

Communication from Public

Name: Craig Bullock

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Council File No: 22-1117

Comments for Public Posting: This is the position of Council District #13 for 22-1117.



MITCH O'FARRELL
Councilmember
13th District

October 28, 2022

Chair Marqueece Harris-Dawson and Honorable Members of the
Planning & Land Use Management (PLUM) Committee
Los Angeles City Hall 200 N. Spring St., Room 395
Los Angeles, CA 90012

**RE: PROPOSED ZONE CHANGE AND HEIGHT DISTRICT CHANGE AT 6101 – 6117 WEST MELROSE AVENUE
AND 713 – 735 NORTH SEWARD STREET (CF 22-1117)**

Dear Honorable Members:

I want to thank the applicant and the community for working together on this project to jointly address community concerns and develop an improved project. As a result of the applicant team's work to come to resolutions with the community, two appeals have been withdrawn as their concerns were addressed during this process. As laid out in the applicant's letter dated October 14, 2022, uploaded to the Council File, the applicant has modified their proposed project. The Modified Project represents a reduction in height from the prior Project, which had proposed the construction of a five-story office-retail building.

The Modified Project will demolish an existing, one-story commercial building and surface parking lot, and construct a four-story office-retail building encompassing a total floor area of 61,500 square feet. The Modified Project's new building will include 61,000 square feet of office space and 500 square feet of retail space and will reach a maximum height of approximately 58 feet and 3 inches when measured from the lowest grade within 5 feet of the building parameter (58 feet and 0 inches when measured from the ground floor grade plane to the top of the parapet). The Modified Project will provide 151 vehicular parking spaces and 24 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 to 20 (developed with two, two-story commercial buildings) the Modified Project proposes a Floor Area Ratio ("FAR") of 1.74 to 1.

In order to facilitate the Modified Project, I request that the PLUM Committee grant the remaining partial appeal of the denial of the Waiver of Dedication and Improvement (WDI) filed by the applicant; thus, granting the WDI requests along Melrose Avenue and Seward Street. Additionally, I request that the Committee modify the conditions of approval in order to properly condition the Modified Project. Attached herein are recommended revised Conditions of Approval and revised Findings related to the WDI. I thank you for your consideration of this item.

Sincerely,

Craig Bullock
Planning Director
Thirteenth Council District

REVISED CONDITIONS OF APPROVAL

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: a 20-foot radius property line return or a 15-foot and 15-foot corner cut at the intersection of Melrose Avenue and Seward Street.
 - b. Improvements Required:
 - i. Melrose Avenue – Construct additional concrete sidewalk 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.
 - ii. Seward Street – 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.
 - iii. 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 ¼ 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 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 ¼ inch from the surrounding concrete work or has full concrete depth cracks that have separations greater than 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.

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

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

Refer to the Department of Water and Power regarding power poles (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.

(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-1VL 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 1.74 to 1.
2. **Height.** The project shall be limited to four stories and 58 feet and 3 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 OF APPROVAL

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 or West Melrose Avenue.
7. **Improvements.** All improvements otherwise requested by the Bureau of Engineering or other agencies shall be provided, except for the 3-foot widening of North Seward Street.

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 excavators, bulldozers, or caisson drills 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:
- a. 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.
 - b. 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.
 - c. 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 (b).

- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

REVISED 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:

C) 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 halfwidth 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. 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. 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, the City of Los Angeles recommends approval of the Waiver of Dedication and Improvement requests along North Seward Street and West Melrose Avenue.

Existing Street Conditions Surrounding the Project Site Makes the Required Street Widening Physically Impracticable

Melrose Avenue (3-foot dedication)

The required 3-foot street widening on Melrose Avenue is physically impracticable given the existing properties and improvements. Melrose Avenue maintains commercial and residential development, including the Los Angeles Public Library John C. Fremont Branch, a designated Los Angeles Historic-

Cultural Monument (No. 303), which is also listed in the National Register of Historic Places (the "Library").

The surrounding properties to the east and to the west of the Site along Melrose Avenue are unlikely to provide dedications in the future. Along Melrose Avenue to the west are residential buildings which all share a constant 28-foot half-width roadway and 12-foot sidewalk. Additionally, the residential properties to the west of the Site are developed to the existing sidewalk and are landscaped with mature street trees. The commercial lots to the east of the Site along Melrose Avenue do not meet the minimum lot size requirement within the C4 zone and would not be able to dedicate additional widths along Melrose Avenue. Additionally, the commercial properties to the east of the Site along Melrose Avenue front a narrower portion of Melrose Avenue, which would need to dedicate approximately 15 feet for Melrose Avenue to reach the full designated width. Because many of the lots are substandard, this scenario is unlikely to be realized.

