



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: _____

Project Address: _____

Final Date to Appeal: _____

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

- ☐ 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: _____

Company/Organization: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

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): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

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: _____

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: Amalia Bonny Fuentes Date: September 16, 2022

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 COMMUNITES (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)

LUNA & GLUSHON

A Professional Corporation

DENNIS R. LUNA
(1946-2016)

16255 VENTURA BOULEVARD, SUITE 950
ENCINO, CALIFORNIA 91436
TEL: (818) 907-8755
FAX: (818) 907-8760

September 21, 2022

VIA EMAIL ONLY

David Woon, Planning Assistant
City of Los Angeles City Planning

Re: Withdrawal of Appeal CPC-2021-2908-ZC-HD-ZAD-WDI-SPR-1A

Dear Mr. Woon:

On behalf of Appellant Hancock Park Homeowners Association ("Appellant"), we hereby withdraw the Appeal filed on September 14, 2022 of Los Angeles City Planning Case No. CPC-2021-2908-ZC-HD-ZAD-WDI-SPR.

We are pleased to report that the Project Applicant and Appellant have reached agreement on changes to the Project including a reduction of the maximum height to fifty-eight (58) feet on the Seward Street frontage and thirty-one (31) feet on the Melrose Avenue frontage.

Very truly yours,

LUNA & GLUSHON
A Professional Corporation



KRISTINA KROPP

cc: Joan Pelico, Chief of Staff to Councilmember Paul Koretz; Heather Bleemers, Senior City Planner; Kevin Golden, City Planner; Jerold B. Neuman, Counsel for Applicant.

Justification/Reason for Appeal

Melrose and Seward Project

CPC-2021-2908-ZC-HD-ZAD-WDI-SPR

I. REASON FOR THE APPEAL

Approval of the Site Plan Review entitlements for the Melrose and Seward Project (CPC-2021-2908-ZC-HD-ZAD-WDI-SPR) ("Project") was in error. The Mitigated Negative Declaration ("MND") prepared for the Project (ENV-2021-2909-MND) fails to comply with the California Environmental Quality Act ("CEQA") because there is a fair argument that the Project may have adverse environmental impacts. Furthermore, the City of Los Angeles ("City") must fully comply with CEQA prior to any approvals in furtherance of the Project. Therefore, the City of Los Angeles ("City") must set aside the Site Plan Review entitlements, prepare an Environmental Impact Report ("EIR") for the Project, and circulate the Draft EIR prior to considering approvals for the Project.

II. SPECIFICALLY THE POINTS AT ISSUE

The specific points at issue are set forth in the attached comment letters dated April 15, 2022 and July 25, 2022. An EIR must be prepared to remedy these issues, and 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."].) The Site Plan Review approval was therefore premature and otherwise unsupported by substantial evidence.

III. HOW YOU ARE AGGRIEVED BY THE DECISION

Members of appellant Supporters Alliance for Environmental Responsibility ("SAFER") live and/or work in the vicinity of the proposed Project. They breathe the air, suffer traffic congestion, and will suffer other environmental impacts of the Project unless it is properly mitigated.

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

The Los Angeles City Planning Commission adopted the MND and approved a Site Plan Review for the Project despite substantial evidence in the record of a fair argument that the Project may have adverse environmental impacts. The Department of City Planning should therefore have prepared an EIR for the Project and circulated the Draft EIR prior to consideration of approvals for the Project.



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
Amalia@lozeaudrury.com

Via Email

April 15, 2022

David Woon
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 763
Los Angeles, CA 90012
David.woon@lacity.org

Re: Comment on Mitigated Negative Declaration, Melrose and Seward Project

Dear Mr. Woon:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER"), regarding the Mitigated Negative Declaration ("MND") prepared for the Project known as Melrose and Seward Project (ENV-2021-2909-MND), including all actions referring or related to the construction of a 5-story, 67,889 square foot office building located at 6101-6117 West Melrose Avenue and 713-735 North Seward Street in the City of Los Angeles ("Project"). We request that the City prepare an environmental impact report ("EIR") for the Project because there is a fair argument that the Project may have adverse environmental impacts.

This comment has been prepared with the assistance of Certified Industrial Hygienist, Francis "Bud" Offermann, PE, CIH (Exhibit A) and environmental consulting firm Soil/Water/Air Protection Enterprise ("SWAPE") (Exhibit B). We incorporate the Offermann and SWAPE comments herein by reference. As explained below and in the expert comments, there is a fair argument that the proposed Project may have significant adverse environmental impacts, and an EIR is therefore required.

In particular, Mr. Offermann finds that the Project has the potential to cause significant health risks from indoor air quality. Additionally, SWAPE demonstrates that the MND's Phase 1 ESA is inadequate and that the MND relies on improper and unsubstantiated input parameters for its air quality analysis which results in a significant underestimation of the Project's hazard, air quality, and greenhouse gas impacts. SWAPE also concludes that the Project will create significant cancer risks exceeding

CEQA significance thresholds of the South Coast Air Quality Management District (“SCAQMD”).

I. Project Description.

The applicant is proposing to demolish 8,473 square feet of commercial buildings in order to construct a five-story, approximately 78 foot tall, 67,889 square foot creative office building. Two, two-story buildings totaling about 17,134 square feet will be maintained onsite for the Project. The Project would also include 168 parking spaces and 26 bike spaces in a two-level underground parking garage. The City has prepared a Mitigated Negative Declaration for the Project. The applicant is seeking the following approvals: (1) a zone change and height district change from C4-1XL and CM-1VL to CM-2, (2) a Zoning Administrator’s Determination to allow the project to exceed the maximum transitional height requirements in the LAMC, (3) Site Plan Review, (4) and a Waiver of Dedication and/or Improvement to waive dedication and street widening requirements.

II. Legal Background.

As the Supreme Court held, “If 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 Environment v. South Coast Air Quality Management Dist. (ConocoPhillips)* (2010) 48 Cal. 4th 310, 319-320 (“*CBE v. SCAQMD*”), citing, *No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d at pp. 75, 88; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal. App. 3d 491, 504–505) “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 Environment v. Calif. Resources 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 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 University of California* (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 927.)

An EIR is required if “there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.” (Pub. Res. Code § 21080(d) (emphasis added); see also *Pocket Protectors*, 124 Cal.App.4th at 927.) In very limited circumstances, an agency may avoid preparing an EIR by issuing a negative declaration, a written statement briefly indicating that a project will have no significant impact thus requiring no EIR (CEQA Guidelines § 15371), only if there is not even a “fair argument” that the project will have a significant environmental effect. (Pub. Res. Code §§ 21100, 21064.) Since “[t]he adoption of a negative declaration . . . has a terminal effect on the environmental review process,” by allowing the agency “to dispense with the duty [to prepare an EIR],” negative declarations are allowed only in cases where “the proposed project will not affect the environment at all.” (*Citizens of Lake Murray v. San Diego*, 129 Cal.App.3d 436, 440 (1989).) CEQA contains a “**preference for resolving doubts in favor of environmental review**.” (*Pocket Protectors*, 124 Cal.App.4th at 927 (emphasis in original).)

III. DISCUSSION

A. The MND’s Mitigation Measures for its Significant Traffic Impacts Fail to Meet CEQA Standards.

The MND determines that the Project’s daily work vehicle miles traveled (“VMT”) per employee would be 8.4, which exceeds the threshold of 7.6 VMT for the Central APC sub-area, which is where the Project site is located. MND, p. 193. The Project proposes project design features including reduction of parking, meeting the LAMC’s bicycle parking requirements, and providing showers and lockers on-site, but even with these improvements, the VMT exceeds the threshold. *Id.* The City therefore proposes to implement several mitigation measures. As demonstrated below, all of these measures fail to meet CEQA standards for mitigation.

CEQA Guidelines require EIRs and MNDs to “describe feasible measures which could minimize significant adverse impacts,” and states that those measures “must be fully enforceable through permit conditions, agreements, or other legally-binding instruments.” CCR Tit. 14 § 15126.4(a)(1), (2). Policies calling for future “programs” that do not identify a responsible agency, a deadline, or any substantive content are not enforceable by the public. Policies that call for future ordinances without identifying performance standards are also not enforceable, in the sense that the public will not be able to hold the City to any standards in enacting these ordinances. A mitigation measure or policy is insufficient when it embodies nothing more than a hope that a solution will be found and fails to establish a method that will actually mitigate impacts. *King County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 728 (fatal flaw to rely on “mitigation agreement” where EIR presented no evidence that it was feasible). CEQA requires an agency to take steps to be sure that mitigation

measures are actually implemented as a condition of development, not merely adopted and then neglected or disregarded. *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.

Here, the measures proposed in the MND to mitigate the Project's significant VMT impact call for development of future programs or activities with no deadline or provision for interim measures. Further, the policies have so little content and are so vague that there can be no certainty that implementation of a conforming program or activity will actually have any real effect on the impacts at issue.

- (1) The first mitigation measure proposed is the use of marketing and promotion to "educate and inform travelers about site-specific transportation options and the effects of their travel choices." *Id.* at 194. This is a vague measure, and its potential to effectively mitigate traffic impacts is entirely speculative.
- (2) The second measure is a strategy which "encourages employees to work alternative schedules or telecommute," and it states that "[a] minimum 25% of the employees will be participating in this program." MND, p. 194. The MND fails to explain how the City will ensure that 25% of employees participate if it merely *encourages* rather than *requires* employees to work alternative schedules and/or telecommute. This measure is therefore impermissibly vague and unenforceable.
- (3) The third is a ride share program, for which the MND states "a minimum of 10% of the employees will be eligible." MND, p. 194. While 10% of employees will be *eligible* for this program, it is unclear how many employees the MND expects will actually participate, and how the City plans to ensure that anyone will participate. This mitigation measure is entirely unenforceable and does not give the requisite level of detail necessary to inform the public of its effectiveness and feasibility.

All three measures fail to meet CEQA requirements, and the MND does not provide substantial evidence demonstrating that the measures will be effective. The City must prepare an EIR and propose clear, feasible, enforceable measures to address the Project's significant traffic impacts, as well as substantial evidence demonstrating that those measures will work to mitigate impacts to a less than significant level.

B. The MND Fails to Properly Assess the Project's Potential Growth-Inducing Impacts.

The MND states that the Project is expected to use 244 employees and that this increase "would not result in a notable increase in the demand for new housing." MND, p. 179-180. However, the Project proposes to build 67,889 square feet of office space where there previously stood a commercial building and parking. The MND does not

state where the future tenants of that office space will come from, but it is likely that at least a portion will come from areas outside of the direct vicinity of the Project site.

CEQA Guidelines require Projects to describe growth-inducing impacts of a Project. CCR Tit. 14 § 15126(d). In *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors*, the City of Napa prepared a CEQA analysis for its General and Specific Land Use Plans and “found that the Project would create a need and opportunity for employment” and “conclude[ed] that it would result in a need for additional housing units at locations outside of the Project area.” (2001) 91 Cal.App.4th 342, 370. While the City’s CEQA analysis did not include further assessment of this impact, its Specific Plan contained a “Market and Jobs/Housing Analysis” which included an estimate of the additional employees that would be added to the area and the new housing units that would be required to accommodate that growth. *Id.* at 371. The Court found that this analysis fulfilled CEQA’s purpose as an informational document and was therefore adequate. *Id.*

Here, the MND makes no mention of additional housing that may be required as a result of its construction of tens of thousands of square feet of new office buildings. The MND therefore violates CEQA because it fails to properly assess the Project’s growth-inducing impacts.

C. There is a Fair Argument that the Project May Have a Significant Health Risk Impact from its Indoor Air Quality Impacts.

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 (April 9, 2022) (Exhibit A). Mr. Offermann concludes that it is likely that the Project will expose 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 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. This potential exposure level exceeds the South Coast Air Quality Management District's ("SCAQMD") CEQA significance threshold for airborne cancer risk of 10 per million.

Mr. Offermann concludes that these significant environmental impacts should be analyzed in an EIR and mitigation measures should be imposed to reduce the risk of formaldehyde exposure. *Id.* at 4. 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 11-12.

The City has a duty to investigate issues relating to a project's potential environmental impacts, especially those issues raised by an expert's comments. See *Cty. Sanitation Dist. No. 2 v. Cty. of Kern*, (2005) 127 Cal.App.4th 1544, 1597–98 ("under CEQA, the lead agency bears a burden to investigate potential environmental impacts").

The failure to address the project's formaldehyde emissions is contrary to the California Supreme Court's decision in *California Building Industry Ass'n v. Bay Area Air Quality Mgmt. Dist.* (2015) 62 Cal.4th 369, 386 ("CBIA"). At issue in CBIA was whether the Air District could enact CEQA guidelines that advised lead agencies that they must analyze the impacts of adjacent environmental conditions on a project. The Supreme Court held that CEQA does not generally require lead agencies to consider the environment's effects on a project. CBIA, 62 Cal.4th at 800-801. However, to the extent a project may exacerbate existing adverse environmental conditions at or near a project site, those would still have to be considered pursuant to CEQA. *Id.* at 801 ("CEQA calls upon an agency to evaluate existing conditions in order to assess whether a project could exacerbate hazards that are already present"). In so holding, the Court expressly held that CEQA's statutory language required lead agencies to disclose and analyze "impacts on **a project's users or residents** that arise **from the project's effects** on the environment." *Id.* at 800 (emphasis added).

