor, thus avoiding a taller development that is more expensive to build. This construction cost savings is then passed on to each of the units in the project, including the affordable units. This Incentives supports the applicant's decision to set aside a minimum of 17 dwelling units for Very Low Income Households for 55 years.

- b. *The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income Households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.***

There is no evidence that the proposed density bonus incentives will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific

adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A,25(b)).

The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project's proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

c. The incentives are contrary to state or federal law.

There is no evidence in the record that any of the incentives are contrary to state or federal law.

Site Plan Review Findings

10. That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.

The Los Angeles General Plan sets forth goals, objectives, and policies that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, but not limited to, Land Use, Housing, Transportation/Mobility, Noise, and Safety. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City. While the General Plan sets out a long-range vision and guide to future development, the 35 Community Plans provide the specific, neighborhood-level detail, relevant policies, and implementation strategies necessary to achieve the General Plan objectives. The project site is located in the Hollywood Community Plan area and is not subjected to any applicable specific plans.

Hollywood Community Plan

The project site is located within the Hollywood Community Plan (adopted in 1988), which is one of 35 Community Plans which together form the land use element of the General Plan. The Community Plan designates the site for Highway Oriented Commercial land uses with corresponding zones of C1, C2, P, RAS3 and RAS4. The project site is zoned C2-1D and is thus consistent with the existing land use designation, as shown in the following zoning map of the property.

The proposed project is consistent with the following goals, objectives and policies of the Community Plan:

- Further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.

- 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. The proposed project protects the surrounding residential neighborhoods from encroachment by higher density residential uses by allowing for the development of a 151-unit (including 17 units reserved for Very Low Income Households), mixed-use residential building within a commercially zoned property near the center of Hollywood. The project increases the housing stock and satisfies the needs and desires of all economic segments of the community by maximizing the opportunity for individual housing choice with the provision of affordable units.

The **Framework Element** for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also 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 Element includes the following goals, objectives and policies relevant to the instant request:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.

Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

Policy 3.2.2: Establish, through the Framework Long-Range Land Use Diagram, community plans, and other implementing tools, patterns and types of development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations.

Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and 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.

The proposed project will result in the development of a mixed-use residential building that will provide 151 dwelling units, including 17 units reserved for Very Low Income Households, thereby contributing toward and facilitating the City's long-term housing demands and vision for a more liveable city.

The project site is located within 1,250 feet from the intersection of Gower Street & Santa Monica Boulevard which qualifies as a Major Transit Stop and is served by numerous bus lines, primarily along Vine Street that are operated by the Los Angeles Metropolitan Transportation Authority (Metro) including Metro Lines 210 (Vine/Lexington) and 4 (Santa Monica/Vine). The numerous transit options in the area will allow future residents to reduce their single-occupancy vehicular trips.

The project site is currently occupied by vacant commercial uses and a surface parking lot. The development of the site will enable the City to conserve nearby existing stable residential neighborhoods and lower-intensity commercial districts by allowing controlled growth away from such neighborhoods and districts. Therefore, the proposed 151-unit residential building is consistent with the Distribution of Land Use goals, objectives and policies of the General Plan Framework Element.

The proposed mixed-use residential development increases the current housing stock with a residential building that will provide 151 units as well as ground floor commercial uses that will help supply the diverse economic and physical needs of residents in the Hollywood Community Plan area. The project will also enhance the appearance of the surrounding neighborhood as it implements good urban design practices and aligns with the Citywide Design Guidelines such as landscaping that is visible from the street, commercial ground floor uses and street trees. The project's architecture will enhance the visual appearance of the community and it has been designed and conditioned to enhance the public realm with conditions regulating landscaping and street trees and provide a safe environment for pedestrians by limiting the project to two (2) driveways. The driveway along Vine Street will have a width of 26 feet and five (5) inches and the driveway along Lexington Avenue will have a width of 32 feet. Therefore, the project is consistent with the Hollywood Community Plan.