The City initially determined that the Project must dedicate 3 feet along Melrose Avenue in light of the adjacent Library's 3-foot dedication. However, the Library is a designated Historic-Cultural Monument that was originally constructed in 1926 and reopened in 1996 after being closed in 1990 for failure to comply with seismic safety codes. While it appears that the Library dedicated a three foot portion of land directly in front of the building along Melrose over 25 years ago, the sidewalk was never widened. The dedicated area still maintains outdoor steps to the Library and a landscaped area. Given the Library's status as a Historic Cultural Monument, it is unlikely that physical public improvements will be made in the dedicated area that directly abuts the Library.

Accordingly, the street widening requirement along Melrose Avenue would result in the removal of street trees, an uneven path of travel, and potential impacts to a Historic Cultural Monument, making the dedication physically impracticable.

Seward Street (5-foot dedication)

The required five-foot street widening on Seward Street is also physically impracticable given the existing properties and improvements. Seward Street maintains commercial, studio, and residential development.

The surrounding properties to the east and to the north of the Site along Seward Street are unlikely to provide dedications in the future. The existing commercial and studio buildings between Melrose Avenue and Willoughby Avenue all share a constant half roadway width of 15 feet and a continuous sidewalk of 10 feet. Several of the commercial, studio, and residential properties along Seward Street are built to the property line, abutting the sidewalk, which would make street widening physically impracticable. Further, the sidewalk along this portion of Seward Street features landscaping and mature street trees.

Accordingly, the street widening requirement along Seward Street would result in the partial demolition of commercial and studio buildings, the removal of street trees and an uneven path of travel, making the dedication physically impracticable.

Seward Street (3-foot widening)

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 lowrise 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 pickup/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.

The Project's Design Make the Required Street Widening Physically Impracticable

The required three-foot street widening is physically impracticable given the building area and proposed design. The Project proposes to demolish the existing one-story commercial building and surface parking lot located at the northwest intersection of Melrose Avenue and Seward Street and construct a new four-story office-retail building with two levels of subterranean parking. The new four-story office building is currently designed so that it would be built out to the Melrose Avenue property line and the Seward Street property line, absent the required dedications. The 3-foot dedication required along Melrose Avenue and the 5-foot dedication required along Seward Street would eliminate necessary subterranean parking, building area, and open space.

The two levels of subterranean parking extend all the way to the existing property lines along Melrose Avenue and Seward Street. Adjacent to the Melrose Avenue property line are standard parking spaces, a stairwell, and facilities such as a fan room, a cistern, and CDX and pumps. Adjacent to the Seward Street property line are compact parking spaces, a stairwell, bicycle parking, electrical and MPOE. By imposing the 3-foot and 5-foot dedication requirements, the proposed standard and compact parking spaces would not be able to comply with the code-required dimensions of standard and compact parking spaces. Additionally, the subterranean garage is designed so as to minimize the amount of above-grade parking. As such, the required dedications would result in insufficient subterranean parking and an increase in above-grade parking.

Furthermore, portions of the building extend to the existing property lines along Melrose Avenue and Seward Street. Implementing the 3-foot and 5-foot dedications would result in a loss of building area and office space on the first and second floors. The Project's building facades are slanted and set back to provide articulation along Melrose Avenue and Seward Street. The required dedications would alter the angle of the Melrose Avenue and Seward Street building facades and would frustrate the visual impact of the strategic changes in depth and horizontal plane.

Finally, the pocket patio and third-floor deck extend to the existing property line along Melrose Avenue. The landscaped pocket patio and landscaped exterior deck space activate the streetscape and enhance the pedestrian experience. The landscaped pocket courtyard and third-floor deck extend to the existing property line along Seward Street. The pocket courtyard and third-floor deck provide outdoor seating. The open space areas encourage communal activity and gathering along

the Project's facades. The required 3-foot and 5-foot dedications would result in a loss of valuable landscaped open space.

Accordingly, the dedication would adversely impact the strategic design and composition of the Project, making the dedications physically impracticable.