



CITY OF LOS ANGELES  
**DEPARTMENT OF CITY PLANNING**  
 City Hall 200 North Spring Street Los Angeles CA 90012

# NOTICE OF PUBLIC HEARING

**To Owners:**  Within a 100-Foot Radius  
 Within a 500-Foot Radius  
 Abutting a Proposed Development Site

**And Occupants:**  Within a 100-Foot Radius  
 Within a 500-Foot Radius  
**And:**  Interested Parties/Others

This notice is sent to you because you own property or are an occupant residing near a site for which an appeal from a Department action was filed with the Department of City Planning. All interested persons are invited to attend the public hearing where you may listen, ask questions, and/or present testimony regarding the project. The environmental document, if applicable, will be among the matters considered at the hearing. The Commission may consider all the testimony presented at the hearing, written communications received prior to or at the hearing, and the merits of the project as it relates to existing environmental and land use regulations. **Please note that your attendance at the hearing is optional.**

**Project Site: 5604-5632 West De Longpre Avenue; 5605-5607 West Fernwood Avenue; 1365-1375 St. Andrews Place**

**Case No.** ZA-2015-4629-ZAA-ZAI-WDI-SPR-1A  
**CEQA No.** ENV-2015-4630-EIR  
**Held By:** Central Los Angeles Area Planning Commission  
**Date:** **September 10, 2019**  
**Time:** **After 4:30 p.m.**  
**Place:** Los Angeles City Hall  
 200 North Spring Street, 10<sup>th</sup> Floor  
 Los Angeles, CA 90012  
 (Please use the 201 N. Main Street entrance)

**Staff Contact:** Erin Strelch, City Planning Associate  
 221 North Figueroa Street, Suite 1350  
 Los Angeles, CA 90012  
 Erin.strelch@lacity.org  
 (213) 847-3626  
[apccentral@lacity.org](mailto:apccentral@lacity.org)

**Council No:** 13 - O'Farrell  
**Related Cases:** None  
**Plan Area:** Hollywood  
**Zone:** R4-2  
**Plan Overlay:** None  
**Land Use:** High Density Residential  
**Applicant:** SeaZen-AHC  
**Representative:** Dana Sayles, AICP  
 Three6ixty  
**Appellant#1:** Supporters Alliance for Environmental  
 Responsibility  
 Richard Drury LLP, Lozeau Drury LLP  
**Representative:**  
**Appellant#2:** Tabatha Yelos  
**Representative:** N/A

**PROPOSED PROJECT:**

Demolition of two vacant buildings and construction of a new 226,160-square-foot residential building containing 185 residential units and 294 on-site parking spaces on an irregularly shaped site with nine parcels comprising approximately 1.7 acres. An existing 9,681 square foot theater building located on the Project Site would remain and continue operations as part of the Project. No changes are proposed to the existing theater building.

**APPEAL:**

Appeal of the Zoning Administrator's determination to APPROVE:

- An adjustment from Los Angeles Municipal Code (LAMC) Section 12.11 C to permit the existing theater building to maintain a zero-foot front yard in lieu of 15 feet and a side yard of 7 feet instead of the 10 feet required;
- An adjustment from LAMC Section 12.11 C to permit the construction of an eight-story apartment building with a side yard setback of 8 feet, 10 inches in lieu of the 11 feet required along De Longpre Avenue;
- An adjustment from LAMC Section 12.11 C to permit a 17 foot, 7 inch building separation in lieu of the 20 feet required;
- Site Plan Review for the construction of an eight-story, 226,160 square foot residential building with 185 dwelling units and 294 on-site parking spaces; and
- A Waiver of Street Dedication and Improvement on the northwestern corner of St. Andrews Place and Fernwood Avenue adjacent to the project site with additional terms and conditions.

## GENERAL INFORMATION

**FILE REVIEW** - The complete file is available for public inspection between the hours of 8:30 a.m. to 4:00 p.m., Monday through Friday. Please call or email the staff identified on the front page, at least three (3) days in advance to assure that the files will be available. **Files are not available for review the day of the hearing.**

**AGENDAS AND REPORTS**- Commission agendas are posted for public review in the Main Street lobby of City Hall East, 200 N. Main Street, Los Angeles, California. Commission Agendas are accessible online at [planning.lacity.org](http://planning.lacity.org), by selecting "Commissions & Hearings", the specific Area or City Planning Commission and "Agendas". Appeal Recommendation Reports are available on-line seven (7) days prior to the Commission meeting and are hyperlinked to the case numbers on the agenda. **Please note that Appeal Recommendation Reports are not prepared for appeals related to Zoning Administrator decisions.**