The carcinogenic formaldehyde emissions identified by Mr. Offermann are not an existing environmental condition. Those emissions to the air will be from the Project. Commercial employees will be users of the Project. Rather than excusing the City from addressing the impacts of carcinogens emitted into the indoor air from the project, the Supreme Court in CBIA expressly finds that this type of effect by the project on the environment and a "project's users" must be addressed in the CEQA process.

The Supreme Court's reasoning is well-grounded in CEQA's statutory language. CEQA expressly includes a project's effects on human beings as an effect on the

environment that must be addressed in an environmental review. “Section 21083(b)(3)’s express language, for example, requires a finding of a ‘significant effect on the environment’ (§ 21083(b)) whenever the ‘environmental effects of a project will cause substantial adverse effects *on human beings*, either directly or indirectly.” *CBIA*, 62 Cal.4th at 800 (emphasis in original). Likewise, “the Legislature has made clear—in declarations accompanying CEQA’s enactment—that public health and safety are of great importance in the statutory scheme.” *Id.*, citing e.g., §§ 21000, subds. (b), (c), (d), (g), 21001, subds. (b), (d). It goes without saying that the future employees of the Project are human beings and the health and safety of those workers is as important to CEQA’s safeguards as that of nearby residents currently living near the project site.

The City must prepare an EIR which discloses and mitigates the potential environmental impacts to future users of the building.

D. There is a Fair Argument that the Project May Have Significant Adverse Hazardous Material, Air Quality, Health Risk, and Greenhouse Gas Impacts.

Matt Hagemann, P.G., C.Hg., and Dr. Paul E. Rosenfeld, Ph.D., of the environmental consulting firm SWAPE reviewed the MND’s analysis of the Project’s impacts on hazards, air quality, health risk, and greenhouse gases. SWAPE’s comment letter and CVs are attached as Exhibit B and their comments are briefly summarized here.

1. The MND’s Phase 1 Environmental Site Assessment Fails to Cover the Entire Project Site and is Therefore Inadequate.

The City prepared a Phase 1 Environmental Site Assessment (“ESA”) as part of its analysis of hazards and hazardous materials. However, SWAPE found that the ESA did not encompass the entirety of the Project site, and therefore the MND’s determination of less-than-significant hazard and hazardous materials impacts is unreliable and unsupported by substantial evidence. Ex. B, p. 1. The City must prepare an EIR with a supplemental Phase 1 ESA which assesses the full Project site. *Id.* at 2.

2. The MND Relied on Unsubstantiated Input Parameters to Estimate Project Emissions and Thus the Project May Result in Significant Air Quality Impacts.

SWAPE found that the MND incorrectly estimated the Project’s construction and operational emissions and therefore cannot be relied upon to determine the significance of the Project’s impacts on local and regional air quality. Ex. B, p. 3. The MND relies on emissions calculated from the California Emissions Estimator Version CalEEMod.2020.4.0 (“CalEEMod”). MND, p. 53. This model, which is used to generate a project’s construction and operational emissions, relies on recommended default

values based on site specific information related to a number of factors. Ex. B, p. 3. CEQA requires any changes to the default values to be justified by substantial evidence. *Id.*

SWAPE reviewed the MND's CalEEMod output files and found that the values input into the model were inconsistent with information provided in the MND. *Id.* As a result, the MND's air quality analysis cannot be relied upon to determine the Project's emissions.

Specifically, SWAPE found that the following values used in the MND's air quality analysis were either inconsistent with information provided in the MND or otherwise unjustified:

1. Underestimated Land Use Sizes. Ex. B, p. 3-4.
2. Unsubstantiated Reductions to Architectural and Area Coating Emission Factors. Ex. B, p. 5-6.
3. Underestimated Operational Daily Vehicle Trip Rates. Ex. B, p. 6-7.
4. Incorrect Application of Construction-Related Mitigation Measures. Ex. B, p. 7-8.

Based on the issues listed above, the MND's analysis of air quality cannot be relied upon to determine the significance of impacts and an EIR must be prepared.

3. There is Substantial Evidence that the Project May Have a Significant Health Impact as a Result of Diesel Particulate Emissions.

One of the primary emissions of concern regarding health effects for land development projects is diesel particulate matter ("DPM"), which can be released during Project construction and operation. DPM consists of fine particles with a diameter less than 2.5 micrometers including a subgroup of ultrafine particles (with a diameter less than 0.1 micrometers). Diesel exhaust also contains a variety of harmful gases and cancer-causing substances. Exposure to DPM is a recognized health hazard, particularly to children whose lungs are still developing and the elderly who may have other serious health problems. According to the California Air Resources Board ("CARB"), DPM exposure may lead to the following adverse health effects: aggravated asthma; chronic bronchitis; increased respiratory and cardiovascular hospitalizations; decreased lung function in children; lung cancer; and premature deaths for those with heart or lung disease.¹

¹ See CARB Resources - Overview: Diesel Exhaust & Health, available at <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>).

The MND concluded that the Project would have less-than-significant construction-related and operational health risk impacts based on its claims that the emissions would be short-term, “similar to other development projects in the City,” and compliant with AQMP and CARB regulations. MND, p. 61-62. SWAPE identifies three main reasons for why the MND’s evaluation of health risk impacts and less-than-significant conclusion is incorrect.

First, because the City did not prepare a quantified construction and operational Health Risk Assessment (“HRA”), it failed to correlate increased emissions from the Project to adverse impacts on human health caused by those emissions. Ex. B, p. 10. SWAPE find that this is incorrect because the Project would cause emissions both through its 22 months of construction and through its 549 daily vehicle trips. MND, p. 35, Appendix H.2, pp. 6; Ex. B, p. 10. In failing to connect TAC emissions to potential health risks to nearby receptors, the Project fails to meet CEQA requirements. *Id.*; See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 510.

Second, the California Department of Justice recommends the preparation of a quantitative HRA pursuant to the Office of Environmental Health Hazard Assessment (“OEHHA”), the organization responsible for providing guidance on conducting HRAs in California, as well as local air district guidelines. OEHHA released its most recent guidance document in 2015 describing which types of projects warrant preparation of an HRA. See “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, *available at*: http://oehha.ca.gov/air/hot_spots/hotspots2015.html. The OEHHA document recommends that if a project’s construction is expected to exceed 2 months, as this one will, an HRA must be prepared. Ex. B, p. 10. Additionally, if a Project is expected to last over 6 months, the exposure should be evaluated throughout the project using a 30-year exposure duration to estimate individual cancer risks. *Id.* Based on its extensive experience, SWAPE reasonably assumes that the Project will last at least 30 years, and therefore recommends that health risk impacts from the project be evaluated. *Id.* at 10-11.

Third, in failing to prepare any HRA, the MND also fails to compare excess health risk impacts to SCAQMD’s threshold of 10 in one million. *Id.* at 11. SWAPE states that “an assessment of the health risk posed to nearby, existing receptors from Project construction and operation should have been conducted.” *Id.*

SWAPE prepared a screening-level HRA to evaluate potential impacts from Project construction and operation using AERSCREEN, a screening-level air quality dispersion model. Ex. B, p. 11. SWAPE applied a sensitive receptor distance of 50 meters and analyzed impacts to individuals at different stages of life based on OEHHA and SCAQMD guidance utilizing age sensitivity factors. *Id.* at 11-15.

SWAPE found that the excess cancer risks at a sensitive receptor located

approximately 50 meters away over the course of Project construction and operation are approximately 21.4 in one million for infants. *Id.* at 14. Moreover, **the excess residential lifetime cancer risk is approximately 32.8 in one million.** *Id.* The risks to infants and lifetime residents exceed SCAQMD's threshold of 10 in one million.

SWAPE's analysis constitutes substantial evidence that the Project may have a significant health impact as a result of its diesel particulate emissions. SWAPE recommends that "an EIR [] be prepared, including a quantified air pollution model as well as an updated, quantified refined health risk assessment which adequately and accurately evaluates and mitigates health risk impacts associated with both Project construction and operation." *Id.* at 15.

4. The MND Failed to Adequately Analyze the Project's Greenhouse Gas Impacts and Thus the Project May Result in Significant Greenhouse Gas Emissions.

The MND estimates that the Project would generate net GHG emissions of 849.18 metric tons of carbon dioxide equivalents per year. MND, p. 100. It relies on consistency with the CARB 2017 Scoping Plan, SB 32, LA Sustainable City plan, LA Green Building Code and SCAG's 2020-2045 RTP/SCS to conclude that greenhouse gas impacts would be less than significant. MND, p. 102-114. However, SWAPE states that the MND's conclusion about a less-than-significant greenhouse gas impact is incorrect for four reasons:

- (1) The GHG analysis relies upon an incorrect and unsubstantiated air model;
- (2) The unsubstantiated air model indicates a potentially significant impact;
- (3) The MND fails to consider the performance-based standards under CARB's Scoping Plan;
- (4) The MND fails to consider the performance-based standards under SCAG's RTP/SCS.

Ex. B, p. 15-16.

SWAPE's analysis demonstrates potentially significant health risk and GHG impacts from the project that necessitate mitigation, and it identifies several feasible mitigation measures applicable to the Project. *Id.* at 19-24. In addition to implementing these measures, an EIR should be prepared for the Project which includes an updated hazards and hazardous materials, air quality, health risk, and GHG analysis.

IV. CONCLUSION

For the foregoing reasons, SAFER believes that the MND is inadequate. SAFER requests that the City prepare an Environmental Impact Report ("EIR") to analyze and mitigate the Project's significant adverse environmental impacts. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Amalia Bowley Fuentes".

Amalia Bowley Fuentes
LOZEAU DRURY LLP



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
Amalia@lozeaudrury.com

July 25, 2022

Via Email

Samantha Millman, President
Caroline Choe, Vice President
Helen Campbell, Commissioner
Jenna Hornstock, Commissioner
Helen Leung, Commissioner
Yvette Lopez-Ledesma, Commissioner
Karen Mack, Commissioner
Dana Perlman, Commissioner
Renee Dake Wilson, Commissioner
cpc@lacity.org

David Woon
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 763
Los Angeles, CA 90012
David.woon@lacity.org

Re: Supplemental Comment on Mitigated Negative Declaration, Melrose and Seward Project

Dear President Millman, Vice President Choe, Honorable Members of the Planning Commission, and Mr. Woon:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER"), regarding the Mitigated Negative Declaration ("MND") prepared for the Project known as Melrose and Seward Project (ENV-2021-2909-MND), including all actions referring or related to the construction of a 5-story, 67,889 square foot office building located at 6101-6117 West Melrose Avenue and 713-735 North Seward Street in the City of Los Angeles ("Project").

We previously submitted comments on this project on April 15, 2022. We request that the City prepare an environmental impact report ("EIR") for the Project because there is substantial evidence of a fair argument that the Project may have adverse environmental impacts.

This comment has been prepared with the assistance of acoustics, noise and vibration expert Deborah Jue of the consulting firm Wilson Ihrig. Ms. Jue's comments and resume are attached hereto as Exhibit A. We incorporate Ms. Jue's comments herein by reference. As explained below and in the expert comments, there is a fair argument that the proposed Project may have significant adverse environmental impacts, and an EIR is therefore required.

I. DISCUSSION

A. There is a Fair Argument that the Project May Have Adverse Noise Impacts that the MND Failed to Address.

a. The MND contains errors and omissions which render its less than significant conclusion unreliable.

Ms. Jue points out two sections of the MND's noise analysis which fail to provide the necessary information to understand how the MND reached its less-than-significant conclusion with regard to noise impacts. Ex. A, p. 1. The first is on page 158 of the MND, in which a paragraph abruptly shifts from a discussion of noise impacts to a discussion of vibration impacts, rendering the entire paragraph unintelligible. *Id.* The next is on page 164 of the MND, in which the MND discusses requirements of the Los Angeles Municipal Code (LAMC), seemingly presenting those requirements as significance thresholds. *Id.* However, Ms. Jue points out that these requirements are not included as significance criteria presented elsewhere in the MND. *Id.*

Assuming that the MND is using LAMC requirements as thresholds of significance, noise data reported in the noise impacts section demonstrates that the Project has exceeded those threshold levels. Ex. A, p. 2. Ms. Jue noted that Table 4.17 in the MND shows levels exceeding the LAMC's 75 dBA threshold. *Id.*, MND, p. 164.

In sum, it is unclear whether LAMC requirements are significance thresholds, and the MND lacks clarity generally as to how noise impacts are being measured. The conclusion that impacts will be less than significant is therefore not supported by substantial evidence and an EIR must be prepared which clarifies these issues and properly analyzes noise impacts.

b. There is substantial evidence that the Project's off-site construction noise impacts will be potentially significant, and an EIR must be prepared.