The **Housing Element** of the General Plan (2021-2019) is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element includes the following objectives and policies relevant to the instant request:

Goal 1: A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

Objective 1.1: Forecast and plan for existing and projected housing needs over time with the intention of furthering Citywide Housing Priorities.

Policy 1.1.2: Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, cost, and size within the City to meet housing needs, according to Citywide Housing Priorities and the City's General Plan.

Policy 1.1.6: Allocate citywide housing targets across Community Plan areas in a way that seeks to address patterns of racial and economic segregation, promote jobs/ housing balance, provide ample housing opportunities, and affirmatively further fair housing

Objective 1.2: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

Policy 1.2.2: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households

Objective 1.3: Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities.

Policy 1.3.1: Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.

Goal 2: A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.

Objective 2.3: Preserve, conserve and improve the quality of housing.

Goal 3: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

Objective 3.1: Use design to create a sense of place, promote health, foster community belonging, and promote racially and socially inclusive neighborhoods.

Policy 3.1.5: Develop and implement environmentally sustainable urban design standards and pedestrian-centered improvements in development of a project and within the public and private realm such as shade trees, parkways and comfortable sidewalks.

Policy 3.1.6: Establish plans and development standards that promote positive health outcomes for the most vulnerable communities and populations.

Policy 3.1.7: Promote complete neighborhoods by planning for housing that includes open space, and other amenities.

Objective 3.2: Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.

Policy 3.2.1: Promote the integration of housing with other compatible land uses at both the building and neighborhood level.

Policy 3.2.2: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing

The proposed project implements the Housing Element by increasing the housing supply consistent with the Community Commercial land use designation. The subject site consists of vacant commercial uses and surface parking lot. The approval of the request permits 151 units with 17 units set aside for Very Low Income Households. As such, the project would achieve the production of new housing opportunities, meeting the needs of the city, while ensuring a range of different housing types (studio, one- and two-bedroom rental units) that address the needs of the city's households. Therefore, the project is consistent with the Housing Element goals, objectives and policies of the General Plan.

The **Mobility Element** of the General Plan (Mobility Plan 2035) will not be affected by the recommended action herein. Vine Street, adjoining the Property to the west, is a designated Avenue II, dedicated to approximately 92.5 feet in width at this location with a 50-foot half roadway. Vine Street is required to have a 86-foot total public right-of-way dedication, or a 43-foot half roadway. Lexington Street, adjoining the Property to the south, is a designated Local Street - Standard, dedicated to approximately 60 feet in width at this location. Lexington Street is required to have a 60-foot total public right-of-way dedication, or a 30-foot half roadway.

The project as designed will support the development of these Networks and meets the following policy objectives of Mobility Plan 2035:

Policy 2.3: Recognize walking as a component of every trip and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Vehicular access to the site is provided by two ingress/egress driveways located along Vine Street and Lexington Avenue with access to the two parking levels (at grade and above grade). Pedestrian access to the building is also provided from Vine Street and Lexington Avenue.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

Policy 3.3: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

Policy 3.7: Improve transit access and service to major regional destinations, job centers, and inter-modal facilities.

Policy 3.8: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.

The project site is located within 0.25 miles of a Major Transit Stop, which is defined in Section 21064.3 of the Public Resources Code (PRC) as an existing, under construction, or planned rail station or intersection of two or more bus routes with service intervals of 15 minutes or less during the morning and afternoon commuter peak periods. Therefore, the subject site is located within a Transit Priority Area (TPA), which is defined in Section 21099(a) of the PRC as an area within 0.50 miles of a major transit stop that is existing or planned. The subject site is located within 1,250 feet from the intersection of Gower Street & Santa Monica Boulevard which qualifies as a Major Transit Stop. Additionally, the Project Site is served by numerous bus lines, primarily along Vine Street that are operated by the Los Angeles County Metropolitan Transportation Authority (Metro) and the LADOT Downtown Area Short Hop (DASH). The proposed project is located within close proximity to public transit which will reduce vehicular trips to and from the project, vehicle miles traveled, and will contribute to the improvement of the air quality.

