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- **“Secondary Submissions”**: Submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting are contained in this file and bookmarked by the case number.
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If you have any questions, please contact the Commission Office at (213) 978-1300.

SECONDARY SUBMISSIONS

April 30, 2019

Los Angeles City Planning Commission
Council Chambers 3rd Floor
200 N. Spring Street
Los Angeles, CA, 90012

Re: Case Nos. CPC-2016-3180-VZC-MCUP-SPR; CEQA No. ENV-2016-3181-MND

Project Location: **1000 S. Vermont Avenue** (“the Project”)

Dear Los Angeles City Planning Commission:

On behalf of the Coalition for an Equitable Westlake/MacArthur Park (“the Coalition”), an unincorporated association comprised of mainly low-income tenants living in the Westlake/MacArthur Park area, we are writing to express our concerns for the above referenced project, and corresponding Mitigated Negative Declaration (“MND”).

Population and Housing

Displacing people

- The Project will permanently eliminate 32 apartment units protected by the Los Angeles Rent Stabilization Ordinance (“RSO”) and will replace them with individually owned condominiums. This will directly displace low-income renters, yet the MND states that there is no impact and that the project will not necessitate the construction of replacement housing elsewhere.
- The MND, without substantiating its claim, states that the displaced tenants will have an opportunity to buy the new housing that will be constructed. However, it fails to provide details to demonstrate that the condominium units would be affordable to the current tenants that live in the residential buildings that will be demolished. The MND also fails to explain whether the condominium units would be accessible or affordable to low-income tenants.
- Los Angeles is the least affordable rental market in the country, according to Harvard University’s Joint Center for housing studies. Additionally, the City of Los Angeles’s Housing Needs Assessment indicates that through September 30, 2021, 20,426 additional housing units are needed in the City for very low-income and 12,435 for low-income residents. The City’s General Plan addresses this urgent need for affordable housing. The Housing Element of the General Plan explicitly states goals and policies for expanding the number of affordable units in the city, said goals and policies that this project fails to espouse:
 - Goal 1: “A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.”
 - Policy 1.1.1: “Expand affordable home ownership opportunities and support current homeowners in retaining their homeowner status.”
 - Policy 1.1.2; “Expand affordable rental housing for all income groups that need assistance.”

- Objective 2.5:” Promote a more equitable distribution of affordable housing opportunities throughout the City.”
- Policy 2.5.1: “Target housing resources, policies and incentives to include affordable housing in residential development, particularly in mixed use development, Transit Oriented Districts and designated Centers.”
- Policy 2.5.2: “Foster the development of new affordable housing units citywide and within each Community Plan.”
- A full Environmental Impact Report should be conducted to meaningfully address the affordable housing issue as it relates to potentially significant inconsistency with applicable land use and general plans, including a housing nexus study.
- The City’s Last Housing Needs Assessment, adopted on December 3, 2013 (Housing Needs Assessment), confirms the obvious: rent stabilized property conversions “add to the shortage of multi-family units that are more affordable than market rate rentals.” Citywide, the loss of RSO housing units exceeds 1,000 rent-stabilized units annually since 2014.
- This project would permanently eliminate 32 rent stabilized units without replacing or setting aside a single affordable unit, or otherwise mitigating this loss.

Air Quality

- Cumulatively considerable net increase of pollutants for which region is nonattainment:
 - The MND (pp. B-13–B-14) says SCAQMD provides that if an individual development project generates less than significant emissions, then it won’t generate a cumulatively considerable increase in emissions for nonattainment pollutants. That would mean that no project with individually less than significant emissions could ever contribute to a cumulatively considerable net increase, calling the MND’s analysis into question.
- Sensitive receptors:
 - The analysis of impacts on sensitive receptors of construction-related emissions concludes that localized air quality impacts from construction activities on off-site sensitive receptors would be less than significant. (MND p. B-15). But the MND lacks substantial evidence to support that conclusion, because it does not present the peak daily emissions or the applicable LSTs. On p. B-15, the MND states that Table 4 shows the peak daily emissions would not exceed the applicable LSTs, but Table B-4 on p. B-16 does not show that. It only lists sensitive receptors.

Cultural Resources

- Archeological resources:
 - The MND (p. B-21) says that it’s unlikely any archeological resources will be found, but if they are found during excavation, there won’t be a significant impact because the project will be required to follow procedures in Public Resources Code § 21083.2. This essentially says treats § 21083.2 like mitigation that would reduce the impact to less than significant. But that section doesn’t provide for appropriate mitigation, because it doesn’t provide for protection of archeological resources at the time they are discovered. Instead, it provides for establishment of

specific mitigation measures and other protections at the time of the environmental review or before permits are issued.

- Paleontological resources:
 - Similar to the analysis for archeological resources, the MND (p. B-22) says that if paleontological resources are found during excavation, the impact would be less than significant because the project will be required to follow procedures detailed in Public Resources Code §§ 5097.5 and 30244. Section 5097.5 prohibits knowing and willful excavation, removal, or other harm to archeological or paleontological sites, but does not provide for protection of resources upon discovery. Section 30244 provides that reasonable mitigation shall be required when development would adversely impact archeological or paleontological resources, but does not set forth what that mitigation would entail, and does not provide for protection of resources upon discovery. For that reason, it's inappropriate for the MND to treat §§ 5097.5 and 30244 like mitigation that would reduce impacts to less than significant.

Tribal Cultural Resources

- Substantial adverse change in significance of a tribal cultural resource:
 - Similar to the analysis for archeological resources, the MND (p. B-70) says it's unlikely that the project will significantly impact tribal cultural resources, but that if archeological resources are found, the project will be required to follow procedures detailed in Public Resources Code section 21083.2, so impacts will be less than significant. But section 21083.2 does not provide for procedures to protect tribal cultural resources at the time of discovery and is not an appropriate substitute for mitigation measures formulated during the environmental review process.

Greenhouse Gases

- Generation of GHGs:
 - The MND (p. B-28) compares the estimated emissions to SCAQMD's threshold of 3,000 MTCO₂e "for all land use projects" without any justification for using that threshold in this circumstance.

Hydrology and Water Quality

- Water quality standards or water discharge requirements:
 - The MND (p. B-33) says "the project would comply with the mitigation measures below in order to ensure potential impacts are reduced to a less-than-significant level," but no relevant mitigation measures are included in the Mitigation Monitoring and Reporting Program. Because the MND is premised on mitigation to lessen effects to insignificance, the absence of any related mitigation supports a fair argument that the impacts are potentially significant.
 - The MND's discussion of release of pollutants into water in runoff during the operational phase of the project (B-33–B-34) relies on the development of best management practices (BMPs) to reduce discharge of polluted runoff. This means the BMPs are being used as mitigation measures, but if mitigation is required to

reduce impacts to less than significant, the mitigation measures must be formulated and shown to be effective to reduce impacts as part of the MND's analysis, not after the fact.

Noise

- Noise exceeding standards:
 - The analysis of construction-related noise concludes that impacts would be less than significant because noise would be reduced to the maximum extent technically feasible, explaining that the City Noise Ordinance (LAMC section 112.05) exempts construction noise levels from the 75 dBA noise threshold if all technically feasible noise attenuation measures are implemented (MND p. B-51). The fact that the Noise Ordinance exempts greater levels from its threshold when those levels cannot be reduced does not mean that greater noise levels will not have a significant impact or relieve the agency from the obligation to mitigate a significant impact. Table B-9 (p. B-49) shows that noise levels during most identified construction phases will exceed 75 dBA at distances of 100 feet from the noise source, and Figure B-4 (p. B-50) identifies residential uses within close proximity of the project site, including on the west side of Menlo Avenue and the east side of Vermont Avenue. This supports a fair argument that residential uses will be exposed to noise above the 75 dBA noise threshold, a potentially significant impact. Mitigation Measure Noise-1 (p. 1 of the Mitigation Monitoring Program) does not adequately address this impact, including because it allows noise to exceed significant levels if it is technically infeasible to reduce such noise.
 - Also, the analysis does not discuss whether construction activities lasting more than one day would increase the ambient noise levels by 10 dBA or more at any off-site noise-sensitive location or whether construction activities lasting more than 10 days in a three-month period would increase ambient exterior noise levels by 5 dBA or more at a noise sensitive use, although the MND identifies those as significance criteria (p. B-47), and the information in Tables B-8, B-9, and B-10 suggests that those thresholds would be exceeded, also supporting a fair argument of potentially significant noise impacts. Mitigation Measure Noise-1's provisions, including limitations on operating several pieces of equipment simultaneously and mandated use of noise shielding and muffling devices, do not adequately address these potentially significant impacts.
- Groundborne vibration:
 - The analysis of construction-related groundborne vibration (MND pp. B-52–B-53) concludes that impacts to sensitive receptors would be less than significant, relying on LAMC section 112.05's exemption from the threshold if all technically feasible noise attenuation measures are implemented. As for noise impacts, impacts from vibrations may still be significant despite the fact that the LAMC exempts some vibration levels from its threshold. This supports a fair argument that there are potentially significant effects from groundborne vibrations that will not be mitigated to a less-than-significant level.

- Permanent increase is ambient noise levels:
 - The MND (p. B-53) explains that there would be a significant impact on noise levels if the project caused the ambient noise level at the property line of affected uses to increase by 5 dBA, or to increase by 3 dBA to or within the “normally unacceptable” or “clearly unacceptable” category (as shown in Table B-11). The analysis of impacts from stationary operational sources such as HVAC equipment concludes that impacts will be less than significant because LAMC section 112.02 prohibits stationary noise sources from exceeding ambient levels on other premises by more than 5 decibels, but fails to consider or evaluate the other threshold of significance: whether the stationary noise sources associated with the project will cause the noise level at the property line of affected uses to increase by 3 dBA so as to enter the “normally unacceptable” or “clearly unacceptable” category.

Mandatory Findings of Significance

- Cumulative impacts:
 - The analysis of cumulative impacts (MND p. B-75) only makes a conclusory claim that compliance with regulations and incorporation of mitigation measures would preclude significant cumulative impacts with regards to several categories of impacts. The analysis doesn’t comply with CEQA Guidelines § 15130. There is no identification of other past, present, or probable future projects in the vicinity, and no summary of projections in any planning documents, and the MND has no analysis of how the project and related projects might cumulatively cause impacts in any areas, including areas in which cumulative impacts are most likely to be found, such as air quality, noise, and transportation and traffic.

For the reasons stated above, the Coalition requests that Project approvals be denied until a full Environmental Impact Report has been done to properly and completely assess and analyze the myriad significant impacts it would have on the environment and human health.

Sincerely,



Claudia Medina
on behalf of the Coalition



Department of City Planning

City Hall, 200 N. Spring Street, Room 525, Los Angeles, CA 90012

May 6, 2019

TO: City Planning Commission

FROM: Sergio Ibarra, City Planner

ADDITIONAL INFORMATION/TECHNICAL MODIFICATION/CORRECTION TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. VTT-74437-1A; 6100-6116 W. Hollywood Boulevard, 1633-1649 N. Gower Street, Los Angeles, 90028.

The following corrections are to be incorporated into the staff recommendation report to be considered at the City Planning Commission meeting of May 9, 2019, related to Item No. 7 on the meeting agenda. Deleted text is shown in ~~striketrough~~ and added text is shown in underline.

Cover Page:

Representative: ~~Edgar Khalatian~~ Dale Goldsmith
~~Mayer Brown~~ Armbruster Goldsmith & Delvac, LLP

Page 2 Requested Action

- a. Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Advisory Agency ~~has~~ reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, No. ENV-2016-2849-EIR (SCH. No. 2008011113) and the Final EIR, dated March, 2019 ~~and Errata dated April, 2019~~ (Hollywood and Gower EIR), as well as the whole of the administrative record, and

Certified the following:

The Hollywood and Gower EIR has been completed in compliance with the California Environmental Quality Act (CEQA);

The Hollywood and Gower EIR was presented to the ~~City Planning Commission~~ Advisory Agency as a decision-making body of the lead agency; and

The Hollywood and Gower EIR reflects the independent judgment and analysis of the lead agency.

RECOMMENDED ACTIONS:

Deny the appeal, and sustain the following modified actions of the Advisory Agency in approving the project:

1. Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, **find**, that the City Planning Commission, has reviewed and considered the information contained in the Environmental Impact Report No. ENV-2016-2849-EIR, SCH No. 2008011113, dated, September, 2018, ~~and~~ the Final EIR, dated March, 2019 **and Errata dated April, 2019** (collectively, the Hollywood and Gower Project EIR) as well as the whole of the administrative record.

Certify that:

- a. The Hollywood and Gower EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- b. The Hollywood and Gower EIR was presented to the City Planning Commission as a decision-making body of the lead agency; and
- c. The Hollywood and Gower Project EIR reflects the independent judgment and analysis of the lead agency.

Adopted the following:

- a. The related and prepared Hollywood and Gower Project Environmental Findings;
- b. The Statement of Overriding Considerations; and,
- c. The Mitigation Monitoring Program prepared for the Hollywood and Gower Project EIR.

- ~~2. Deny, the appeal for VTT-74437, to recognize the Planning Department's denial of the Appeal.~~

Project Summary

The following changes apply to the staff recommendation report's background section. The project consists of a landscaped residential amenity deck at the 5th ~~5th~~ **4th** floor and a rooftop terrace. A minimum of ~~323~~ **279** vehicular parking spaces will be provided in two subterranean levels as well as three above-grade parking levels. The project proposes to provide up to ~~317~~ **323** parking spaces after utilizing parking reductions per LAMC Section 12.21 A.16(a). The Project would provide an additional 4 long-term commercial bicycle parking spaces and 49 additional long-term residential bicycle parking spaces, for a total of ~~226~~ **185** long-term bicycle parking spaces. The Project would contain ~~22~~ **21** above-grade stories, and have a maximum building height of approximately 252 feet. The project will also provide ~~10,654~~ **a minimum of 5,856** square feet of planted common area. No plantings or trees occur on site, and three City street trees are located off-site, adjacent to the Project Site to the north, to be ~~removed~~ **retained** as part of the project.



Cecilia Lamas <cecilia.lamas@lacity.org>

Fwd: Support for 6100-6116 Hollywood Blvd. / 1633-1649 N. Gower St. project

Lisa Webber <lisa.webber@lacity.org>
To: Cecilia Lamas <cecilia.lamas@lacity.org>

Thu, May 2, 2019 at 3:42 PM

----- Forwarded message -----

From: **Alek** <alek3773@gmail.com>
Date: Thu, May 2, 2019, 3:34 PM
Subject: RE: Support for 6100-6116 Hollywood Blvd. / 1633-1649 N. Gower St. project
To: <lisa.webber@lacity.org>, <heather.bleemers@lacity.org>
Cc: <sergio.ibarra@lacity.org>, <sean.starkey@lacity.org>, <daniel.halden@lacity.org>

Dear City Representative,

I am a Hollywood resident - living just walking distance from the proposed project - and I am in **FULL SUPPORT** for the project! I am truly excited about the proposed development, and would strongly urge the City to endorse it, without any scaling-down.

Ref. Project info:CEQA No.: **ENV-2016-2849-EIR**Address: **6100-6116 Hollywood Blvd. / 1633-1649 N. Gower St., Hollywood 90028**

I have also learned of an appeal filed by a couple of neighbor association groups; and I believe they have no case. Hopefully, their appeal will be dismissed.

It is my strong opinion that this proposed 22-story development will significantly enhance the area -- by adding aesthetics, appeal, walkability, and will replace an outdated parking lot (which is nothing but an eyesore) with a modern, upscale development! This project will be a win-win situation!

I would also like to state a few points & key suggestions:

TRAFFIC IMPACT:

As a nearby resident, as well as a car driver, a pedestrian, and a cyclist, I am Not concerned about traffic or parking impacts whatsoever. Traffic and parking will always be an integral part of urban living, therefore we must accept and embrace it. Besides, there are plenty of public transportation options nearby - including the Red line subway. Also, the traffic situation in the whole region is already bad -- therefore, people are generally used to it. Which means, the proposed 6100 Hollywood project should not seriously affect the already-congested streets. To summarize, the proposed development should not significantly worsen the traffic (or the parking) situation; and again, there are plenty of options besides driving!

WALKABILITY AND SIDEWALK QUALITY:

I strongly suggest for the developer to install **Decorative pavers** (or at least - **enhanced** covering) at the property. As you know, decorative pavers (as opposed to naked concrete) offer much better walkability and aesthetics. Unfortunately, the L.A. Urban Design Studio has done a poor job -- by setting a "Non-standard gray concrete" as our Design Guideline, which gives Zero aesthetics! This guideline is decades-old; therefore, we need to update our city design guideline -- to replace the "*Non-standard gray concrete*" with "*Decorative pavers*" citywide! Sadly, many developers (as a result) have implemented just plain naked concrete & cement. In reality, however, every single development should have decorative sidewalks -- to create at least some (!) aesthetics for pedestrians. Lack of decorative pavers is a serious problem for Los Angeles, deterring walkability and giving a negative impression of our gloomy sidewalks. Once again, the 6100 Hollywood project should include decorative / enhanced sidewalks throughout its outdoor area.

LANDSCAPING:

Sufficient trees should also be planted at the property; additional planters should be installed where applicable. Greenery and landscaping is essential for each new development!

Thank you for reviewing my comments. Once again, I strongly **support** the project, and advise the City of L.A. to approve it. Please consider all suggestions above, and require / encourage the developer to implement them into the project.

Sincerely,
~ Alexander Friedman

5/6/2019

City of Los Angeles Mail - Fwd: Support for 6100-6116 Hollywood Blvd. / 1633-1649 N. Gower St. project

URBAN DEVELOPMENT / COMMUNITY ADVOCATE

GRAPHIC DESIGNER, COMPUTER CONSULTANT

Hollywood, California

(323) 465-8511

JAMIE TRAN
6038 Carlton Way, Unit 108
Los Angeles, California 90028

May 6, 2019

Los Angeles City Planning Commission
200 North Spring Street
Los Angeles, California 90012

RE: 6104 Hollywood, LLC

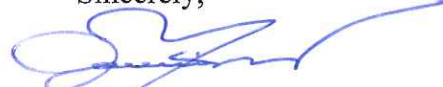
Dear Members of the Los Angeles City Planning Commission:

I am writing to express my unequivocal support for the project that the Trammell Crow Company is proposing to develop at the corner of Hollywood Boulevard and Gower Street. I live at 6038 Carlton Way, Unit 108 in the Carlton Plaza residential condominium community. I know that there are several residents in my building that are concerned about this proposal, but I have a different perspective. Since I will be unable to attend the hearing scheduled for Thursday, I would like to share with you my support for the project.

Although the construction period will bring many temporary inconveniences, and though congestion on Gower Street will likely worsen, I think that building something there at the site will enrich my neighborhood and be far more valuable than having the existing surface parking lot. I take the Metro Red Line on a daily basis to Downtown Los Angeles for work. I moved to my neighborhood exclusively for this amenity, and I firmly believe we need to increase the housing supply in my vicinity so more people have the privilege of using this public resource. I would also prefer that this corner become activated with more uses, including a restaurant and perhaps a place to grab coffee when I am on my way to the subway!

We need more development like this and I respectfully ask and encourage you to vote yes on this proposal and move it forward for the City Council's consideration.

Sincerely,



Jamie Tran



Planning CPC <cpc@lacity.org>

Hollywood and Gower

Jason Yalen <jasonyalen@gmail.com>

Mon, May 6, 2019 at 3:09 PM

To: Sergio.ibarra@lacity.org, cpc@lacity.org

Cc: councilmember.ofarrell@lacity.org, craig.bullock@lacity.org

Dear members of the City Planning Commission,

I hope you are well. I received notice of the hearing you will have this week on the project that is being proposed at the corner of Hollywood and Gower. Unfortunately, I work during the day so I am unable to take time off to attend.

I live in the neighborhood at Eastown, just across the street. And, while I know that there will be some inconveniences due to the construction, I am very supportive of this project. We need more housing in LA as well as activating the world-famous Hollywood Boulevard even more! I moved to Hollywood because I like the energy of the neighborhood. The more development that is built, the more amenities we residents have and the more of a vibrant community it becomes.

This is a really great project. Please move forward and vote to support it at your meeting on May 9th.

Thank you for considering my views.

Sincerely,

Jason Yalen

6201 Hollywood Blvd.



Planning CPC <cpc@lacity.org>

Secondary Submission, Case No.: CPC-2016-2848-VZC-HD-CUB-SPR VTT-74437-1A, CEQA No.: ENV-2016-2849-EIR

Hollywood Residents Association <hollywoodresidentsassociation@gmail.com>

Mon, May 6, 2019 at 4:06 PM

To: cpc@lacity.org

Cc: Sarah Garcia-Rill <sarahgarciarill@gmail.com>

Hi Cecilia,

I'm Sarah from the Hollywood Residents Association. Nice to meet you. I left a voicemail earlier about formatting; I hope this works for you. Would you please be so kind as to let me know you received this email today?

Attached, and in the body of this email below, please find the Hollywood Residents Association's Secondary Submission to the City Planning Departments reply to the Appeal for the Hollywood Gower Project, VTT 74437, Item #7 & 8 on the agenda for the Public Hearing May 9th, 2019, at 8:30am.

All the best,
Sarah

Hollywood Residents Association

5419 Hollywood Blvd. Suite C Unit #109

Los Angeles, CA 90027

HollywoodResidentsAssociation@gmail.com

City of Los Angeles, Department of City Planning

Lisa Webber, Deputy Director

Heather Bleemers, Senior City Planner

Sergio Ibarra, City Planner

(213) 847-3633

RE: Vesting Tentative Tract Map No: 74437

Address: 6100-6116 W. Hollywood Blvd, 1633-1649 N. Gower St.

APN: 5546-027-004, 5546-027-016, 5546-027-017, and 5546-027-018

Community Plan: Hollywood Plan Overlay:

Hollywood Sign District Zone [T][Q]C4-2D-SN/C4-2D-SN

And [T][Q]C4-2D/C4-2D

Proposed Zone: (T)(Q)C4-2D-SN/(T)(Q)C4-2D

Council District: 13 – Mitch O'Farrell

CEQA Number: ENV-2016-2849-EIR

Thank you for the opportunity to respond to the Appeal Recommendation Report. With respect to the assertion in the Staff Response that there are a lot of buildings in the area of similar height and structure, it is simply not the case at all. If someone were to spend any physical time in the area, visually examining the buildings, they would see the design and scope of the Hollywood Gower Project is entirely unique and completely inconsistent with the General Plan, and indeed every other building in the area.

Just to name one example, the next closest high rise to the proposed Project location is NOT located on a major street, does NOT have a restaurant on the ground floor, does NOT have a three-story parking podium. The next closest high rise also has parking exits on several of the bordering streets, with plenty of egress. The aesthetics of the next neighboring high rise are not comparable to the aesthetics of this Project, and that high rise is not located along Hollywood Boulevard or the Walk of Fame. As a point of fact, there are no comparable buildings to this Project in the Hollywood area, at all.

Furthermore, it is the assertion of the Staff Response that building height is not related to aesthetic impact. The physical height of this Project is its defining characteristic. The building rises 252 feet into the air, over 100 feet above anything else along Hollywood Boulevard. This site is not physically suitable for this type of development, as has been proven the last two times a similar development on the same plot was requested. The Project does not offer enough improvements to offset the requested entitlements, and approval should have been delayed until factors included and not included here are mitigated, and not before. Deferred Mitigation is inconsistent with CEQA, and yet there are several examples of deferred mitigation in the DEIR, see below.

1. Response to Staff Response:

With regard to the proposed Project's proximity to Metro travel and Transportation Stations, the Project site would be a wonderful area to have more than 5% low-income housing. This could be a walk-able living space, providing much needed low-income housing to service a neighborhood in an affordable housing crisis in our City.

