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October 26, 2022

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

Attention: PLUM Committee

Dear Honorable Members:

**APPEAL FOR A PROPOSED PROJECT AT 6101 – 6117 WEST MELROSE AVENUE AND 713
– 715 NORTH SEWARD STREET; CASE NO. CPC-2021-2908-ZC-HD-ZAD-WDI-SPR-1A;
CF 22-1117**

At its meeting of July 28, 2022, the City Planning Commission (CPC) approved the 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). In approving the project, the CPC took the following actions:

1. Found, pursuant to CEQA Guidelines Section 15074(b), that after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2020-2909-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 a Zone Change 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 a Zoning Administrator's Determination to allow the project to exceed the maximum Transitional Height requirement otherwise permitted for a maximum building height of 77 feet and nine inches;
4. Approved a Waiver of Dedication and/or Improvement to waive a three-foot street widening along Seward Street;

5. Denied a Waiver of Dedication and/or Improvement to waive a three-foot dedication along Melrose Avenue and a 15-foot by 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 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 Modified Conditions of Approval; and
8. Adopted the attached Amended Findings.

On September 16, 2022, the Applicant, Melrose Avenue Owner, LLC, Bardas Investment Group, filed a partial appeal of the CPC's denial of the Waiver of Dedication and/or Improvement to waive a three-foot dedication along Melrose Avenue. In their justification for the appeal, the Applicant provides three appeal points citing that 1) the existing street infrastructure, 2) surrounding properties, and 3) the proposed design of the development makes the required street widening physically impractical. Each of the appeals points are discussed below followed by staff's response.

Appeal Point #1: Existing Street Infrastructure Makes the Required Street Widening Physically Impracticable.

As part of the Applicant's justification for the appeal, the Applicant contends that the existing sidewalk adequately meets the needs of pedestrians, that compliance with street improvements required by BOE (Bureau of Engineering) address pedestrian safety and access, and that the Project's proposed pedestrian-oriented design features such as the installation of a pocket patio with landscaping will contribute to the pedestrian experience. In addition, the Applicant cites from *Policy 2.17 – Street Widening*s of the Mobility Plan 2035 and suggests that given the unique nature of the segment of West Melrose Avenue fronting the project site, the required dedications could "change the character of the street in an undesirable way, prove unnecessarily expensive relative to the resulting benefits, or result in adverse changes." Therefore, the Applicant claims that the existing street infrastructure makes the required street dedication/dedications impracticable.

Staff Response

According to the Mobility Plan 2035 West Melrose Avenue, between North Seward Street and North June Street, is a designated Avenue II and contains a designated right-of-way width of 86 feet and a designated roadway width of 56 feet. Based on the BOE's review of the Project through its completion of a Planning Case Referral Form (PCRF) dated January 2021 and an inter-departmental correspondence dated June 2021, a three-foot dedication along West Melrose Avenue was recommended to complete a 43-foot half right-of-way as well as a 20-foot radius property line return or a 15-foot and 15-foot corner cut at the intersection with North Seward Street. The three-foot dedication would widen the sidewalk along the northern portion of West Melrose Avenue from approximately 12 feet to 15 feet. The Applicant filed for a Waiver of Dedication and/or Improvement (WDI) for the three-foot dedication along West Melrose Avenue. After assessing the existing street conditions and adjacent properties surrounding the project site, Los Angeles City Planning recommended the denial of the Applicant's WDI request. The CPC approved the denial and subsequently a Letter of Determination was issued on August 30, 2022

(The Applicant also filed for a WDI to waive a three-foot street widening along North Seward Street. The WDI request was granted and approved by the CPC).

The Mobility Plan 2035 and the Complete Streets Design Guide establishes street classifications and street standard dimensions to ensure that the safety, accessibility, and convenience of all transportation users are accommodated. As such, the Complete Streets Design Guide recommends designated public right-of-way and roadway widths for streets, such as West Melrose Avenue, to ensure that the goals of the Plan are realized. The Applicant claims that the existing sidewalk width adequately meets the needs of pedestrians despite it being less than the recommended public right-of-way width designated by the Plan. The Applicant does not provide any evidence that proves that the existing 12-foot sidewalk along West Melrose Avenue adequately addresses public safety and accessibility. While the Applicant states that the Project would comply with the street improvements for the repair of any damaged sidewalk, curb, and gutter along West Melrose Avenue and will install an ADA ramp at the northwest corner of West Melrose Avenue and North Seward Street, these street improvements are typically required by BOE to maintain safe and accessible streets in conjunction with the recommended dedications and/or street widening. Compliance with street improvements alone would partially ensure that the safety, accessibility, and convenience of all transportation users are accommodated. As proposed, the Project would provide pedestrian-oriented design features that would help activate the West Melrose Street frontage which include a pocket patio and landscaping. However, these design features are concentrated on the corner intersection of West Melrose Avenue and North Seward Street and don't particularly address pedestrian safety and accessibility throughout the remainder of the sidewalk. The three-foot dedication would widen the sidewalk for pedestrians traveling along the segment of West Melrose Avenue fronting the project site and would not result in the widening of the existing roadway as it is consistent with the designated roadway width for Avenue II streets. The Applicant refers to *Policy 2.17 – Street Widening* of the Plan which speaks specifically of situations where widening the roadway width could change the character of the street and will prove unnecessarily expensive relative to the resulting benefits or other adverse changes. This is not the case with BOE's recommendation of a three-foot dedication as it would not widen the existing roadway. Therefore, the three-foot dedication along West Melrose Avenue is not physically impracticable.