Be advised that the Commission may RECONSIDER and alter its action taken on items listed on the meeting agenda at any time during this meeting or during the next regular meeting, in accordance with the Commission Policies and Procedures and provided that the Commission retains jurisdiction over the case. **If a Commission meeting is cancelled or adjourned due to lack of quorum, all remaining agenda items shall be continued to the next regular meeting or beyond, as long as the continuance is within the legal time limits of the case or cases.**

**TESTIMONY AND CORRESPONDENCE** - Your attendance is optional; oral testimony can only be given at the Commission meeting and may be limited due to time constraints. Written testimony or evidentiary documentation may be submitted prior to, or at the meeting in accordance to the Commission's submittal requirements. Commissions function in a quasi-judicial capacity and therefore, cannot be contacted directly. Any materials submitted to the Commission become City property and will not be returned. This includes any correspondence or exhibits used as part of your testimony.

**REQUIREMENTS FOR SUBMISSION OF MATERIALS** - Written materials may be submitted prior to or at the meeting in accordance with the submittal requirements below. When required, hard copies must be presented on letter size (8 ½ " x 11") or legal size (8 ½ " x 14") paper. All oversized exhibits must be folded to fit into a legal-sized folder. Plans (i.e. site plans, floor plans, grading plans) must be presented on paper size not smaller than ledger size (11" x 17"). The case number must be written on all communications, plans and exhibits.

- **Regular Submissions** – Written materials not limited as to volume must be received by the Commission Executive Assistant no later than by end of business day Monday of the week prior to the week of the Commission meeting. Materials must be delivered electronically to the staff and commission email identified on the front of this page. In addition, an **original plus six (6) copies** must be submitted to the Commission Office directly at **200 North Spring Street, Room 272, Los Angeles, CA 90012** in attention to the Commission Executive Assistant.
- **Secondary Submissions** - All written materials in response to an Appeal Recommendation Report and/or additional comments must be submitted no later than **48 hours before to the Commission meeting (for Central, South LA and Harbor APCs, materials must be received no later than by 3:00 p.m., Thursday of the week prior to the Commission Meeting)**. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on the front of this notice.
- **Day of Hearing Submissions** - Submissions less than 48 hours prior to, and including the day of the Commission meeting, must not exceed two (2) written pages, including exhibits. Photographs do not count toward the page limitation.
- **Non-Complying Submissions** - Submissions that do not comply with these rules will be stamped "*File Copy. Non-complying Submission*". Non-complying submissions will be placed into the official case file, but they will not be delivered to, or considered by the Commission. The Commission Rules and Operating Procedures are available online at [planning.lacity.org](http://planning.lacity.org) by selecting "Commissions & Hearings" and selecting the specific Commission.

**EXHAUSTION OF ADMINISTRATIVE REMEDIES AND JUDICIAL REVIEW** - If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agenzed here, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

**ACCOMMODATIONS** - As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. The hearing facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other services, such as translation between English and other languages, may also be provided upon written request submitted a minimum of seven (7) working days in advance to: [per.planning@lacity.org](mailto:per.planning@lacity.org). Be sure to identify the language you need English to be translated into, and indicate if the request is for oral or written translation services. If translation of a written document is requested, please include the document to be translated as an attachment to your email.

**DETERMINATION  
BY  
ZONING  
ADMINISTRATOR**

ASSOCIATE ZONING ADMINISTRATORS

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June 27, 2019 – Reissued Letter of  
Determination due to the omission of  
pages 11 & 12 from June 21, 2019 letter

SeaZen-AHC 1375 LLC (A)(O)  
c/o Mitchell Hanzik  
1800 Augusta Drive, Suite 150  
Houston, TX 77057

Fred Shaffer (R)  
1375 St. Andrews LLC  
1590 Rosecrans Avenue, Suite #D-303  
Manhattan Beach, CA 90266

Dana Sayles (R)  
ThreeSixty  
4309 Overland Avenue  
Culver City, CA 90230

CASE NO. ZA-2015-4629 ZAA-ZAI-  
WDI-SPR  
ZONING ADMINISTRATOR'S  
ADJUSTMENT/ZONING ADMINISTRATOR'S  
INTERPRETATION/WAIVER OF  
DEDICATION IMPROVEMENTS/  
SITE PLAN REVIEW  
1365-1375 St. Andrews Place/  
5604-5632 West De Longpre Avenue/  
5605-5607 West Fernwood Avenue  
Hollywood Community Plan  
Zone : R4-2  
D. M. : 147A193  
C. D. : 13  
CEQA: ENV-20154630-EIR/  
SCH No. 2016051068  
Legal Description: Lots 1-7, 29 & 30,  
Block 3; Lemona Tract