It is understood the Project is under no requirement to provide any more than 5% of their units for affordable housing, however the need for housing assistance is dire, and the proposed Project has the potential, and certainly the proposed FAR, to provide more than 11 units out of 220, as well as the potential to "enhance the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm," pursuant to Objective 5.5 of the General Plan Framework Element.

2. Response to Staff Response:

With regard to aesthetic impact, many new developments do their best to respect the general landscape in their scale and design, by reducing their use of above-grade parking. While the Hollywood Gower Project does not use above-grade parking on the ground level, the Project does add three levels of above-grade parking on top of the ground level restaurant space. No other building in the area contains a three-story parking podium above a restaurant. In this regard, the current Project design is inconsistent with the surrounding neighborhood entirely, and therefore the site is unsuitable for this development.

3. Response to Staff Response:

The Project's impact with relation to its height would be the Project's defining characteristic. This unnecessarily tall building could be reduced by several stories by creating more underground parking, but instead, there's a three-story parking podium above the ground floor. Three extra stories have been added for parking, but no effort has been made to mitigate the traffic, caused by that usage, nor has any exchange been made for that entitlement.

6. Response to Staff Response:

Carlton Way is almost directly across from the parking egress for this Proposed project, and in that regard, it has the potential to lead drivers getting on the 101 in either direction, away from Hollywood Boulevard and on to Carlton Way, via reentry to Hollywood Boulevard on Bronson Avenue. It is understood that the request for an additional LA DOT study is not required, and has been denied. Please consider this a request to reconsider this position, on behalf of the small residential neighborhood to the southeast. Other such projects have enjoyed additional traffic mitigation programs, under the same qualifications. Carlton Way *will* be abused as a pass-through to get around excessive traffic, caused by the construction and existence of this project. See Image 1.1 attached.

The SunWest Project was required to undertake a full Environmental Impact Report, and conducted a Traffic Study. Carlton Way is similar to Harold Way, in that they are residential streets that are used as neighborhood egress to major thoroughfares. The SunWest EIR found that neighborhood traffic intrusion on Harold Way would be "significant and unavoidable." By the same logic, neighborhood intrusion impacts to Carlton Way and even Gordon Street would require analysis not only for traffic entering Carlton Way, but also for traffic using Gordon Street to enter the 101 via Sunset or Hollywood Boulevards.

7. Response to Staff Response:

The vibration monitoring mitigation measures are recognized, and appreciated. Also noted is the nod at construction vibration mitigation efforts, mentioned in the Final EIR, which are appreciated, as well.

8. Response to Staff Response:

The geophysical survey and soils management plan should not only be completed prior to construction, but also completed prior to approval, in order not to defer mitigation. Irreversible momentum to a project is counter-indicated to CEQA Guidelines and mitigation should not be deferred until after approval. Mitigation measures, especially with environmental nature, must be handled prior to approval. Due diligence says all the information is assessed, and you don't have all the information. It's possible that these boring samples will turn up something that cannot be mitigated. Then there would be no incentive for the Project to stop construction. Then you've approved a project that is suddenly no longer viable, and may include a clean-up process that renders the Project unfeasible. The neighborhood would like to keep that from happening, by requesting the City of Los Angeles adequately perform due diligence in this matter.

9. Response to Staff Response:

The correction to 89 days of construction hauling is duly noted, and so is the mention of unmitigated significant traffic and environmental impact. Again, no effort has been made to mitigate those factors that have been deemed unable to be mitigated, and effort must be made in that direction. Those factors cannot be ignored.

10. Quote from Staff Response: "The residential amenity areas at the 4th level and rooftop levels will be for residents only and will not contain nightclub/bar/restaurant uses."

Response to Staff Response: Under the current Project guidelines, this is the case. After the building has trouble renting their over-priced standard units, sells the building, and it is purchased by another developer, they're free to change the usage of those spaces. We've seen how easy it is for developers to gain entitlements in this process; there is no reason to expect it would be different in the next iteration.

11. Response to Staff Response:

The Traffic Management Plan should have been reviewed *prior* to approval, in order not to defer mitigation. However a Traffic Management Plan is not a guarantee that traffic will behave in the fashion predicted, and therefore the impact of Construction Traffic would be significant and unable to be mitigated.

13. Response to Staff Response:

Once again, the nod at construction vibration mitigation efforts, mentioned in the final EIR, are appreciated. More could be done to discover alternative measures to reduce the hours during which these impacts occur, but it is understood the Project is under no requirement to do so. Please consider this a request for mitigation in this area, as mitigation should not have been deferred at all.

14. Response to Staff Response:

The next closest high rise isn't on a major street, doesn't have a restaurant underneath it, doesn't have a three-story parking podium, and the parking exits on several of the bordering streets. The aesthetics of the next neighboring high rise are not comparable to the aesthetics of this Project, and the next closest high rise is not located along Hollywood Boulevard or the Walk of Fame.

Thank you,

Sarah Garcia-Rill

Hollywood Residents Association

5419 Hollywood Blvd. Suite C Unit #109

Los Angeles, CA 90027

HollywoodResidentsAssociation@gmail.com



Hollywood Residents Association Appeal Recommendation Report Response.pdf

65K

Hollywood Residents Association
5419 Hollywood Blvd. Suite C Unit #109
Los Angeles, CA 90027
HollywoodResidentsAssociation@gmail.com

City of Los Angeles, Department of City Planning
Lisa Webber, Deputy Director
Heather Bleemers, Senior City Planner
Sergio Ibarra, City Planner
(213) 847-3633

RE: Vesting Tentative Tract Map No: 74437
Address: 6100-6116 W. Hollywood Blvd, 1633-1649 N. Gower St.

APN: 5546-027-004, 5546-027-016, 5546-027-017, and 5546-027-018

Community Plan: Hollywood Plan Overlay:
Hollywood Sign District Zone [T][Q]C4-2D-SN/C4-2D-SN
And [T][Q]C4-2D/C4-2D

Proposed Zone: (T)(Q)C4-2D-SN/(T)(Q)C4-2D
Council District: 13 – Mitch O'Farrell

CEQA Number: ENV-2016-2849-EIR

Thank you for the opportunity to respond to the Appeal Recommendation Report. With respect to the assertion in the Staff Response that there are a lot of buildings in the area of similar height and structure, it is simply not the case at all. If someone were to spend any physical time in the area, visually examining the buildings, they would see the design and scope of the Hollywood Gower Project is entirely unique and completely inconsistent with the General Plan, and indeed every other building in the area.

Just to name one example, the next closest high rise to the proposed Project location is NOT located on a major street, does NOT have a restaurant on the ground floor, does NOT have a three-story parking podium. The next closest high rise also has parking exits on several of the bordering streets, with plenty of egress. The aesthetics of the next neighboring high rise are not comparable to the aesthetics of this Project, and that high rise is not located along Hollywood Boulevard or the Walk of Fame. As a point of fact, there are no comparable buildings to this Project in the Hollywood area, at all.

Furthermore, it is the assertion of the Staff Response that building height is not related to aesthetic impact. The physical height of this Project is its defining

characteristic. The building rises 252 feet into the air, over 100 feet above anything else along Hollywood Boulevard. This site is not physically suitable for this type of development, as has been proven the last two times a similar development on the same plot was requested. The Project does not offer enough improvements to offset the requested entitlements, and approval should have been delayed until factors included and not included here are mitigated, and not before. Deferred Mitigation is inconsistent with CEQA, and yet there are several examples of deferred mitigation in the DEIR, see below.

1. Response to Staff Response:

With regard to the proposed Project's proximity to Metro travel and Transportation Stations, the Project site would be a wonderful area to have more than 5% low-income housing. This could be a walk-able living space, providing much needed low-income housing to service a neighborhood in an affordable housing crisis in our City.

It is understood the Project is under no requirement to provide any more than 5% of their units for affordable housing, however the need for housing assistance is dire, and the proposed Project has the potential, and certainly the proposed FAR, to provide more than 11 units out of 220, as well as the potential to "enhance the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm," pursuant to Objective 5.5 of the General Plan Framework Element.

2. Response to Staff Response:

With regard to aesthetic impact, many new developments do their best to respect the general landscape in their scale and design, by reducing their use of above-grade parking. While the Hollywood Gower Project does not use above-grade parking on the ground level, the Project does add three levels of above-grade parking on top of the ground level restaurant space. No other building in the area contains a three-story parking podium above a restaurant. In this regard, the current Project design is inconsistent with the surrounding neighborhood entirely, and therefore the site is unsuitable for this development.

3. Response to Staff Response:

The Project's impact with relation to its height would be the Project's defining characteristic. This unnecessarily tall building could be reduced by several stories by creating more underground parking, but instead, there's a three-story parking podium above the ground floor. Three extra stories have been added for parking, but no effort has been made to mitigate the traffic, caused by that usage, nor has any exchange been made for that entitlement.

6. Response to Staff Response:

Carlton Way is almost directly across from the parking egress for this Proposed project, and in that regard, it has the potential to lead drivers getting on the 101 in either direction, away from Hollywood Boulevard and on to Carlton Way, via reentry to Hollywood Boulevard on Bronson Avenue. It is understood that the request for an additional LA DOT study is not required, and has been denied. Please consider this a request to reconsider this position, on behalf of the small residential neighborhood to the southeast. Other such projects have enjoyed additional traffic mitigation programs, under the same qualifications. Carlton Way *will* be abused as a pass-through to get around excessive traffic, caused by the construction and existence of this project. See Image 1.1 attached.

The SunWest Project was required to undertake a full Environmental Impact Report, and conducted a Traffic Study. Carlton Way is similar to Harold Way, in that they are residential streets that are used as neighborhood egress to major thoroughfares. The SunWest EIR found that neighborhood traffic intrusion on Harold Way would be “significant and unavoidable.” By the same logic, neighborhood intrusion impacts to Carlton Way and even Gordon Street would require analysis not only for traffic entering Carlton Way, but also for traffic using Gordon Street to enter the 101 via Sunset or Hollywood Boulevards.

7. Response to Staff Response:

The vibration monitoring mitigation measures are recognized, and appreciated. Also noted is the nod at construction vibration mitigation efforts, mentioned in the Final EIR, which are appreciated, as well.

8. Response to Staff Response:

The geophysical survey and soils management plan should not only be completed prior to construction, but also completed prior to approval, in order not to defer mitigation. Irreversible momentum to a project is counter-indicated to CEQA Guidelines and mitigation should not be deferred until after approval. Mitigation measures, especially with environmental nature, must be handled prior to approval. Due diligence says all the information is assessed, and you don’t have all the information. It’s possible that these boring samples will turn up something that cannot be mitigated. Then there would be no incentive for the Project to stop construction. Then you’ve approved a project that is suddenly no longer viable, and may include a clean-up process that renders the Project unfeasible. The neighborhood would like to keep that from happening, by requesting the City of Los Angeles adequately perform due diligence in this matter.

9. Response to Staff Response:

The correction to 89 days of construction hauling is duly noted, and so is the mention of unmitigated significant traffic and environmental impact. Again, no effort has been made to mitigate those factors that have been deemed unable to be

mitigated, and effort must be made in that direction. Those factors cannot be ignored.

10. Quote from Staff Response: “The residential amenity areas at the 4th level and rooftop levels will be for residents only and will not contain nightclub/bar/restaurant uses.”

Response to Staff Response: Under the current Project guidelines, this is the case. After the building has trouble renting their over-priced standard units, sells the building, and it is purchased by another developer, they’re free to change the usage of those spaces. We’ve seen how easy it is for developers to gain entitlements in this process; there is no reason to expect it would be different in the next iteration.

11. Response to Staff Response:

The Traffic Management Plan should have been reviewed *prior* to approval, in order not to defer mitigation. However a Traffic Management Plan is not a guarantee that traffic will behave in the fashion predicted, and therefore the impact of Construction Traffic would be significant and unable to be mitigated.

13. Response to Staff Response:

Once again, the nod at construction vibration mitigation efforts, mentioned in the final EIR, are appreciated. More could be done to discover alternative measures to reduce the hours during which these impacts occur, but it is understood the Project is under no requirement to do so. Please consider this a request for mitigation in this area, as mitigation should not have been deferred at all.

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The next closest high rise isn’t on a major street, doesn’t have a restaurant underneath it, doesn’t have a three-story parking podium, and the parking exits on several of the bordering streets. The aesthetics of the next neighboring high rise are not comparable to the aesthetics of this Project, and the next closest high rise is not located along Hollywood Boulevard or the Walk of Fame.

Thank you,

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May 7, 2019

BY EMAIL

The Honorable City Planning Commission
of the City of Los Angeles
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Attn: Cecilia Lamas, Acting Commission Executive Assistant
cpc@lacity.org

Re: Case Nos. VTT-74437-1A and CPC-2016-2848-VZC-HD-CUB-SPR (Item Nos. 7 and 8 on the Commission's May 9, 2019 Agenda)

Dear Commissioners:

We represent 6104 Hollywood, LLC ("Applicant"), which is seeking approvals to develop the property at 6104 Hollywood Boulevard (the "Site") with a mixed-use project consisting of 220 apartment units, including 11 Very Low Income units, and 3,270 square feet of ground floor commercial uses (the "Project"). In a decision letter dated March 29, 2019, the Deputy Advisory Agency approved the Vesting Tentative Tract Map for the Project (the "VTTM").

On April 8, 2019, the law firm of Lozeau Drury (which has historically represented the Laborers International Union of North America, or LIUNA, in an apparent effort to use the threat of CEQA lawsuits to induce applicants to make labor concessions) purportedly on behalf of a new organization, Supporters Alliance for Environmental Responsibility ("SAFER"), filed an appeal of the Advisory Agency's approval of the VTTM (the "Appeal"). Like Lozeau Drury's comment letter on the Project's Environmental Impact Report ("EIR"), the Appeal includes only vague and unsupported allegations about the EIR's alleged non-compliance with CEQA.

Today, less than 72 hours before the Commission's hearing on the Appeal, Lozeau Drury finally submitted a letter with more specific allegations of the EIR's inadequacy under CEQA. However, as detailed below, these allegations are unsubstantiated and, in any event, have for the most part been completely rebutted in the Final EIR and the comprehensive Staff Report. Therefore, we respectfully request that you deny the Appeal and the similarly meritless appeal filed by Hollywood Residents Association and approve, or recommend that the City Council approve, all the requested approvals for the Project.

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1. Soil Contamination Impacts will be Less Than Significant with the Required Mitigation.

Lozeau Drury implies that the California Department of Toxic Substances Control (“DTSC”) raised serious concerns regarding existing contamination of the Site. In fact, DTSC’s Draft EIR comment letter simply stated that the Draft EIR should identify current or historic uses that may have resulted in the release of hazardous wastes/substances; identify any known or potentially contaminated site within the Project area; identify the mechanism to initiate any required investigation and/or remediation for any site that may require such efforts (and identify the appropriate government oversight body); and identify appropriate procedures if soil contamination is suspected during construction. Consistent with these comments, Section IV.F, Hazards and Hazardous Materials, of the Draft EIR, as well as the accompanying Phase I report included as Appendix E of the Draft EIR, identified the current and historic uses at the Project Site (including auto repair and gas station uses), and identified a number of previous hazardous materials investigations of the Project Site, none of which detected contaminants above applicable regulatory or clean-up levels, and none of which proposed further investigation or remediation actions for the Project Site.

Lozeau Drury also alleges that the Mitigation Measure MM F-1 is improperly deferred mitigation. Although site investigations found no significant contamination, the EIR found that, due to the past auto-related uses of the Project Site, it is at least possible that previously unidentified subsurface features, such as storage tanks, hydraulic lifts, or impacted soils, could be encountered during excavation activities. Accordingly, the EIR identified appropriate and performance-based mitigation measures, including conducting a geophysical survey of the Project Site prior to excavation activities, and preparation of a Soils Management Plan to guide response actions in accordance with all applicable regulatory requirements in the event undiscovered subsurface features or soil contamination are encountered during excavation. As Lozeau Drury admits, CEQA Guidelines Section 15126.4(a)(1)(B) permits mitigation measures to specify performance standards to mitigate an environmental effect that may be accomplished in more than one specified way. By incorporating specific timing requirements, specific regulatory compliance obligations, and specific agency oversight requirements, Mitigation Measure MM F-1 constitutes valid and effective mitigation under CEQA.

2. The Project Will Not Emit Substantial Amounts of Toxic Air Contaminants, and Impacts Will Be Less than Significant.

Lozeau Drury claims that the EIR fails to properly analyze the risks of toxic air contaminants (“TACs”). The South Coast Air Quality Management District (“SCAQMD”) CEQA Air Quality Handbook does not recommend analysis of TACs from short-term construction activities associated with land use development projects, due to the limited duration of exposure. According to SCAQMD methodology, health effects from carcinogenic air toxics

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are usually described in terms of individual cancer risk. Specifically, “Individual Cancer Risk” is the likelihood that a person continuously exposed to concentrations of toxic air contaminants (TACs) over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology.¹ The Project construction phases that require the highest heavy-duty diesel vehicle usage, such as site grading/excavation, would last for a much shorter duration (only approximately four months), and the overall construction schedule would be limited to approximately 24 to 26 months (approximately 2 years). Therefore, the EIR properly concluded that Project construction would not result in a substantial, long-term (i.e., 70-year) source of TAC emissions. No residual emissions and corresponding individual cancer risk are anticipated after construction. Because there is such a short-term exposure period (only up to 26 out of 840 months of a 70-year lifetime), further evaluation of construction TAC emissions within the EIR was not warranted. As such, the EIR correctly concluded that Project-related TAC emission impacts during construction would be less than significant.

The EIR correctly identified that Project operation would not include any land uses or activities that would involve the use, storage, or processing of substantial amounts of TACs. The SCAQMD’s adopted *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* recommends that health risk assessments (“HRAs”) be conducted only for substantial sources of diesel particulate matter (“DPM”) (e.g., truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units).² The Project contains residential uses and a small amount of commercial retail/restaurant space, and therefore does not constitute a substantial source of DPM. In addition, the Project would not involve the use of a substantial number of heavy-duty diesel trucks, but only occasional moving trucks, trash trucks or delivery trucks.

Lozeau Drury claims that the EIR should have utilized the Office of Environmental Health Hazard Assessment’s (“OEHHA”) March 2015 Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (“Guidance Manual”).³ The Guidance Manual was developed by OEHHA, in conjunction with the California Air Resources Board (“CARB”), for use in implementing the Air Toxics “Hot Spots” Program (Health and Safety Code Section 44360 et seq.). This program regulates the siting of stationary TAC emission sources such as heavy industrial uses and power plants.

The Guidance Manual provides recommendations related to cancer risk evaluation of certain short-term projects that require a permitting decision by local air control districts. However, these short-term projects are limited to site remediation (e.g., stationary soil vapor

¹ South Coast Air Quality Management District (SCAQMD), CEQA Handbook, 1993, Chapters 5, 9 and 10.

² SCAQMD, *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, May 6, 2005.

³ See OEHHA, Notice of Adoption of Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments 2015, www.oehha.ca.gov/air/hot_spots/hotspots2015.html.

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extractors), and the recommendations are not applicable to the Project. The Guidance Manual does not provide specific recommendations for evaluation of short-term use of mobile sources (e.g., heavy-duty diesel construction equipment) that will be used in Project construction. Lozeau Drury misrepresents Section 8.2.10 (page 8-18) of the Guidance Manual, asserting that “the OEHHA document recommends that **all** short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors.” (Emphasis added.) As discussed above, this guidance is not applicable to the Project. Therefore, the EIR properly assessed the Project’s air quality impacts, including impacts pertaining to TACS.

3. Construction Worker Parking and Traffic Impacts Will Be Less than Significant.

Lozeau Drury incorrectly claims that the EIR discloses significant construction worker traffic impacts and improperly defers mitigation of these impacts. In fact, the EIR concludes that no significant impacts would result from construction worker traffic, due to the limited number of construction workers and other construction traffic that would travel to and from the Project Site during peak hours. Moreover, pursuant to Public Resources Code (“PRC”) Section 21099(d)(1), parking-related impacts, including those during construction, are not significant as a matter of law for mixed-use projects in transit priority areas, such as the Project. Because no impacts related to construction worker traffic or construction parking would occur, no mitigation measures are necessary.

Although no mitigation is required regarding construction worker traffic or parking, the EIR identifies Project Design Feature L-1, which requires the preparation and implementation of a Construction Traffic Management Plan that will include a prohibition on construction worker parking on local streets, scheduling of construction deliveries outside of peak hours to extent feasible, preservation of safe routes of passage for pedestrians during construction, and scheduling of other construction traffic to limit off-site waiting in order to improve traffic flow. These measures are not required to lessen or avoid an environmental impact, but represent best practices that will reduce potential vehicular, pedestrian, and bicycle conflicts during the Project’s construction phase. Moreover, the development and approval of the Construction Traffic Management Plan is appropriately tied to the issuance of building permits for the Project, as this timing will allow LADOT to take into consideration and address then-existing local traffic conditions as well as potentially concurrent construction activities that may be occurring. As such, the Construction Traffic Management Plan required by Project Design Feature L-1 is neither mitigation nor is it improperly deferred.

4. The Project’s Aesthetic Impacts are Not Significant as a Matter of Law.

Lozeau Drury claims that the EIR misinterprets PRC Section 21099 in dismissing potential aesthetic impacts. However, this statutory provision is clear: “Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site

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within a transit priority area shall not be considered significant impacts on the environment.” (PRC Section 21099(d)(1).) As described in the EIR, the Project is a mixed-use residential development that is located on an infill site within a transit priority area. Therefore, potential aesthetic impacts were properly identified as not significant.

PRC Section 21099(d)(1) provides that aesthetic impacts do not include impacts on historical or cultural resources. However, as fully explained in Section IV.C, Cultural Resources, of the Draft EIR and accompanying historical resources report (Appendix C.3 of the Draft EIR), the Project will not result in any direct or indirect impact to any historical or cultural resource. Specifically, no direct impacts would occur to any adjacent historical resource with implementation of required mitigation measures (including implementation of a preservation plan for the Hollywood Walk of Fame, and implementation of a vibration monitoring program for the Fonda Theatre). Moreover, no indirect impacts would occur to any nearby historical resource, despite any dissimilarities that may exist between the height and massing of the Project and the height and massing of an existing resource. This is because the relevant threshold for identifying an indirect impact to a historical resource is whether a project materially impairs the resource to such an extent that it may no longer be eligible for designation as a resource. As detailed in the EIR, no such indirect impacts would occur. Accordingly, PRC Section 21099(d)(1) continues to apply, and aesthetic impacts would be less than significant.

Lozeau Drury also claims that the criteria of the *L.A. CEQA Thresholds Guide* regarding potential aesthetic impacts would supersede PRC Section 21099(d)(1). This claim has no merit. The City, as lead agency for CEQA purposes, recognizes that PRC Section 21099(d)(1) supersedes the *L.A. CEQA Thresholds Guide*, as confirmed by Zoning Information (“ZI”) File No. 2452. Pursuant to this ZI and state law, the Project would not result in any significant aesthetic impacts.

5. The Project Is Vested Against Measure JJJ.

Lozeau Drury claims that Measure JJJ applies to the Project’s requested Vesting Zone and Height District Change. However, the Project’s entitlement applications, including its VTTM application and Vesting Zone Change, were filed and deemed complete before Measure JJJ was adopted. Therefore, the Project is vested against and does not need to comply with the provisions of Measure JJJ.

6. The Project Does Not Conflict with the General Plan’s Affordable Housing Policies and Does Not Result in any Social or Economic Effects that Result in Direct Physical Changes to the Environment.

Lozeau Drury maintains that the Project does not contain sufficient affordable housing units, which allegedly conflicts with various General Plan policies. However, the only two General Plan policies cited by the letter are policies obligating *the City* (and not the Applicant) to

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zone land appropriately to accommodate new housing, and to facilitate the construction of a range of housing types. Nonetheless, the Project will advance these policies by developing of 220 market-rate and affordable residential units on a site zoned for a mix of residential and commercial uses without displacing any existing units

Lozeau Drury also recites various provisions pertaining to housing needs assessment numbers as well as the City's sustainability efforts, without explaining how these City-focused policies result are relevant to the Project or how the Project would allegedly conflict with them. In support of the City's Regional Housing Needs Assessment requirements, the Project will develop both market-rate and affordable units. In support of the City's sustainability goals, the Project will be built in compliance with all current Title 24 requirements and will develop a mix of uses at an infill location in close proximity to transit.

