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May 11, 2022

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

Attention: PLUM Committee

Dear Honorable Members:

**APPEAL SUMMARY AND STAFF RESPONSE. 505-517 NORTH HOOVER STREET;  
CF 22-0205**

**Project Background**

The project involves the demolition of one office building and two single-family houses for the construction, use, and maintenance of a six-story, 40-unit residential building. Six stories would be constructed above grade as well as a single-level, subterranean parking garage. The project would encompass approximately 61,106 square feet of floor area resulting in a Floor Area Ratio (FAR) of 3.79 to 1 and would rise to a maximum height of 67 feet. The residential unit mix includes five (5) one-bedroom units, one (1) two-bedroom unit, eight (8) three-bedroom units, and 26 five-bedroom units. Automobile parking would be located within the subterranean parking garage and would consist of a total of 50 residential parking spaces. The project would be served by a single two-way driveway along North Hoover Street, providing access to residential parking spaces and long-term bicycle parking. The project would provide four short-term bicycle parking spaces along the sidewalk and 40 long-term bicycle parking spaces within the subterranean parking garage. Approximately 4,935 square feet would be dedicated to open space which includes a residential courtyard, recreational room, and common open space area on the ground-floor, a roof deck, and 16 private balconies.

Pursuant to the Transit Oriented Communities (TOC) Housing Incentive Program, the project was determined eligible for the following three (3) Base Incentives which are granted by-right for eligible TOC projects, and three (3) Additional Incentives to construct the proposed project, as follows:

**Base Incentives.**

- a. Density. Increase the maximum number of dwelling units by up to 70 percent to allow a maximum residential density of 50 units in lieu of 29 units otherwise allowed;

- b. FAR. Increase in FAR by up to 50 percent to allow a FAR of up to 4.5:1, in lieu of 3:1 FAR otherwise allowed; and
- c. Parking. Provide automobile parking at a ratio of 0.5 parking spaces per dwelling unit to allow a minimum of 20 parking spaces, in lieu of 74 parking spaces otherwise required.

**Additional Incentives.**

- d. Yards/Setbacks. A 30 percent reduction in the rear and side yard setbacks to allow a minimum rear yard of 10 feet 6 inches and a side yard of 6.3 feet, in lieu of a rear yard of 15 feet and a side yard of 9 feet otherwise required;
- e. Open Space. A 25 percent reduction in Open Space requirement to allow a minimum of 4,932 square feet of Open Space, in lieu of 6,575 square feet otherwise required; and
- f. Height. Two additional stories up to 22 feet to allow a maximum building height of six stories up to 67 feet, in lieu of 45 feet otherwise allowed.

On October 7, 2021, the Director of Planning approved a Transit Oriented Communities Affordable Housing Incentive Program project for the construction of the proposed project. Subsequently, the Director of Planning's Determination was appealed to the City Planning Commission (CPC) by the North Commonwealth United Neighborhood Association based on eight objection points.

On January 13, 2022, the City Planning Commission voted 6-0 to deny the appeal and sustain the Director of Planning's decision for the Transit Oriented Communities Housing Incentive Program project.

On February 8, 2022, the North Commonwealth United Neighborhood Association filed an appeal of the CEQA categorical exemption (Class 32) for the project (Case No. ENV-2020-2021-2251-CE). Staff has responded to the appeal points below.

**Staff Recommendation**

Staff recommends that the PLUM Committee recommend for Council Action to deny the submitted CEQA appeal and sustain the City Planning Commission's determination, based on the whole of the administrative record, that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332, Article 19 (Class 32), and that there is no substantial evidence demonstrating that an exception to the categorical exemption (ENV-2021-2251-CE) pursuant to CEQA Guidelines Section 15300.2 applies. The following statements have been compiled and summarized from the submitted appeal and responded to below.

**Appeal Summary**

On February 8, 2022, the Appellants (North Commonwealth United Neighborhood Association) filed with their Appeal Applications an Appeal Justification memorandum outlining the reasons for the appeal. The Appellant does not believe that the project qualifies for a Class 32 Categorical Exemption, citing that 1) the project description is inaccurate; 2) the project's noise

report did no on-site analysis and acknowledges that mitigation measures are necessary to reduce construction noise significant impacts; and 3) the city is ignoring the project's cumulative impacts. Similar appeal points were presented to the City Planning Commission meeting on January 13, 2022, at which the appeal was denied.