FOUND Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Zoning Administrator has reviewed and considered the information contained in the Environmental Impact Report (EIR) prepared for this project, which includes the Draft EIR, No. ENV-2015-4630-EIR (SCH No. 2016051068), dated August 23, 2018, the Final EIR, dated December 12, 2018, (the 1375 St. Andrews Apartments Project EIR), as well as the whole of the administrative record, and

CERTIFIED the following:

- a. The 1375 St. Andrews Apartments Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- b. The 1375 St. Andrews Apartments Project EIR was presented to the Zoning Administrator as a decision-making body of the lead agency; and,
- c. The 1375 St. Andrews Apartments Project EIR reflects the independent judgment and analysis of the lead agency.

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ADOPT all of the following:

- a. The related and prepared 1375 St. Andrews Apartments Project Environmental Findings;
- b. The Statement of Overriding Considerations; and,
- c. The Mitigation Monitoring Program prepared for the 1375 St. Andrews Apartments Project EIR (Exhibit B).

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.21A.2, I hereby DETERMINE:

the St. Andrews Place frontage shall be the front yard, the De Longpre Avenue and the Fernwood Avenue frontages shall be the side yards, and the property line dividing Lots 7 and 8 shall be the rear yard.

Pursuant to LAMC Section 12.28A, I hereby APPROVE:

an adjustment from LAMC Section 12.11C to permit the existing theater building to maintain a zero-foot front yard in lieu of 15 feet and a side yard of seven feet instead of 10 feet required;

an adjustment from LAMC Section 12.11C to permit the construction of an eight-story apartment building with an a side yard setback of eight feet 10 inches in lieu of the 11 feet required along De Longpre Avenue; and,

an adjustment from LAMC Section 12.11C to permit a 17-foot, 7-inch building separation in lieu of the 20 feet required,

Pursuant to LAMC Section 16.05, I hereby APPROVE:

Site Plan Review for the construction of an eight-story, 226,160 square-foot residential building with 185 dwelling units and 294 on-site parking spaces,

Pursuant to LAMC Section 12.37I.3, I hereby APPROVE

a Waiver of Street Dedication and Improvement on the northwestern corner of St. Andrews Place and Fernwood Avenue adjacent to the project site.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. 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.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. 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 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 for inclusion in the case file.
7. Approved herein is the construction of an eight-story, 226,160 square-foot residential building with 185 dwelling units and 294 on-site parking spaces. The new building shall maintain a 17-foot, 7-inch building separation from the existing theater building which shall be retained and an 8-foot, 10-inch side yard setback along De Longpre Avenue. The existing theater building shall maintain a zero-foot front yard setback and a seven-foot side yard setback. No other LAMC deviations were requested or approved herein.
8. The project has received a waiver of the 10-foot by 10-foot corner cut on the northwestern corner of St. Andrews Place and Fernwood Avenue required by the Bureau of Engineering.
9. The project shall comply with all of the conditions required in the Department of Building and Safety Grading Division's Soils Report Approval Letter dated April 2, 2016 (Log No. 93125-01), or as amended. All conditions shall be printed on the plans submitted to the Development Services Center for plan check.
10. Community Relations. A 24-hour "hot-line" phone number for the receipt of construction-related complaints from the community shall be provided to immediate neighbors and the local neighborhood association, if any. The applicant shall be required to respond within 24-hours to any complaints received on this hotline.
11. Posting of Construction Activities. The adjacent residents shall be given regular notification of major construction activities and their duration. A visible and readable

sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.

12. Contractors must maintain ongoing communication with LAUSD school administrators, including Grant Elementary School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (323) 342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school are maintained.
13. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
14. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction and/or construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding) from work space and vehicular traffic, and overhead protection, due to sidewalk closure or blockage, at all times.
15. Construction Management Plan – Prior to the start of construction, the project Applicant will prepare a Construction Management Plan and submit it to the Los Angeles Department of Transportation for review and approval. The Construction Management Plan will be based on the nature and timing of the specific construction activities and other projects in the vicinity of the project site, and must show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. The Construction Management Plan shall include, but not be limited to, the following elements, as appropriate:
  - a. Advance, bilingual notification of adjacent property owners and occupants, as well as nearby schools, of upcoming construction activities, including durations and daily hours of construction worker parking, on adjacent residential streets or adjacent to a school property.
  - b. Prohibition of construction worker or equipment parking on adjacent residential streets.
  - c. Temporary pedestrian and vehicular traffic controls during all construction activities adjacent to De Longpre Avenue and St. Andrews Place, to ensure traffic safety on public rights of way. These controls shall include, but not be limited to, flag people trained in pedestrian and student safety at the project site's De Longpre Avenue driveways.