Lozeau Drury also claims that certain unidentified Project inconsistencies with local plans and policies may constitute an environmental impact, and speculates that the Project may lead to gentrification and urban decay. Lozeau Drury misconstrues the required treatment of potential social and economic effects under CEQA. Generally, under CEQA, economic impacts are not required to be analyzed unless such economic impacts can be shown with substantial evidence to have a reasonably foreseeable **physical impact** to the environment.⁴ Under applicable CEQA case law, such physical impacts directly resulting from economic effects are termed "urban decay," which is typically characterized by visible symptoms of physical deterioration that invite vandalism, loitering, and graffiti that is caused by a downward spiral of business closures and long-term vacancies.⁵ However, unless substantial evidence is provided showing that a project's economic effects will result in significant effects of the environment, no analysis of such effects are required under CEQA.⁶ Here, Lozeau Drury offers unsubstantiated allegations of an impact occurring, but no substantial evidence. Absent such evidence of such reasonably foreseeable physical impacts, the EIR did not need to analyze the Project's social or economic effects, including any potential to contribute to or cause urban decay.

7. The Project Does Not Result in Significant Health Risk Impacts Pertaining to Indoor Air Quality.

Lozeau Drury claims that the Project will emit significant formaldehyde emissions from composite wood products. This claim is without merit. The Project would be required to comply with the California Green Building Standards Code, which is Part 11 of the California Code of Regulations, commonly referred to as the CALGreen Code. Section 4.5, Environmental Quality, of the CALGreen Code provides mandatory residential measures to reduce the quantity

⁴ See PRC Section 21065 [CEQA looks at project activities that can produce a direct or indirect change in the physical environment])

⁵ *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 123 Cal.App.4th 1184.

⁶ *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal.App.5th 1

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of air contaminants that are odorous, irritating and/or harmful to the comfort and wellbeing of a building's installers, occupants and neighbors. It includes VOC limits for paints, coatings, adhesives, adhesive bonding primers, sealants, sealant primers, and caulk. Section 4.504.3, Carpet Systems, of the CALGreen Code establishes product requirements to meet one of the following: (1) Carpet and Rug Institute's Green Label Plus Program; (2) California Department of Public Health, "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions from Indoor Sources Using Environmental Chambers," Version 1.1; (3) NSF/ANSI 140 at the Gold Level; or (4) Scientific Certifications Systems Indoor Advantage Gold. Furthermore, Section 4.504.5, Composite Wood Products, of the CALGreen Code establishes limits for formaldehyde as specified in ARBS's Air Toxics Control Measure for Composite Wood (e.g., particle board). These measures have been established through the CALGreen Code and are designed to reduce the quantity of air contaminants to acceptable levels. Furthermore, neither the SCAQMD or the City of Los Angeles provide significance thresholds for indoor air quality.

8. Conclusion.

As set forth above, Lozeau Drury presents no new significant information to support its claims that the EIR is flawed or inadequate, or that the Project would result in new or increased impacts. Based on the whole of the record, including the EIR and all prior responses to the appeals, we respectfully request you deny both appeals and approve the Project.

Thank you for your consideration. We are available to provide any additional information you may request.

Very truly yours,



Dale J. Goldsmith

cc: Heather Bleemers, City Planning, Major Projects
Sergio Ibarra, City Planning, Major Projects
Craig Bullock, Council District 13



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Via Email and Hand Delivery

May 7, 2019

President Samantha Millman, and
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Re: Hollywood & Gower Project aka ENV-2016-2849-EIR, SCH No. 2008011113

Dear President Millman, Honorable Members of the Planning Commission, et al:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") and its members living in the City of Los Angeles, regarding the Draft and Final Environmental Impact Report ("EIR") prepared for the Hollywood & Gower Project aka ENV-2016-2849-EIR, and SCH No. 2008011113 including all actions related or referring to the proposed demolition and removal of an existing paved surface parking lot and development of a 22 story mixed-use project containing up to 220 apartment residences, up to 3,270 square feet of commercial retail/restaurant space, and associated above-grade and subterranean parking facilities. ("Project"). The matter is scheduled for hearing by the Planning Commission on May 9, 2019 at 8:30 a.m. This letter is a revised and shortened version of the letter submitted yesterday.

We hereby adopt by reference all comments made by other entities concerning the Project and its EIR. In addition, we make the following comments.

PROJECT DESCRIPTION

The Project seeks to place 220 dwelling units, including 11 affordable units, and 3,270 square feet of ground-floor restaurant space. Parking would be provided for both the residential and commercial

components of the Project per Los Angeles Municipal Code (“LAMC”) parking code requirements. The Project would consist of a single high-rise structure, irregular in shape, sited with the tallest portions of the building towards the northeastern corner of the Project Site. A four story podium would cover nearly the entire site, with an 18-story residential tower located atop the podium, for a total of 22 levels. Two subterranean parking levels would also be provided. The Project Site is located at 6100-6116 W. Hollywood Boulevard and 1633-1649 N. Gower Street (“Project Site”) in the Hollywood Community Plan area of the City of Los Angeles (the “City”). The Project Site is approximately one acre in size and is bounded by Hollywood Boulevard to the north, Gower Street to the east.

DISCUSSION

A. Soil Contamination.

The California Department of Toxic Substances Control (“DTSC”) has submitted comments raising concerns that soil at the Project site may be contaminated with toxic chemicals due to prior use of the site as a gas station. Leaky underground storage tanks (“USTs”) are common at prior gas station locations. <https://www.epa.gov/ust/learn-about-underground-storage-tanks-usts>. USTs can release toxic and cancer-causing chemicals, including benzene, toluene, ethylbenzene and xylene. https://www.waterboards.ca.gov/losangeles/publications_forms/forms/ust/lab_forms/labreq9-06.pdf.

Construction workers would be most at risk from soil contamination, as they may be directly exposed to contaminated soil during soil excavation and soil moving. Future residents of the Project may also be exposed since several toxic chemicals can enter the living space through soil vapor intrusion. <https://www.epa.gov/vaporintrusion/what-vapor-intrusion>

Despite DTSC’s letter, the Final EIR blithely dismisses this comment. Nevertheless, FEIR page II-4 admits:

However, due to the identified historic uses of the Project Site, it is possible that unidentified isolated areas of impacted soils may be present, and due to the lack of documentation regarding the closure or abandonment of the historic on-site underground storage tanks and hydraulic lifts, their continued existence at the Project Site cannot be ruled out. Accordingly, the Draft EIR properly identified the potential for previously unidentified soil contamination and underground storage tanks as recognized environmental conditions.

While admitting this potentially significant impact, and acknowledging the need for mitigation, the EIR defers development of the specific mitigation measure until after Project approval. The FEIR states:

As described above, Mitigation Measure MM F-1 requires the preparation of a Soil Management Plan that provides for the required investigation and/or remediation of any suspected contaminated soil encountered during construction, in conformance with the requirements of all applicable regulatory oversight agencies (see Draft EIR, pages IV.F-31 through IV.F-32). (FEIR, p. II-6.)

CEQA prohibits such deferred mitigation. Mitigation measures must be set forth in the EIR so that the public can review their adequacy. Otherwise, difficult problems may be swept under the rug. Feasible mitigation measures for significant environmental effects must be set forth in an EIR for consideration by the lead agency's decision makers and the public before certification of the EIR and approval of a project. The formulation of mitigation measures generally cannot be deferred until after certification of the EIR and approval of a project. Guidelines, section 15126.4(a)(1)(B) states: "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way."

"A study conducted after approval of a project will inevitably have a diminished influence on decisionmaking. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA." (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307.) "[R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decisionmaking; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.) A revised EIR is required to propose specific mitigation measures to safeguard workers and future residents from admitted potential soil contamination that may be present at the Project site.

B. Toxic Air Contamination.

The EIR fails to analyze the risks of toxic air contaminants (TACs). TACs pose a particular risk to construction workers since they are released large from construction equipment. The EIR dismisses TACs, arguing that any exposure would be short term and therefore less than significant. The DEIR states:

With respect to TACs, the greatest potential for TAC emissions would involve diesel particulate emissions associated with trucks and heavy equipment. The construction activities associated with the Project would be similar to other development projects in the City and would be subject to the regulations and laws relating to toxic air pollutants at the regional, state, and federal level that would protect sensitive receptors from substantial concentrations of these emissions. In addition, project construction activity would not result in long-term substantial sources of TAC emissions (i.e., 70 years) and would not generate ongoing construction TAC emissions. Thus, TAC emissions from the Project construction would be considered less than significant. (DEIR, p. IV.B-35.)

Michael Gonzalez raised this issue in comments on behalf of the Music Box Company. Yet, the FEIR fails to analyze or mitigate TACs.

The EIR's analysis fails to comply with applicable guidance. This justification and subsequent significance determination are incorrect, as guidance documents published by both the Office of Environmental Health Hazard Assessment (OEHHA) and the South Coast Air Quality Management District (SCAQMD) recommend analysis of both the construction and operational health risk impacts resulting from implementation of projects. As a result, until the Project's operational health risk impacts are adequately quantified, combined with the Applicant's calculated construction-related cancer risk, and compared to applicable thresholds, the FEIR cannot make any conclusions with regards to the Project's health risk impacts.

By failing to prepare an operational HRA for existing sensitive receptors, the FEIR is inconsistent with recommendations set forth by the OEHHA, the organization responsible for providing recommendations for health risk assessments in California. In February of 2015, OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*, which was formally adopted in March of 2015.¹ This guidance document describes the types of projects that warrant the preparation of a health risk assessment. Construction of the Project will produce emissions of diesel particulate matter (DPM), a human carcinogen, through the exhaust stacks of construction equipment over a construction period of 2 years (24 months). The OEHHA document recommends that all short-term

¹ "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

projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors.² The Project's 24-month construction schedule is 12 times longer than the 2 month period requiring analysis.

Furthermore, once construction of the Project is complete, the Project will operate for a long period of time. During operation, the Project will generate vehicle trips, which will generate additional exhaust emissions, thus continuing to expose nearby sensitive receptors to emissions. The OEHHA document recommends that exposure from projects lasting more than 6 months should be evaluated for the duration of the project, and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident (MEIR).³ Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, health risks from Project operation should have also been evaluated by the FEIR, as a 30-year exposure duration vastly exceeds the 6-month requirement set forth by OEHHA.

Furthermore, the SCAQMD provides a specific numerical threshold of 10 in one million for determining a project's health risk impact. Therefore, in order to determine the proposed Project's health-related impact, the DEIR or FEIR should have conducted an assessment that compares both the construction and operational health risk to the SCAQMD's specific numeric threshold of 10 in one million. These recommendations reflect the most recent health risk policy, and as such, an updated assessment of health risks to nearby sensitive receptors from Project operation should be included in a revised CEQA evaluation for the Project. A Revised Draft EIR is required to analyze and mitigate risks from TACs.

C. Construction Worker Parking and Traffic Impacts Are Improperly Deferred.

The EIR improperly defers analysis of traffic and parking impacts during the construction phase. The EIR admits that traffic generated by construction workers will create significant impacts related to parking and traffic. However, the EIR improperly defers development of mitigation measures to address this impact. The Staff Report states:

The commenter speculates that the Project's construction worker parking would create impacts. However, as described in Section IV.L, Transportation/Traffic of the Draft EIR, the Project will incorporate Project Design Feature L-1, which requires the preparation of a Construction Traffic Management Plan, which will designate construction worker parking areas either on-site or in designated off-site public parking areas, require temporary traffic control during all construction activities to improve traffic flow on public roadways, and require the scheduling of construction vehicle movements to ensure that there are no vehicles waiting off-site and impeding public traffic flow on the surrounding streets. This Construction Traffic Management Plan will be reviewed and approved by LADOT prior to issuance of Project building permits. With implementation of this Project Design Feature, temporary impacts relating to construction worker parking will be less than significant. (Planning Commission Staff Report, p. 12.)

The City may not rely on "preparation of a Construction Traffic Management Plan" in the future, as this constitutes deferred mitigation. As discussed above, CEQA requires the mitigation measures to be set forth in the EIR. It may not even be possible to develop a traffic management plan that is sufficient to reduce traffic impacts to less than significant. Unless the mitigation measure is set forth in the EIR it is impossible to analyze the measure for adequacy.

² "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-18

³ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-6, 8-15

D. Aesthetic Impacts are Improperly Dismissed.

The EIR and Staff Report improperly dismiss aesthetic impacts as less than significant, relying on an erroneous interpretation of SB 743, Pub. Res. Code §21099. As the Hollywood Residents' Association points out in their letter, the Project would tower over neighboring buildings, as it would be 100 feet taller than any building in the area on Hollywood Boulevard. Thus, it would clearly have a significant aesthetic impact. As discussed by the Music Box Company, this impact would be particularly severe on the adjacent, historic Fonda Theater, which is 1-2 stories, and which will be dwarfed by the 20-story Project.

The EIR and Staff Report erroneously dismiss aesthetic impacts, stating:

As described in Section IV.A, Aesthetics, of the Draft EIR, the Project Site is located within a Transit Priority Area. As such, in accordance with Senate Bill 743 and Section 21099(d)(1) of the Public Resources Code, the mixed-use Project's potential aesthetic impacts, including those impacts relating to visual quality, views, glare, and shade/shadow impacts, shall not be considered a significant impact on the environment as a matter of law. (Staff Report, p. 9).

The EIR and Staff Report misconstrue SB 743, which states:

- (d)(1) Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.
- (2)(A) This subdivision does not affect, change, or modify the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers provided by other laws or policies.
- (B) For the purposes of this subdivision, aesthetic impacts **do not include impacts on historical or cultural resources.**
- (e) **This section does not affect the authority of a public agency to establish or adopt thresholds of significance that are more protective of the environment.**

First, SB 743 expressly excludes aesthetic impacts to historic resources. The City admits that the Fonda Theater is an historic resource. Therefore the obvious aesthetic impacts to the Fonda Theater are not eliminated by SB 743. As discussed by counsel for Music Box Company, the Project, which will tower over the adjacent Fonda Theater, will clearly have significant impacts on the Fonda Theater, including noise impacts, aesthetic impacts, and others.

Second, SB 743 states that, "This section does not affect the authority of a public agency to establish or adopt thresholds of significance that are more protective of the environment." PRC §21099(e). Thus, if the City has more stringent CEQA thresholds, then those thresholds control.

The City of Los Angeles has its own CEQA thresholds, set forth in the Los Angeles CEQA Thresholds Guide. <http://planning.lacity.org/Documents/MajorProjects/CEQAThresholdsGuide.pdf>. The City's CEQA Guidelines set forth screening criteria for aesthetic impacts (CEQA Guide, p. A.1-2).

- Does the project include a proposed zone change or variance that would increase density, height, and bulk in areas where there is a consistent theme, style, or building height and setbacks?
- Does the project include a proposal to develop or allow development in an existing natural open space area (not including previously developed or infill lots)?
- Would the project result in the removal of one or more features that contribute to the valued aesthetic character or image of the neighborhood, community, or localized area?
- Would the project introduce features that would detract from the existing valued aesthetic quality of a neighborhood, community, or localized area by conflicting with important aesthetic elements

or the quality of the area (such as theme, style, setbacks, density, massing, etc.) or by being inconsistent with applicable design guidelines?

The Project meets almost all of the criteria for having a significant aesthetic impact. As set forth in SB 743, the City's more stringent CEQA thresholds control over SB 743. A revised DEIR is therefore required to analyze and mitigate the Project's aesthetics impacts, including consideration of Project alternatives that would have lesser impacts.

E. The Project Fails to Comply with Measure JJJ Affordable Housing Requirements.

On November 8, 2016, the votes passed Measure JJJ in Los Angeles. Measure JJJ amended the Los Angeles Municipal Code to include, inter alia, affordable housing requirements for residential developments. Measure JJJ contained the following provisions for projects with ten or more residential rental units:

If the General Plan amendment, zone change or height district change results in a residential density increase greater than 35%, then the Project shall provide no less than 5% of the total units at rents affordable to Extremely Low Income households, and either 6% of the total units at rents affordable to Very Low Income households or 15% of the total units at rents affordable to Lower Income households, inclusive of any Replacement Units; or ...

If the General Plan amendment, zone change or height district change allows a residential use where not previously allowed, then the Project shall provide no less than 5% of the total units at rents affordable to Extremely Low Income households, and either 11% of the total units at rents affordable to Very Low Income households or 20% of the total units at rents affordable to Lower Income households, inclusive of any Replacement Units. (Los Angeles Municipal Code ("LAMC") § 11.5.11(a)(1).)

The Project seeks a zone and height district change to allow this massive Project to be constructed on a small one-acre parcel. The DEIR states:

In conjunction with the C4 zoning designation, the Project Site's Height District 2 designation does not impose a height limitation but normally imposes a maximum floor area ratio ("FAR") of 6:1. However, the "D" limitation of the Project Site's zoning limits the total floor area contained in all buildings to a maximum floor area ratio of 2:1 (per Ordinance No. 165,662, adopted in 1990. Pursuant to the floor area limits contemplated by Hollywood Community Plan Land Use Map Footnote No. 9 and the Hollywood Redevelopment Plan for properties designated as Regional Centers, the **Project Applicant is requesting a vesting zone and height district change to establish a maximum FAR of 4.5:1 for the Project Site.** The Project's approximately 198,720 square feet of proposed floor area would result in a FAR of approximately 4.44:1, which complies with this limit. (DEIR p. II-6).

Since the Project has more than 10 residential units, and requires a zone change and height district change, Measure JJJ applies to the Project. Pursuant to Measure JJJ, the Project requires a minimum of 11% affordable housing (and possibly up to 20%). The Project proposes that only 11 units of the 220 units be designated affordable – 5%. Thus, the Project includes less than half of the affordable units required by Measure JJJ.

F. The Project Lacks Affordable Housing in Conflict with the General Plan.

As discussed above, the Project does not include sufficient affordable housing units, in disregard of the applicable General Plan policies. Gen Pl. Housing Element Policy 4.1.1 states that the City should "[p]rovide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within each City subregion to meet the 20-year projections of housing needs." Policies of note include

Policy 1.1.3, which states the City should “[f]acilitate new construction and preservation of a range of housing types that address the particular needs of the city’s households.”

Chapter 1, Housing Needs Assessment, identifies Los Angeles’s share of the housing needs established in the RHNA. In particular, Table 1.29, City of Los Angeles Regional Housing Needs Assessment Allocation for the period of 2014–2021, indicates that Los Angeles’ needs assessment allocation includes 82,002 housing units, of which 35,412 units, or 43.2 percent, would be for above moderate-income households. The remaining 56.8 percent of the needed housing units consisting of 13,728 moderate-income units (16.8 percent), 12,435 low-income units (15.2 percent), 10,213 very low-income units (12.5 percent), and 10,213 extremely low-income units (12.5 percent).

The Sustainable City pLAn of April 8, 2015 provides a roadmap achieving sustainability through short-term (by 2017) results and setting long-term (by 2025 and 2035) goals for a cleaner environment and stronger economy. The pLAn sets forth a goal of transforming Los Angeles into an environmentally healthy, economically prosperous, and equitable City over the next 20 years. Key visions for long-term aspirations by 2035 regarding the preferred development in the Project vicinity include the following:

- Housing and Development: We address LA’s housing shortage, ensure that most new units are accessible to high-quality transit, and close the gap between incomes and rents.

The Housing & Development chapter of the Sustainable City pLAn includes the following goals:

- Start constructing 17,000 new units of housing within 1,500 feet of transit by 2017.
- Provide 100,000 new housing units by 2021, leading to 150,000 new housing units by 2025.
- Reduce the number of rent-burdened households by at least 15 percentage points by 2035.

It is well-established that urban decay is a CEQA issue. The lack of affordable housing has led to an increase in homelessness, which is a prime contributor to urban decay. In *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) (124 Cal.App.4th 1184) (*Bakersfield Citizens*), the court expressly held that an EIR must analyze a project’s potential to cause urban decay if there is substantial evidence showing that the project may lead to such impacts. The court pointed out that CEQA requires the project proponent to discuss the project’s economic and social impacts where “[a]n EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic and social changes.” (CEQA Guidelines §§ 15131(a) and 15064(f).)

Where a local or regional policy of general applicability, such as an ordinance, is adopted in order to avoid or mitigate environmental effects, a conflict with that policy in itself indicates a potentially significant impact on the environment. (*Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903.) Indeed, any inconsistencies between a proposed project and applicable plans must be discussed in an EIR. (14 CCR § 15125(d); *City of Long Beach v. Los Angeles Unif. School Dist.* (2009) 176 Cal. App. 4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874 (EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans).) A Project’s inconsistencies with local plans and policies constitute significant impacts under CEQA. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4, 32 Cal.Rptr.3d 177; see also, *County of El Dorado v. Dept. of Transp.* (2005) 133 Cal.App.4th 1376 (fact that a project may be consistent with a plan, such as an air plan, does not necessarily mean that it does not have significant impacts).)

CEQA requires the lead agency to determine whether the “environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly,” (PRC § 21083(b)(3), (d)),

and to “take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.” See PRC §21000 et seq.

Furthermore, CEQA Guidelines Appendix G, Section XII provides that a project will have significant impacts where it will:

- Induce substantial population growth or concentration of population in an area, either directly (for example, by proposing new housing or businesses), or indirectly (for example, through extension of roads or other infrastructure);
- Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere; or
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. ^[L]_[SEP] See CEQA Guidelines Appendix G, Section XII.

Here, the Project is likely to lead to gentrification of the area, which will displace local low-income residents, who will be forced to move elsewhere. See Kalama D. Harris, Attorney General, “Environmental Justice at the Local and Regional Level,” May 8, 2012, available at http://oag.ca.gov/sites/all/files/pdfs/environment/ej_fact_sheet_final_050712.pdf.

A supplemental EIR should be prepared to analyze the impacts of the Project’s lack of affordable housing and the impact on urban decay. It should propose feasible mitigation measures, such as requiring more affordable housing in the Project, contributions to low-income housing funding, etc.

G. The Project Will Have a Significant Health Risk Impact from its Indoor Air Quality Impacts.

Formaldehyde is a known human carcinogen. Many composite wood products typically used in residential and office building construction contain formaldehyde-based glues which off-gas formaldehyde over a very long time period. The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particle board. These materials are commonly used in residential and office building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims. Given the prominence of materials with formaldehyde-based resins that will be used in constructing the Project and the residential buildings, there is a significant likelihood that the Project’s emissions of formaldehyde to air will result in very significant cancer risks to future residents and workers in the buildings. Even if the materials used within the buildings comply with the Airborne Toxic Control Measures (ATCM) of the California Air Resources Board (CARB), significant emissions of formaldehyde may still occur.

The residential buildings will have significant impacts on air quality and health risks by emitting cancer-causing levels of formaldehyde into the air that will expose workers and residents to cancer risks well in excess of SCAQMD’s threshold of significance. A 2018 study by Chan et al. (attached as Exhibit A) measured formaldehyde levels in new structures constructed after the 2009 CARB rules went into effect. Even though new buildings conforming to CARB’s ATCM had a 30% lower median indoor formaldehyde concentration and cancer risk than buildings built prior to the enactment of the ATCM, the levels of formaldehyde still posed cancer risks greater than 100 in a million, well above the 10 in one million significance threshold established by the SCAQMD.

