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May 23, 2023

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:

**STAFF RECOMMENDATION REGARDING APPEALS OF VESTING CONDITIONAL USE PERMIT, SITE PLAN REVIEW (CPC-2017-712-GPA-VZC-HD-VCU-SPR) FOR PROPERTY LOCATED AT 2005 WEST JAMES M. WOOD BLVD WITHIN THE WESTLAKE COMMUNITY PLAN AREA (CF 18-1242)**

On February 25, 2020, the City Planning Commission (CPC) approved a Vesting Conditional Use and Site Plan Review for the construction, use, and maintenance of a new 6-story hotel above two levels of subterranean parking and forwarded the project to PLUM for its consideration. The Project would contain 100 guest rooms, and approximately 10,948 square feet of office, restaurant, meeting room and support space, on a 22,500 square-foot property. The Project includes approximately 100 automobile parking spaces, as well as 6 long-term and 6 short-term bicycle parking spaces. The Floor Area Ratio (FAR) of the proposed building would be 2.99:1 and the maximum height would be approximately 82 feet.

On March 5, 2020, the Department of City Planning received an appeal from Supporters Alliance for Environmental Responsibility ("SAFER") challenging the CPC's determination. A summary of the appeal points and Planning Staff's responses are provided as follows:

**A-1:** *The Project's indoor air quality will have a significant impact on human health due to formaldehyde emissions.*

The Project's potential air quality effects were evaluated by estimating the potential construction and operations emissions of criteria pollutants and comparing those levels to significance thresholds provided by the Southern California Air Quality Management District (SCAQMD). The Project's emissions were estimated using the CalEEMod 2016.3.1 model (output February 9, 2017) for the purposes of evaluating air quality impacts of proposed projects and summarized in the Air Quality Technical Report prepared by ESA dated February 2017 (Appendix A). The analysis took into account construction activity emissions during demolition, site preparation, grading, building construction, paving, and architectural coating, as well as operational emissions and effects to sensitive receptors. The analysis confirms that neither construction nor operation of the project would result in significant air quality impacts with the implementation of the mitigation

measures. In addition, there are several Regulatory Compliance Measures which regulate air quality-related impacts for projects citywide would be required.

Furthermore, CEQA analyzes the project against its potential future impacts on the environment and public health. CEQA does not analyze “reverse” impacts of the environment on a project’s future occupants. CEQA is to be used solely to analyze a project’s impacts on the environment that may result from exacerbating existing environmental conditions, which may ultimately put future occupants at risk. Indoor building materials are not finalized at this point of the development process and must adhere to both California Green Building Standards Code (CALGreen Code) and Los Angeles Green Building Code. The Department of Building and Safety would ensure that the proposed project is compliant with both of these regulations during the building permit stage. The proposed project will be built with materials that are compliant with current regulations established through the CALGreen Code and Los Angeles’ Green Building Code, which are intended to set low levels of formaldehyde in composite wood materials, and are designed to reduce the quantity of air contaminants to acceptable levels.

Therefore, based on the whole of the record, and the fact that the Department of Building and Safety would regulate and ensure the compliance of both the California Green Building Standards Code, the LA Green Building Code, there is no substantial evidence that the project will have a significant impact on indoor air quality.

**A-2:** *The MND relies on unsubstantiated input parameters to estimate project emissions and thus fails to provide substantial evidence of the project’s air quality impacts.*

The appellant alleged that the MND’s air quality model improperly altered the default construction schedule and the default number of construction equipment pieces without justification, and improperly applied construction and operational measures.

According to the California Emission Estimator Model (CalEEMod) User Guide<sup>1</sup> as well as the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity<sup>2</sup>, it is recommended that defaults only be used if they adequately reflect analysis conditions, and no local or project-specific information is available.