With regard to off-site construction noise, Ms. Jue states that the threshold used to measure the potential noise impacts from heavy trucks is inappropriate and a different standard should instead be used. Ex. A, p. 2. When compared against a more appropriate threshold, impacts from off-site construction noise are potentially significant and require mitigation. *Id.*

The court addressed the issue of selecting thresholds in *Mejia v. City of Los Angeles* (2005) 130 Cal. App. 4th 332. There, the city determined that a project would have a less than significant impact with regard to traffic because the project only contained 21 dwelling units, and the threshold for a traffic study was 40 dwelling units. *Id.* at 342. The court concluded that the city improperly relied on a threshold of significance despite substantial evidence supporting a fair argument that the project may have a significant impact on the road. *Id.* The court reasoned:

A threshold of significance may be useful to determine whether an environmental impact normally should be considered significant. (Guidelines, § 15064.7, subd. (a).) A threshold of significance is not conclusive, however, and does not relieve a public agency of the duty to consider the evidence under the fair argument standard. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1108-1109, 11 Cal.Rptr.3d 104; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 110-114, 126 Cal.Rptr.2d 441; see Guidelines, § 15064, subd. (b).) A public agency cannot apply a threshold of significance or regulatory standard “in a way that forecloses the consideration of any other substantial evidence showing there may be a significant effect.” (*Communities for a Better Environment, supra*, at p. 114, 126 Cal.Rptr.2d 441.)

Id. at 342. Here, expert Deborah Jue has provided evidence that impacts from off-site trucks are potentially significant, and the City must therefore consider this evidence and mitigate impacts as necessary, regardless of which threshold the City had initially used to measure impacts. An EIR must be prepared to address this potentially significant impact.

c. The MND’s ambient noise measurements were insufficient, therefore there is not sufficient evidence to conclude the Project will not have a significant noise impact.

The MND conducted insufficient sound measurements to accurately evaluate ambient noise levels. “Contrary to the statement on page 159 of the ISMND, the existing noise conditions are not ‘fully describe’(d).” Ex. A, p. 1. According to Ms. Jue, when documenting baseline conditions, it is customary in her profession to obtain a 24-hour measurement of noise for at least one location in order to document the typical variations in noise throughout the day. Ex. A, p. 1-2. Additionally, according to section 111.01(a) of the LAMC, ambient noise must “be averaged over a period of at least 15 minutes at a location and time of day comparable to that during which the measurement is taken of the particular noise source being measured.”

Here, in contrast, the City’s consultant took only a single measurement at four locations, which lasted only 15 minutes each. MND Appendix G, p. 5. These measurements were taken on a single day, and making matters worse, each of the four 15-minute measurements were taken between 12:55 PM and 1:37 PM, further limiting the noise variation that can occur throughout the day. Ex. A, p. 2. This time period also likely represents a time of day when there may be a higher than usual ambient noise environment due to lunchtime commutes. Ms. Jue explains that each 15-minute time interval represented just 1% of the daytime period. Ex. A, p. 2. As a result, based on the limited information provided by the City, “it is unknown whether the ambient result at any

of the noise monitoring locations was typical, higher, or lower than normal conditions.”
Id.

In order to comply with the City’s own standards, the City must take additional ambient noise measurements in the morning and evening, when less traffic is expected, to evaluate the Project’s impact on nearby sensitive receptors. Without additional information, the City lacks substantial evidence to conclude that Project construction will not result in a significant noise impact.

d. There is no evidence that the MND’s proposed mitigation measures are feasible.

An agency may not rely on mitigation measures of uncertain efficacy or feasibility. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727. Based on Ms. Jue’s review of the mitigation measures proposed for the Project’s significant noise impacts, there is no evidence of the feasibility of several of the measures. Ex. A, p. 2-3. For example, in mitigation measure MM NOI-1, the MND “identifies the physical requirements for a sound barrier,” but “provides no evidence to demonstrate that such a barrier would be feasible to provide.” *Id.* at 2. Ms. Jue calculates that such a barrier would have to be 20-26 feet tall to comply with the measure, which would require a “substantial foundation.” *Id.* at 3. Yet there is no evidence that a 26-foot barrier with a substantial foundation is actually feasible for the Project. *Id.* at 3.

In addition, mitigation measure NOI-2 requires the construction contractor to avoid using a large bulldozer or caisson drill within 80 feet of the adjacent residential building and within 63 feet of the adjacent library. MND, p. 174. But there is no evidence that the Project can actually be constructed completely without using a bulldozer or caisson drill within these boundaries. The same is true for mitigation measure MM NOI-3’s requirement that bulldozers not be used within 15 feet of existing buildings. *Id.*

The MND does not provide any details regarding how effective any of these measures will be. In addition, none of these measures are included as Conditions of Approval for the Project, and therefore should not be included as part of the Project’s impact analysis.

The MND also includes an inconsistency that must be addressed. Page 174 of the MND states, “MM NOI-2 and MM NOI-3 require that heavy machinery (excavators, bulldozers, caisson drills) is to be operated at least 80 feet of the façade of the residential use located west of the Project Site at 716 North June Street and within 63 feet of the façade of the John C. Fremont Branch Library located west of the Project site.” The mitigation measures as described right before that statement make no mention of excavators being included in the distance limits. Clarification is needed as to whether excavators are to be included in MM NOI-2 and MM NOI-3.

Additionally, the MND proposes a traffic management plan to mitigate off-site truck noise to a less than significant level, but fails to provide evidence demonstrating that such a plan could in fact mitigate those impacts. *Id.* Lastly, the MND states that on-site stationary noise sources will have to comply with LAMC regulations and are therefore within appropriate thresholds, but Ms. Jue states that this requirement should be included as formal mitigation. *Id.* The noise analysis should also provide evidence that adherence to LAMC thresholds is feasible. *Id.*

II. CONCLUSION

For the foregoing reasons, as well as those stated in our April 15, 2022 letter, the MND is inadequate. SAFER requests that the City prepare an Environmental Impact Report to fully analyze and mitigate the Project's significant adverse environmental impacts. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Amalia Bowley Fuentes".

Amalia Bowley Fuentes
LOZEAU DRURY LLP

EXHIBIT A



WI #22-004.09

April 29, 2022

Ms. Amalia Bowley Fuentes
Legal Fellow
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, California 94612

SUBJECT: Melrose and Seward Initial Study/Mitigated Negative Declaration, Comments on the Noise Analysis

Dear Ms. Bowley Fuentes,

Per your request, I have reviewed the subject matter document for the Melrose and Seward Project Initial Study / Mitigated Negative Declaration (ISMND) in Los Angeles, California. The proposed Project would add a new five-story building to provide a creative office building. The site currently has two two-story buildings at the north side of the project that will remain. The current surface parking lot and an existing one-story building would be demolished, and the new building and new parking facilities will be constructed.

Errors and Omissions in the ISMND

On page 158 of the ISMND, it appears that a paragraph break is missing; the 5th first level bullet (black) starts off italicized and focused on noise, but the sentence seems to cut off abruptly and switches to unrelated text discussed vibration:

- *Construction activities would exceed the ambient noise level by 5 dBA at a noise sensitive use between the hours of 9:00 P.M. and 7:00 A.M. Monday through Friday, before 8:00 ?*
- kg The City currently does not have significance criteria to assess vibration impacts during construction. Thus, Federal Transit Administration (FTA) guidelines set forth in FTA's Transit Noise and Vibration Assessment, dated September 2018, are used to evaluate potential impacts related to construction vibration for both potential building damage and human annoyance. The FTA guidelines regarding construction vibration are the most current guidelines and are commonly used in evaluating vibration impacts.

On page 164 of the ISMND, first full paragraph, discusses requirements in the LAMC and seems to present these items as significance thresholds. However, these are not included in the significance criteria presented on page 157. Thus, it is unclear whether any exceedances over these LAMC requirements are being considered (potentially) significant impacts in the ISMND noise analysis.

Baseline Noise Levels are not Properly Established

Contrary to the statement on page 159 of the ISMND, the existing noise conditions are not "fully describe"(d). Table 4.15 of the ISMND summarizes short-term measurements that were each conducted for 15-minutes. When documenting the baseline condition is customary to use at least one 24-hour measurement to document the typical variations over the course of the day. Time intervals of only 15 minutes represents 1% of the

daytime period of interest, and thus it is unknown whether the ambient result at any of the noise monitoring locations was typical, higher, or lower than normal conditions. The time of day is not listed in Table 4.15; the time of day is listed in Appendix G, Table 1, which shows that the ambient measurement was taken mostly between 1 and 2 PM. From our own experience with measuring noise from urban environments, the flow of traffic can vary substantially between different 15-minute increments in any hour.

Thresholds of Significance are Not Properly Developed

Per CEQA¹, the ISMND must clearly show that the mitigation would eliminate **potentially** significant effects:

(b) The initial study identifies potentially significant effects, but:

(1) Revisions in the project plans or proposals made by or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

(2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

Figure 1 CEQA Section 15070(b)

In the absence of evidence to show that the existing noise levels in Table 4.15 are “typical”, the ISMND provides no evidence to indicate whether Applicable Standards column in Table 4.17 are suitably selected to determine **potential** significance from construction activities.

As noted above, there seems to some confusion in the ISMND whether construction noise that exceeds the LAMC would be considered a (potentially) significant impact. Given the requirements for ISMNDs noted in Figure 1 above, the potential for construction operations to exceed the LAMC should be considered potentially significant.

Impact Analyses are Incomplete

Construction Noise

As noted above, lack of compliance with the LAMC should be considered (potentially) significant. Table 4.17 shows noise levels that would exceed 75 dBA at most residential areas without mitigation.

On page 165 of the ISMND, the potential for construction to exceed the LAMC noise limit of 75 dBA is mentioned, but this information is not shown in Table 4.17, leaving the reader a little confused as to what is (potentially) significant.

Off-Site Construction Noise

The ISMND attempts to reason that high noise levels from heavy trucks would not be significant because the existing noise already contains L_{max} levels that would be higher than trucks. With as many as 70 haul truck trips per day, a more appropriate comparison would be to the L₈ levels presented in Appendix G (Table 1), which represents the noise level exceed 8% of the time, or almost 5 minutes in any hour. The L₈ is an approximation of the frequent noise events that occurred during the short-term measurements; the L₁₀ is often used in traffic analysis to determine typical noise levels from frequent vehicle passbys. Thus, at a distance of 50 ft from the trucks, the truck noise would be comparable to the noise measured at NM2 and NM4, but higher than the noise at NM1. Therefore, impacts from off-site construction noise would be potentially significant and would require mitigation. If these short-term data are not typical of on-going noise levels in the community, then the truck noise could potentially be significant at all residences along the Melrose Avenue truck route.

Noise Mitigations are Lacking

Page 165 of the ISMND indicates that mitigation measures are required to reduce the construction noise by 14 dBA, and on page 166 Mitigation Measure MM NOI-1 identifies the physical requirements for a sound barrier. However, the ISMND provides no evidence to demonstrate that such a barrier would be feasible to provide.

¹ <https://govt.westlaw.com/calregs/Document/IA1DEFD80D48811DEBC02831C6D6C108E?>

Depending on source height and proximity to the sound barrier, our calculations suggest that the construction sound barrier would have to be 20 to 26 ft tall. As this could require a substantial foundation it is imperative that the ISMND provide evidence that the required sound barrier would be feasible. If heavy construction equipment such as earth moving equipment, crane, etc., would operate in close proximity to the sound barrier (e.g., within 15 ft) for a substantial portion of the construction work, the sound barrier should provide STC 40 or greater.

Off-site truck noise would be potentially significant, and a traffic management plan would be required to limit truck noise. It is possible this could be accomplished with truck routes, speed controls, and limits on revving engines, but the ISMND should provide the necessary evidence.

On page 169 of the ISMND, it is stated that on-site stationary noise sources would be required to comply with the LAMC regulations which allows such equipment to exceed the ambient by 5 dBA. While this is a regulatory issue, it is a key assumption that avoids mitigation. The ISMND should include mitigation that specifically includes this requirement, and the ISMND noise analysis should also show evidence that such performance is feasible to achieve at the closest property line and at the nearest 2nd story (or higher) residence.

Mitigation Measures MM NOI-2 and NOI-3 provide buffer distances to limit vibration from construction equipment at sensitive receptors. The ISMND provides no evidence that these constraints would still be viable for the Project to be constructed.

Conclusions

The ISMND lacks sufficient documentation of the baseline noise environment, and the noise impact analyses for construction noise and off-site operational trucks are incomplete in their conclusions. The sound wall mitigation lacks evidence that it would be sufficient to fully mitigate construction noise, and additional mitigation measures are required to control off-site truck noise. The ISMND lacks evidence to show that buffer distances would be sufficient to mitigate construction vibration. Compliance with the LAMC must be listed as a mitigation, and the ISMND must show that such compliance is sufficient to mitigate the on-site stationary noise significant impact.

Please feel free to contact me with any questions on this information.