Based on expert comments submitted on other similar projects and assuming all the Project’s and the residential building materials are compliant with the California Air Resources Board’s formaldehyde airborne toxics control measure, future residents and employees using the Project will be exposed to a cancer risk from formaldehyde greater than the SCAQMD’s CEQA significance threshold for airborne

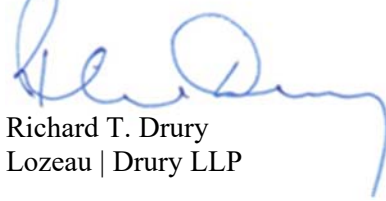
cancer risk of 10 per million. Currently, the City does not have any idea what risk will be posed by formaldehyde emissions from the Project or the residences.

The City has a duty to investigate issues relating to a project's potential environmental impacts. (See *County Sanitation Dist. No. 2 v. County of Kern*, (2005) 127 Cal.App.4th 1544, 1597–98. [“[U]nder CEQA, the lead agency bears a burden to investigate potential environmental impacts.”].) “If the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record. Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) Given the lack of study conducted by the City on the health risks posed by emissions of formaldehyde from new residential projects, a fair argument exists that such emissions from the Project may pose significant health risks. As a result, the City should prepare an EIR which calculates the health risks that the formaldehyde emissions may have on future residents and workers and identifies appropriate mitigation measures.

CONCLUSION

For the foregoing reasons, SAFER requests that the City require staff to prepare a revised draft EIR to address and mitigate the above issues, as well as to address the issues raised by other commenters. Thank you.

Sincerely,



Richard T. Drury
Lozeau | Drury LLP

Indoor Air Quality in New California Homes with Mechanical Ventilation

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SUMMARY

The Healthy Efficient New Gas Homes (HENGH) study measured indoor air quality and mechanical ventilation use in 70 new California homes. This paper summarizes preliminary results collected from 42 homes. In addition to measurements of formaldehyde, nitrogen dioxide (NO₂), and PM_{2.5} that are discussed here, HENGH also monitored other indoor environmental parameters (e.g., CO₂) and indoor activities (e.g., cooking, fan use) using sensors and occupant logs. Each home was monitored for one week. Diagnostic tests were performed to characterize building envelope and duct leakage, and mechanical system airflow. Comparisons of indoor formaldehyde, NO₂, and PM_{2.5} with a prior California New Home Study (CNHS) (Offermann, 2009) suggest that contaminant levels are lower than measured from about 10 years ago. The role of mechanical ventilation on indoor contaminant levels will be evaluated.

KEYWORDS

Formaldehyde; nitrogen dioxide; particles; home performance; field study

1 INTRODUCTION

The HENGH field study (2016–2018) aimed to measure indoor air quality in 70 new California homes that have mechanical ventilation. Eligible houses were built in 2011 or later; had an operable whole-dwelling mechanical ventilation system; used natural gas for space heating, water heating, and/or cooking; and had no smoking in the home. Study participants were asked to rely on mechanical ventilation and avoid window use during the one-week monitoring period. All homes had a venting kitchen range hood or over the range microwave and bathroom exhaust fans. This paper presents summary results of formaldehyde, NO₂, and PM_{2.5} measurements in 42 homes. The full dataset is expected to be available in summer 2018.

2 METHODS

Integrated one-week concentrations of formaldehyde and NO_x were measured using SKC UMEx-100 and Ogawa passive samplers. Formaldehyde samplers were deployed in the main living space, master bedroom, and outdoors. PM_{2.5} were measured using a pair of photometers (ES-642/BT-645, MetOne Instruments) indoor in the main living space and outdoors. PM_{2.5} filter samples were collected using a co-located pDR-1500 (ThermoFisher) in a subset of the homes and time-resolved photometer data were adjusted using the gravimetric measurements. Results are compared with a prior field study CNHS (2007–2008) (Offermann, 2009) that monitored for contaminant concentrations over a 24-hour period in 108 homes built between 2002 and 2004, including a subset of 26 homes with whole-dwelling mechanical ventilation.

3 RESULTS

Figure 1 compares the indoor concentrations of formaldehyde, NO₂, and PM_{2.5} measured by the two studies. Results of HENGH are one-week averaged concentrations, whereas CHNS are 24-hour averages. HENGH measured lower indoor concentrations of formaldehyde and PM_{2.5}, compared to CNHS. For NO₂, the indoor concentrations measured by the two studies



Department of City Planning

City Hall, 200 N. Spring Street, Room 272, Los Angeles, CA 90012

May 6, 2019

TO: City Planning Commission

FROM: Sergio Ibarra, City Planner

ADDITIONAL INFORMATION/TECHNICAL MODIFICATION TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. CPC-2016-2848-VZC-HD-CUB-SPR; 6100-6116 W. Hollywood Boulevard, 1633-1649 N. Gower Street, Los Angeles, 90028.

The following corrections are to be incorporated into the staff recommendation report to be considered at the City Planning Commission meeting of May 9, 2019, related to Item No. 8 on the meeting agenda. Deleted text is shown in ~~strikethrough~~ and added text is shown in underline.

Cover Page:

Representative: ~~Edgar Khalatian~~ Dale Goldsmith
~~Mayer Brown~~ Armbruster Goldsmith & Delvac, LLP

The following changes apply to the staff recommendation report's background section. The project consists of a landscaped residential amenity deck at the 5th 4th floor and a rooftop terrace. A minimum of ~~323~~ 279 vehicular parking spaces will be provided in two subterranean levels as well as three above-grade parking levels. The project proposes to provide up to 317 ~~323~~ parking spaces after utilizing parking reductions per LAMC Section 12.21 A.16(a). The Project would provide an additional 4 long-term commercial bicycle parking spaces and 49 additional long-term residential bicycle parking spaces, for a total of ~~226~~ 185 long-term bicycle parking spaces. The Project would contain ~~22~~ 21 above-grade stories, and have a maximum building height of approximately 252 feet. The project will also provide ~~10,654~~ a minimum of 5,856 square feet of planted common area. No plantings or trees occur on site, and three City street trees are located off-site, adjacent to the Project Site to the north, to be ~~removed~~ retained as part of the project.

The following background information regarding the EIR's Errata, issued in April, 2019, is to be added within the Environmental Clearance section.

Following publication of the Final EIR and the March 20, 2019 public hearing, the Applicant has made several minor refinements to the Project's design, as

depicted in the Project plans dated April 26, 2019 and attached as Exhibit A. These design refinements do not result in any change to the Project's uses, residential density, residential or commercial floor area, floor area ratio (FAR), building height, building footprint, or depth of subterranean excavation, as those Project characteristics are described in the EIR. Accordingly, an Errata dated April 2019 was prepared to clarify and refine the Project as described in the EIR and provide supplemental information to the City decision-makers and the public. The Errata does not disclose a new significant environmental impact that would result from the Project or from a new mitigation measure or substantial increase in the severity of an environmental impact. Nor does it contain significant new information that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect environmental effect of the Project or a feasible way to mitigate or avoid such an effect that the Applicant has declined to adopt. Additionally, information provided in the Errata does not present a feasible Project alternative or mitigation measure considerably different from others previously analyzed in the EIR. All of the information added pursuant to the Errata merely clarifies, corrects, adds to, or makes insignificant modifications to information in the EIR. The City has reviewed the information in the Errata and has determined that it does not change any of the basic findings or conclusions of the EIR, does not constitute "significant new information" pursuant to CEQA Guidelines Section 15088.5, and does not require recirculation of the Draft EIR.

Cover Page, Appeal Status

As a matter of clarification in regards to the appeal status on the Cover Page, although the entitlements are appealable to City Council as stated, the Vesting Zone Change and Height District Change are appealable only by the Applicant to City Council if disapproved in whole or in part. All other actions are appealable to City Council per LAMC Section 12.36-C.

RECOMMENDED ACTIONS: **ENV-2016-2849-EIR**

6. Find that the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report No. ENV-2016-2849-EIR (SCH No. 2008011113), consisting of the Draft EIR dated, September, 2018, ~~and the Final EIR, dated March 1st, 2019,~~ and Errata dated April, 2019 (collectively, Hollywood and Gower EIR), ~~including the Errata dated April, 2019,~~ as well as the whole of the administrative record and .

Page T-1, CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

1. That the City Department of Transportation in a letter to City Engineer shall determine that the merger area is not necessary for future Public Street.
2. That Department of the City Planning also determine that the Proposed merger area is in consistence with all applicable General Plan Elements of Highway and Circulation Elements for LA Mobility Plan.

Given that the Project is volunteering 5% of the units to be affordable and that the units are not part of a Density Bonus application, the following changes are necessary:

Page Q-1, (Q) QUALIFIED CONDITIONS OF APPROVAL

6. Affordable Units.

a. A minimum of 11 units (or 5%) shall be reserved as **Very Low Income** affordable units, ~~as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2)~~ **for households earning no more than 50 percent of the Area Median Income for Very Low Income Restricted Affordable Units, as defined by Section 50079.5 of the California Health and Safety Code, and as determined by the Los Angeles Housing and Community Investment Department (HCIDLA).**

8. Housing Requirements. Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 11 units (or 5% **of the Project's units**) available to Very Low Income Households, for ~~sale or~~ rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. ~~Refer to the Density Bonus Legislation Background section of this determination~~

Page C-2, Department of City Planning Conditions of Approval

2. ~~Residential Automobile Parking.~~ **Parking for residential and commercial uses shall be provided in compliance with LAMC Section 12.21-A,4, as amended by Ordinance No. 185,480, effective May 9, 2018. Thirty percent of the required automobile parking for commercial uses and 15 percent of the required automobile parking for residential uses may be replaced by bicycle parking at a ratio of one vehicle parking space for every four bicycle parking spaces provided.** ~~Vehicle parking shall be provided consistent with LAMC 12.22-A.25(d).~~
3. **Bicycle Parking.** Bicycle parking shall be provided consistent with **Ordinance No. 185,480, which amended Sections 12.03, 12.21 and 12.26 of the Los Angeles Municipal Code to update the bicycle parking regulations, effective on May 9, 2018.** ~~LAMC 12.21-A,16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit or guestroom. Additionally, short-term bicycle parking shall be provided at a rate of one per ten dwelling units or guest rooms, with a minimum of two short-term bicycle parking spaces. Short-term and long-term bicycle parking for general retail stores and restaurants requires one bicycle parking per 2,000 square feet, with a minimum of two bicycle parking spaces for both long- and short-term bicycle parking. Based upon the number of dwelling units and commercial square footage, a minimum of 226 long-term and 24 short-term bicycle parking spaces shall be provided on-site.~~

4. **Commercial Parking.** ~~A minimum of 5 parking stalls for commercial uses shall be provided (including a 30% bicycle reduction pursuant to LAMC 12.21-A,4). In the event that the commercial area is reduced, parking shall be provided in compliance with LAMC Section 12.21-A,4.~~
5. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.

The following changes reflect that the Applicant is requesting one Conditional Use Permit for Alcohol for on-site consumption and sale and not a Master Conditional Use permit as was explained in the Staff Report. Conditions of Approval were added reflecting the single alcohol permit for on-site sale and consumption for your consideration, in addition to those relative conditions contained in the staff report.

Page C-2 and C-3

A. Entitlement Conditions – ~~Master~~ Conditional Use for Alcohol Sales.

- **Authorized herein is the sale of a full line of alcoholic beverages for on-site sale and consumption in conjunction with a 3,270 square foot restaurant and a 1,500 square foot outdoor patio. The grant shall be subject to the following limitations:**
 - a. **The hours of operation shall be limited from 7:00 a.m. to 2:00 a.m. daily. No after-hours use is permitted, except routine clean-up.**
 - b. **Indoor seating shall be limited to a maximum of 70 seats, including bar and restaurant seating. Maximum allowable occupant load shall be as determined by the Department of Building and Safety and/or Fire Department.**
 - c. **Outdoor seating (on-site) shall be limited to a maximum of 30 seats. (A Revocable Permit from the Bureau of Engineering, Department of Public Works is required for outdoor dining located in the public right-of-way.) The final number of seats and their location may be modified by said agency in order to provide accessibility and required clearances from existing structures. (A copy of the approved Revocable Permit, including a plot plan and any conditions thereto, shall be provided to the Department of City Planning prior to placing any seating in the public right of way as permitted by this grant).**
- **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.**
- **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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.**
- **Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the**

conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.

- No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
- Complaint Log. Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.
- The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
- Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
- At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
- The Applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
- Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
- An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
- Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area

is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.

- The Applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
Designated Driver Program. Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program. The signs/cards/website/social media shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus, a website, or on social media.
- Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
- MViP – Monitoring Verification and Inspection Program. Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
- Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
- The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
- Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of

City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement or number of seats of the new operation.

- Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

- ~~1. Grant. Approved herein is a Master Conditional Use Permit to allow for the service of a full line of alcoholic beverages for on-site sale and consumption at one establishment.~~
- ~~2. Master Plan Approval (MPA) Requirement. Each individual venue shall be subject to a Master Plan Approval (MPA) determination pursuant to Section 12.24-M of the Los Angeles Municipal Code, or as otherwise provided for in the LAMC for on-site alcohol sales in conjunction with the operation of restaurants, in order to implement and utilize the Master Conditional Use authorization granted. The purpose of the Master Plan Approval determination is to review each proposed venue in greater detail and to tailor site-specific conditions of approval for each of the premises subject to analysis of the venue's individual mode and character of operations including but not limited to hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval. These conditions may include additional conditions not included in the Master Conditional Use Conditions of Approval. A Plan Approval without a hearing may be granted by the Chief Zoning Administrator if the operator agrees to the Conditional Use Permit Conditions.~~
- ~~8. Ownership/Operator Change. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the BESt (Beverage and Entertainment Streamlined Program) in a~~

~~letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the BESt (Beverage and Entertainment Streamlined Program) within 30 days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.~~

- ~~9. MViP—Monitoring, Verification and Inspection Program. At any time, before, during, or after operating hours, a City inspector may conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.~~
- ~~10. Covenant and Agreement. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center or the BESt (Beverage and Entertainment Streamlined Program) for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or BESt (Beverage and Entertainment Streamlined Program) for inclusion in the case file.~~

The following Site Plan Review condition was deleted as it is irrelevant to Site Plan Review and the improvements are identified under the tract map conditions.

Page C4, Site Plan Review Conditions

- ~~1. Public Improvements. Prior to the issuance of any building permits, 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.~~

Page F-3 Findings

- ~~g. Street Lights. Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the streets which adjoin the subject property.~~

Page F-24 Findings

Building Design. The Project is designed in a contemporary architectural style. **The lower façade of the base (podium) of the building would be differentiated from the top, by its use of vertical metal panels. The building includes a notch out**

of the podium at the northeast corner for the main building entry with a multi-level high ceiling. The exterior of this space includes a textured design on the walls that differentiate from the remaining podium walls. The tower includes an aluminum exoskeleton frame protruding from the building underlain by panels of glass. The exoskeleton frame provides balconies for the residential units. The upper stories are differentiated from the ground floor to create horizontal articulation and reduce the perceived bulk of the building. To create a pedestrian oriented area, the Project will locate retail restaurant uses on the ground floor along Hollywood Boulevard, residential leasing office along Cahuenga Boulevard and Sunset Boulevard Gower Street, and the primary as well as two pedestrian entries for residents on Cahuenga Boulevard and Ivar Avenue, with direct entries with glazing from Sunset Boulevard, Cahuenga Boulevard, and Ivar Avenue entry at the corner of Hollywood and Gower. The project additionally includes streetscape improvements along Cahuenga Boulevard and Sunset Boulevard Hollywood Boulevard, including street trees, landscaping, short-term bike parking, outdoor dining, and a landscaped courtyard adjacent to the Fonda Theatre. creating a more inviting pedestrian environment, further augmented by the ground floor commercial along each street frontage. Finally, the architectural design uses a material palette (i.e., vision glass, tinted glass, blackened steel frame, prefinished aluminum, perforated metal, and architectural concrete) that reflects a modern, unified identity. Additionally, the project focuses the tower towards **Sunset Hollywood** Boulevard, concentrating height and mass along the major boulevard.

Building Orientation/Frontage. The primary frontage of the Project is oriented toward the major street, Sunset Boulevard, with frontages along Ivar Avenue and Cahuenga Boulevard responding to their respective character. Specifically, the entrances to the retail are located along each street frontage, with entrances to all commercial spaces along Sunset Boulevard. Access along Ivar Avenue and Cahuenga Boulevard are located to the north of the site, closest to Sunset Boulevard. The project residential access is located primarily at Cahuenga Boulevard midblock, with a residential lobby, mail room, and elevators. Ivar Avenue also facilitates circulation and residential access with midblock access. Finally, as mentioned before, the project has oriented its tower with a north-south direction to maintain view corridors of the Hollywood Hills, maintaining the unique pedestrian experience in Hollywood.

Setbacks. The Project will provide the required setbacks per the LAMC. The project is not required to provide setbacks for the ground floor commercial element of the project pursuant to the C4 Zone. Pursuant to the C4 Zone, the project is required to provide setbacks pursuant to the R4 Zone for the project's residential uses, which begin at the top of the parking podium. At this level, a 16-foot side yard setback is provided to the west, and a 20-foot rear yard is provided to the south. No yards are required along Hollywood Boulevard or Gower Street for the mixed-use project, pursuant to LAMC Section 12.22 A.18(c)(3). The project provides a five-foot front yard setback, five-foot side yard setback, and 15 foot rear yard setback at the podium level, setting back the lowest residential story of the residential tower from the property lines. The setbacks will contribute toward activating the pedestrian realm by providing space for pedestrian circulation and landscaping. Therefore, the Project will enhance the streetscape around the Project Site.

Off-Street Parking and Driveways. Parking for commercial and residential uses will be provided in two subterranean levels and ~~five~~ **three above-grade** podium levels. ~~The project proposes nominal ground floor parking, and is providing a circulation program which encourages passenger loading and drop-off within the podium. The ground floor includes a loading area interior to the building, as well as a through driveway with access to the Fonda Theater, and up and down ramps to access additional parking. The proposed project includes 323~~ **up to 317** new parking spaces, ~~meeting~~ **exceeding** the code requirement. Vehicular access will be ~~through~~ **from** Gower Street **utilizing** only **one driveway**, minimizing curb cuts on the project site. ~~The vehicular driveways are the minimum width required to be as efficient as possible and all driveways will be at a sufficient distance from adjacent intersections to not interfere with driver and pedestrian visibility and safety in accordance with LADOT standards and approvals.~~

LADOT Letter. The Caltrans Letter was provided in error as Exhibit D in place of the intended LADOT approval letter for the Project. As a result, the LADOT approval letter is herein attached for your review.

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

Century City Office
1801 Century Park East, Suite 2400
Los Angeles, CA 90067

April 30, 2019

VIA EMAIL (cpc@lacity.org; apcwestla@lacity.org)

City Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Re: **DIR-2017-81-TOC-SPR/ENV-2017-82-CE**
10400-10422 West Santa Monica Boulevard

Honorable Commissioners:

The purpose of this correspondence is to inform you that our law firm no longer represents Appellants, Century Glen Homeowners Association.

Very truly yours,

LUNA & GLUSHON
A Professional Corporation



ROBERT L. GLUSHON

cc: Hagu Solomon-Cary, Planning Deputy to Councilmember Paul Koretz
Neill E. Brower
Kristina Kropp

STRUMWASSER & WOOCHELLP

ATTORNEYS AT LAW

10940 WILSHIRE BOULEVARD, SUITE 2000
LOS ANGELES, CALIFORNIA 90024

FREDRIC D. WOOCHELL
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ANDREA SHERIDAN ORDIN
SENIOR COUNSEL

† Also admitted to practice in New York and Massachusetts

April 29, 2019

Via email

City Planning Commission
Los Angeles City Hall
200 North Spring Street, Room 340
Los Angeles, California 90012

Lilian Rubio
City Planning Associate
200 North Spring Street, Room 763
Los Angeles, California 90012

Re: DIR-2017-81-TOC-SPR-1A, 10400-10422 W. Santa Monica Blvd.

To the City Planning Commission and City Planning Department:

Fix the City, Inc., today learned that the City Planning Commission will hold a hearing on an appeal by the Century Glen Homeowners Association on the above-listed entitlements, on May 9, 2019. Fix the City requests that this hearing be continued, and that Fix the City be provided an opportunity to file its own appeal of the decision to approve the project.

On December 3, 2018, Fix the City sent a letter commenting on the proposal at 10400 Santa Monica Boulevard to Rudolf Kinar Melikoff of the Department of City Planning and Hagu Solomon-Cary of Council District 5. A copy of that letter is attached for your reference. This letter clearly establishes that Fix the City was an "Interested Party" with respect to this particular project.

In spite of this letter, no notice was provided to Fix the City of the May 9 hearing. Even worse, Fix the City was not notified of the initial decision of the Director that is the subject of the May 9 appeal hearing.

Fix the City is an "Interested Party" and, had it been informed of the Director's decision, would have filed an appeal. There was no public notice of this decision or specific notice to Fix the City. Fix the City therefore requests that the appeal hearing be continued. Additionally, Fix the City requests the opportunity to appeal the determination of the Director.

Please contact me at 310-576-1233 to discuss the attached.