**Appeal Point #1: The project description is inaccurate.**

The Appellant argues that the proposed project is inaccurately described as a 40-unit residential building and therefore the project is not exempt from CEQA pursuant to a Class 32 Categorical Exemption. The Appellant claims that the project proposes a 195-unit co-living development citing quotes from newspaper articles and online advertisements of different co-living developments in Los Angeles. The Appellant believes that each bedroom would be leased individually as an apartment hotel and therefore the project proposes 195 dwelling units.

**Staff Response**

As presented in the Determination Letter and during the CPC hearing conducted on January 13, 2022, the project was not determined to be an "Apartment Hotel" as it does not propose any guest rooms, nor would it provide short-term residency for prospective residents. In addition, the project does not propose any "Flexible Units" which offer unusual layouts that are comprised of informal spaces and partitions. A similar appeal point was made by the Appellant at the CPC hearing for the appeal of the TOC entitlement request, in which the appeal was denied, and the Planning Director's determination was sustained. As such, the project description is not inaccurate.

**Appeal Point #2. The project's noise report did no on-site analysis and acknowledged that mitigation measures are necessary to reduce construction noise significant impacts.**

The Appellant argues that the Noise Study prepared by York Engineering, LLE on September 3, 2020, fails to measure ambient noise in the vicinity and does not acknowledge the Gateways Hospital and Mental Health Center complex as a sensitive receptor related to construction noise impacts. The Appellant also claims that the use of noise barriers during the construction phase of the project would not be sufficient in reducing noise levels at 10 feet from adjacent residential property lines.

**Staff Response**

As described in the Noise Study prepared by York Engineering, LLE, dated September 3, 2020, the noise analysis for project construction is based on a model developed by the U.S. Department of Transportation Federal Highway Administration (FHWA) and other technical references. The FHWA noise model utilizes conservative predictions for noise levels at receptors, which are typically higher than actual measured noise levels. The Noise Study identified sensitive receptors including sensitive populations and land uses surrounding the project site. These include the Dayton Heights Early Education Center and the Camino Nuevo Charter Academy, both located approximately 1,000 feet away from the project site. The Gateways Hospital and Mental Health Center facility referenced by the Appellant is located approximately 310 feet south of the project site and was not identified as a sensitive receptor in the Noise Study. However, in conducting the noise analysis the nearest residential receptor located approximately 83 feet west of the project site was used in establishing the localized

significance threshold (LST) for construction-related noise impacts. The Noise Study cites that the interceding buildings surrounding the project site would shield other sensitive receptors from substantial noise impacts. The project proposes the installation of noise barriers along the perimeter of the project site to address construction activities that could intermittently and marginally exceed the 75 dBA significance threshold at 50 feet from the noise source. With the installation of noise barriers, in compliance with the regulations set forth by the City of Los Angeles's Noise Ordinances including Los Angeles Municipal Code (LAMC) Sections 112.03, 112.05, and 41.40, exterior noise levels would be reduced by approximately 10-15 dBA and the project would not exceed the 75 dBA significance threshold at the nearest residential receptor. The highest modeled noise level calculated is 74 dBA during the project's site preparation, grading, and building construction phases.

The Appellant does not provide any substantial evidence that concludes that the project would impose significant noise impacts onto residential properties adjacent to the project site. The Appellant claims that construction noise will exceed the 75 dBA significance threshold at 10 feet without providing real data or measurements to support this assertion. The Appellant speculates that the noise barriers proposed during the construction phase of the project would be insufficient in reducing noise levels below the threshold and does not account for the regulations set forth by the City's Noise Ordinances and the LAMC Sections referenced above. The project is required to comply with these regulations which include, but are not limited to, the following noise control measures: restriction of construction activities during specific times of the day and week; the scheduling of construction activities to avoid simultaneous operation of large equipment; and the installation of noise control devices onto noise-generating equipment.

While the Appellant cites the Noise Study as utilizing "mitigation measures" to reduce exterior noise levels, these "mitigation measures" are in fact noise control measures required by the LAMC. The utilization of mufflers, shields, and sound barriers are control measures regulated by LAMC Section 112.05.

Therefore, the Noise Study substantially finds that construction noise impacts associated with the project will have a less than significant impact on the surrounding environment.

**Appeal Point #3: The City is ignoring the project's cumulative impacts.**

The Appellant contends that the cumulative impact of the project in conjunction with other successive projects in the Hollywood and Silver Lake communities have not been analyzed. The Appellant provides a list of 48 TOC and Density Bonus projects within the boundaries of the East Hollywood Neighborhood Council and Hollywood Studio District Neighborhood Council areas that would contribute to cumulative impacts.