Very truly yours,

WILSON IHRIG

Deborah A. Jue

Deborah A. Jue, INCE-USA
Principal

melrose and seward ismnd_noise review_wilson ihrig_4-29-22.docx



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: **AUG 30 2022**

Case No. **CPC-2021-2908-ZC-HD-ZAD-WDI-SPR**
CEQA: ENV-2021-2909-MND
Plan Area: Hollywood

Council District: 5 – Koretz
13 – O'Farrell

Project Site: 6101 – 6117 West Melrose Avenue;
713 – 735 North Seward Street

Applicant: Melrose Avenue Owner, LLC, Bardas Investment Group
Representative: Matthew Nichols/Jerry Neuman, DLA Piper LLP

At its meeting of **July 28, 2022**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of an existing one-story commercial building and surface parking lot, and the construction, use, and maintenance of a 67,889 square-foot, five-story office-retail building. The Project will include 67,242 square feet of office space and 647 square feet of retail space, and the building will rise to a maximum height of approximately 77 feet and nine inches (73 feet and six inches to the top of the parapet). The Project will provide 168 vehicular parking spaces and 26 bicycle parking spaces on the ground floor and two subterranean levels. With the addition of the existing building floor area that will remain on Lots 18-20 (developed with two, two-story commercial buildings) the Project proposes a Floor Area Ratio (FAR) of 1.88 to 1.

1. **Found**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2021-2909-MND ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment; **Found** the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **Found** the mitigation measures have been made enforceable conditions on the Project; and **Adopted** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration;
2. **Approved** and **Recommended** that the City Council **adopt**, pursuant to Section 12.32 F of the Los Angeles Municipal Code (LAMC), a Zone and Height District Change from C4-1XL and CM-1VL to (T)(Q)CM-2D for Lots 21-23 of the project site;
3. **Dismissed**, pursuant to LAMC Section 12.24 X.22, a Zoning Administrator's Determination to allow the project to exceed the maximum Transitional Height requirement otherwise permitted by the provisions of LAMC Section 12.21.1 A.10, for a maximum building height of 77 feet and nine inches;
4. **Approved**, pursuant to LAMC Section 12.37 I.3, a Waiver of Dedication and/or Improvement to waive a three-foot street widening along Seward Street;
5. **Denied**, pursuant to LAMC Section 12.37 I.3, a Waiver of Dedication and/or Improvement to waive a three-foot dedication along Melrose Avenue and a 15-foot and 15-foot corner cut or 20-foot radius property line return at the intersection of Melrose Avenue and Seward Street, in accordance with Avenue II standards, and a five-foot dedication along Seward Street, in accordance with Local Street standards;

6. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project which creates, or results in an increase of 50,000 square feet or more of nonresidential floor area;
7. **Adopted** the attached Modified Conditions of Approval; and
8. **Adopted** the attached Amended Findings.

The vote proceeded as follows:

Moved: Perlman
Second: Dake Wilson
Ayes: Choe, Campbell, Hornstock, López-Ledesma, Mack, Millman
Absent: Leung

Vote: 8 – 0



Cecilia Lamas, Commission Executive Assistant
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 as it relates to the Zone and Height District Change is appealable by the Applicant only, if disapproved in whole or in part by the Commission. The decision of the Los Angeles City Planning Commission, regarding the remaining approvals, is appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-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: SEP 19 2022

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: Zone Change Ordinance, Map, Modified Conditions of Approval, Amended Findings, Interim Appeal Filing Procedures

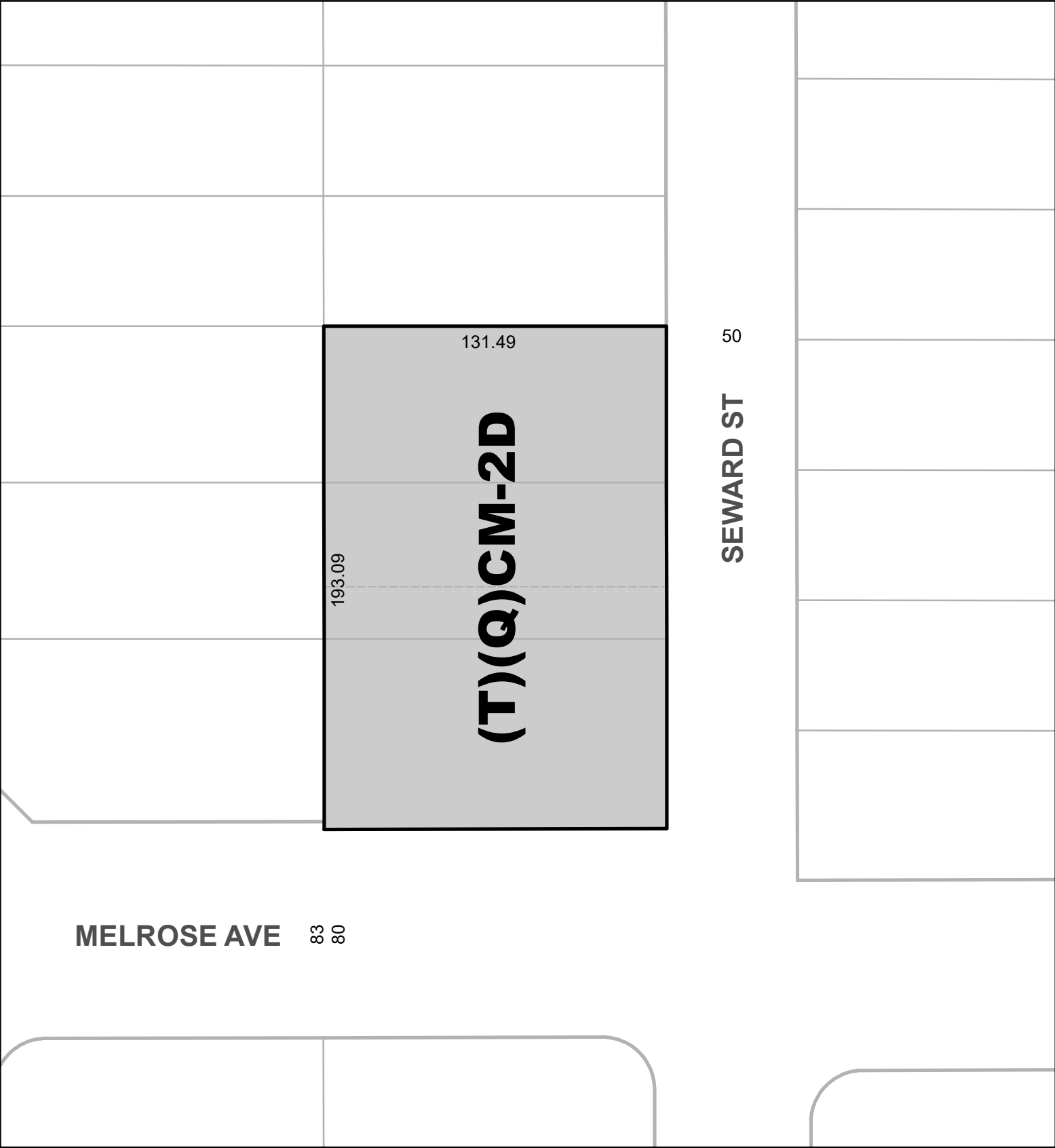
c: Heather Bleemers, Senior City Planner
Kevin Golden, City Planner
David Woon, Planning Assistant

ORDINANCE NO. _____

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:

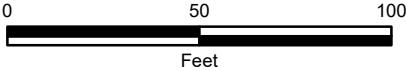


MELROSE AVE

83 80

50

SEWARD ST

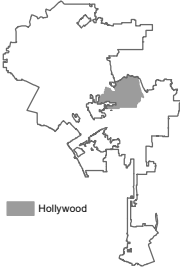


CPC-2021-2908-ZC-HD-ZAD-WDI-SPR

AAI

080522

City of Los Angeles



(Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to LAMC Section 12.32 G, the following limitations are hereby imposed upon the use of the project site, subject to the "Q" Qualified Classification:

1. **Site Plan.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
2. **Use.** The use and area regulations for the new development on-site shall be developed for the uses as permitted in the CM Zone as defined in LAMC Section 12.17.1, except as modified by the conditions herein or subsequent action.
3. The building height on Lots 18-20 shall be limited to 45 feet as permitted in the CM-1 VL Zone.

“D” DEVELOPMENT LIMITATIONS

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the “D” Development Limitations.

1. **Floor Area.** The total floor area permitted on the subject property shall not exceed a Floor Area Ratio of 1.88 to 1.
2. **Height.** The project shall be limited to five stories and 77 feet and 9 inches. Roof structures and equipment shall not exceed the height limit by more than what is permitted in LAMC Section 12.21.1 B.3.

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32 G of the Municipal Code, the (T) Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Dedication(s) and Improvement(s). Prior to the issuance of any building permits, the following public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary):

Responsibilities/Guarantees

1. As a part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
2. **Bureau of Engineering.** Prior to issuance of sign offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

A. Dedication Required:

Melrose Avenue (Avenue II) – A 3-foot wide strip of land along the property line to complete a 43-foot half right-of-way and a 20-foot radius property line return or a 15-foot and 15-foot corner cut at the intersection with Seward Avenue all in accordance with Avenue II of Mobility Plan 2035.

Seward Street (Local Street) – A 5-foot wide strip of land along the property frontage to complete a 30-foot half right-of-way in accordance with Local Street standards.

B. Improvements Required:

Melrose Avenue – Construct additional concrete sidewalk in the dedicated area including in the area of the corner cut or property radius line return. Repair and replace any damaged or off-grade concrete curb, gutter, sidewalk and asphalt concrete pavement along the property frontage. Reconstruct and or repair any curb ramps as required under BOE Special Order 01-1020. Close all unused driveways with full-height curb, gutter and full-width concrete sidewalk. All new proposed driveways shall require LADOT's approval.

Seward Street – Construct a new curb, gutter and full-width concrete sidewalk with tree wells up to the new property line. Repair all broken off-grade roadway pavement along the property frontage.

Reconstruct all curb ramps at intersection with Melrose Avenue and Seward Street to BOE's standards plan and Special Order 01-1020. All new proposed driveways shall require LADOT's approval. These improvements should suitably transition to join the existing improvements.

Notes:

Broken curb and/or gutter includes segments within existing score lines that are depressed or upraised by more than $\frac{1}{4}$ inch from the surrounding concrete work or are separated from the main body of the concrete piece by a crack through the entire vertical segment and greater than $\frac{1}{8}$ inch at the surface of the section.

Non-ADA compliant sidewalk shall include any sidewalk that has a cross slope that exceeds 2% and/or is depressed or upraised by more than $\frac{1}{4}$ inch from the surrounding concrete work or has full concrete depth cracks that have separations greater than $\frac{1}{8}$ inch at the surface. The sidewalk also includes that portion of the pedestrian path of travel across a driveway.

All new sidewalk curb and gutter shall conform to the Bureau of Engineering Standard Plans S410-2, S440-4, S442-5 and S444-0.

Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. Some tree removal in conjunction with the street improvement project may require Board of Public Works approval. The applicant should contact the Urban Forestry Division for further information (213) 847-3077.

Trees: That Board of Public Works approval shall be obtained prior to the issuance of the Certificate of Occupancy of the development project for the removal of any tree in the existing or proposed public right-of-way. The Bureau of Street Services, Urban Forestry Division is the lead agency for obtaining Board of Public Works approval for the removal of such trees.

Removal of street trees is required in conjunction with the street widening for this project. Please include the tree removal issue in your public hearing notice for this application.

Street lighting and street light relocation will be required satisfactory to the Bureau of Street Lighting (213) 847-1551.

Department of Transportation may have additional requirements for dedication and improvements.

Refer to the Department of Water and Power regarding power pole (213) 367-2715.

Refer to the Fire Department regarding fire hydrants (213) 482-6543.

Contact the Department of Transportation regarding any conflicts with traffic signals, signs, parking spaces, meters or traffic control devices (213) 482-7024.

Roof drainage and surface run-off from the property shall be collected and treated at the site and drained to the streets through drain pipes constructed under the sidewalk or through curb drains connected to the catch basins.

Catch basin exist in Seward Avenue. Relocate catch basin per B-Permit plan check requirements.

Sewer lines exist in Melrose Avenue and in Seward Street. Extension of the house connection laterals to the new property line may be required. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.

Submit a request to the Bureau of Engineering Central District public counter to verify that the existing sewer lines have the capacity to handle the additional flow that will be generated by the proposed project.

No portion of the building shall encroach above or below public right-of-way.

Submit shoring and lateral support plans to the BOE Central District Office - Excavation Counter for review and approval prior to excavating adjacent to the public right-of-way.

Obtain Revocable Permit from BOE Central District Office for any existing or proposed non-standard elements encroaching into the public right-of-way.

Submit driveway plans to the Central District Office of the Bureau of Engineering and the Department of Transportation for review and approval.

3. **Urban Forestry.**

A. **Street Trees.**

Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. Parkway tree removals shall be replanted at a 2:1 ratio. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the subdivider or contractor shall notify the Urban Forestry Division at (213) 847-3077 upon completion of construction to expedite tree planting.

Note: Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at (213) 847-3077 for permit information. CEQA document must address parkway tree removals.

4. **Department of Recreation and Parks.** Prior to the issuance of building permit, a dedication of land shall be made or assured or a payment in lieu thereof made or guaranteed to the satisfaction of the Department of Recreation and Parks, as required pursuant to LAMC Section 12.33.

CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on July 28, 2022)

Pursuant to Sections 12.37 I.3, and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Development Conditions

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. **Site Development.** The use and development of the property shall be in substantial conformance with the plans submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. **Parking.** Parking must meet requirements pursuant to LAMC Section 12.21 A.4.
4. **Electric Vehicle Parking.** All vehicular parking shall provide electric vehicle charging spaces and electric vehicle charging stations in compliance with the regulations outlined in Section 99.05.106 of Article 9, Chapter IX of the LAMC.
5. **Circulation.** The applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval. Review and approval of the driveways should be coordinated with DOT's Citywide Planning Coordination Section (201 North Figueroa Street, 5th Floor, Room 550, at 213-482-7024).

Waiver of Dedication and/or Improvement Conditions

6. **Waiver of Dedication and Street Widening.** No street widening or improvements associated with street widening shall be required along North Seward Street.
7. **Improvements.** All improvements otherwise requested by the Bureau of Engineering or other agencies shall be provided.

Site Plan Review Conditions

8. **Materials.** A variety of high-quality exterior building materials, consistent with Exhibit A, shall be used. Substitutes of an equal quality shall be permitted, to the satisfaction of the Department of City Planning.
9. **Pedestrian Access.** The project shall maintain at least one pedestrian pathway to and from the building entrance along North Seward Street. There shall be a direct, linear pathway from the street to the entrance.
10. **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.
11. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer(s), if located at-grade and facing the public right-of-way, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides (those not adjacent to a building wall).

12. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, walkways, common open space and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
13. **Landscaping.**
 - a. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
 - b. **Soil depths.** The project shall conform with the minimum soil depth and volume requirements for trees and other plants as outlined in the Soil Depths Design Resource published by the Los Angeles City Planning Urban Design Studio.
 - i. Shrubs, perennials, and ground cover shall require a minimum soil depth of as follows:
 - (1) A minimum depth with a height ranging from 15 to 40 feet shall be 42 inches.
 - (2) A minimum depth with a height ranging from 9 to 15 feet shall be 36 inches.
 - (3) A minimum depth with a height ranging from 1 to 8 feet shall be 24 inches.
 - (4) A minimum depth with a height less than 1 foot shall be 18 inches.
 - (5) A minimum depth of an extensive green roof shall be 3 inches.
 - ii. Trees shall have a minimum soil depth of 42 inches.
 - iii. The minimum amount of soil volume for tree wells on the rooftop or any above grade open spaces shall be based on the size of the tree at maturity:
 - (1) 220 cubic feet for trees with a canopy diameter ranging from 15 to 19 feet.
 - (2) 400 cubic feet for trees with a canopy diameter ranging from 20 to 24 feet.
 - (3) 620 cubic feet for trees with a canopy diameter ranging from 25 to 29 feet.
 - (4) 900 cubic feet for trees with a canopy diameter ranging from 30 to 34 feet.
14. **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.
15. **Trash.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way. Trash and recycle receptacles shall be stored within a fully enclosed portion of the building at all times.
16. **Sustainability.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

Environmental Conditions

Mitigation Measures

17. **Noise.** During all Project Site demolition, grading/excavation, foundation and building construction, the construction contractors shall install a temporary, continuous sound barrier along the western boundary of the Project Site. The barrier shall be tall enough to

break the line-of-site between construction activity and the adjacent library and residential use, and be constructed of materials achieving a Transmission Loss (TL) value of at least 14 dBA, such as ½ inch plywood. The supporting structure shall be engineered and erected according to applicable codes.

The construction contractor shall not use large bulldozer, or caisson drill within 80 feet of the façade of the residential use located west of the Project Site at 716 North June Street and within 63 feet of the façade of the John C. Fremont Branch Library located west of the Project Site.

The construction contractor shall not use large excavators, bulldozers, or caisson drills within 21 feet of the John C. Fremont Branch Library west of the Project boundary, within 15 feet of the commercial building directly adjacent to the north of the Project boundary and the residential building located west of the Project boundary.

18. **Traffic.** The Project shall incorporate the following Transportation Demand Management strategies as part of the ongoing Project operations:

- Education and Encouragement – Promotions and Marketing – This strategy involves the use of marketing and promotional tools to educate and inform travelers about site-specific transportation options and the effects of their travel choices. This strategy includes passive education and promotional materials, such as posters, information boards or a website with information that a traveler could choose to read at their own leisure. All employees will be included in this TDM strategy.
- Commute Reductions – Alternative Work Schedules and Telecommute Program – This strategy encourages employees to work alternative schedules or telecommute, including staggered start times, flexible schedules, or compressed work weeks. A minimum 25% of the employees will be participating in this program.
- Commute Trip Reductions – Ride Share Program – This strategy increases vehicle occupancy by providing ride-share matching services, designated preferred parking for ride-share participants, designing adequate passenger loading/unloading and waiting areas for ride-share vehicles and providing a website or message board to connect riders and coordinate rides. A minimum of 10% of the employees will be eligible.

Administrative Conditions

19. **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.

20. **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 herein attached as a cover sheet, and shall include any modifications or notations required herein.

21. **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.
22. **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.
23. **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.
24. **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.
25. **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.
26. **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.
27. **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.
28. **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.
29. **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 (ii).
- 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 (ii).
- 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

(As Amended by the City Planning Commission at its meeting on July 28, 2022)

GENERAL PLAN/CHARTER FINDINGS

1. **Charter Section 556: The action is in substantial conformance with the purposes, intent, and provisions of the General Plan.**

General Plan.

- a. General Plan Land Use Designation.

The subject property is located within the Hollywood Community Plan and designates the subject property for Commercial Manufacturing land uses corresponding to the CM and P Zones. The project site is comprised of six lots of which Lots 18-22 are located in the CM-1VL Zone and Lot 23 is in the C4-1XL Zone. The applicant requests a zone change and height district change for Lots 21-23 of the project site from CM-1VL and C4-1XL to (T)(Q)CM-2D. Lots 18-20 would remain in the CM-1VL Zone. The zone change and height district change is warranted as the site's existing zoning does not allow for the necessary Floor Area Ratio (FAR) and height to construct this project. The proposed five-story office-retail building is a commercial use that is consistent with development permitted in the proposed (T)(Q)CM-2D Zone. Therefore, the project would be in substantial conformance with the purposes, intent and provisions of the General Plan.

- b. Land Use Element.

The proposed project complies with applicable provisions of the Los Angeles Municipal Code (LAMC) and the Hollywood Plan. The twelve elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC).

The Land Use Element of the City's General Plan is divided into 35 Community Plans. The subject property is located within the Hollywood Community Plan, which designates the site for Commercial Manufacturing land uses corresponding to the C and M Zones.

Hollywood Community Plan. The Hollywood Community Plan text includes the following relevant land use goals, objectives, and policies:

- *Objective 4: To promote economic well being and public convenience through:*
 - a. *Allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards*

The zone and height district change would promote a strong and competitive commercial sector by demolishing a one-story commercial building and surface parking lot and redeveloping the project site into a five-story office-retail building. The new development and street improvements to West Melrose Avenue and North Seward Street would intensify the commercial use and activity of the project site while complementing the surrounding commercial, residential, and manufacturing uses in the area. As such, the project would contribute to the economic well-being of the surrounding neighborhood through the creation of jobs and public convenience. The project would result in the

development of a 67,889 square-foot building with 67,242 square feet dedicated to creative office space and 647 square feet dedicated to retail space. The development would rise to a maximum building height of 77 feet and 9 inches (73 feet and 6 inches to the top of the parapet) and a FAR of 1.88 to 1 (inclusive of existing building floor area that would remain on Lots 18-20 developed with two, two-story commercial buildings). A total of 168 automobile parking spaces would be provided within the ground floor and a two-level, subterranean garage. A majority of the parking spaces would be located within the subterranean parking garage (152 parking spaces) thereby reducing parking impacts onto nearby properties. In addition, the project's parking areas would be accessible through a single two-way driveway along North Seward Street, away from residential uses. The project would also complement existing transportation infrastructure with public transit service and bike routes located within 0.40 miles of the project site. The project would activate the street frontage along West Melrose Avenue and North Seward Street and enhance the pedestrian experience with the installation of a pocket courtyard and patio, landscaped areas and street trees along the sidewalk, and art walls. The project's design acknowledges the perceived scale and height of the proposed five-story building in comparison with the adjacent single-family houses located west of the project site. The project would step back from the adjacent residential properties through the terracing of open space areas (i.e. roof decks) at the northwestern portion of the proposed office-retail building from the third through fifth floors. Through the orientation of uses, building massing, and articulation, the project would address concerns regarding compatibility with the neighboring residential properties. Therefore, these improvements would complement nearby land uses and would promote economic well-being and public convenience in the community.

- *Policy – Land Use – Industry:*

Industrial lands are located on a citywide basis without regard to the boundaries of individual communities or districts, under the general principle that such employment should be available within a reasonable commuting distance from residential locations.

The project would redevelop a one-story commercial building and surface parking lot into a five-story office-retail building while maintaining the existing two two-story commercial buildings on the project site. As such, the project would increase employment opportunities in the community. The project site is within 500 feet of single- and multi-family structures making it within walkable distance to housing. Prospective employers and employees who do not live nearby would have access to 168 automobile parking spaces located on-site. In addition, the project is within close proximity (approximately 0.40 miles) to Metro Local Bus Lines and bike routes which connect residents and workers across Los Angeles. The closest bus stop (Metro Local Bus Line 10/48) is within 250 feet from the project site providing service to communities between West Hollywood and South Los Angeles. Based on the walkability of the surrounding area and proximity to various modes of transportation, the project is within reasonable commuting distance from residential locations.

- *Policy – Land Use – Commerce:*

Parking areas should be located between commercial and residential uses on the commercially-zoned properties where appropriate to provide a buffer, and shall be separated from residential uses by means of at least a solid masonry wall and landscaped setback.

The project's parking area would be covered and screened such that it would not impose nuisances to nearby residential uses. The project would provide a total of 168 automobile parking spaces within the ground floor and a two-level, subterranean parking garage. A majority of the parking spaces would be located within the subterranean parking garage (152 parking spaces) thereby reducing parking impacts onto nearby properties. The project's surface parking area, containing ADA parking spaces and valet service, would be screened from the single-family residential properties to the west with a property demising wall and a 4-foot utility easement. In addition, the proposed office-retail building would cover the surface parking area. Vegetated buffers would be installed along the eastern edge of the project site to reduce glare from vehicular lights. Furthermore, the project would be served by a single two-way driveway along North Seward Street, away from residential uses.

Consistency with Draft Hollywood Community Plan Update

The project is expected to be consistent with the Goals, Objectives, and Policies of the updated Hollywood Community Plan. As of 2022, the Hollywood Community Plan Update is at its adoption phase. Additional comments from the City Council's Planning and Land Use Management (PLUM) Committee are being received followed by final approval from the City Council.

- *Goal LU10: Industrial, media-related, and entertainment-related uses that promote jobs in Hollywood.*

LU10.1: Media and entertainment uses. Promote the establishment, retention, and expansion of media, entertainment, and creative office uses in Hollywood.

According to the Hollywood Community Plan Update, the project would be located in the Media District consisting of media/entertainment jobs subareas which emphasize the preservation and expansion of media and entertainment jobs in Hollywood. The Community Plan Update provides a transition between industrial uses and the surrounding neighborhoods by utilizing Hybrid Industrial land use designation. The project proposes the construction of a five-story office-retail building and is consistent with the Commercial Manufacturing land use designation and requested Zone Change and Height District Change to (T)(Q)CM-2D. The project would provide new employment opportunities to the surrounding area, complement the existing commercial, residential, and industrial land uses, would be located nearby public transit and bicycle infrastructure.

- c. **Framework Element.** The Framework Element for the General Plan 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 livable city.

- *Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.*
- *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.*
- *Goal 3J: Industrial growth that provides job opportunities for the City's residents and maintains the City's fiscal viability.*
- *Objective 3.14: Provide land and supporting services for the retention of existing and attraction of new industries*
- *Goal 7B: A City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base.*
- *Goal 7H: A distribution of economic opportunity throughout the City..*

The project and the requested Zone Change and Height District Change from CM-1VL and C4-1XL to (T)(Q)CM-2D would help facilitate the City's long-term fiscal and economic viability by redeveloping the project site from a single commercial building and surface parking lot to a five-story office-retail building. The project site is located within a long-developed and urbanized neighborhood comprised of commercial, residential, and manufacturing uses. Surrounding the project site are low-rise commercial buildings, single-family houses, and the John C. Fremont Branch Library. Many of the properties further north of the project site cater to Hollywood's media and entertainment industry with studios, production facilities, studio-equipment and manufacturing and storage, and creative offices. The project would be comparable and compatible with these developments as well as nearby multi-family residential buildings located east of the project site.

The project site is adjacent to West Melrose Avenue, a mixed-use corridor with access to numerous commercial amenities, housing, neighborhood-serving services, and public transit lines. West Melrose Avenue is served by Metro Local Bus Line 10/48. Approximately 0.40 miles east of the project site is the intersection of West Melrose Avenue and North Vine Street which is served by Metro Local Bus Line 210. Additionally, bike routes are located north and east of the project site along West Willoughby Avenue and North Vine Street, respectively.