Yours truly,



Beverly Grossman Palmer

Cc: Hagu Solomon-Cary
Joan Pelico

Department of City Planning
RUDOLF KINAR MELIKOFF
6262 Van Nuys Boulevard, Ste. 200
Van Nuys, CA 91401
rudolf.kinar-melikoff@lacity.org

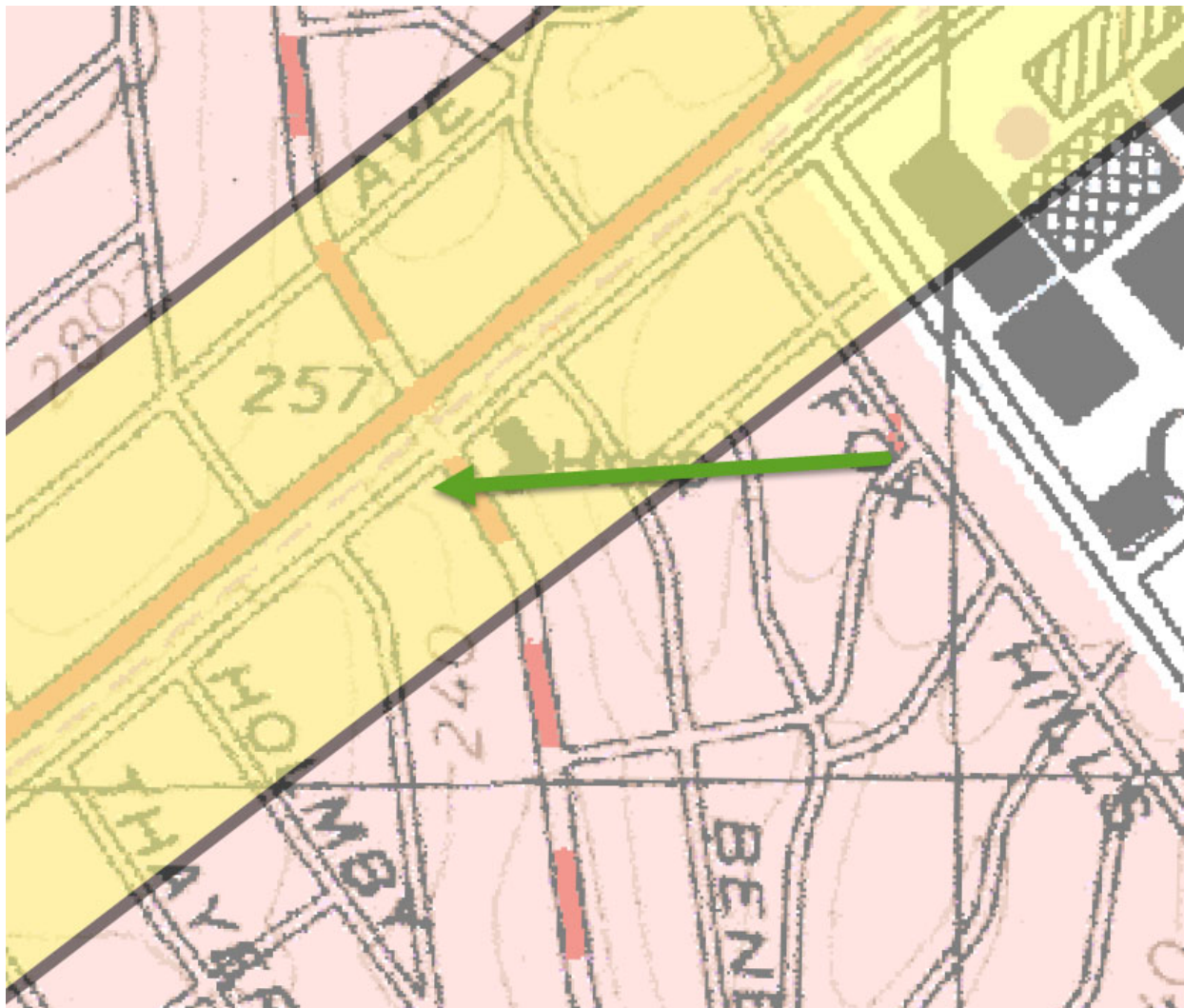
Council District 5
Hagu Solomon-Cary
6380 Wilshire Blvd, Los Angeles, CA 90048
hagu.solomon-cary@lacity.org

December 3, 2018

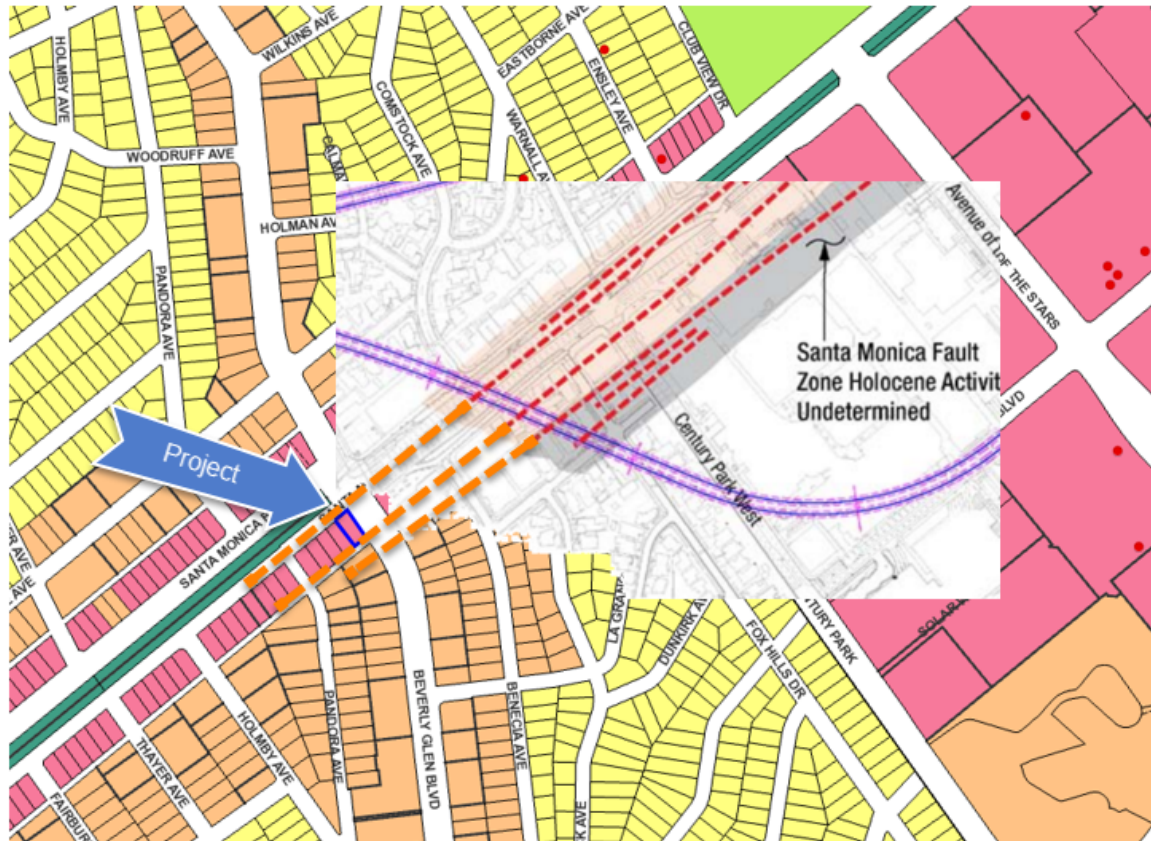
Re: Application / Permit 17010-20000-05001 Plan Check / Job No. B17VN19537 /10400 W SANTA MONICA BLVD 90025

Please be aware that the above-mentioned project not only exists entirely within an Alquist Priolo zone, but also that the Metro Century City Area Fault Investigation Report dated November 30, 2011) found fault traces east of the project site on a trajectory that would intersect with the project site. Those trajectories are shown in the second image below.

Alquist Priolo Map



Overlaid Onto Zimas Map



Per LADBS “Surface Fault Rupture Hazard Investigations” bulletin P/BC 2017-129:

“Where exploration does not extend 50 feet beyond a property line within a fault investigation zone, an active trace at the property line must be considered present and require a setback.”

In this case, there is a reasonable likelihood, if not a strong likelihood, that there are active fault traces within the 50-foot exclusion zone as well as under the property.

Further, per <https://www.conservation.ca.gov/cgs/Pages/Earthquakes/disclose.aspx>:

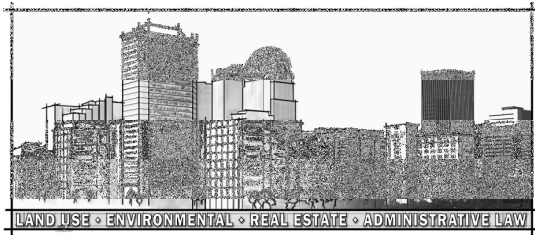
“Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet).”

Compliance with state and local law is required for the project listed above.

We can be contacted at: Info@FixTheCity.Org.

Sincerely,

Fix The City



TIMOTHY D. MARTIN, ESQ.
LAW OFFICES OF TIMOTHY D. MARTIN
1151 S. Bedford St.
Los Angeles, CA 90035
(310) 734-7443 office
(310) 849-2904 cell
tim@tdmlawfirm.com

May 3, 2019

Via Email (cpc@lacity.org; apcwestla@lacity.org)

City Planning Commission
200 N. Spring St., Room 272
Los Angeles, CA 90012

Re: DIR-2017-81-TOC-SPR/ENV-2017-82-CE
10400-10422 West Santa Monica Boulevard

My office represents Century Glen Homeowners Association (“Century Glen”), the appellant in the above-referenced case. I understand that the City Planning Commission will be adjudicating Century Glen’s appeal of the January 17, 2019 Director’s Determination approving a 120-unit housing development project at 10400-10422 West Santa Monica Boulevard (the “Project”) at the Commission’s May 9, 2019 public hearing. This letter is intended to supplement Century Glen’s previously submitted appeal documents, including a letter dated April 29, 2019, submitted on behalf of Century Glen by the law firm of Luna & Glushon (collectively, the “Appeals Package”).

I have reviewed the Appeals Package, and find the legal and factual arguments contained within to be compelling. In particular, the Appeals Package clearly explains that the City’s designation of the Project as being categorically exempt from environmental review under the California Environmental Quality Act (“CEQA”) is erroneous, as the Project does not qualify for a Class 32 Exemption given that it is not in substantial conformance with the purposes, intent and provisions of the City’s General Plan or the West Los Angeles Community Plan. Further, CEQA prohibits use of a (i.e., any) categorical exemption when “there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” (CEQA Guidelines §15300.2(c)). Here, since the Project is not in substantial conformance with the General Plan and the West LA Community Plan, the Project will have a significant land use/planning environmental effect and, accordingly, a categorical exemption is not appropriate.¹

Additionally, the City’s use of a CEQA categorical exemption is inappropriate because the

¹ Also, since the Project is located within a Preliminary Fault Rupture Study Area a reasonable possibility of a significant geological/soils effect clearly exists. Accordingly, a categorical exemption is not appropriate given the existence of this “unusual circumstance.”

Project's cumulative impacts must be assessed, given that it constitutes one of a succession of planned large, multi-unit housing developments in the same neighborhood over the next couple of years. (see CEQA Guidelines §15300.2(b)). Century Glen is currently aware of at least two other large multi-unit housing developments in the same neighborhood that are seeking entitlements from the City. (See enclosed map depicting the locations of these project – Exhibit “A”):

- 10306-10330 W. Santa Monica Boulevard (DIR 20185480 – TOC): Proposed 7 story, 116-unit housing development over 100,000 sq. feet, with limited parking and more than 3x Code allowed density.
- 1814-1820 S. Fox Hills Drive: Details of this multi-unit housing project are not known at this time. The current structures are vacant, fenced and slated for demolition. The size of the parcel suggests that this project will be in the 40-60 unit range, depending on number of stories, size of units and other factors.

Individually and cumulatively, these three large, multi-housing projects will be built in succession and will operate in close proximity to each other over a limited period of time – totaling close to 300 new units - will foreseeably have significant environmental impacts. Such impacts include:

- Incompatibility with the West Los Angeles Community Plan due to the height, scale and massing of the proposed structures. These oversized structures will not be compatible with the existing neighborhood and will overwhelm neighboring properties;
- Increased traffic burden to both main thoroughfares (Santa Monica Blvd., Beverly Glen Blvd.) as well as to neighborhood side streets. Even under current conditions, vehicles are continually seen by Century Glen members performing illegal maneuvers to circumvent traffic restrictions in the neighborhood (e.g., running stop signs, illegal U-turns, illegal lefts, illegal merges onto Santa Monica Blvd.). As the traffic flow increases, and streets are blocked due to construction, etc., these problems will only increase;
- Increase traffic/pedestrian safety risks due to increase in traffic, and particularly due to highly questionable placement of the Project's vehicular ingress/egress directly on Beverly Glen immediately south of the busy intersection with Santa Monica Blvd.
- Increased burden on already limited opportunities for street parking, due to unrealistically low onsite vehicular parking requirements;
- Several years of continuous construction activities in the same neighborhood – starting at or before 8am and going until 6pm, six days per week - leading to significant increases in noise, vibration, fugitive dust and other foreseeable negative effects from large-scale construction work;
- Several years of markedly increased truck traffic going to/from construction sites. Given what is already a complicated/difficult traffic environment at and around the Santa Monica/Beverly Glen intersection, the additional truck traffic combined with full or partial street closures and other dislocations will significantly exacerbate an already extremely difficult and dangerous situation;

The above list of foreseeable environmental impacts is not intended to be comprehensive, but rather is intended to illustrate that the multiple projects will foreseeably create significant environmental impact. Accordingly, there is more than a fair argument that the City's decision to exempt the Project from CEQA constitutes prejudicial abuse of discretion, as it directly violates CEQA's mandate to assess cumulative impacts of multiple, successive projects of a similar type in the same area, so as to give City decision makers and general public an opportunity to evaluate the full impacts of these projects on the environment. As a matter of law, the City must require the Project applicant, as well as the applicants of these other projects, to perform a thorough environmental review of the project's impacts, both individually and cumulatively, prior to granting the requested entitlements allowing the Project to proceed.

Thank you for your careful attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim D. Martin". The signature is fluid and cursive, with the first name "Tim" and last name "Martin" clearly distinguishable.

TIMOTHY D. MARTIN, ESQ. for
LAW OFFICES OF TIMOTHY D. MARTIN

TDM:bl

Attachment

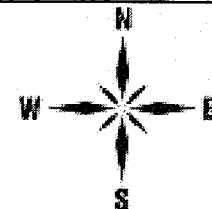
cc: Stacy Antler, Century Glen, HOA (via email)
Lilian Rubio, Planning Dept. (via email)
Hagu Solomon-Cary (via email)



The Project
10400-10422 W. Santa Monica

10306-10330
W. Santa Monica

1814-1820
S. Fox Hills Dr.



The Alquist-Priolo Act is a critical public safety state law that requires local governments to prohibit development over traces of active surface faults. The Project site is located in a mapped surface fault hazard zone, yet the City did not require the applicant to conduct any off-site investigation to determine whether fault traces are within fifty feet of the site. Without such a study, the law requires that development be set back 50-feet from the property line. The City not only accepted a substandard report which did not preclude active traces under the project site, not only ignored the requirement for offsite exploration, but also then replaced the preclusion requirement with a less strict provision by allowing use of a reinforced foundation; this is not authorized by state law.

The Alquist-Priolo Act states: "The approval of a project by a city or county **shall** be in accordance with policies and criteria established by the State Mining and Geology Board and the findings of the State Geologist."

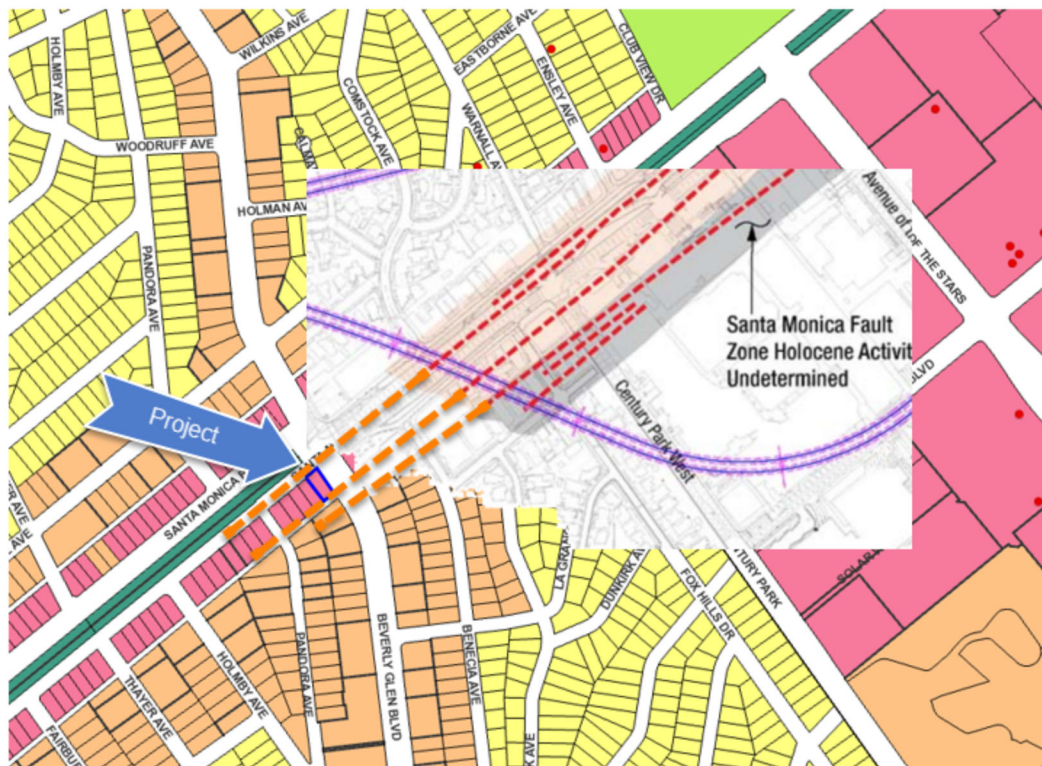
Sec 3603 states "The following specific criteria **shall apply** within earthquake fault zones and **shall be used** by affected lead agencies in complying with the provisions of the Act...":

(a) No structure for human occupancy, identified as a project under Section 2621.6 of the Act, shall be permitted to be placed across the trace of an active fault. **Furthermore, as the area within fifty (50) feet of such active faults shall be presumed to be underlain by active branches of that fault unless proven otherwise by an appropriate geologic investigation and report prepared as specified in Section 3603(d) of this subchapter, no such structures shall be permitted in this area"**

To be clear, the Public Resources Code Section 2698 explicitly states that cities can only impose *stricter*, but not weaker, standards than the state. By allowing a reinforced foundation zone rather than preclusion via a building setback, the City permitted the use of a *weaker* standard than required by Alquist-Priolo and the State Board regulations, thereby exceeding its discretion. The State Board's regulation makes clear that, "within earthquake fault zones delineated on maps officially issued by the State Geologist," (Cal. Code Regs., tit. 14, § 3600), as is the case for the project site, "the area within fifty (50) feet of such active faults **shall be presumed to be underlain by active branches of that fault unless proven otherwise** by an appropriate geologic investigation and report . . . [and] **no such structures shall be permitted in this area,**" (*id.*, § 3603, subd. (a).) In this case, there was no appropriate geologic investigation and report off-site to the north, south, east or west of the Project. (or even at the property line in any meaningful way)

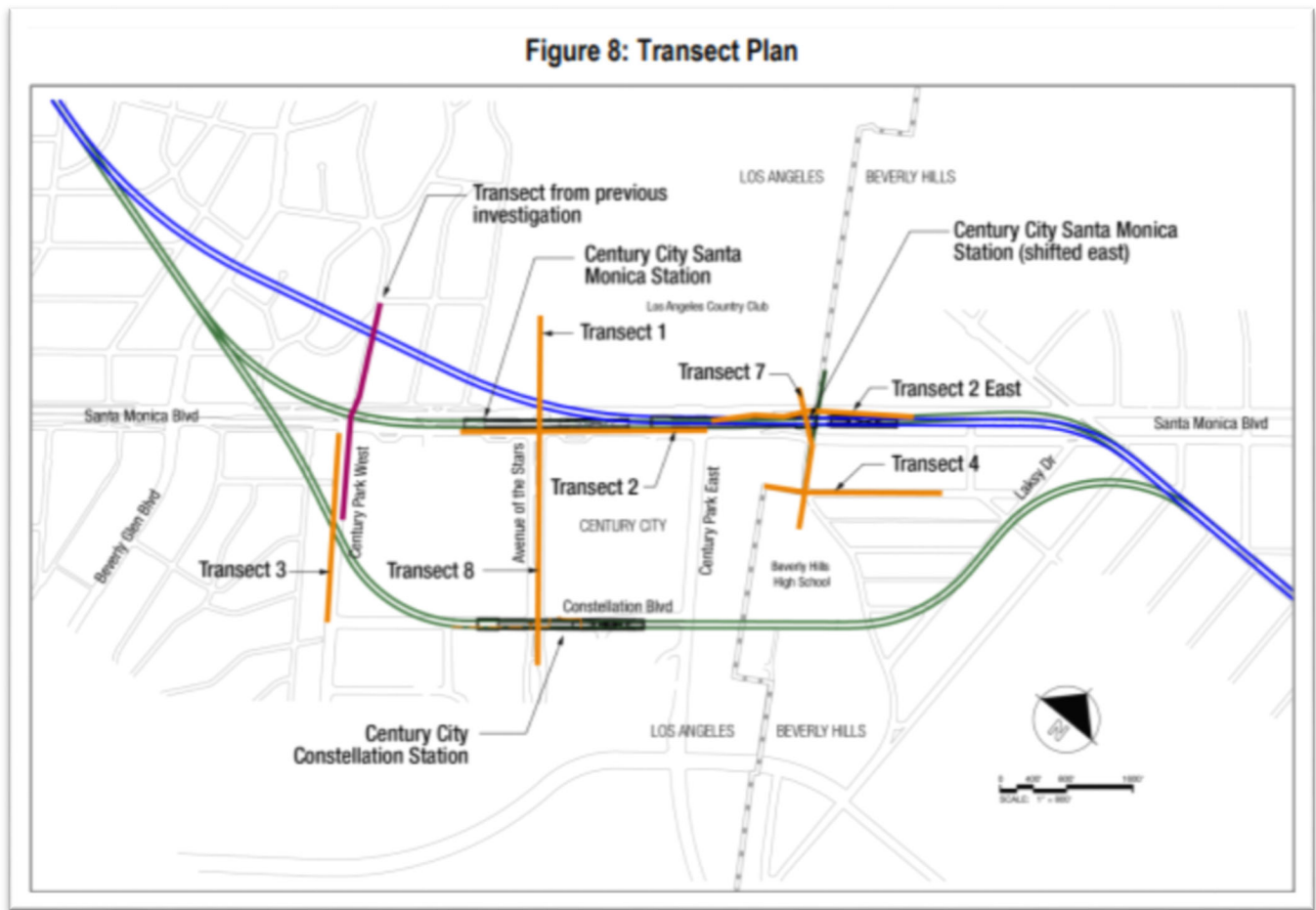
Metro Study

Fault traces mapped by Metro are consistent with fault traces passing below, across and immediately outside of the boundaries of the project site. (Orange dotted lines manually added to extend findings of the Metro study) (Full study at http://media.metro.net/projects_studies/westside/images/fault_report.pdf included by reference) State Report FER-259 included by reference (http://gmw.conservation.ca.gov/SHP/EZRIM/Reports/FER/259/FER_259_Report_20180111.pdf)



The Metro report stated "The Santa Monica fault zone is clearly identified in the northern portions of Transects 1/8 and 3. The major fault traces identified in the transects, when plotted on the fault map, Plate 3 and Figure 9, extend northeast from Transect 3 to Transect 1/8. Figure 9 presents the fault zones without the detailed transect data. At Transect 3 the northern major fault traces are in Santa Monica Boulevard and are coincident and slightly south of the geomorphic scarp. At Transect 1/8, the major traces splay, crossing through the originally proposed Santa Monica

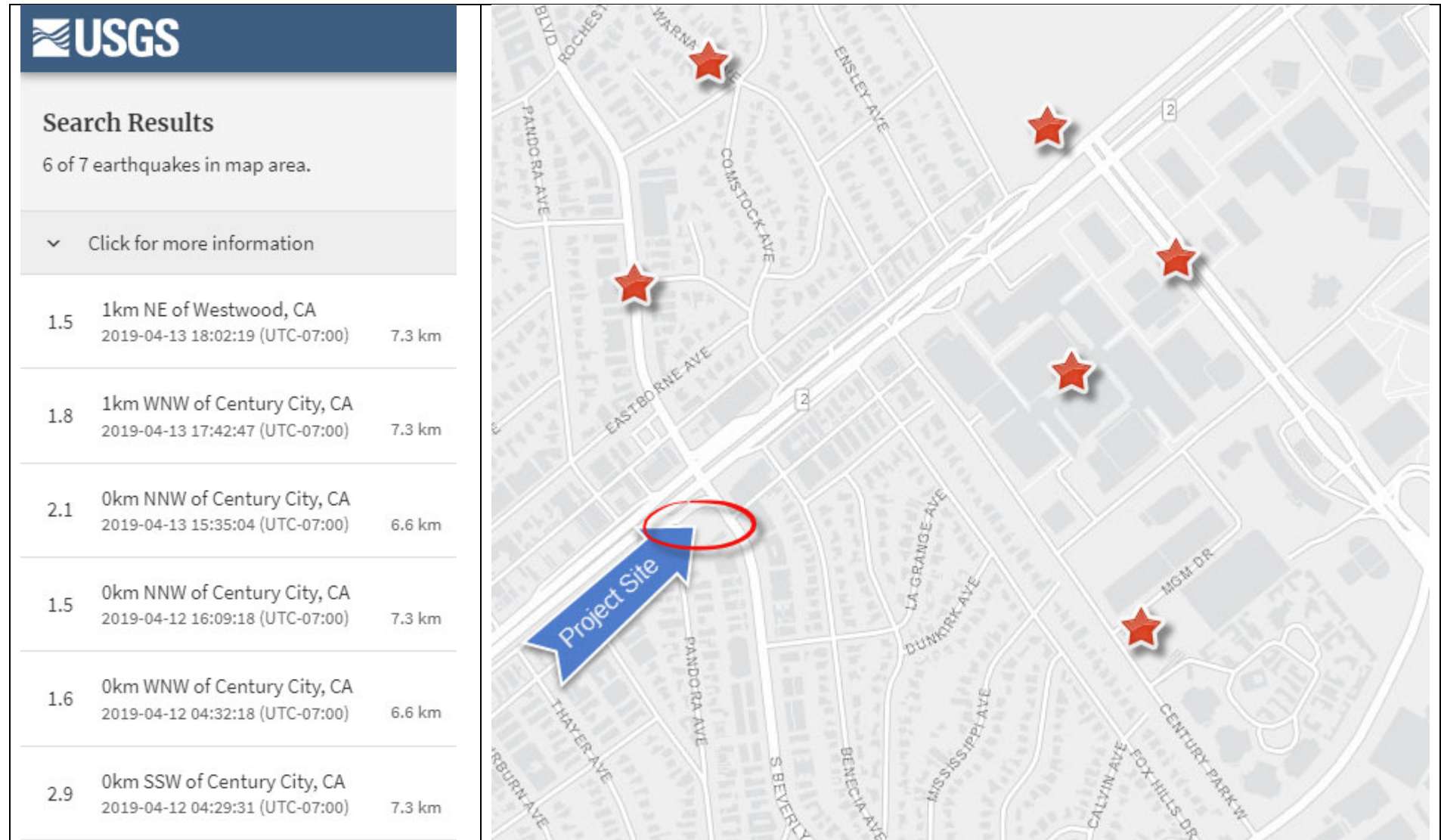
Boulevard (west) station location and subparallel the geomorphic scarp. The locations of these traces are projected between Transects 3 and 1/8 as shown on Plate 3. The fault zone identified on the west end of Transect 2/2E corresponds to that of Transect 1/8. These results demonstrate that this area lies above the tip of the hanging wall of the north-dipping main thrust strand of the active Santa Monica fault zone. Such hanging-wall tip locations have been shown to experience extreme ground motions in some reverse-fault earthquakes (e.g., Allen et al., 1999). "



"Major northeast-southwest trending faults have been identified on Transects 1/8 and 3 south of Santa Monica Boulevard. There is significant apparent vertical offset of formation contacts and alluvial fan/estuarine units across these fault traces, although with an apparent opposite sense of movement from the current direction of slip along this fault zone (Plates 4 and 6). Although these more southerly strands of the Santa Monica fault system trend subparallel to the active fault traces identified to the north, they do not have geomorphic expression (Plates 2 and 3). Where the active traces diverge to the northeast at Transect 1/8, these faults continue eastward parallel to and south of Santa Monica Boulevard. The strata faulted by these southerly strands are mid- to late-Quaternary. They are at least 100,000 years old and are probably on the order of several hundred thousand years old. Holocene sediments have not been identified in the borehole cores of Transects 1/8 and 3, so it has not been possible to preclude that these fault traces are Holocene active. Therefore, the potential fault zone related to these major fault traces is delineated on Plate 3 as "Holocene fault activity undetermined"

This Area of the Fault is Recently Active

Recent earthquakes prove the area is seismically active in the immediate vicinity of the Project, including both to the north and south of the project site. Per the USGS, the following earthquakes occurred less than 1500 feet from the property and less than one month ago.