**Staff Response**

CEQA Guidelines Section 15300.2(b) states that a categorical exemption is inapplicable "when the cumulative impact of successive projects of the same type in the same place, over time is significant." An agency's determination that a project falls within a categorical exemption includes an implied finding that none of the exceptions identified in the CEQA Guidelines apply. Instead, the burden of proof shifts to the challenging party to produce evidence showing that one of the exceptions applies to take the project out of the exempt category. (Berkley Hillside Preservation v. city of Berkley (2015) 60 Cal. 4th 1086; San Francisco Beautiful v. City and

County of San Francisco (2014) 226 Cal.App.4th 1012, 1022-23.).

In this instance, the Appellant has not met its burden, and there is no evidence in the record to conclude that there would be a cumulative adverse impact as a result of the proposed project and similar projects in the area. The cumulative impact exception applies when the environmental impacts at issue affect the environment in general and does not apply to activity that has an impact on only some particular persons (*Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4th 786, 799). Speculation that significant cumulative impacts will occur simply because other projects may be approved in the same area is insufficient to trigger this exception and is not evidence that the proposed project will have adverse impacts or that the impacts are cumulatively considerable (*Hines v. California Coastal Comm'n* (2010) 186 Cal.App.4th 830, 857). In addition, a list of past, current, or future projects, even if found to be accurate, by itself does not represent substantial evidence of any type of cumulative impact. The Appellant fails to provide any evidence as to why a list of projects located in the East Hollywood Neighborhood Council and Hollywood Studio District Neighborhood Council areas would constitute as being within the "same place" as the proposed project. Both Neighborhood Council areas encompass areas north and west of the project site that extend as far as 2.7 miles northwest of the project site.

As demonstrated in the Justification for the Class 32 Categorical Exemption published on September 24, 2021, the proposed project meets all criteria to qualify as an infill site under the Class 32 CEQA Exemption, California Environmental Quality Act & CEQA Guidelines Section 15332. The Justification analysis addresses the environmental impacts related to traffic, air quality, noise, and water quality including cumulative impacts associated with the proposed project and other projects in the vicinity. CEQA Guidelines Sections 15065(a)(3) and 15064(h) state that a "cumulatively considerable" impact means that the incremental effects of an individual project are significant when viewed in connection with the effects of other related projects. In a correspondence dated July 16, 2020, the Los Angeles Department of Transportation (LADOT) stated that the proposed project will not generate enough daily trips to trigger a transportation analysis. Since the proposed 40-unit residential project will not generate a net increase of 250 or more daily vehicle trips, a transportation analysis is not required and therefore the project is not anticipated to have a significant traffic impact. In addition, the justification analysis and Air Quality Study prepared by York Engineering, LLE concluded that the levels of criteria pollutant and greenhouse gas emissions will not exceed South Coast Air Quality Management District (SCAQMD) significance thresholds. Therefore, the project and other related projects in the vicinity would not contribute to a cumulatively considerable impacts related to traffic and air quality. Regarding noise impacts, the Noise Study demonstrated that the project would not have a significant impact related to construction and operation activities. The project would comply with the LAMC Sections 112.02, 112.03, 112.05, and 41.40 which regulate noise generated from construction equipment and on-site stationary mechanical equipment, and will implement the required noise control measures such as the installation of noise barriers to reduce noise levels such that they do not exceed the significance threshold.

As set forth in the administrative record, the project and other related projects in the vicinity are subject to numerous Regulatory Compliance Measures (RCMs) established in City and State laws which provide requirements for construction and operation activities and ensure impacts related to air quality, noise, traffic, and parking are less than significant. For example, the City's Noise Ordinance No. 144,331 regulates the use of construction equipment between different times of the day and maximum noise levels during construction and operation. The SCAQMD

contains dust control measures and requirements to sequester particulate matter through Rule 403. In addition, projects must comply with the City's Low Impact Development (LID) Ordinance to ensure that stormwater runoff and pollution are regulated. The proposed project and other projects in the vicinity will be required to comply with all state, regional, and local laws as part of regulatory compliance.

Therefore, the Appellant has not met the burden of proof that validates the assertions that the cumulative impacts were ignored, and that the exception applies.

**Conclusion**

Based on the information in the record and after consideration of the appellant's arguments for appeal, Staff determines that the project qualifies for a Class 32 Categorical Exemption. Therefore, it is recommended that the PLUM Committee deny the appeals and affirm that the projects are Categorical Exempt from CEQA.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

A handwritten signature in black ink, appearing to read "David Woon", written over a horizontal line.

DAVID WOON  
Planning Assistant

HB:EC:DW:bk