The project substantially conforms with goals, objectives, and policies of the General Plan Framework Element. Therefore, the requested Zone Change and Height District Change would contribute to the general character of the existing commercial, residential, and manufacturing uses in the area as well as future developments in the immediate neighborhood.

- d. **Mobility Element.** The Mobility Element of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein through the imposition of street dedications and improvements along West Melrose Avenue and North Seward Street and the requested Waiver of Dedications and/or Improvements. West Melrose Avenue, adjoining the project site to the south, is a designated Avenue II under Mobility Plan 2035,

dedicated to a Roadway Width of 56 feet and a Right-of-Way Width of 86 feet, and is improved with an asphalt roadway, concrete curb, gutters, and sidewalk. The half-width right-of-way is 43 feet. North Seward Street, adjoining the project site to the east, is a designated Local Street – Standard under Mobility Plan 2035, dedicated to a Roadway Width of 60 feet and a Right-of-Way Width of 36 feet, and is improved with an asphalt roadway, concrete curb, gutters, and sidewalk. The half-width right-of-way includes an 18-foot half roadway and a 12-foot sidewalk.

The Bureau of Engineering (BOE) is requiring 3-foot dedication along West Melrose Avenue to complete a 43-foot half-width right-of-way and a 20-foot radius property line return or a 15-foot by 15-foot corner cut at the intersection with North Seward Street in accordance with Avenue II standards of Mobility Plan 2035. Additional concrete sidewalk shall be constructed in the dedicated area including in the area of the radius property line return or corner cut. Curb ramps and any damaged or off-grade concrete curb, gutter, sidewalk and asphalt concrete pavement shall also be repaired or reconstructed. Additionally, BOE is requiring a 5-foot dedication along North Seward Street with a 3-foot street widening to complete a 30-foot half right-of-way in accordance with Local Street standards. The 3-foot dedication along West Melrose Avenue would also contribute towards expanding the concrete sidewalk from 12 feet to 15 feet. The additional dedication along North Seward Street, would contribute towards expanding the half-width right-of-way to 30 feet with a minimum concrete sidewalk width of 12 feet. Conditions for improvements have been imposed under the (T) Tentative Classification conditions in accordance with Avenue II and Local Street - Standard standards of Mobility Plan 2035.

The Applicant requests a Waiver of Dedication and/or Improvements of the required dedications and street widening. After reviewing the Applicant's request with consideration of the goals and standards set forth by the Mobility Plan 2035, Los Angeles City Planning recommends denial of the request to waive dedications and improvements. Planning recommends approval of the request to waive the 3-foot street widening along North Seward Street as well as the associated improvements. Based on the development of the project site, the surrounding properties, and existing street conditions, the required street widening is physically impractical. Along North Seward Street to the north are low-rise commercial and office buildings which all share a constant half roadway of 15 feet and a continuous sidewalk width of 10 feet. Several of the properties are developed to the existing sidewalk with mature street trees planted in tree wells and landscaped parkways. Street widening requirements along the corridor would therefore result in the partial demolition of commercial and office buildings, the removal of street trees, and a jagged path of travel. The project would incorporate pedestrian-first design features to enhance the pedestrian experience such as the reduction in two-way driveways from two to one, a dedicated valet service and pick-up/drop-off area located on-site, and the installation of landscaped buffers, light fixtures, and a pocket patio and courtyard with trees and seating adjacent to the sidewalk. The project would continue to repair, reconstruct, or replace any damaged or off-grade concrete curbs, curb ramps, gutters, sidewalks and asphalt concrete pavement.

The project with its requested waiver of dedications would continue to advance Mobility 2035's policies in recognizing walking as a component of every trip to ensure high-quality pedestrian access. Along North Seward Street, new trees would be planted along the project's street frontage along North Seward Street and the project would reduce the number of two-way driveways from two to one. The project as designed and conditioned will meet the following goals and objectives of Mobility Plan 2035:

- *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 3.8. Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*
- *Policy 5.4 Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.*

The project site is located in an area of Hollywood comprised of commercial, residential, and manufacturing uses. Within one-quarter mile of the project site are retail stores, offices, entertainment and media studios and facilities, single-family houses, apartment complexes, the John C. Fremont Branch Library, and the Hollywood DMV. As such, the project site is accessible to a variety of land uses within walking distance.

The project would orient its primary pedestrian and vehicular access along North Seward Street and reduce the number of two-way driveways from two to one, to reduce conflicts between pedestrians, bicyclists, and neighboring residential properties. The project would install landscaped areas and street trees along the sidewalk as well as a pocket patio and courtyard to enhance the pedestrian experience.

Adjacent to the project site to the south is West Melrose Avenue, a mixed-use corridor served by Metro Local Bus Line 10/48. Approximately 0.40 miles east of the project site is the intersection of West Melrose Avenue and North Vine Street which is served by Metro Local Bus Line 210. The project's proximity to these public transit lines allows residents and workers across the City to connect to jobs, commercial amenities, housing, and other neighborhood-serving services within the community.

The project would also provide a variety of automobile and bicycle amenities for project users which include a valet/drop-off area adjacent to the ground floor parking area, on-site bicycle parking on the ground floor level and within the subterranean parking garage, restrooms, showers, and a locker room for project users to clean and refresh themselves, and a bicycle repair area. North and east of the project site are West Willoughby Avenue and North Vine Street, respectively, which contain bike routes connecting bicyclists to neighboring communities.

As conditioned, a minimum of 30 percent of the proposed 168 automobile parking spaces would be reserved for electric vehicles and 10 percent shall be reserved for electric vehicle charging stations (EVCSs). Therefore, 51 automobile parking spaces would be devoted to low and zero-emission vehicles.

Therefore, the Zone Change and Height District Change are consistent with the Mobility Plan 2035 and the goals, objectives, and policies of the General Plan.

- e. **Health and Wellness Element.** The proposed project will support the policies and objectives of the Health and Wellness Element of the General Plan. The project has been conditioned to provide, at a minimum, 30% of the provided parking spaces for electric vehicle charging and 10% for electric vehicle charging stations. In addition, the project will

install a solar zone in compliance with LAMC Section 99.04.211.4 regarding solar ready buildings.

A total of 11,325 square feet of open space would be provided, including a courtyard on the street level facing North Seward Street, a pocket patio facing West Melrose Avenue, and numerous decks on each floor. The decks would be located along the perimeter of the office-retail building providing outdoor space and views of the surrounding neighborhood. Project users would have the opportunity to work, congregate, and socialize outdoors with fresh air and natural light.

Policy 2.2: Promote a healthy built environment by encouraging the design and rehabilitation of buildings and sites for healthy living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy building materials and universal accessibility using existing tools, practices, and programs.

Policy 5.1: Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.

- f. **Sewerage Facilities Element.** The Sewerage Facilities Element of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity, then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

ZONE CHANGE, HEIGHT DISTRICT DHANGE, “T” AND “Q” CLASSIFICATION, AND “D” LIMITATION FINDINGS

1. Pursuant to Section 12.32 C of the LAMC, the Zone Change and Height District Change is in conformance with the public necessity, convenience, general welfare, and good zoning practice.

a. Public Necessity.

In accordance with the draft Hollywood Community Plan Update, the project is located in the Hollywood Media District Business Improvement District (BID) and the Media District consisting of media/entertainment jobs subareas which emphasize the preservation and expansion of media and entertainment jobs in Hollywood. The project is located in an area in the Hollywood community comprised of commercial, residential, and manufacturing uses. Many of the properties north of the project site cater to Hollywood’s media and entertainment industry with studios, production facilities, studio-equipment and manufacturing and storage, and creative offices.

The applicant requests a Zone Change for Lot 23 of the project site from C4 to CM. The Zone Change would be consistent with the Commercial Manufacturing General Plan land use designation and would be compatible with existing and future developments in the community. The project site is located adjacent to West Melrose Avenue, a mixed-use corridor with access to commercial amenities, housing, and other neighborhood-serving services. Additionally, the project site is within 0.40 miles from public transit service and

bike routes which connect residents and workers to neighboring destinations. With the redevelopment of the project site to allow for job and economic growth and its accessibility to nearby commercial services, housing, and transportation infrastructure, the project would be of public necessity.

The project site is comprised of lots located in the C4-1XL and CM-1VL Zones. If constrained to the limitations of the existing Height District 1XL and 1VL, the project site would be limited to a maximum building height of 30 feet or two stories, and 45 feet or three stories, respectively. In addition, the project site would be limited to a Floor Area Ratio of 1.5 to 1.

The applicant requests a Height District Change from Height District 1XL and 1VL to Height District 2 for Lots 21-23 of the project site to allow unlimited height and number of stories and a maximum FAR of 6 to 1. The Height District Change request would facilitate the construction of the proposed five-story office-retail building rising to a maximum height of 77 feet and 9 inches (73 feet and 6 inches to the top of the parapet) and a FAR of 1.88 to 1 (inclusive of existing building floor area that would remain on Lots 18-20 developed with two, two-story commercial buildings). The project would demolish the existing one-story commercial building and surface parking lot and intensify the use of the property with 67,242 square feet of office space and 647 square feet of ground floor retail space in the Hollywood community. As such, the additional floor area and height would enhance the neighboring commercial and entertainment industries, and promote economic growth in the community.

The project acknowledges the difference in height and scale of the proposed building in comparison to the western adjacent residential properties, therefore the northwest portion of the proposed building has been designed such that the building envelope steps back from western property line starting at the third-floor level (26 foot and 10 inch height mark). The project continues to step back at the fourth and fifth, with a 43-foot step back at the top of the fourth floor. The step back areas would be utilized as roof decks and landscaped buffers that would address concerns such as noise and prevent project users from looking into the adjacent residential properties. In addition, the terracing of open space at the western portion of the project would allow for air and light ventilation.

The project would include 168 vehicular parking space, 26 bicycle spaces (17 long-term spaces and 9 short-term spaces), and a valet/drop-off zone for project users and visitors. The project site is also located adjacent to West Melrose Avenue and approximately 0.40 miles from North Vine Street, which are throughfares with access to multiple public transit line, including Metro Local Bus Lines 10/48 and 210. In addition, bike routes located along West Willoughby Avenue and North Vine Street/North Arden Boulevard. As such, the project and the surrounding transportation infrastructure would encourage multi-modal transportation and reduce overparking in the neighborhood.

The project would also enhance streetscape activation with the development a pocket patio and courtyard adjacent to West Melrose Avenue and North Seward Street, respectively, landscaped areas and trees along the sidewalks, and art walls. These spaces and design components would contribute to the pedestrian experience with shade, and outdoor seating, and complement the overall character of the surrounding neighborhood.

Therefore, granting the Zone Change and Height District Change would permit a greater utilization of the project site and be of a public necessity to the growth of the community.

b. Convenience.

The project site is located in an area of the Hollywood community that is highly urbanized and developed with commercial buildings, single- and multi-family structures, public facilities, and transportation infrastructure. The project would allow for the development of a five-story office-retail building with 67,242 square feet of office space and 647 square feet of ground floor retail space. The project would increase employment opportunities and promote economic growth in a neighborhood comprised of a variety of land uses. The property is also located adjacent to West Melrose Avenue and approximately 0.40 miles from North Vine Street, which are throughfares with access to multiple public transit lines, including Metro Local Bus Lines 10/48 and 210. In addition, bike routes located along West Willoughby Avenue and North Vine Street/North Arden Boulevard provide residents and workers greater connectivity and access to neighborhood across Los Angeles. Within one-quarter mile of the project site are retail stores, offices, entertainment and media studios and facilities, single-family houses, apartment complexes, the John C. Fremont Branch Library, and the Hollywood DMV. Granting the Zone Change on Lot 23 from C4 to the proposed CM Zone would be consistent with the General Plan's land use designation of Commercial Manufacturing and with the neighboring properties in the Hollywood Media District BID and the Media District.

As discussed above, the project site is located in an area of the Hollywood community that is highly urbanized and developed with commercial buildings, single- and multi-family structures, public facilities, and transportation infrastructure. Granting of the Height District Change would allow the project additional floor area and height to facilitate commercial and retail uses, thereby expanding employment opportunities and economic growth. The project would complement the variety of land uses in the vicinity with access to nearby public transit and bicycle infrastructure. Within one-quarter mile of the project site are retail stores, offices, entertainment and media facilities, single-family houses, apartment complexes, the John C. Fremont Branch Library, and the Hollywood DMV. Granting the Height District Change from Height District 1XL and 1VL to Height District 2 would provide the convenience of creating more economic growth and opportunities in an area accessible to various commercial amenities, housing options, and modes of transportation in the community.

c. General Welfare.

Granting the Zone Change of Lot 23 of the project site from C4 to CM would be consistent with the Commercial Manufacturing General Plan land uses designation and that the proposed five-story office-retail building would contribute to the expansion of employment opportunities in the Hollywood community. As discussed above, the surrounding neighborhood is developed with commercial buildings, single- and multi-family structures, public facilities, and transportation infrastructure. The project would result in zoning and development patterns similar to the existing developments along North Seward Street and the Media District and the nearby entertainment and media studios, facilities, and offices in the area. The Zone Change to the CM Zone would be consistent with the development of projects within the Commercial Manufacturing land use designation while complementing the existing properties and infrastructure in the Hollywood community.