Completed Geologic Testing does not Support Approval and Instead Proves a Setback is Required

Per the January 17, 2017 study by AES for the Applicant, it is admitted that “exploration has not extended 50 feet north and south of the project area” and that “Borings were advanced within the confines of the private property.”

The AES report went on to state:

“Because of space constraints, our fault investigation did not extend 50 feet north of the northern property boundary and 50 feet south of the southern property boundary, as is requested by the city and CGS for fault investigations in general. Beyond the northern boundary of the subject site, the “local access” south Santa Monica Boulevard is roughly thirty feet wide and drilling in the alley was complicated by the presence of several utilities, including gas and sewer. Moreover, the alley south of the site is only 20’ wide, making drilling 50 feet directly south of the site impossible. Due to these practical limitations of conducting the fault study offsite, our exploration was confined to the subject property limits. Since we were not able to distinguish or refute the existing evidence of faulting within 50 feet of the property boundaries, as is required by the city, we must recognize the possibility of the existence of the fault or fault splay within less than 50 feet of either property boundary, or just beyond the explored areas.”

Per LADBS “Surface Fault Rupture Hazard Investigations” bulletin P/BC 2017-129 which is consistent with State Law:

“Where exploration does not extend 50 feet beyond a property line within a fault investigation zone, an active trace at the property line must be considered present and require a setback. Data from adjacent or nearby sites can be used to possibly reduce a property line setback.”

In this case, no such data was provided, and a full setback is required. To the contrary, the applicant’s report stated explicitly that it was “not able to distinguish or refute the existing evidence of faulting within 50 feet of the property boundaries.”

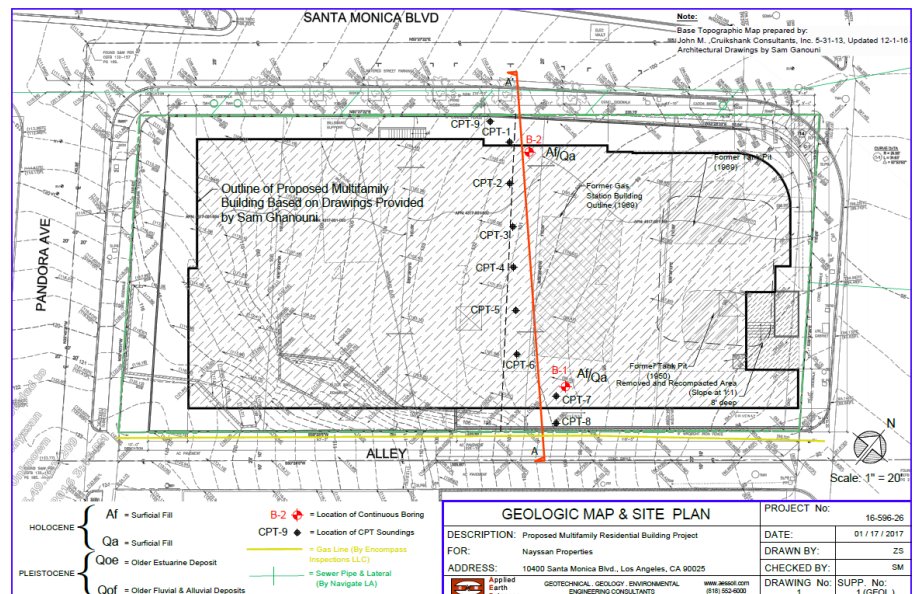
Compliance with state and local law is required for the project. JJJ, TOC nor wishful thinking can change the requirements of state law.

The AES Study

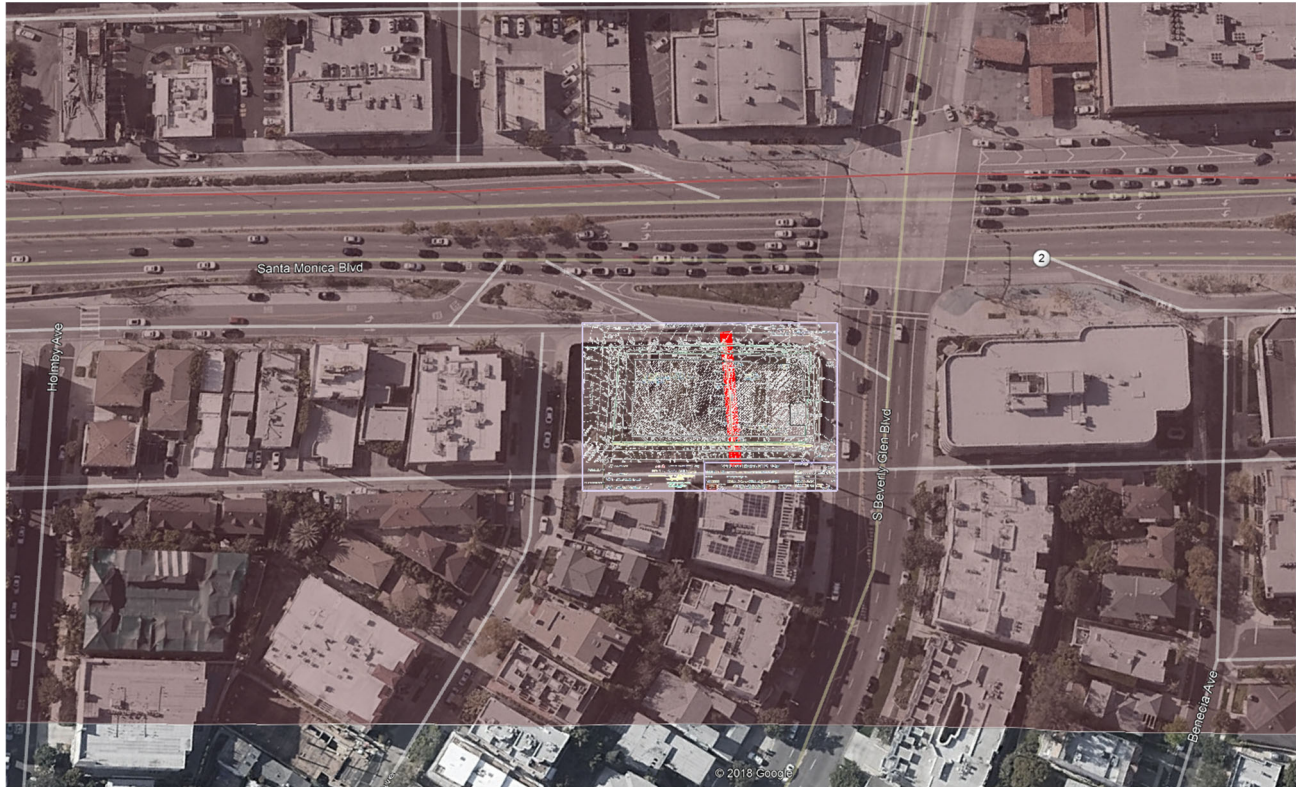
The AES study was not only entirely lacking any proof of the absence of offsite fault traces within 50’ of the site, but indeed did not thoroughly test the project site. A close-up of the study is shown here:

It can clearly be seen that testing occurred only at the property line midway on a transect through the property along a north/south axis. No testing was completed at the eastern or western boundaries of the property.

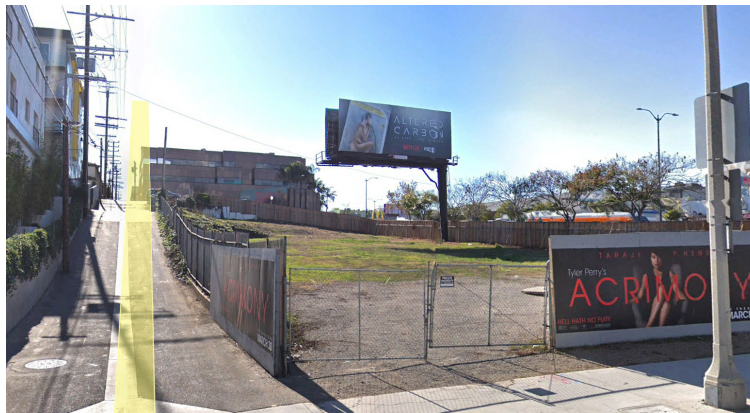
The study not only confirmed and admitted the lack of offsite testing, but also confirmed that the existence of a fault trace within 50’ was likely.



Overlaying the study onto the Alquist-Priolo map, it can be seen that fault traces that transect the property at a diagonal east or west of the single test transect could and would be entirely missed.



In fact, the project site is at the beginning of a substantial and material increase in elevation that continues until the LDS church which the AES study describes as follows: “The large grass lawn in the front yard of the LDS Church at 10777 Santa Monica Boulevard, five blocks (~2400 feet) west of the subject site, is considered by geologic workers (most recently Dolan et al., 1998, 2000 and Kenney, 2015) to be the location of the most prominent and visible fault scarp of the Santa Monica fault zone in this area.” Shown below is a street-view of the site. The increase in elevation of the site and in general (via the alley) can be seen. (as can corner-lot advertising that the applicant continues to utilize despite numerous hearing losses)



For each of the above reasons, absent compliance with state law, the project cannot be approved. Further, the existence of an active fault system qualifies as unusual for the purposes of a Categorical Exemption.

Sincerely,

Michael Eveloff

IMPLEMENTATION OF THE ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING ACT - CHAPTER 7.5, DIVISION 2 OF THE CALIFORNIA PUBLIC RESOURCES CODE

A. PURPOSE

It is the purpose of this bulletin to recognize the "Earthquake Fault Zones" which have been developed by the State Geologist in accordance with instructions incorporated into the Alquist-Priolo Act of 1972 and to set forth requirements for projects located within such zones.

2. PROJECT APPROVAL SPECIFIC CRITERIA

1. Applications for all new subdivisions, parcel maps, grading projects, and structures intended for human occupancy which are proposed to be located within "Earthquake Fault Zones" shall be accompanied by a geologic-seismic report which is directed to the problem of potential surface fault rupture through the site. The report shall be prepared and signed by an engineering geologist who is registered by the State of California.
2. No structure for human occupancy shall be permitted to be placed on or across an inferred fault trace. Furthermore, the area within 50 feet of the inferred fault trace shall be assumed to be underlain by active branches of that fault unless and until proven otherwise by a geologic-seismic report.
3. The geologic-seismic report which is submitted to the Department shall be based upon sufficient geologic data to determine the location or nonexistence of the active fault trace on the site. The guidelines and format for complete fault investigations suggested in California Division of Mines and Geology Special Publication 42, and Notes 37, 43 and 49 are available through State Offices and are acceptable as minimum requirements by the Department. Three copies of the report shall be submitted to the Department with the appropriate filing fee.
4. Upon approval of the report, the Department will transmit one copy of the report to the State Geologist in Sacramento for review and open file inspection.

C. PROJECT EXEMPTION

The following are projects exempted from the "Earthquake Fault Zones" requirements:

1. Single-family wood-frame dwellings no closer than 50 feet to the inferred fault trace.
2. Structures not to be used for human occupancy and presenting no substantial life hazard.
3. Alterations or additions not exceeding 50 percent of the existing floor area or 50% of the replacement value of the existing structure.
4. Swimming pools, decorative walls, fences and minor work of a similar nature.
5. Conversion of an existing apartment building into a condominium.
6. A mobilehome whose body width does not exceed eight feet.

D. USES AND LIMITATIONS OF "EARTHQUAKE FAULT ZONE" MAPS

The "Earthquake Fault Zones" maps have been compiled by the State Geologist to include the known potentially hazardous fault traces within the City of Los Angeles. These official maps should be used with the understanding that the active faults shown on the maps are mainly to justify the locations of study zone boundaries and the fault traces shown are not adequately located to substitute for the requirements of the "Fault Zoning Act".

E. GEOLOGIC-SEISMIC REPORT WAIVER

If the Department determines that sufficient geologic-seismic information is on file to indicate that no undue hazard of faulting exists on a site, the requirement for geologic--seismic report may be waived, with approval of the State Geologist.

SURFACE FAULT RUPTURE HAZARD INVESTIGATIONS

This information bulletin provides a general guideline for conducting surface fault rupture hazard investigations (fault investigation) within the City of Los Angeles. Fault investigation reports submitted to the Los Angeles Department of Building and Safety (LADBS) shall be based upon sufficient geologic data to determine the location or nonexistence of active fault trace(s) on the site. In addition to this Information Bulletin, geologists conducting fault investigations should use California Geological Survey (CGS) [Special Publication 42](#) and [Note 49](#), which provide detailed guidelines and suggested format for fault investigations.

I. AREAS REQUIRING FAULT INVESTIGATIONS

Fault investigations are required by the City of Los Angeles for projects located within an official or preliminary Aquist-Priolo Earthquake Fault Zone (APEFZ); and/or within a City of Los Angeles Preliminary Fault Rupture Study Areas (PFRSA). The PFRSA's have been established along faults considered active within the City boundaries that the CGS has not yet zoned; including the Palos Verdes, and Santa Monica. The City's previous PFRSA for the east Hollywood/West Raymond fault has been superseded by the CGS's preliminary revised APEFZ for the Los Angeles Quadrangle issued December 15, 2016. An official APEFZ for this area is expected in March of 2017. See [NavigateLA](#) for the locations of the City PFRSA's. Projects exempted from fault investigations are discussed in [P/BC 2017-44](#).

II. GENERAL REQUIREMENTS

Fault investigations must be conducted by a licensed California Certified Engineering Geologist or Professional Geologist who is experienced with fault investigations, at the discretion of the Grading Division of LADBS.

A. Research

A licensed professional shall conduct research as outlined below.

1. Review published literature and maps regarding regional geology, faults, and other pertinent information.
2. Search City and State records for fault investigation reports for properties in the site vicinity. The geotechnical reports may also provide useful information, including geologic units and groundwater levels.
3. View stereographic aerial photographs and/or old U.S. Geological Survey maps to evaluate geomorphic features, soil or vegetation contrasts, or lineaments suggestive of faulting.
4. Evaluate site-specific maps and plans to assess appropriate scope of the field investigation. A site visit is highly recommended prior to planning the field work.

B. Field Investigation

An important goal of a fault investigation is to directly observe continuous strata of late Pleistocene age to rule out State defined active faults (see [Special Publication 42](#) for further information on definitions, etc.). Direct observation by exploratory trenching is the best method of investigation. However, consultants are encouraged to discuss the proposed scope of work with the Grading Division reviewing geologist prior to conducting the field work. The reviewing geologist shall be invited to observe open trenches.

The following is an outline of various exploratory methods, associated requirements and suggested considerations:

1. **Trenches:** As stated above, trenches are the preferred method of fault exploration. Trench excavation shall be done in a safe manner. The following is required by the Department:

- a) Consulting firms conducting trench exploration are required to have their annual CalOSHA permit current. Proof of the annual permit and notification to CalOSHA of the specific project shall be on site at all times.
- b) Underground Service Alert must be notified at least 2 days prior to excavation. Consideration should also be given for the use of a private utility locator utilizing electromagnetic utility locating techniques and/or ground penetrating radar to map out the location of known or suspected utilities.
- c) Permits from the Department of Public Works are required for excavations in the public right-of-way.
- d) CalOSHA regulations regarding trench safety shall be followed, with appropriate shoring and/or benching, ladders and/or exit ramps, etc.
- e) Trenches left overnight shall be secured by locked fencing. In some cases it may be appropriate to cover the trenches with steel plates or chain link fencing for an added precaution.
- f) The Department's reviewing geologist shall be invited to observe the trench after they are secured; shored or benched; cleaned; and a string line or grid reference system is in place. A completed field log is preferred but not necessary.
- g) For major projects, invitation to CGS geologists and other paleoseismic experts to view trenches is strongly encouraged.
- h) A grading permit is required to backfill the trench with primary or secondary certified fill. Otherwise, backfill will be considered uncertified.
- i) Spoil piles should be protected from erosion during the rainy season and not encroach neighboring property.
- j) Trenches should not remove lateral support from adjoining property, buildings on or off the site, or public right-of-way.

2. **Logging:** Trench walls must be sufficiently cleaned to expose geologic features and to conduct proper logging. A leveled string line with stationing is usually required. The minimum scale for logging is 1 inch = 5 feet. All geologic features should be logged and described in

FIX THE CITY

May 2, 2019

Via Email: James.Williams@lacity.org

The Hon. Samantha Millman, President, LA City Planning Commission, 200 North Spring Street, Los Angeles, CA 90012

RE: OPPOSITION TO DIR-2017-81-TOC-SPR, ENV-2017-82-CE, AND SPR (10400 SANTA MONICA BLVD.) AND TO TOC GUIDELINES VIOLATING JJJ

Dear Pres. Millman and Commissioners:

Fix The City urges every Commissioner to carefully read Measure JJJ and understand that no substantive changes are permitted unless the voters approve them, and that as discussed below, under JJJ, TOC Incentives are limited to Labor-Standard projects. *FULL STOP.* This Initiative was written and sponsored by construction trade unions with the worthy goal of increasing the wages of Los Angeles workers and increasing the amount of affordable housing. The **pattern and practice** of implementing JJJ (TOC Guidelines) subverts its clear language by permitting non-Labor Standard projects to qualify for TOC incentives. This is further discussed below.

This approval violates: (1) Measure JJJ, (2) the WLA Community Plan, (3) the Alquist-Priolo Act, (4) Site Plan Review, (5) CEQA, (6) General Plan Framework Policy 3.3.2, (7) adversely impacts an historic resource (Historic Route 66), (8) poses safety concerns due to inadequate police and fire response times (a safety standard defined as NFPA 1710 which the city utilizes as its benchmark for adequate fire response and EMS response times), and (9) the placement of the driveway within 150 feet of the intersection of SM Blvd. and Beverly Glen Blvd. poses a significant safety hazard based on LADOT policies and procedures (LADOT, Manual of Policies and Procedures, "Driveway Design", February 2003, p. 3).

Fix the City is an Interested Party by virtue of its written requests to Planning Director Vince Bertoni (February 13, 2019, February 26, 2019) to be notified of TOC Director's Determinations, as well as a letter to LADBS Seismic staff regarding this project site (as well as its neighbors) and requesting seismic testing under the Alquist-Priolo Act. In addition, FTC (Michael Eveloff) exchanged emails with CD5 Planning Deputy Hagu Cary-Solomon, regarding this specific project's seismic hazards. The City failed to timely provide the Director's LOD to FTC and thus FTC was denied its right to appeal. *To this day, the Letter of Determination is not posted on the Planning Department website, nor is the appeal that was filed.* This is a flagrant denial of due process. Such procedural violations are not limited to this project.

TOC GUIDELINES VIOLATE MEASURE JJJ

Briefly, JJJ was a voter initiative to increase affordable housing and require Labor Standard agreements to provide prevailing wages for all TOC projects. However, the City has primarily allowed ineligible non-Labor Standard projects to receive TOC incentives, in violation of JJJ. Evidence of this is found in the Planning Department Quarterly Reports. JJJ did not authorize the Planning Director to approve "Discretionary Incentives" for non-Labor Standard projects. Nor did it authorize "Ministerial Incentives" for Building and Safety to approve for non-Labor Standard projects.

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Behind closed doors the Planning Department circumvented the clear intent of the Initiative to require prevailing wages for affordable housing projects near transit. CPC denied the public due process in its adoption of the TOC Guidelines and in its approval of this project. The Guidelines were not agendized by CPC for a public hearing and were never sent for approval to the City Council, as required by Cal. Govt. Code Sec. 65915.

The TOC Guidelines did not implement JJJ, they sabotaged its basic purpose: prevailing wage jobs for affordable housing projects. The Ballot Summary for JJJ identified three points: (1) locate affordable housing near transit stops; (2) meet training, local hiring, and certain wage requirements; and (3) provide a certain percentage of affordable housing. If the project is not a Labor Standard Project, it is not a JJJ/TOC project and ineligible for TOC incentives. Labor Standard projects are entitled to the “Ministerial” incentives identified in JJJ Sec. 6, LAMC 12.22 A.31(2). Those were the incentives that Planning was to formulate in TOC Guidelines.

In addition, under JJJ Section 5(e), Labor Standard projects that requested a GPA, ZC or HD would qualify for three incentives specified in Cal. Govt. Code Sec. 65925(k). There was no provision in JJJ to award incentives for extra height, yard reduction, open space reduction, etc. Only projects seeking GPA, etc., would qualify for such incentives. But the TOC Guidelines adopted by CPC provide such relief for all affordable housing projects, regardless of whether they are Labor Standard Projects and/or seeking discretionary approvals for GPA, HD, ZC, in clear violation of JJJ.

In the case of 10400 Santa Monica Boulevard, the project site is limited to 45-feet, but was approved for 79-feet. It is not a Labor Standard Project, nor has it requested a GPA, HD, ZC. It therefore does not qualify for any incentives under JJJ.

The TOC Guidelines are substantive changes from JJJ and must be rescinded by the CPC. All prior approvals of non-Labor Standard projects that received TOC incentives must be revoked. Non-Labor Standard projects only qualify for incentives under LAMC 12.22.A.25 (SB 1818) or Cal. Govt. Code Sec. 65915.