In addition, the project will provide a total of 80 parking spaces in two (2) levels of above grade parking. The project will also provide bicycle parking including 103 long term and 12 short term for a total of 115 bicycle parking spaces.

Policy 5.4 Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

As conditioned, all electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Section 99.04.106 of Article 9, Chapter IX of the LAMC to immediately accommodate electric vehicles within the parking areas.

Therefore, the project is consistent with Mobility Plan 2035 goals, objectives and policies of the General Plan.

The **Air Quality Element** of the General Plan will be implemented by the recommended action herein. The Air Quality Element sets forth the goals, objectives and policies which will guide the City in the implementation of its air quality improvement programs and strategies. The Air Quality Element recognizes that air quality strategies must be integrated into land use decisions and represent the City's effort to achieve consistency with regional Air Quality, Growth Management, Mobility and Congestion Management Plans. The Air Quality Element includes the following Goal and Objective relevant to the instant request:

Goal 5 Energy efficiency through land use and transportation planning, the use of renewable resources and less polluting fuels, and the implementation of conservation measures including passive methods such as site orientation and tree planting.

Objective 5.1 It is the objective of the City of Los Angeles to increase energy efficiency of City facilities and private developments.

As conditioned, the project shall provide a solar-ready roof in compliance with the Los Angeles Municipal Green Building Code, Section 99.04.211.1. Therefore, the project is in conformance with the goals and policies of the Air Quality Element.

Therefore, the project is in substantial conformance with the purposes, intent and provisions of the General Plan and does not conflict with any applicable regulations or standards.

11. 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.

The Property is comprised of five parcels, measuring approximately 40,787 square feet. The property site is located in an urbanized neighborhood bound by Vine Street to the west and Lexington Avenue to the south. The Property fronts approximately 198 feet along Vine Street, and 173 feet and six (6) inches feet along Lexington Avenue. The site is currently improved with two commercial buildings and a surface parking lot.

The subject property is zoned C2-1D within the Hollywood Community Plan with a Highway Oriented Commercial land use designation. The surrounding area consists of multi-story medium residential housing developments and commercial uses. Properties to the north, abutting the subject property, are zoned C2-1D with a land use designation of Highway Oriented Commercial and developed with a two-story medical facility (Hollywood Mental Health Center). Properties to the east, abutting the subject property, are zoned RD1-5-1XL with a land use designation of Low Medium II Residential and developed with two and three-story medium residential buildings. Properties to the south, across Lexington Avenue, are zoned C2-1D and RD1-5-1XL with land use designations Highway Oriented Commercial and Low Medium II Residential and developed with a fast food restaurant and two-story apartment building. Properties to the west, across Vine Street, are zoned C2-1D with a land use designation of Highway Oriented Commercial and developed with a church (St. John Armenian Church) as well as a vacant dirt lot located at the northwest corner of Lexington Avenue and Vine Street.

The proposed project includes the demolition of existing structures for the construction of a new seven-story mixed-use residential building containing 151 dwelling units with 17 units set aside for Very Low Income Households. The building will reach a height of 87 feet and have a Floor Area Ratio (FAR) of 3.5:1 with a total of 143,295 square feet of floor area. The project includes 3,690 square feet of commercial ground floor uses and 87 parking spaces (80 residential parking spaces and seven commercial parking spaces) within two (2) levels of parking (one ground level and one above grade). The project will also provide bicycle parking including 103 long term and 12 short term for a total of 115 bicycle parking spaces.

The Project's unit mix includes 16 studios, 95 one-bedroom units, and 40 two-bedroom units. Floors two through seven each propose a combination of studio, one-bedroom, and two-bedroom units oriented around a central open to the air courtyard.