In addition, granting the Height District Change would benefit the general welfare of the Hollywood Community by redeveloping and intensifying the use of the project site with the construction of creative office and retail space encompassing 67,889 square feet of floor area with a FAR of 1.88 and a maximum building height of 77 feet and 9 inches (73 feet and 6 inches to the top of the parapet). The project would generate new employment

opportunities and complement the surrounding commercial, residential, and manufacturing uses.

The project would also encourage alternative modes of transportation as it would be located near public transit and bicycle infrastructure. The project site is located near Metro Local Bus Lines 10/48 and 210 with bus stops along West Melrose Avenue and North Vine Street, respectively. Within 0.40 miles of the project site are bike routes along West Willoughby Avenue and North Vine Street/North Arden Boulevard. The project would provide 26 bicycle spaces (17 long-term spaces and 9 short-term spaces) on the ground-floor level and the two-level subterranean parking garage, restrooms, shower rooms, and a locker room for users to refresh themselves. Therefore, the project's location and amenities would help reduce automobile dependency.

The project would also incorporate open space areas and design elements to enhance streetscape activation in the neighborhood. The project would install a pocket patio and courtyard adjacent to West Melrose Avenue and North Seward Street, respectively, landscaped buffers and trees along the sidewalks, and art walls. These spaces and design components would contribute to the pedestrian experience with shade, and outdoor seating, and complement the overall character of the surrounding neighborhood.

d. Good Zoning Practices.

The project site is comprised of six lots (Lots 18-23) in the Hollywood Community Plan with a land use designation of Commercial Manufacturing. Lots 18-22 are located in the CM-1VL Zone while Lot 23 is located in the C4-1XL Zone. According to the Hollywood Community Plan and General Plan, the Commercial Manufacturing land use designation includes the corresponding zones CM and P. The proposed office and retail use of the project site is compatible with the C4 Zone and the properties along North Seward Street. The proposed Zone Change from C4 to the proposed CM Zone would be consistent with the Commercial Manufacturing land use designation.

Regarding the Height District Change request, many of the properties north of the project site cater to Hollywood's media and entertainment industry with studios, production facilities, studio-equipment and manufacturing and storage, and creative offices. These properties are developed with one- to four-story buildings in the CM and MR Zones. In addition, properties to the west are developed with two- to five-story residential building in the R3 Zone. Therefore, the project would be compatible with the height and scale of these developments.

Properties located to the west and south of the project site are developed with predominately single-family houses. Some of these properties are located within the Hancock Park Historic Preservation Overlay Zone and adjacent to the project site to the west is the John C. Fremont Branch Library, a designated Historic Cultural Monument. The project would be designed to reduce the perceived scale, height, and massing of the proposed office-retail building. As discussed above, the terracing of open space along the northwestern portion of the project adjacent to the western residential properties would provide a step back starting at the third-floor level. These areas would be designed and programmed with roof decks and landscaped buffers such that they reduce potential nuisances and disturbances and address privacy concerns. The step backs would allow for natural air and light circulation to be enjoyed along all sides of the project site. As such, the terracing of open space would help reduce the perceived scale, height, and massing at the northwest portion of the site closest to the nearby single-family residential properties.

As such, the proposed (T)(Q)CM-2D Zone would ensure that the project would be compatible with existing and future development in the surrounding neighborhood and would provide opportunities for employment and economic prosperity.

WAIVER OF DEDICATION AND/OR IMPROVEMENT FINDINGS

Pursuant to LAMC Section 12.37 I, the Director may waive, reduce, or modify the required dedication or improvement as appropriate after making any of the following findings, in writing, based on substantial evidence in the record.

- a) the dedication or improvement requirement does not bear a reasonable relationship to any project impact;*
- b) the dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on the guidelines the Street Standards Committee has established; or*
- c) the dedication or improvement requirement is physically impractical.*

The decision maker finds, based on substantial evidence in the record that:

2. The dedication or improvement requirement is physically impractical

The project site is located at the northwest corner of the intersection of West Melrose Avenue and North Seward Street within the Hollywood Community Plan.

West Melrose Avenue, between North Seward Street and North June Street, is a designated Avenue II, which requires a 43-foot half-width public right-of-way comprised of a 28-foot half-width roadway and 15-foot sidewalk. Based on the Los Angeles Bureau of Engineering's Planning Case Referral Form (PCRF), West Melrose Avenue contains a 40-foot half-width public right-of-way comprised of a 28-foot half-width roadway and 12-foot sidewalk. BOE determined that the project must dedicate 3 feet along West Melrose Avenue to complete the required 43-foot half-width public right-of-way feet. Furthermore, BOE requires the installation of a 15-foot by 15-foot corner cut or 20-foot radius property line dedication at the intersection of West Melrose Avenue and North Seward Street. Additional concrete in the dedication area, including the corner cut or property radius line return shall be constructed. Also, any curb ramps and damaged/off-grade concrete curb, gutter, sidewalk, and asphalt concrete pavement along the property frontage shall be repaired or replaced.

North Seward Street, between West Melrose Avenue and West Waring Avenue, is a designated Local Street - Standard, which requires a 30-foot half-width public right-of-way, with an 18-foot half-width roadway and 12-foot sidewalk. Based on the PCRF, North Seward Street contains a 25-foot half-width public right-of-way comprised of a 15-foot half-width roadway and a 10-foot sidewalk. BOE determined that the project must dedicate 5 feet along North Seward Street to provide a 30-foot half-width public right-of-way, which includes widening the street by 3 feet to provide a half roadway width of 18 feet. The project shall construct suitable surfacing to join the existing improvements with the 18-foot half-width roadway and 12-foot sidewalk, and shall reconstruct all curb ramps at the intersection of Melrose Avenue and Seward street.

To comply with the street standards for Avenue II (West Melrose Avenue) and Local Street – Standard (North Seward Street) per the Mobility Plan 2035, the Applicant would be required to provide the aforementioned dedications and improvements. The Applicant requests a

Waiver of Dedication and Improvements to waive all dedications and street widening along West Melrose Avenue and North Seward Street in conjunction with the construction of the proposed five-story, office-retail building and a two-level subterranean parking garage. After reviewing the Applicant's request with consideration of the goals and standards set forth by the Mobility Plan 2035, Los Angeles City Planning recommends denial of the request to waive dedications and improvements.

Planning recommends approval the request to waive the 3-foot street widening along North Seward Street as well as the associated improvements.

North Seward Street

A 3-foot street widening requirement is physically impractical given the existing physical improvements along North Seward Street and the proposed improvements provided by the project to enhance the pedestrian experience. Along North Seward Street to the north are low-rise commercial and office buildings which all share a constant half roadway of 15 feet and a continuous sidewalk width of 10 feet. Several of the properties are developed to the existing sidewalk with mature street trees planted in tree wells and landscaped parkways. Street widening requirements along the corridor would therefore result in the partial demolition of commercial and office buildings, the removal of street trees, and a jagged path of travel.

Circulation and accessibility to the project site are addressed with the repair of the existing street and the incorporation of open space and architectural features along the North Seward Street frontage. Pedestrian access to the site would be maintained and improved with the repair of any damaged sidewalk, curb, and gutter as required by BOE. The project would reduce the number of two-way driveways along the street from two to one thereby reducing the likelihood of automobile-pedestrian accidents. The single two-way driveway would serve as the primary vehicular access point for the providing parking, valet service, and pick-up/drop-off areas. Landscaped buffers beside the driveway would help reduce glare from vehicular lights. In addition, the project would incorporate a pocket patio and courtyard along the project's eastern edge, adjacent to the sidewalk. These areas would provide landscaping, seating, and access to the project's commercial tenant space thereby activating the sidewalk and providing a more attractive and comfortable pedestrian experience. The installation of trees, light fixtures, and window walls along these areas would also provide additional shade to pedestrians and help illuminate the surrounding area during the evening hours. These project features would enhance pedestrian safety along North Seward Street. The required 3-foot street widening would impact the overall building area and design, including the proposed pedestrian-first design features discussed above. Therefore, based on the existing buildings and street infrastructure, and the proposed design features the required street widening would be physically impractical.

Based on the prepared Mitigated Negative Declaration, the proposed project will not result in a significant transportation impact with the incorporation of a mitigation measure. The project would incorporate Transportation Demand Strategies throughout the project's operation such as education and marketing tools, alternative work schedules and a telecommute program, and a rideshare program. Therefore, a waiver of the required street widening would not negatively impact traffic along North Seward Street.

SITE PLAN REVIEW FINDINGS

- 3. 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 proposed project is consistent with the purposes, intent, and provisions of the General Plan and Hollywood Community Plan. The Hollywood Community Plan designates the property for Commercial Manufacturing land uses with corresponding zones CM and P. The project site is currently zoned C4-1XL and CM-1VL. The project requests a Zone Change and Height District Change from C4-1XL and CM-1VL to (T)(Q)CM-2D which are in conformance with General Plan's land use designation. The Zone Change and Height District Change would allow the project to increase the project's maximum height to 77 feet and 9 inches (73 feet and 6 inches to the parapet) and provide a floor area of 85,023 square feet with a FAR of 1.88 to 1.

The proposed project is consistent with the Goals, Objectives, and Policies, of the Hollywood Community Plan and Framework Element as described below.

- *Objective 4: To promote economic well being and public convenience through:*
 - a. *Allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards*

The project site is comprised of six lots of which three lots (Lots 21-23) would be redeveloped into the proposed five-story office-retail building. The lots are currently developed with a one-story commercial building and surface parking lot, and are zoned C4-1XL and CM-1VL. The proposed project provides better utilization of the property by increasing employment opportunities in the Hollywood Media District Business Improvement District (BID) which is currently proposed in the draft Hollywood Community Plan. The project site would contribute to local job expansion, and would activate the streetscape with ground-floor commercial uses. The project would also stimulate local investment and economic activity along West Melrose Avenue which functions as an active, mixed-use corridor with access to numerous commercial services, single- and multi-family developments, and connections to public transit lines. The project site contains a land use designation of Commercial Manufacturing which includes the corresponding zones CM and P. The project requests a Zone Change and Height District Change from C4-1XL and CM-1VL to (T)(Q)CM-2D Zone which would be consistent with the underlying land use designation. Therefore, the proposed project would enhance the economic well being of the community consistent with the General Plan.

- *Policy – Land Use – Industry:*

Industrial lands are located on a citywide basis without regard to the boundaries of individual communities or districts, under the general principle that such employment should be available within a reasonable commuting distance from residential locations.

The project would redevelop a one-story commercial building and surface parking lot into a five-story office-retail building while maintaining the existing two two-story commercial buildings on the project site. As such, the project would increase employment opportunities in the community. The project site is within 500 feet of single- and multi-family structures making it within walkable distance to housing. Prospective employers and employees who do not live nearby would have access to 168 automobile parking spaces located on-site. In addition, the project is within close proximity (approximately 0.40 miles) to Metro Local Bus Lines and bike routes which connect residents and workers across Los Angeles. The closest bus stop (Metro Local Bus Line 10/48) is within 250 feet from the project site providing service to communities between West Hollywood and South Los Angeles. Based on the walkability of the surrounding area and proximity to various modes of transportation, the project is within reasonable commuting distance from residential locations.

- *Policy – Land Use – Commerce:*

Parking areas should be located between commercial and residential uses on the commercially-zoned properties where appropriate to provide a buffer, and shall be separated from residential uses by means of at least a solid masonry wall and landscaped setback.

The project's parking area would be covered and screened such that it would not impose nuisances to nearby residential uses. The project would provide a total of 168 automobile parking spaces within the ground floor and a two-level, subterranean parking garage. A majority of the parking spaces would be located within the subterranean parking garage (152 parking spaces) thereby reducing parking impacts onto nearby properties. The project's surface parking area, containing ADA parking spaces and valet service, would be screened from the single-family residential properties to the west with a property demising wall and a 4-foot utility easement. In addition, the proposed office-retail building would cover the surface parking area. Vegetated buffers would be installed along the eastern edge of the project site to reduce glare from vehicular lights. Furthermore, the project would be served by a single two-way driveway along North Seward Street, away from residential uses.

The proposed project is also consistent with the Goals, Objectives, and Policies, of the General Plan's Mobility Element, also known as Mobility Plan 2035, which 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 3.1 Access for All: 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 Land Use and Mix: 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 3.8 Bicycle Parking: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*
- *Policy 5.4 Clean Fuels and Vehicles: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.*

The project would provide 168 automobile parking spaces located between the ground-floor and a two-level subterranean parking garage. The subterranean parking garage would consist of the majority of the automobile parking spaces provided with 152 standard, compact, and ADA spaces. The ground-floor parking area would provide 16 parking spaces and a valet drop-off service.