This letter addresses specific concerns regarding the adoption of the TOC Guidelines in violation of Measure JJJ, approval of this TOC project, SPR, CEQA and noncompliance with the Alquist-Priolo Act, with the result of a policy and practice of awarding massive additional entitlements to non-Labor Standard Projects using a process that precludes the public from tracking projects in their communities. As with previous challenges, FTC focuses its objections on **public safety**, a right guaranteed by the California Constitution.

FTC, an also an Interested Party regarding Site Plan Review of this project, appeals of the Director’s approval of **Site Plan Review**. FTC, did not receive the requested notice of a SPR determination. Without notice, we were denied the opportunity to file a timely appeal. Again, in the absence of notice, we request that the CPC hearing be postponed, that the appeal period be reopened for both TOC Determination and SPR and that the record be kept open to provide the opportunity to review the case file.

The basis for denial of this project and its CEQA exemption centers on the fact that this and most other TOC projects are not Labor Standard projects, and that this project poses a **specific adverse impact to public health and safety** based on specific standards and regulations, adversely impacts an historic

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resource (Historic Route 66) and is located within the Alquist Priolo Fault Zone Map for the Santa Monica Fault.

JJJ provides incentives for Labor Standard Projects near transit lines getting. The application before you **violates Measure JJJ**, “Affordable Housing and Labor Standards Related to City Planning.” TOC incentives authorized by JJJ are limited to projects requesting GPA, ZC, HD and/or paying prevailing wage, that require public hearings and published notice to the general public.

JJJ did not authorize TOC Tiers or amending the General Plan to include the TOC Map in each Community Plan or add the Tier to each Parcel Profile. Most importantly, it did not authorize incentives or concessions for projects that did not agree to the Labor Standard. The limitation of JJJ TOC Incentives to Labor Standard Projects can be found three times in the Initiative:

1. **“Preparation of TOC Incentive Guidelines.** Within 90 days of enactment of this Ordinance, the Director of Planning shall prepare TOC Affordable Housing Incentive Program Guidelines (“TOC Guidelines”) that provide the eligibility standards, incentives and other necessary components of this TOC Incentive Program described **herein.**” (LAMC 12.22.A.31(b), Emphasis added). In other words, if the incentives were not explicitly addressed in the Initiative, no additional incentives were authorized.
2. **“Eligibility for TOC Incentives.** ...In creating the TOC Guidelines, the Department of City Planning shall identify incentives for projects that adhere to the labor standards required in Section 5 of this Ordinance....” (LAMC 12.22.A.31.(b)(1)). The Guidelines were limited to Section 5 Labor Standard Projects.
3. **JJJ Section 7 Enforcement.** “A joint labor-management committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 USC Section 175a) may bring an action in any court of competent jurisdiction against an employer that fails to pay the prevailing wage to its employees as required by this Ordinance” In addition, any aggrieved person or resident of LA can enforce the Initiative.

Under JJJ, Sec. 5(e) projects seeking HD, GPA or ZC are eligible for additional incentives specified in Cal. Govt. Code Sec. 65915(k) or the applicable Affordable Housing Incentive Program. That would be LAMC 12.22.A.25 (SB 1818), which allows only 11 additional feet. Thus, most TOC projects do not qualify for additional height. Labor Standard projects seeking incentives are eligible for an additional three incentives beyond the “Ministerial” incentives for Labor Standard agreement projects. Instead, the TOC Guidelines grant massive concessions to projects not seeking GPA, HD, ZC or agreeing to Labor Standards, as long as they provide affordable housing. That is not what JJJ authorized.

The pattern and practice developed by the Planning Department to implement JJJ created a secret process in which only abutting neighbors or tenants were informed of decisions **after-the-fact**, by the Planning Director, with just 15 days to appeal, the Guidelines were never approved by the City Council, and the general public would not know that there was an opportunity to appeal a project. The LOD for 10400 SM Bl. was issued Jan. 17, 2019. To this date, five months later, this letter, which triggers the 15-day appeal period, has not been made available to the public by posting it online. The website coyly states no documents available.

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Since the Guidelines state that the Planning Director must base his/her determination on the evidence in the record, and the public never had the opportunity to know a record was open (or closed), there was never an opportunity for objections and substantial evidence to be submitted to the Planning Department for consideration by the Planning Director, whose decision must be based on the evidence in the record. By contrast, JJJ Section 5 contemplated projects requesting discretionary approvals that all require public hearings (GPA, ZC, HD).

Without the basic due process of notice and a public hearing, there is no way to provide substantial evidence in opposition to requests. Approval is a secret *fait accompli*.

- Measure JJJ Section 5.A. “Any non-substantive modifications, including re-numbering, shall not be required to go through any further voter approval process.”
- The delegation to CPC under JJJ, was to “provide the eligibility standards, incentives for projects that adhere to the labor standards required in Section 5 of this Ordinance other necessary component of this TOC Incentive Program described herein.” *Section 5 only addressed labor standard projects. The current TOC Guidelines are an end-run on the clear purpose and language of JJJ.*
- The LOD cites LAMC 12.22.A.25(g)(2)(i)(f) that only abutting property owners and tenants may appeal a Director’s Determination to the CPC. **This clearly violates JJJ’s Section 7**, which states: “Any aggrieved person or resident of the City of Los Angeles shall have the right to maintain an action for equitable relief to restrain any violation of this Ordinance, or City failure to enforce the duties imposed on it by this Ordinance.” An appeal is required in order to achieve standing to litigate the approval.
- The project site is served by **LAFD Station 92**, which has inadequate LAFD service as measured by response time (NFPA 1710). A fuller analysis of this station and local inadequacy of public safety service can be found in the record for the Expo TNP complaint filed by FTC.
- Given inadequate response times for local emergency services,¹ the project is in violation of **General Plan Framework Policy 3.3.2**, a mandatory mitigation policy in the certified EIR for the General Plan Framework. This Policy requires that before any land use intensification can be approved, there must be adequate public services and infrastructure to serve current and future demand. There is no substantial evidence to support such a finding. There is ample evidence that public services, particularly Fire and Police, are inadequate. Response times are shown in the charts below and verified by LAFD Capt. (Ret.) Craig Nielsen (July 3, 2018). The data utilized was from the City’s website (FireStatLA.org).

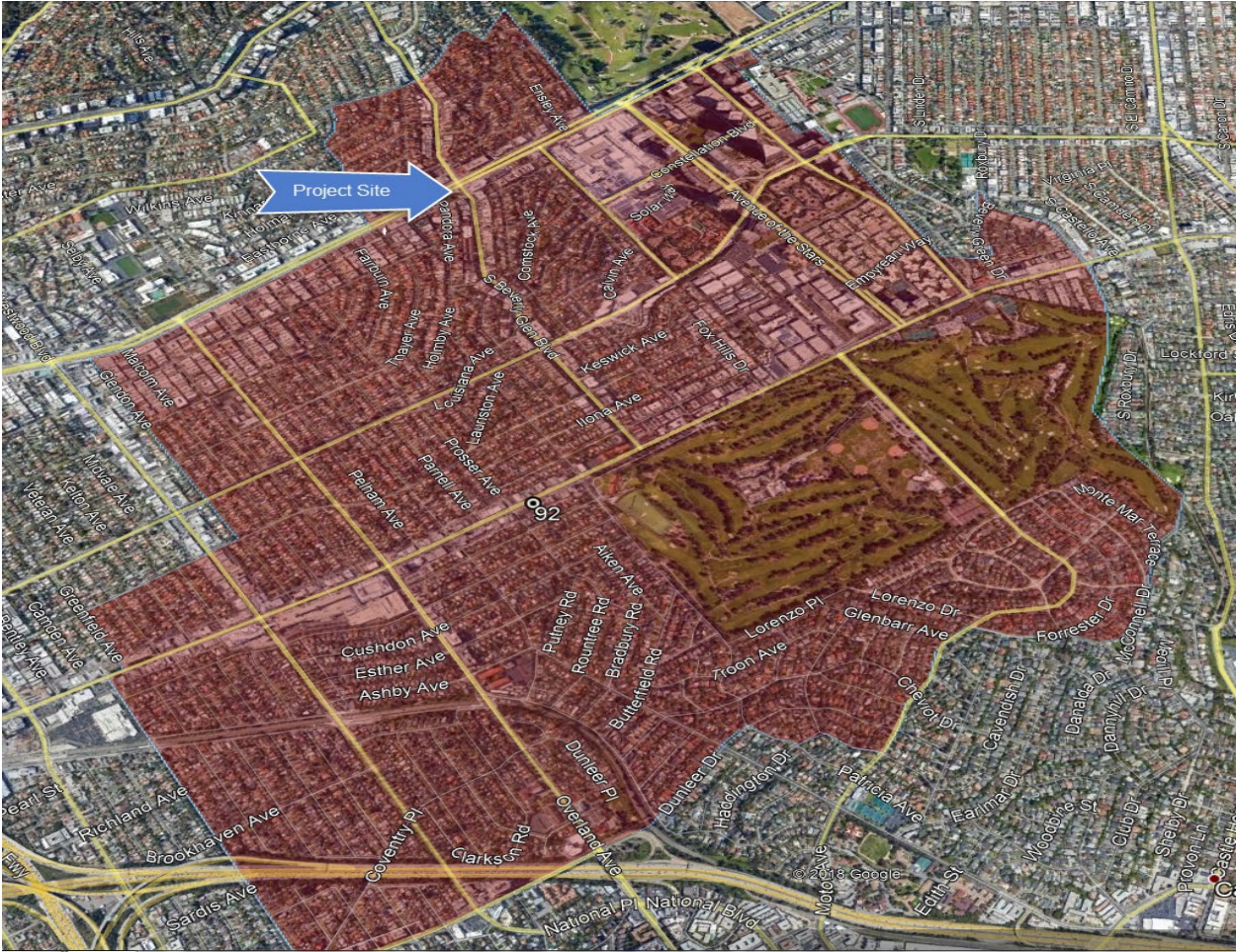
¹ Substantial evidence of inadequate response time for LAFD Station 92, a July 3, 2018, letter from LAFD Capt. II (Ret.) Craig Nielsen, expert on Station 92 in Expo TNP CEQA record. Additional information on response time inadequacy is found in the LA City Third-Party Study, LA City Controller’s Audit (2012), and the LA County Grand Jury (2012).

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LAFD	EMS	2016		Response Time Analysis					Turnout			Travel	
				</									

LAFD	FIRE	2016	Response Time Analysis						Turnout			Travel	

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The project site is at the periphery of the area served by LAFD Station 92.

PROJECT-SPECIFIC ERRORS IN LOD

- The incentives requested are approved, are ultra vires because the project is not a Labor Standard Agreement project (see above discussion).
- A front-yard is required for all multi-family housing. Unlike a commercial building, a multi-family residential project in the C2 zone is required to provide the required front yard unless it is set back on a commercial podium. The statement on LOD p. 20 is false.
- There was no traffic study of impacts on Pandora, nor a local street-segment study.
- The location of the driveway near a busy southbound-turn from SM Blvd. violates regulations for driveways near corners. This turn lane is regulated by a stop sign and would not allow safe egress from the building.
- There is no analysis of the impacts of the project on the alley. Is there a garage ingress or egress from the alley?

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- The project violates Policy 3.3.2 of the General Plan Framework by intensifying land use in the absence of adequate public services (substantial evidence provided in attachments and by reference to the EIR record created by FTC for the EXPO TNP lawsuit.
- As noted above, the site **cannot be adequately served by all required utilities and public services, there is no mandatory Community Plan Finding or substantial evidence to claim that public services are adequate.**

PROJECT DOES NOT QUALIFY FOR CEQA CATEGORICAL EXEMPTION

The project does not qualify for a Categorical Exemption because it is located within a mapped Alquist Priolo Fault Zone as stated in the Parcel Profile (CEQA Sec. 15300.2) located on a city-designated Scenic Highway which is also a Historical Resource, Historic Route 66.

Exception A. Location

Given its location within the **Alquist-Priolo Fault Zone Map**, we request preparation of a full EIR for this project. The Parcel Profile clearly states that the project site is located in the **Alquist-Priolo Fault Zone**. There is no substantial evidence that State-mandated on and off-site seismic studies have been conducted. The State requires seismic investigations. To our knowledge, no such studies were conducted. **It may be that this site is unsafe for human habitation.** Given recent earthquakes in the project vicinity, compliance with state law is critically important.

Exception D. Scenic Highways

Santa Monica Boulevard is classified as a **Scenic Highway by the City of Los Angeles** in its General Plan. Therefore, a Class 32 CE may not be granted.

Exception F. Historical Resources.

Santa Monica Boulevard (SR 2) is Historic Route 66 and a State Highway. SR 2 is eligible to be included in the [State Scenic Highway System](#); ^[8] [Article 2.5 of Chapter 2 of Division 1 of the California Streets & Highways Code](#)". [California Office of Legislative Counsel](#). Retrieved February 6, 2019. (Wikipedia); <https://roadtripusa.com/route-66/california/> . It therefore requires a full EIR because the scale and massing of the project adversely impacts this historic resource. This section of SR2 has official signs indicating that Santa Monica Boulevard is "Historic Route 66." The section of Santa Monica Blvd. has several historic marker signs indicating "Historic Route 66."

The project is **incompatible with neighboring residential properties** on Pandora and Santa Monica Boulevard. Additional height is not permitted to non-Labor Standard Projects under JJJ, and FAR is limited to 1.5:1 in the C2-1VL zone. Additional FAR and yard reductions, open space reductions, are not provided to non-Labor Standard projects under JJJ. Densification needs to maintain light and air to protect livability. The incentives being approved rob neighboring buildings of light and air, as well as the future tenants of this project. Proving the required sideyard (as well as mandatory front yard) is required to make the project compatible and to provide emergency access to both the project site and its neighbors.

FIX THE CITY

The **traffic analysis** failed to provide a map of the area served by LAFD 92 and intersections that have LOS E or F, which would impede response time to the project site. Such a map is required by the City CEQA Guidelines.

MANDATORY WEST LA COMMUNITY PLAN REQUIRED FINDINGS NOT MADE

The project is not in compliance with the Policies of the WLA Community Plan, as claimed on LOD p. 23. *Required findings of adequacy, and supporting substantial evidence,* are not in the record. For example, while CEQA traffic analysis seeks to measure whether impacts are significant, the Community Plan requires findings of adequacy for traffic and public safety and infrastructure. The Community Plan defines adequate traffic flow. In order to approve discretionary increases in the intensity of land use, the Plan also requires analysis of the impact of the project on public services and their adequacy. The environmental analysis fails to provide this information. The Community Plan mandates:

“Policy 1-2.3 Do not increase residential densities beyond those permitted in the Plan unless the necessary infrastructure and transportation systems are available to accommodate the increase.

Program: The decision maker should **adopt a finding** which addresses the availability and adequacy of infrastructure as part of any decision relating to an increase in permitted residential density.” (p. III-4).

“Policy 1-3.2 Proposals for change to planned residential density should consider factors of neighborhood character and identity, compatibility of land uses, impacts on livability, public services and facilities, and traffic levels.

Program: A decision-maker **should not approve a project that exceeds the average density of the existing neighborhood unless findings can be made that the area will not be adversely affected.**” (p. III-4).

“Policies

8-1.1 Consult with the Police Department in the review of development projects and land use changes to determine law enforcement needs and requirements.

Program: Require a decision-maker to **include a finding about the impact on demand for police protection services.** This consultation process is currently in effect for all Plan amendments which must be reviewed by the General Plan Advisory Board.” (p. III-16).”

“GOAL 9

Objective 9-1

PROTECT THE COMMUNITY THROUGH A COMPREHENSIVE FIRE AND LIFE SAFETY PROGRAM.

Ensure that fire facilities and protective services are sufficient for the existing and future population and land use.

Policies

9-1.1 Coordinate with the Fire Department the review of significant development projects and General Plan amendments affecting land use **to determine the impact on service demands.**

Program: **Require** the decision maker to include a **finding on the impact on fire service demands** on a proposed project or Plan Amendment. (p. III-17).” No such findings or substantial evidence is in the record.

Objective 16-2 To ensure that the location, intensity and timing of development is consistent with the provision of adequate transportation infrastructure.

Policies

FIX THE CITY

16-2.1 No increase in density shall be effected [sic] by zone change, plan amendment, subdivision or other discretionary action, unless it is determined that the transportation infrastructure serving the property can accommodate the traffic generated. [LA City CEQA Guidelines define inadequate traffic as LOS E and F.]

Program: Decision makers shall adopt a finding with regards to infrastructure adequacy as part of their action on discretionary approvals resulting in increased density or intensity. (p. III-29).

The Planning Director cherry-picked community plan objectives as found on p. 23 of the LOD, but ignored violations of mandatory policies in the WLA Community Plan, making some elements of the plan superior to others such as public safety. This creates an inconsistency between the elements of the General Plan, Community Plan and the General Plan Framework. Inconsistency is unlawful under state law. This point is clearly made in *Fix the City v. City of Los Angeles*' challenge of the Hollywood Community Plan Update (2012).

FTC incorporates by reference all testimony and documents and emails submitted to the City for this project, for the TOC Guidelines, Seismic Safety, as well as the record submitted to the City regarding inadequate public services in the Expo TNP area. The EXPO TNP is now in litigation. Our testimony challenges the pattern and practice of implementing Measure JJJ for TOC projects throughout the City, including this specific project.

We request that the public hearing scheduled for May 9, 2019 be postponed and the appeal period reopened.

Sincerely,

Laura Lake

Laura Lake, Ph.D.

FIX THE CITY

AHN & Associates, LLC
4924 Balboa Blvd., #518
Encino, CA 91316
Phone: (818) 906-7449

April 30, 2019

Los Angeles City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

Attn:

Samantha Millman, President
Vahid Khorsand, Vice President
David H. Ambroz, Commissioner
Caroline Choe, Commissioner
Karen Mack, Commissioner
Marc Mitchell, Commissioner
Veronica Padilla-Campos, Commissioner
Dana Perlman, Commissioner

Re: 11246 – 11250 W. Otsego Street and 5071 N Klump Avenue / DIR-2018-1257-TOC-1A

Dear Honorable City Planning Commissioners:

We represent the Applicant and Owner of the subject site. On February 22, 2019 an Appeal was filed by Otsego NoHo, LLC for the City of Los Angeles February 11, 2019 Planning Directors Determination Transit Oriented Communitates Affordable Housing Incentive Program Approval Letter.

The subject site is located on the north east corner of Otsego Street and Clump Avenue in North Hollywood. The site consists of two lots, assessor parcel numbers 2353013003 and 23530133004 totaling 17,496 square feet. The proposed project is within the North Hollywood Valley Village Community Plan, with a zone of R4-1VL and a Land Use Designation of High Medium Residential. The site is within the Transit Priority Area, Enterprise Zone and North Hollywood Redevelopment Project area.

The subject site is designated within Ballot Measure JJJ Transit Oriented Community Tier 3. Based on the shortest distance between any point on the lot the site is located within +/- 2,350 feet from the Metro Red Line North Hollywood Rail Station.

The site is located within the Transit Neighborhood Plan for the Orange Line North Hollywood station Case Number CPC-2018-3723-GPA-CDO-BL. The Metro Orange Line (Line 901) is an 18- mile Bus Rapid Transit (BRT) line that operates in the San Fernando Valley Bus service

operates between the Chatsworth Metro Link Station in the Northwest Valley and the North Hollywood Metro Red Line Station, which connects the San Fernando Valley to downtown Los Angeles.

The Transit Neighborhood Plans efforts will develop regulatory tools and strategies for the areas around these stations. These tools and strategies aim to encourage transit ridership, enhance the urban built environment, and focus new growth and housing in proximity to transit and along corridors.

The North Hollywood Station is located at the intersection of Chandler and Lankershim Boulevard, within walking distance from the Subject Site. It is a major transit hub, and the northern terminus of the Metro Red Line that connects the San Fernando Valley with Down Town Los Angeles.

The Applicant is proposing the development and use of a 70 unit multi residential apartment community. In compliance with Ballot Measure JJJ and TOC 10% and or 7 units shall be set aside and dedicated to Extremely Low Income Housing. The parking shall be provided in a two level below grade parking garage with 59 off street parking spaces. The required long term bicycle room is located at the lower level garage and provides 54 bicycle parking spaces and a 100 square foot bike repair room, 16 additional bike parking spaces are located on the upper garage level for a total of 70 long term bike parking. The pedestrian and vehicle entrance is located on the first floor off of Klump Street. The height shall not exceed six stories and or 67 feet in height. The units consist of, 44 studios units with an average size of 580 square feet, one bedroom one bathroom units with an average unit size of 610 square feet and 5 two bedrooms two-bathroom units with an average unit size of 750 square feet.

The community amenities are; a community lounge, community gym, private balconies with verandas and rooftop pool deck.

The project is seeking the listed Tier 3 Base Incentives:

Density: 70% increase of dwelling units. The site is 17,496 square feet with a zone of R4 that allows 1 unit for 400 square feet for an allowed 44 units. The 70% increase, allows a maximum of 75 dwelling units. The project shall not exceed 70 dwelling units.

Floor Area: 50% increase in the Floor Area Ratio ("FAR"). The R4 allows a 3:1 FAR. The TOC provides an additional 50% in Floor Area, for a total allowed 4.5 FAR. The proposed project shall not exceed a 4.5 total FAR.

Parking: The proposed project consists of 44 studios with 1 required parking, 21 one bedrooms with a required 1.5 required parking and 5 two bedrooms with 2 required parking for a base total of 86 parking spaces.

The bicycle ordinance grants relief for 10% of the parking spaces for a total 78 required parking spaces. Tier 1-3, automobile parking for all residential units in an eligible housing development is required to provide for all residential units parking that shall not exceed 0.5 spaces per bedroom.

44 studios = 22 spaces 21 1 Bedrooms = 11 spaces 5 two bedrooms = 2 spaces Total required parking: 35 spaces Total provided parking: 59 spaces

Additional Incentives. In addition to the Base Incentives, the site is eligible to be granted Additional incentives pursuant to LAMC 12.22.A.25 (g)(2).

Yard Setbacks: Tier 3 allows a 30% decrease in the width of depth of two individual yards or setbacks. The required front yard setback (east) is 15 feet, the provided setback is 12 feet. The required south side yard setback is 9 feet, the provided setback is 6 feet 4 inches.

Open Space: The required opens space is 100 square feet for each studio and one-bedroom apartment units for a required 6,500 sf and 125 square feet for each two-bedroom apartment unit for a required 625 square feet for a total of 7,125 square feet of open space. Pursuant to LAMC 12.22.A.25(f)(6), Tier 3, up to 25% decrease is allowed for open space, for a reduction of 1,781 sf and or a total required 5,344 square feet of open space. The proposed project provides 5,344 square feet of the required open space.

Height: An increase in height shall be applicable to an Eligible Housing Development over the entire parcel regardless of the number of underlying height limits.

The height district for the subject site is 1VL and or 45 feet. Tier 3 allowed two additional stories up to 22 feet in additional height, for a total height that will not exceed six stories and or 67 feet.

Now therefore, on February 11, 2019 the City of Los Angeles Department of City Planning issued a Directors Determination Transit Oriented Communities Affordable Housing Incentive Program. Pursuant to the Los Angeles Municipal Code Section 12.22 A .31 determined the project is categorically exempt from the California Environmental Quality Act (CEQA), approved a 59 percent increase in density, a 46 percent increase in Floor Area, and automobile parking consistent with the provisions of the Transit Oriented Communities (TOC) Affordable

Housing Incentive Program, Tier 3 to permit 70 dwelling units by reserving 10 percent or seven dwelling units for Extremely Low Income Households, in addition with the following allowed incentives:

- a. An increase in height from the allowed 45 feet to 67 feet.
- b. A 25 percent reduction in open space to permit 5,344 square feet in lieu of the 7,125 feet required.
- c. A 30 percent reduction on the southerly yard to provide 6 feet 4 inches in lieu of the required 9 feet and a 20 percent reduction on the easterly yard to provide 12 feet in lieu of the required 15 feet.