As stated in the Air Quality Technical Report prepared by ESA dated February 2017 (Appendix A), the input values used in the air quality analysis are based on conservative assumption in CalEEMod with appropriate adjustments to be Project specific based on equipment types and expected construction activities. These values were then applied to the construction phasing assumptions used in the criteria pollutant analysis to generate criteria pollutant emissions values for each construction activity. Detailed construction equipment lists, construction scheduling, and emissions calculations are provided in the appendices of the ESA’s report. In addition, Title 24 Energy Savings Adjustment were also included in the modeling to reflect the impact of the new building standards to the air quality improvements. The CalEEMod modeling provided justification when there was a change of default data.

Therefore, the recirculated MND relies on project specific input data which is recommended by the California Air Resource Board to provide more realistic estimate of the emissions from the project.

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<sup>1</sup> CalEEMod User Guide, [https://www.caleemod.com/documents/user-guide/CalEEMod\\_User\\_Guide\\_v2022.1.pdf](https://www.caleemod.com/documents/user-guide/CalEEMod_User_Guide_v2022.1.pdf)

<sup>2</sup> Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, [https://www.caleemod.com/documents/handbook/full\\_handbook.pdf](https://www.caleemod.com/documents/handbook/full_handbook.pdf)

**A-3:** *The Project's emissions of NOx are significant and the MND fails to adequately assess greenhouse gas impacts.*

The Project's potential air quality effects such as NOx and Greenhouse Gas were evaluated by estimating the potential construction and operations emissions of criteria pollutants and comparing those levels to significance thresholds provided by the Southern California Air Quality Management District (SCAQMD). The Project's emissions were estimated using the CalEEMod 2016.3.1 model (output February 9, 2017) for the purposes of evaluating air quality impacts of proposed projects and summarized in the Air Quality Technical Report prepared by ESA dated February 2017 (Appendix A). The analysis took into account construction activity emissions during demolition, site preparation, grading, building construction, paving, and architectural coating, as well as operational emissions and effects to sensitive receptors. The analysis confirms that neither construction nor operation of the project would result in significant air quality impacts with the implementation of the mitigation measures. In addition, there are several Regulatory Compliance Measures which regulate air quality-related impacts for projects citywide would be required.

Therefore, the MND re-circulated by the Director of Planning in September 2019 adequately addresses the impacts of NOx and Greenhouse gas Impacts of the proposed project.

**A-4:** *The Project may have a significant impact on human health from diesel particulate matter and the MND fails to adequately evaluate health risks from diesel particulate matter emissions.*

A Health Risk Assessment (HRA) is a technical study that evaluates how toxic emissions are released from a facility, how they disperse throughout the community, and the potential for those toxic pollutants to impact human health including diesel particulate matter. Common sources of toxic emissions include: Freeways and High Traffic Volume Roads, Goods Distribution Centers, Rail Yards, Refineries, Chrome Platers, Dry Cleaners using Perchloroethylene, and Gasoline Dispensing Facilities.

The City follows SCAQMD's guidance for air quality analysis. SCAQMD's HRA procedures call for evaluating risk from extended exposures as measured across several years and not for short term construction exposures. SCAQMD uses HRAs for compliance with AB2588, SCAQMD Rule 1401 and Rule 1402, which regulate stationary emission sources such as power plants, glass and cement manufacturing plants, petroleum refineries etc. SCAQMD has also adopted guidance on the use of Health Risk Assessments for analyzing mobile source emissions. However, this guidance refers to emissions associated with facilities such as truck stops and distribution centers that feature frequent, long-term presence of emission sources. Thus, the HRA methodology is not relevant for this Project since the Project is unlikely to have toxic emissions which would have a significant impact on human health.

Conclusion

Planning Staff respectfully recommends that the PLUM Committee and City Council deny the appeal and sustain the CPC's Determination.

Please direct any questions to Yi Lu, City Planner, at [Yi.Lu@lacity.org](mailto:Yi.Lu@lacity.org).

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

A handwritten signature in blue ink, appearing to read "Vanessa Soto".

Vanessa Soto, AICP  
Senior City Planner

VPB:JC:VS:YL