The project's proximity to multiple public transit lines and bike routes provides employees access to additional modes of transportation. The proposed project is located within 0.40 miles from Metro Local Bus Lines 10/48 and 210. These public transit lines provide local residents and workers access to work centers, destinations, and other neighborhood services across Los Angeles. Metro Local Bus Line provides transit service to communities between West Hollywood and South Los Angeles, and Metro Local Bus Line 210 provides transit service to communities between Hollywood and Redondo Beach. Additionally, the project site is located within 0.40 miles from two bike routes which run along West Willoughby Avenue and North Vine Street/North Arden Boulevard. These bike routes connect cyclists to destinations within

the Hollywood, Melrose, and Hancock Park neighborhoods. Therefore, the project supports the reduction of VMT per capita, connecting individuals to public and active transportation infrastructure.

The project would provide a total of 26 bicycle parking spaces for its users (17 long-term spaces and 9 short-term spaces). The bicycle parking spaces would be located on the ground floor level along North Seward Street and within an enclosed bicycle storage room on Basement Level 1 of the proposed project. Furthermore, the bicycle room would be located adjacent to restrooms, shower rooms, and a locker room for users to refresh themselves.

In addition, the project encourages the adoption of low and zero emission fuel sources by providing the required number of electric vehicle (EV) parking spaces and charging stations in compliance with LAMC Section 99.05.106. The project would also install a solar zone on the rooftop in compliance with solar ready building regulations pursuant to LAMC Section 99.04.211.4. The project's incorporation of EV parking and solar zone supports the goals and policies of the Mobility Element.

Consistency with Draft Hollywood Community Plan Update

The project is expected to be consistent with the Goals, Objectives, and Policies of the updated Hollywood Community Plan. As of Winter 2022, the Hollywood Community Plan Update is at its adoption phase. Additional comments from the City Council's Planning and Land Use Management (PLUM) Committee are being received followed by final approval from the City Council.

- *Goal LU10: Industrial, media-related, and entertainment-related uses that promote jobs in Hollywood.*

LU10.1: Media and entertainment uses. Promote the establishment, retention, and expansion of media, entertainment, and creative office uses in Hollywood.

According to the Hollywood Community Plan Update, the project would be located in the Media District consisting of media/entertainment jobs subareas which emphasize the preservation and expansion of media and entertainment jobs in Hollywood. The Community Plan Update provides a transition between industrial uses and the surrounding neighborhoods by utilizing Hybrid Industrial land use designation. The project proposes the construction of a five-story office-retail building and is consistent with the Commercial Manufacturing land use designation and requested Zone Change and Height District Change to (T)(Q)CM-2D. The project would provide new employment opportunities to the surrounding area, complement the existing commercial, residential, and industrial land uses, would be located nearby public transit and bicycle infrastructure.

As detailed above, the proposed project is in substantial conformance with the purposes, intent and provisions of the Hollywood Community Plan, the draft Hollywood Community Plan Update, and the General Plan. The project is consistent with the applicable general plan designation and policies as well as with applicable zoning designation and regulations.

4. **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 subject property is comprised of six lots (Lots 18-23) consisting of 45,136 net square feet, or 1.04 acres, of lot area having a combined frontage of approximately 132 feet along West Melrose Avenue and 343 feet along North Seward Street. The project site is zoned C4-1XL (Lot 23) and CM-1VL (Lots 18-22) and is located within the Hollywood Community Plan with a General Plan Land Use Designation of Commercial Manufacturing. The project site is further located within a State Enterprise Zone, a Transit Priority Area, Urban Agriculture Incentive Zone, Methane Zone and is located within 2.50 kilometers from the Hollywood Fault. The proposed project involves the demolition of an existing one-story commercial building and surface parking lots and the construction, use, and maintenance of a new five-story office-retail building with two levels of subterranean parking.

The proposed project would encompass approximately 67,889 square feet in total floor area, resulting in an FAR of 1.88 to 1. The development would rise to 77 feet and 9 inches (73 feet and 6 inches to the top of the parapet) within five stories. The project would provide 67,252 square feet of office space and 647 square feet of retail space located along the eastern side of the building fronting North Seward Street. The project would provide 168 automobile parking spaces in addition to 17 long-term bicycle parking spaces and 9 short-term bicycle parking spaces. The ground floor would provide ADA parking, a valet and drop-off zone, and short-term bicycle parking along North Seward Street. The subterranean levels would house the remaining automobile and bicycle parking. A total of 11,325 square feet of open space would be distributed across the project's five floors which include a pocket courtyard and patio on the ground floor and numerous decks.

The project site is located in an urbanized area surrounded predominately by commercial, office, and residential uses. Abutting the subject property to the north is zoned CM-1VL and is developed with low-rise office buildings. Properties to the east are similarly zoned CM-1VL and are developed with low-rise buildings. Along the northeast corner of West Melrose Avenue and North Seward Street are properties zoned C4-1XL and are developed with one-story commercial buildings. Properties to the south, along West Melrose Avenue, are zoned C2-1, R3-1, and R1-1-HPOZ and are developed with a one-story office building, three-story multi-family residential building, and single-family houses. These properties are located in the Hancock Park HPOZ. Properties to the west are zoned [Q]PF-1XL and R1R3-RG and are developed with the John C. Fremont Branch Library (Fremont Branch Library) and single-family houses, respectively. The Fremont Branch Library is identified as a Los Angeles Historic Cultural Monument and is in the National Register of Historic Places.

The project as proposed and as conditioned meets the intent of the Citywide Design Guidelines (adopted by the City Planning Commission October 24, 2019). The project would incorporate a mixture of high-quality building materials, landscaping, pedestrian accessways, and open space areas along West Melrose Avenue and North Seward Street to promote pedestrian circulation to and from the proposed office-retail building on the street level. Some of the design features that would be utilized include white metal paneling, wall windows, a variety of shrubs and trees, a pocket patio and courtyard, and a private exterior staircase. The project's DWP Yard, which includes the transformer and switchgear, would be located along West Melrose Avenue in between the proposed project and the western adjacent. Fremont Branch Library. Recognizing the project's adjacency to the public library, the project would incorporate a high-quality gating system that would help reduce the area from being perceived as a "utility" portion of the site and a public artwork would be installed to create a more visually appealing frontage. The project would also incorporate sustainable design and energy efficient features that would lower energy demand and improve the comfort and well-being of project users. Pursuant to the Los Angeles Green Building Code, the proposed office-retail building would incorporate a solar zone on the rooftop. The project would utilize light-colored

building materials and high-performance glazing along the façade to address energy efficiency and building insulation. Each floor would include operable windows which would allow project users to control air ventilation into the building. The combination of landscaping, green spaces, and wood soffits would also allow project users to enjoy the local climate outdoors with opportunities for individuals to congregate, socialize, and be shaded from excessive sunlight and rain. An external staircase providing access to the building's five levels of office space would be located along the North Seward Street frontage, providing project users a more immediate and outdoor alternative to accessing the upper levels without using the elevator. Vegetated screenings and planters would also be installed along the project's green spaces to minimize glaring and visual disturbances onto surrounding properties.

Furthermore, the project would be compatible with the adjacent land uses and would be consistent with its General Plan land use designation. The project site contains a land use designation of Commercial Manufacturing which includes the corresponding zones CM and P. The C4-1XL zoning of Lot 23 of the project site allows for the proposed office and retail use of the project site. The Zone Change and Height District Change to the (T)(Q)CM-2D Zone would be consistent with the underlying land use designation.

Height, Bulk, and Setbacks

Properties zoned for commercial use with a height district of 1VL allow for a maximum height of 45 feet and three stories, and properties with a height district of 1XL allow for a maximum height of 30 feet and two stories. The proposed project requests a Zone Change and Height District Change for lots zoned C4-1XL and CM-1VL, to (T)(Q)CM-2D which would allow the for unlimited height and number of stories. T project proposes a maximum height of 77 feet and 9 inches (73 feet and 6 inches to the top of the parapet) within five stories.

The underlying C4-1XL and CM-1VL Zones both allow a maximum FAR of 1.5 to 1. With the subject Zone Change and Height District Change, the proposed project would be permitted a maximum FAR of 6 to 1. The project proposes a floor area of 67,889 square feet and FAR of 1.88 to 1.

Commercial uses in the CM Zone are not subject to any setback requirements. The project proposes an approximately 5-foot utility easement along the western edge of the project site involving the construction of the proposed five-story office-retail building. As such, the project would be consistent with the required setback requirements and would be compatible with the surrounding properties and public infrastructure.

The bulk and massing of the proposed office-retail development would be tempered by multiple design features which relate to the project's open space, landscaping, building materials, and orientation in relation to the surrounding built environment. The project would feature a variety of open space areas along the perimeter of the building throughout each floor level of the building and combine changes in depth and horizontal plane with changes in material and character to enhance building articulation. The project acknowledges the difference in height and scale of the proposed building in comparison to the western adjacent residential properties. Therefore, the project has been designed such that the northwestern portion of the building steps back from the western property line and adjacent residential properties by approximately 30 feet starting at the third-floor level (26 foot and 10 inch height mark). At the fourth-floor level (39 feet and 8 inch height mark), the project would step back by an additional 12 feet and 5 inches. The terracing of this portion of the project would allow for natural air and light ventilation to neighboring properties. Roof decks and landscaped buffers would be programmed along the step back areas such that they reduce potential nuisances such as noise and address privacy concerns. As such, the terracing of open space

at the western portion of the proposed office-retail building would soften the perceived scale and height with respect to the adjacent residential properties.

The building would also incorporate a variety of building materials and design features including metal and wood paneling, painted stucco, aluminum-framed windows with high-performance glazing, wooden soffits, art walls, and an exterior staircase to produce a cohesive and attractive streetscape. The pocket patio and courtyard, window walls, art walls, and the exterior staircase fronting West Melrose Avenue and North Seward Street help create an active and engaging pedestrian environment. Landscaping would be utilized in a thoughtful manner throughout the project to enhance the user experience and minimize visual and privacy concerns.

The height, bulk, and setbacks of the project are thus consistent with the existing development in the immediate surrounding area and with the underlying CM Zone. Therefore, the project will be compatible with the existing and future developments in the neighborhood.

Parking

The project would provide 168 automobile parking spaces for the proposed office and retail uses. The majority of the parking spaces would be located within two subterranean levels, with ADA parking and valet service located on the ground floor. Vehicular access to the project's parking areas would be located mid-block along North Seward Street. Landscaping and the building's envelope would screen and cover the parking areas from street view. A property demising wall along the western edge of the property would also screen the project from the adjacent residential properties to the west.

The project would also provide 17 long-term bicycle parking spaces and 9 short-term bicycle parking spaces. Four short-term bicycle spaces would be located near the project's building entrance along North Seward Street on the ground level. The remaining bicycle parking spaces would be located within an enclosed room in the subterranean garage. Restrooms, showers, a locker room and bicycle repair area would also be provided for users to encourage non-motorized transportation to and from the project site.

Lighting

The project would install interior and exterior building lighting that would appropriately illuminate the project during the night and help individuals navigate the project site safely. Low-level exterior lighting would also be utilized to highlight signage, architectural features, and landscaping elements throughout the project site that would create an attractive streetscape during the evening hours, increase surveillance, and deter the occurrence of illicit activities. As conditioned, exterior 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.

On-site Landscaping

The project would install 2,870 square feet of landscaped green spaces that would enhance the building's visual appeal and pedestrian experience. Climate-appropriate and drought-tolerant plants would be planted throughout the project site complementing the project's design and respecting the surrounding natural landscape. The grass, shrubs, and trees would also provide project users and pedestrians with shade and cooling.

The project's landscaping would also help screen private use activities from public view. Along the perimeter of the project site and throughout the project's decks, vegetated buffers would reduce the visual impact of the project's parking area and glare.

In addition, a 4-foot property demising wall and 4-foot easement would be provided along the western portion of the project site and would function as a buffer to the adjacent residential properties.

Trash Collection

The project's trash and recycling collection area would be enclosed within the ground-floor parking area, away from the main entrance and vehicular driveway. As a result, trash-related activities and odors would not disrupt regular building operation or the adjacent properties.

Valet Service

The project would include a valet service on the ground floor parking area, allow project users to be dropped off near the main entrance of the proposed office-retail building. The valet service would share the same vehicular driveway as the project's automobile parking along North Seward Street. Similar to parking, landscaping and the building's envelope would screen and cover the parking areas from street view. A wall along the western edge of the property would also screen the project from the adjacent residential properties to the west.

Connection with northern commercial-office buildings

With the construction of the proposed five-story office-retail building on Lots 21-23 of the project site, the project would provide a pathway to the northern commercial buildings on Lots 18-20 thereby allowing individuals to travel between both portions of the project site.

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

The project does not provide propose any residential uses therefore this finding does not apply.

ENVIRONMENTAL FINDINGS/ADDITIONAL MANDATORY FINDINGS

6. **Environmental Findings.** On March 17, 2022, a Mitigated Negative Declaration (ENV-2021-2909-MND) was prepared and published for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Department of City Planning in Room 763, 200 North Spring Street.
7. **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 in Flood Zone X, areas determined to be outside the 0.2% annual chance floodplain. Currently, there are no flood zone compliance requirements for construction in these zones.

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