On February 20, 2019 An appeal of the Directors Determination was filed by Otsego NoHo, LLC. The appeal outlined their concerns based on:

“Otsego NoHo, LLC is appealing Directors Determination DIR-2019-1257-TOC *because the Conditions of this letter are unenforceable because the Department of Building and Safety (LADBS) issued both demolition and building permits before the expiration of the appeal period of the Determination.*”

On March 22, 2017 Application for Pre Inspection Permit Number 17019-20000-91233 was issued by the Los Angeles Department of Building and Safety (“LADBS”).

On March 30, 2017 Inspector Kevin Beaulieu of the LADBS conducted the Site Inspection and issued a Pre Inspection Report. Pursuant to LAMC 91.106.4.8 The notice was posted and maintained at the construction site where it can be read by the public. The notice must be posted prior to the start of construction and displayed continuously until all permitted work is inspected and approved by LADBS. The notice provides the Owners name phone number and the 311 phone number for the City of Los Angeles to report any violations, issues or complaints.

On April 26, 2017 Application for Inspection to Demolish Building or Structure Permit Number 17019-20000-01726 was issued by the Los Angeles Department of Building and Safety.

The Los Angeles Building Code Section Chapter 33 issued Bulletin / Public Building Code Document Number P/BC 2017-039 revised January 1, 2019 for the Demolition of Buildings. The application permit process for the demolition of any structure in the City of Los Angeles requires clearances as follows:

- Community Redevelopment Agency (CRA).

- Historical Preservation Overlay Zone (HPOZ), Section 106.4.5 L.A.B.C. and 12.20.3 L.A.M.C. (Zoning Code)
- Historical Monuments.

Rent Stabilization - applies to the demolition of apartments, condominiums, two- family dwellings, two or more single family dwellings on the same lot, mobile home pads, and any project resulting in a reduction of rooms in a hotel, motel, rooming house or boarding house occupied by the same tenant for 60 or more consecutive days and for any Residential Hotel regardless of the number of days of stay as determined by the Housing Department.

All Clearances were issued by the required departments. On March 21, 2019 the Los Angeles Housing Community Investment Department (“HCID”) issued AB 2556 (TOC) Determination Letter for the required RSO replacement units.

The process of the demolition of existing structures does not require a replacement project and or any information of future planned development for the site. The AB 2556 letter issued by HCID insures if a residential community is developed on the site, the new development will be required to set aside RSO units.

Therefore, the City of Los Angeles Department of Building and Safety and or the Planning Department did not create an unenforceable condition.

The appellant is concerned that the Directors Determination Letter conditions, 7 Housing Requirement, 14 Landscaping, 15 Notation on Plans, 16 Verification and Submittals Copies of Approvals and 5 RSO Rent Stylization Ordinance (RSO) will not be satisfied due to LADBS Issuing an Application for Building Permit.

On March 9, 2018 the LADBS issued Supplemental Application for Building Permit Number 16010-3002-06204 for the development and use of a 70 unit multi residential apartment community. The Clearance Summary Worksheet was issued. Clearances from the City of Los Angeles Planning Department have not been issued and will remain pending until a final determination is issued. These Clearances are outlined in the February 11, 2019 Directors Determination Letter, pages 2 to 4, Sections 1 to 19 noted as “Administrative Conditions”.

The appellants concern the conditions of approval no longer are required to be met based on LADBS issuing a building permit are remedied through the process of the Clearance Summary Worksheet issued by LADBS. The Department Clearances work in conjunction with the architect building plans. LADBS requires the Planning Departments verification and approval of conditions 1 to 19 and their signature of compliance prior to the building plans approval.

On May 24, 2017 HCID issued their AB 2556 Determination Letter. The Owners team is currently working with HCID for the final approval and clearance for the Affordable Housing Covenant for the 7 units that will be set aside for low income housing. Final approval is pending the required clearance can be issued upon the Directors Determination Letter of Approval and

determination of the appeal. Furthermore, LADBS Clearance Summary Worksheet requires the final approval from HCID prior to final building permits being issued.

Therefore, the appellants concern, a Building Permit for development of the Site for the 70 unit multi residential apartment community has been approved has no merit. The process allows an early submission of plans into DBS. The LADBS Heading for the Application notes, "Application for Building Permits and Certificate of Occupancy." This is an "Application" and the process is still pending approval. One of the many conditions that must be met prior to LADBS approval is the Determination Letter from Planning to be issued and the project must comply with all conditions within the Directors Determination Letter and HCID requirements.

Pursuant LAMC P/PC 2014-060 on April 30, 2018 a 30 Day Notice of Intent to Excavate was sent Certified Mail to all abutting neighbors prior to any work commencing at the site.

Pursuant to LAMC 91.106.4 Early Start Permit, on June 27, 2018 LADBS issued Permit Number 16010-30001-06204, Early Start Foundation Permit.

"The Los Angeles Municipal Code Section 91.106.4 stipulates that the Department of Building and Safety (LADBS) will issue a permit upon receipt of the total fees when the information on the application and plans is in conformance with the code. However, requests for early start permits are frequently made even though the necessary information required demonstrating a project's compliance with the code has not been provided. These Early Start Permits may include site preparation, and foundation work, demolition of interior nonstructural partitions, mechanical or electric work."

"LADBS recognizes that, in some cases, there is a need to issue Early Start Permits to allow certain construction activities to begin prior to the approval of the final plans."

Pursuant to LAMC 91.106.1.1 a Foundation Permit can be issued for either non-residential or residential buildings. Work authorized under the Foundation Only Permit can include all work at or below grade such as:

- Excavation work under the building footprint.
- Foundation, basement walls, interior walls and columns below grade, slab on grade, and structural slab at or below grades level.

The Owner and scope of work at the site are in compliance with the Early Start Permit issued. Several inspections have taken place for assurance that the work at the site ceases once the below grade parking garage and structural slab at grade level are completed.

Therefore, the appellants concern that the building permits have been issued prior to Planning's Determination Letter conditions of approval has no merit. The Application for the Building Permit is still pending and building plans are not approved. The Permit issued, is the Early Start Foundation Permit that is permitted under the LAMC.

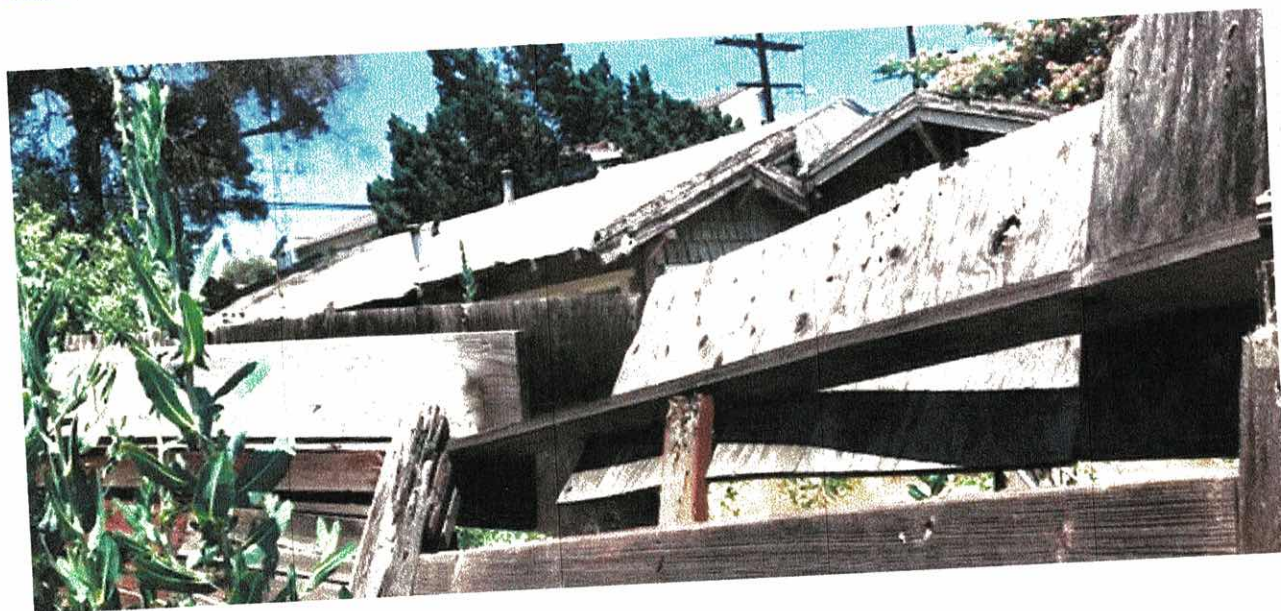
Exhibit – Site Photos:

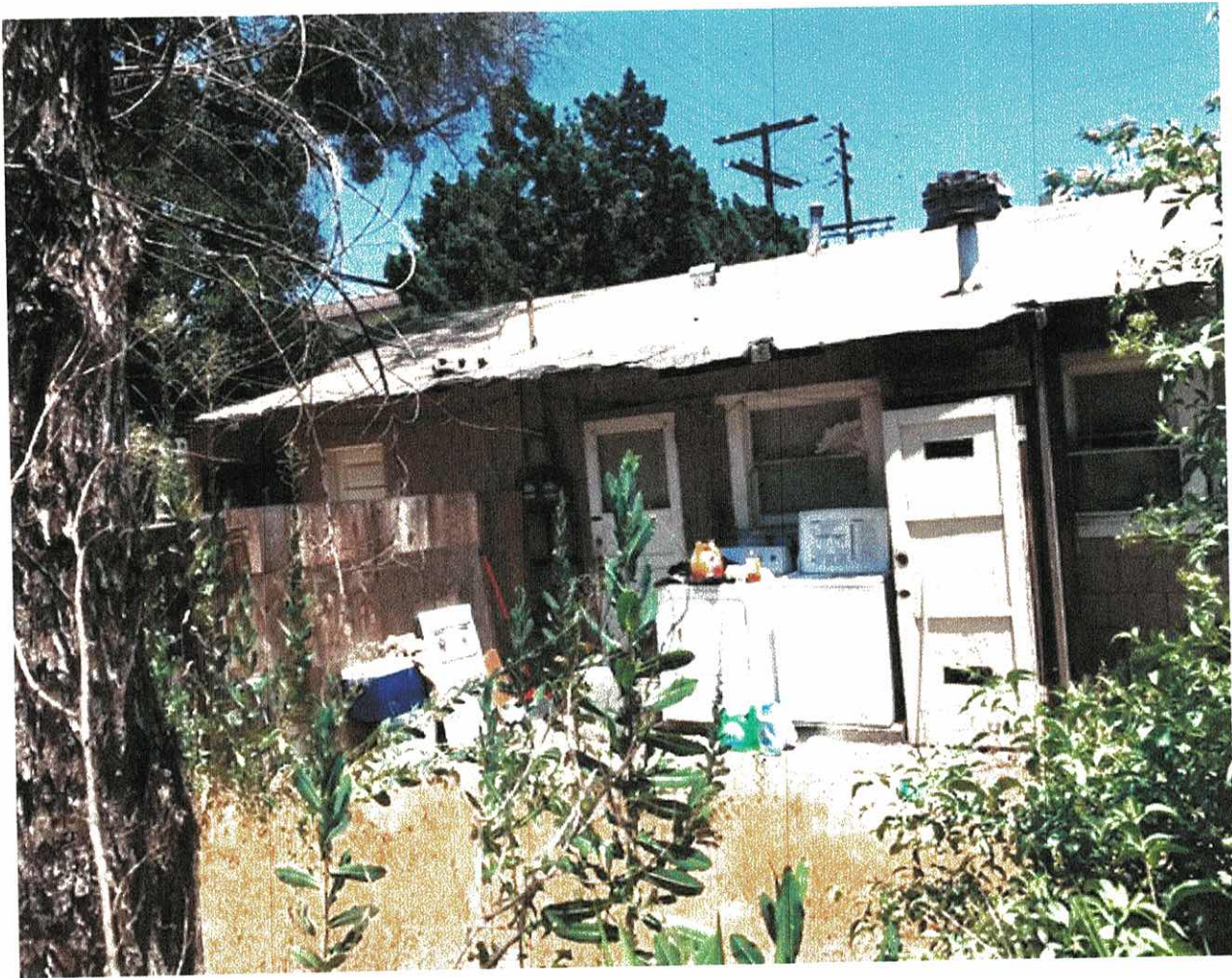
Photos were taken prior to the demolition and Foundation Permit.

Sincerely,

Athena Novak

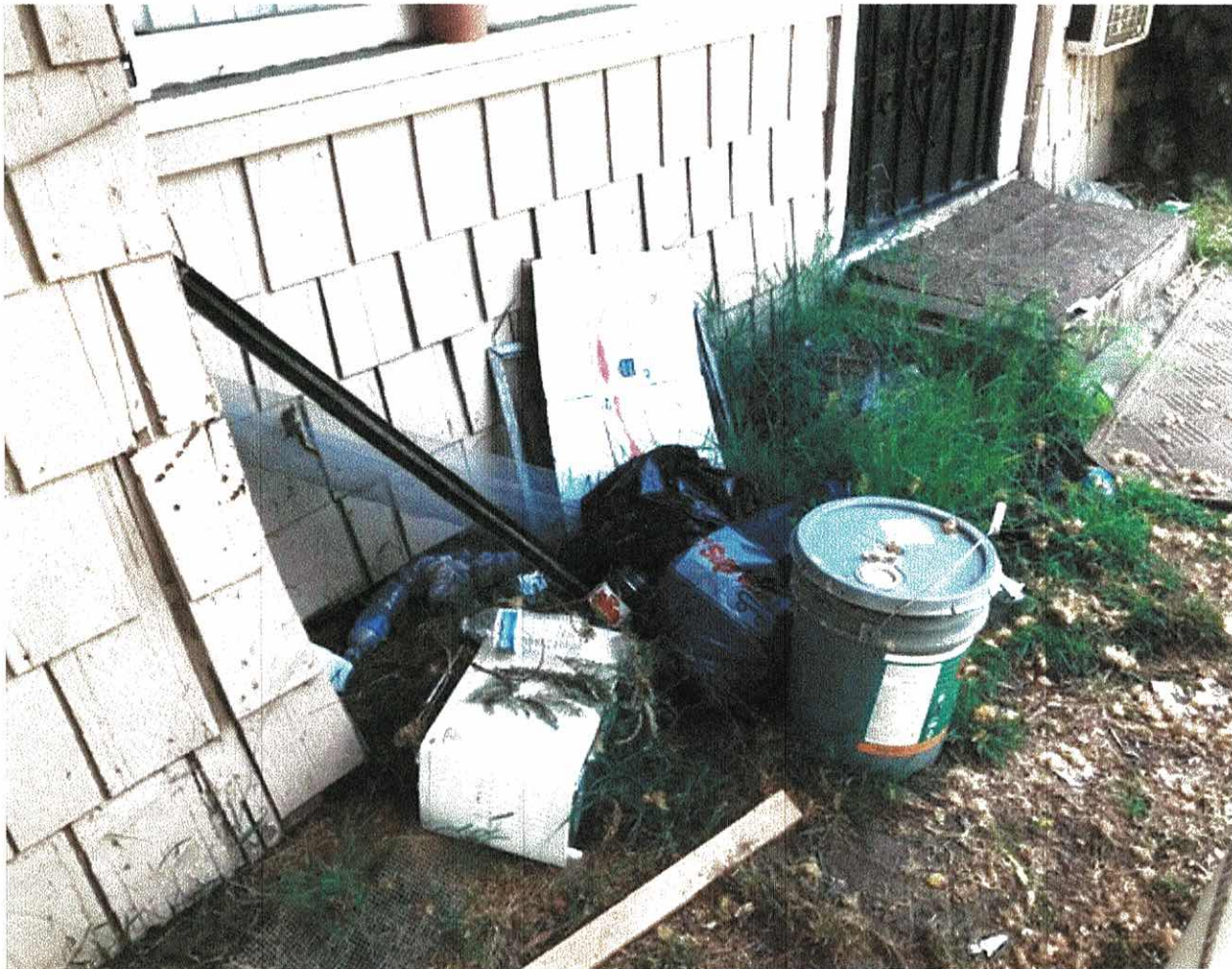
AHN & Associates, LLC











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818 248 7000

Roger Bennett-Architect, A.I.A.
1946 Landa Street
Los Angeles, CA 90039
March 30, 2019

Samantha Millman-
President, Los Angeles City Planning Commission
1880 Century Park East
Suite 607
Los Angeles, CA 90067

Dear Samantha Millman,

Thank you for your latest message that paved the way for an avenue of new ideas. So, here goes as I address a somewhat tiresome issue: homelessness.

Having been active with Occupy Fights Foreclosures and working downtown among so many homeless, I felt compelled to dig deeper into this problem involving so many people. I am not a social worker. I am an architect with a broader view than just designing forms.

While visiting Skid Row many times, it became clear that there is a legacy there. A social history. A magnet for people who have lost their homes through fraudulent banking practices, lack of resources, illness and just plain bad luck. Because Skid Row has existed as it does, there are many services available to its inhabitants. It is somewhat established. Why not improve the quality of life there instead of wholly focusing on initiating facilities and housing where the homeless are not wanted. As you know, convincing a reluctant community can take years. Meanwhile, tens of thousands live in horrible conditions.

All cities have affluent and poor 'sections of town'. Skid Row could become a bona fide ghetto where people are busy, properly housed and contribute to the City. My proposal to you consists of blocking off St. Julian Street (in Skid Row) between 6th street and 7th street. At first guess, this would open up roughly 35,000 square feet of usable space. First and foremost, homeless people need space. This is a desperate fact having seen the hundreds camped out in the LA River. No pause from me to moralize on how the City finds this acceptable.

Closing off a whole block that is seldom used by drivers, because there are so many homeless there, appears to have a minimal impact on the existing commercial activities. Parallel streets allow for many, if not most businesses

to access their premises. Meanwhile, these businesses consist of packaging plants, a "U-Haul" dealer, various storage facilities and some apartments.

Once the street is closed off, additional sanitary facilities could be built at each end and in the middle. Space would then be available for hundreds of homeless people.

The next stage could consist of a canopy over much of the street to ward off the elements.

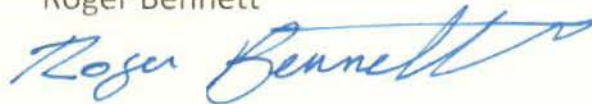
The next could address building more permanent housing. This may include some of the work done by some of the local universities, such as housing modules or units. At least now, there would be a place to put them. All this could happen with both the City and the homeless community participating. I have spoken with Pete White of the "Los Angeles Community Action Network", and he was enthusiastic about mutual participation and a solution to the desperate need for space. Other cities have done this on a smaller scale as their homeless numbers are less severe.

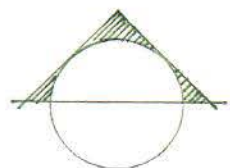
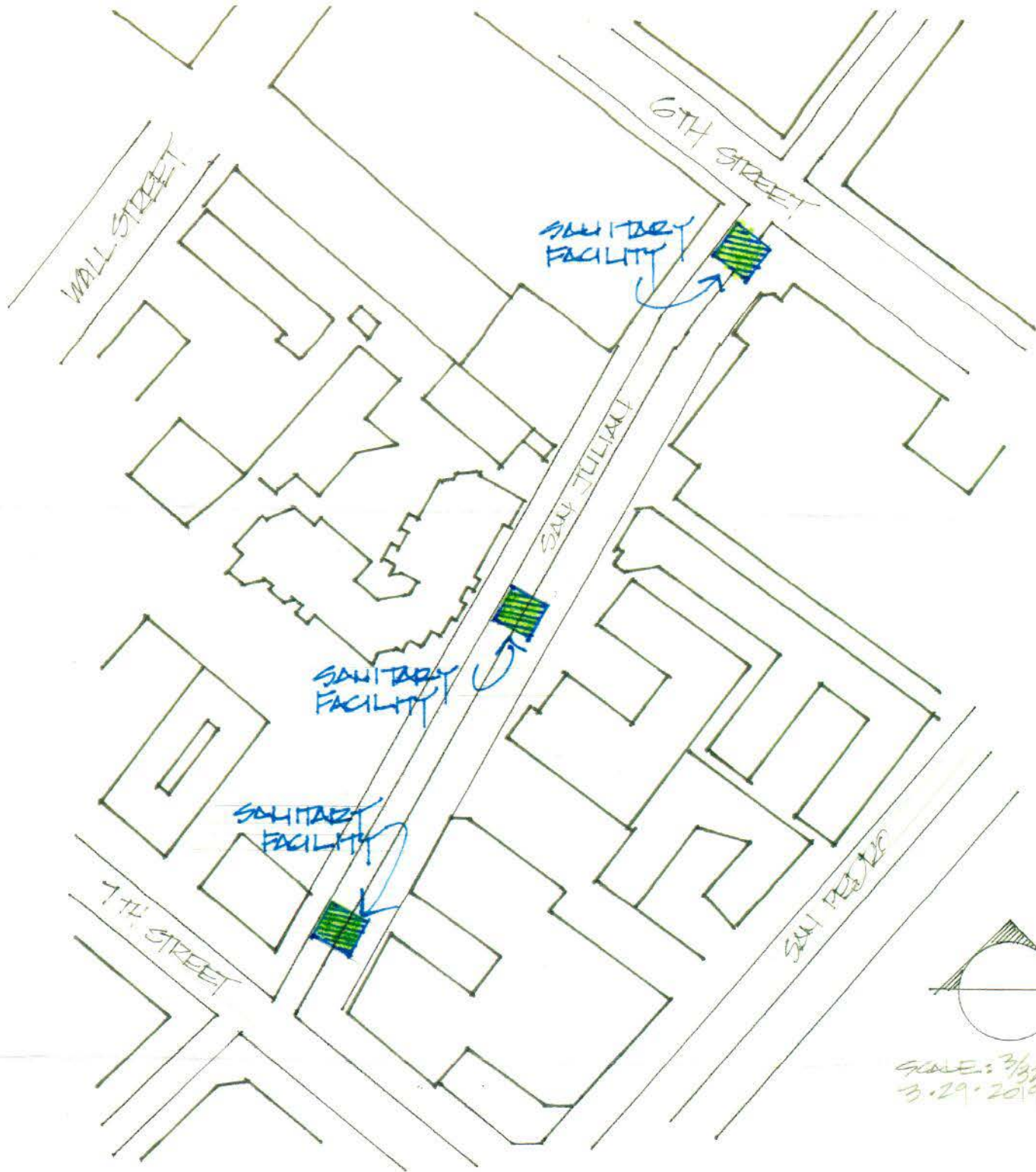
I have spoken to a few people in charge of homelessness at the Mayor's Office. All promised to look at it and discuss with colleagues, but none have responded. To be polite, I guess the political will gets watered down due to the very nature of bureaucracies. Perhaps bold ideas need to come from outside.

What do you think? I was amazed that you would accept and respond to ideas from the public. What a wonderful way to start. Thank you for this opportunity. I have included a small diagrammatic sketch for clarity.

Always the best,

Roger Bennett





SCALE: $\frac{3}{32}'' = 1'$
3.29.2019

VISUALITY MAP INDICATING ST. JULIAN ST. BETWEEN 6TH AND 7TH STREETS. THREE SANITARY FACILITIES (30'x30') ARE LOCATED. BETWEEN EACH FACILITY IS AMBLE SPACE FOR:

STAGE ONE - TENTS OR TEMPORARY STRUCTURES.

STAGE TWO - A CANOPY/ROOF STRUCTURE TO WARD OFF THE ELEMENTS

STAGE THREE - A MORE PERMANENT HOUSING STRUCTURE/BUILDING

R. BENNETT ARCHITECT
3.29.2019

DAY OF HEARING SUBMISSIONS