Vehicular access to the site is provided by two (2) ingress/egress driveways with one located along Vine Street and one on Lexington Avenue. Pedestrian access to the building is also located off of Vine Street and Lexington Avenue. There are two (2) separate residential lobbies with access from the street located along Vine Street and Lexington Avenue. Access to the commercial uses is provided via storefront entrances facing the street.

Height

The project is zoned C2-1D. The Height District 1 allows unlimited height and stories in the C2 Zone. The proposed height of 87 feet is allowed by-right and is in compliance with the permitted height requirements under the designated zone. The building height is compatible with the existing development in the immediate surrounding area and the zoning for the surrounding area. Therefore, in conjunction with the density bonus, conditional use, and site

plan review requests, and consideration of other development in the area, the project is consistent with the surrounding area.

Bulk

The subject property is zoned C2-1D. Height District 1 in commercial zones has a maximum base Floor Area Ratio (FAR) of 1.5:1. However, the "D" Limitation on the Property restricts the FAR to 0.5:1. Pursuant to Density Bonus provisions of LAMC Section 12.22-A,25 the applicant is requesting an Off-Menu incentive to allow a FAR increase from 0.5:1 to 3.5:1 to allow 143,295 square feet in floor area. As such, the project complies with the required FAR.

The bulk of the subject project is consistent with the existing development in the immediate surrounding area and with the underlying C2-1D Zone. Therefore, in conjunction with the density bonus, conditional use, and site plan review requests, and consideration of other development in the area, the project is consistent with the surrounding area.

Setbacks

The subject property is zoned C2-1D, which requires a 20 foot rear yard. Pursuant to the Density Bonus provisions of LAMC Section 12.22-A,25, the applicant is requesting an Off-Menu incentive to permit a 10 foot northerly rear yard setback in lieu of the otherwise required 20 foot rear yard setback.

Additionally, the C2-1D zone requires the project to have a 10 foot side yard. Per LAMC Section 12.22-A,25(f), the applicant has requested a second Off-Menu incentive to allow a reduction in side yard setbacks along Vine Street to allow zero feet in lieu of the otherwise required 10 feet side yard setback.

The project has been granted a reduction in the required rear and side yard setbacks as permitted through the Density Bonus Off-Menu incentives and LAMC. As such, the project complies with the required setbacks.

Furthermore, the project will comply with the setback requirements for the easterly side yard which requires a 10 foot setback and the front yard setback on Lexington Avenue which requires a zero yard setback. As such, the project is in compliance with the C2-1D Zone.

The setbacks of the subject project are consistent with the existing development in the immediate surrounding area and with the underlying C2-1D Zone. Therefore, in conjunction with the density bonus, conditional use, and site plan review requests, and consideration of other development in the area, the project is consistent with the surrounding area.

Parking

As an Eligible Housing Development, the project is eligible for Assembly Bill 2345 to allow parking at a ratio of 0.5 parking spaces per residential unit. Pursuant to AB 2345, the project is required to provide 76 parking spaces for the proposed 151 residential units. The project provides 80 residential parking spaces and thus complies with the required parking provision. The project is also providing all required commercial parking spaces (seven commercial parking spaces) and all required bicycle parking (103 long term and 12 short term).

Parking is provided within two levels of above grade parking. Vehicular access is provided by two (2) driveways, one (1) driveway is located along Vine Street and the second driveway is located along Lexington Avenue. Both driveways are located at the far end of both Vine Street and Lexington Avenue, and therefore they are not interrupting the commercial uses, lobby

amenities, and pedestrian plaza along the facade of the project. Therefore, the parking will be compatible with the existing and future developments in the area.

Lighting

Lighting is required to be provided per LAMC requirements. The project proposes security lighting will be provided to illuminate the building, entrances, walkways and parking areas. As conditioned, the project is required to provide outdoor lighting with shielding, so that the light source cannot be seen from adjacent residential properties. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The project consists of 151 total dwelling units including six 16 studio, 95 one-bedroom, and 40 two-bedroom units. Floors two through seven are oriented around a central open to the air courtyard.