Appeal Point #2: Surrounding Properties Makes the Required Street Widening Physically Impracticable.

The Applicant contends that the existing commercial and residential properties located east and west of the project site, respectively, as well as the western abutting public library are unlikely to meet the required street standard dimensions pursuant to the Mobility Plan 2035 and therefore BOE's requirement of a dedication or street widening along West Melrose Avenue is physically impracticable. The Applicant claims that the street widening/dedication requirement would result in the removal of street trees, an uneven path of travel, and potential impacts to the John C. Fremont Branch Library.

Staff Response

The commercial properties located east of the project site, east of North Seward Street, are developed with one-story commercial buildings. Due to the existing street configuration of West Melrose Avenue fronting these properties, the widths of the existing public right-of-way are less than those established in front of the project site and west of North Seward Street. As such, future dedication and street widening requirements for these commercial properties are likely to be greater than those required for the Project. However, it is inaccurate for the Applicant to infer that these requirements are unlikely to be realized and therefore the required three-foot dedication for

this Project is physically impracticable. In the occasion where roadway widenings may result in a change of the character of the street in an undesirable way, proves unnecessarily expensive relative to resulting benefits, or result in other adverse changes as stated in "Policy 2.17 Street Widenings" of the Mobility Plan 2035, the Director of Planning shall resolve any ambiguity with respect to whether the street shall be widened. Future dedications and improvements along West Melrose Avenue shall not necessarily deter the required dedications for this Project. The three-foot dedication required for this Project would widen the sidewalk from approximately 12 feet to 15 feet, maintain a continuous path of travel, and will provide greater safety and accessibility for pedestrians. The dedication would not result in a widening of the existing roadway nor will they result in an undesirable or adverse change to the local street network and circulation. In addition, none of the commercial properties located immediately adjacent to the project site to the east are listed as a historic resource nor are there any street trees along the West Melrose Avenue frontage. Therefore, the eastern commercial properties do not make the required dedication/street widening for the Project physically impracticable.

The residential properties located west of the project site, west of North June Street, are developed with single-family residences that are built up to the sidewalk. Along these segments of West Melrose Avenue, the street experiences a constant roadway and sidewalk width and includes street trees on the parkway. Given the existing street infrastructure and residential development fronting West Melrose Avenue, properties west of the project site are unlikely to meet the street standard dimensions for a designated Avenue II as it would potentially lead to the removal of mature trees and the partial demolition of residential structures. In addition, many of the properties located on the south side of West Melrose Avenue are located in the Hancock Park Historic Preservation Overlay Zone. Nevertheless, while the residential properties west of the project site may not be able to meet the required street dimensions, they shall not deter the required dedications for this Project. As previously described, the required dedication would not widen the roadway width along the segment of West Melrose Avenue fronting the project resulting in an undesirable change in character to the street or an adverse change to the local street network and circulation. The dedication would widen the existing sidewalk by three feet, maintain a continuous path of travel, enhance pedestrian accessibility to the abutting library, and will provide greater safety for pedestrians consistent with the goals of the Mobility Plan 2035.

With regards to the adjacent John C. Fremont Branch Library in relation to the segment of West Melrose Avenue which fronts the property, the library maintains a public right-of-way and roadway width that is consistent with the standard street dimensions outlined in the Mobility Plan 2035 and the Complete Streets Design Guide. Based on Official Record Deed 94-1708570, a three-foot dedication was provided in front of the library along West Melrose Avenue and is currently improved with landscaping and outdoor steps which lead to the library building entrance. With the addition of the existing sidewalk which also includes a single mature tree and street furniture for the Metro Local Line 10 bus stop, the segment of West Melrose Avenue fronting the library is in conformance with the dedicated public right-of-way width for an Avenue II street. Therefore, the John C. Fremont Branch Library does not make the required dedication/street widening for the Project physically impracticable.

Appeal Point #3: The Proposed Design of the Development Makes the Required Street Widening Physically Impracticable.

The Applicant contends that the required street widening/dedications along West Melrose Avenue will result in the loss and redistribution of vehicle parking spaces, a decrease in building area and open space, alter the articulation and façade of the proposed office-retail building, and create financial hardships.

Staff Response

Contingent upon the approval of the requested Zone Change and Height District Change from C4-1XL and CM-1VL to (T)(Q)CM-2D for Lots 21-23 of the project site, the Project would be permitted a maximum FAR of 6:1 and unlimited height. The Project proposes the construction of a five-story office-retail building with a total floor area of 67,889 square feet and a FAR of 1.88:1. Based on the permitted FAR and height allowances associated with the Zone Change and Height District Change, the Project is capable of being redesigned to accommodate the three-foot dedication along West Melrose Avenue and redistribute vehicular parking spaces, office, and open space areas. With the three-foot dedication, the Project can provide additional landscaping and other pedestrian-oriented amenities along the corridor. These additions would enhance the pedestrian environment and contribute to a safer and more accessible street network consistent with the goals of the Mobility Plan 2035.

Conclusion

Based on the information in the record and after consideration of the Applicant's justification for appeal, Staff recommends that the PLUM Committee recommend for Council Action to deny the partial appeal of the Waiver of Dedication and/or Improvement to waive a three-foot dedication along Melrose Avenue and to sustain the City Planning Commission's determination.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



for
Heather Bleemers
Senior City Planner

VBP:HB:KG:DW