The project provides a total of 19,065 square feet of open space, including indoor and outdoor amenities for residents of which 5,961 square feet of space will be landscaped, which exceeds the minimum required 2,248 square feet of landscaping for the outdoor common open space areas. A total of 38 new on-site trees to be accommodated throughout the project, meeting the LAMC requirement of one tree per 4 dwelling units.

The project has been conditioned so that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks will be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect. The planting of any required trees and street trees will be selected and installed per the Bureau of Street Services, Urban Forestry Divisions' requirements. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

Loading/Trash Area

The development is not required to provide a loading area pursuant to LAMC Section 12.21-C.6. Nonetheless, the project will provide a loading parking space and drop off zone within the at grade parking level. Tenants moving in or out of the building will be able to park moving trucks in the loading zone located at the ground floor parking level.

The project will include on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. Additionally, the service area for trash collection is to be located in the parking garage at the ground level. Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above and as depicted within the plans and elevations submitted with the instant application, the project is a seven-story mixed-use residential development, with parking on-site for residents and commercial parking spaces, lighting, landscaping, trash collection, and other pertinent improvements, that is compatible with existing and future development in the surrounding area.

12. Any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

The project consists of 151 total dwelling units including 16 studio, 95 one-bedroom, and 40 two-bedroom units, therefore pursuant to LAMC the project is required to provide 16,100 square feet of open space and exceeds this requirement by providing 19,065 square feet of open space. The project provides a 1,200 square foot publicly accessible pedestrian plaza along Lexington Avenue. Open space accessible to residents includes a 5,970 square foot courtyard on the third floor, as well as two open-air roof decks on the seventh floor containing 1,200 square feet and 620 square feet. The project also includes 6,050 square feet of private deck space and 4,025 square feet of indoor amenity space.

The project's floor area will include 3,660 square feet of lobby and leasing space, a 1,220 square foot fitness room, a 1,100 square foot club room, 5,970 square feet of podium open courtyard, 1,200 square feet of roof deck space and 4,015 square feet of other amenities.

The project will also provide a 1,200 square foot publicly accessible pedestrian plaza along Lexington Avenue to complement the commercial uses at the ground level and integrate the project at the street level.

As such, the project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

Environmental Findings

13. Class 32 CEQA Exemption. The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "In-fill Projects". The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document dated November 30, 2021 and attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption.

14. Flood Insurance. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of a flood zone.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment

Applicant Copy

Office: Downtown

Application Invoice No: 88558



6800188558

City of Los Angeles
Department of City Planning



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.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

Payment Info: \$194.34 was paid on 06/05/2023 with receipt number 050623C1C-464F7E9A-65AA-4714-817A-0F223306FAD8

Applicant: Supporters Alliance for Environmental Responsibility ()
Representative: Amalia Bowley Fuentes ()
Project Address: 1200 N VINE ST, 90038

NOTES:

CPC-2022-7047-CU-DB-SPR-HCA-1A			
Item	Fee	%	Charged Fee
Appeal by Person Other Than The Applicant	\$158.00	100 %	\$158.00
Case Total			\$158.00
* Fees Subject to Surcharges			\$158.00
Fees Not Subject to Surcharges			\$0.00
Plan & Land Use Fees Total			\$0.00
Expediting Fee			\$0.00
Development Services Center Surcharge (3%)			\$4.74
City Planning Systems Development Surcharge (6%)			\$9.48
Operating Surcharge (7%)			\$11.06
General Plan Maintenance Surcharge (7%)			\$11.06

* Fees Subject to Surcharges	\$158.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$0.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$4.74
City Planning Systems Dev. Surcharge (6%)	\$9.48
Operating Surcharge (7%)	\$11.06
General Plan Maintenance Surcharge (7%)	\$11.06
Grand Total	\$194.34
Total Overpayment Amount	\$0.00
Total Paid (amount must equal sum of all checks)	\$194.34

Council District:

Plan Area:

Processed by RUBEN VASQUEZ on 6/5/2023

Signature: _____