- d. Temporary traffic control during all construction activities adjacent to public rights-of-way to improve traffic flow on public roadways (e.g., flag men).
  - e. Scheduling of construction activities to reduce the effect on traffic flow on surrounding arterial streets.
  - f. Construction-related vehicles/equipment shall not park on surrounding public streets.
  - g. Safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers shall be implemented as appropriate, including along all identified Los Angeles Unified School District pedestrian routes to nearby schools.
  - h. Scheduling of all construction-related deliveries, haul trips, etc., so as to occur outside the commuter peak hours to the extent feasible, and so as to not impede nearby school drop-off and pick-up activities.
16. Prior to the issuance of a building permit, plans shall be submitted for review and approval to the Fire Department.
17. Landscape Plan. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Department of City Planning Department and the Council Office. No trash or recycling areas shall be located within a required landscaped setback.
18. Maintenance. The project site, including associated parking facilities, sidewalks, landscaped parkways and planters, shall be maintained in an attractive condition and shall be kept free of trash and debris. Trash receptacles shall be located throughout the site.
19. Trash. All trash and storage areas shall be located on-site and not visible from the public right-of-way.
20. Rooftop Equipment. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties and the public right-of-way. All screening shall be setback at least five feet from the edge of the building.

**ENVIRONMENTAL CONDITIONS:** The following conditions are Mitigation Measures included in Final Environmental Impact Report (SCH No. 2016051068) and shall be complied with.

21. AQ-PDF-1: The project shall not include hearths (including woodstoves and natural gas-fueled fireplaces) installed in the residences.

22. AQ-PDF-2: In compliance with LAMC Section 99.04.504.6, the applicant shall install, in regularly occupied areas of the project, filtration media for outside and return air that provides a Minimum Efficiency Reporting Value (MERV) of 13. The project owner shall be responsible for replacing these filters in accordance with manufacturers' recommendations, and shall provide a schedule to the satisfaction of the Planning Department prior to issuance of a certificate of occupancy for the project.

The project owner shall provide written notice informing each tenant that:

- a) the project is located within 1,000 feet of a freeway;
  - b) freeway traffic generates toxic air contaminants that potentially can cause adverse health impacts with long-term exposure;
  - c) the filtration system installed in the project can reduce such potential impacts; and,
  - d) the filtration system is not as effective when windows are open.
23. NOI-MM-1: The project applicant shall complete a structural monitoring program for Sensitive Receptor No. 3 (The Playhouse) during construction, including the following:
- a) Conduct a preconstruction survey to document existing conditions of Sensitive Receptor 3 (The Playhouse). Documentation shall consist of video and/or photographic documentation of accessible and visible areas on the exterior and select interior elevations of the adjacent buildings. A registered civil engineer, structural engineer, or certified engineering geologist with experience working with historical buildings shall develop recommendations for the adjacent structure monitoring program that will include, but not be limited to, specific vibration levels that shall not be exceeded for each building, vibration monitoring, elevation and lateral monitoring points, crack monitors, and other instrumentation deemed necessary to protect the structures from construction-related damage.
  - b) The monitoring program shall survey for vertical and horizontal movement, as well as any exceedances of the vibration thresholds established for each building under section (a) above. If the thresholds are met or exceeded, or noticeable structural damage becomes evident to the project contractor, work shall stop in the area of the affected building until measures have been taken to stabilize the affected building to prevent construction-related damage to the structure. Any necessary repair work would be performed in accordance with the Secretary of the Interior Standards.

The Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at The Playhouse (Sensitive Receptor No. 3) during demolition, excavation, and construction. The vibration monitoring system shall measure and continuously store the peak particle velocity (PPV) in

inch/second. Vibration data shall be stored on a one-second interval. The system shall also be programmed for two preset velocity levels: a warning level of 0.17 inch/second (PPV) for The Playhouse (Sensitive Receptor No. 3), and a regulatory level of 0.20 inch/second (PPV). The system shall also provide real-time alert when the vibration levels exceed the two preset levels.

In the event the warning level above is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

In the event the regulatory level above is triggered, the contractor shall halt the construction activities in the vicinity of the building and visually inspect the building for any damage. Results of the inspection must be logged. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart.

In the event damage occurs to historic materials due to construction vibration, such materials shall be repaired in kind in a manner that meets the Secretary of the Interior's Standards.

- c) The structure monitoring program shall be submitted to the Department of Building and Safety for approval.
24. CUL-MM-1 If any archaeological materials are encountered during the course of the project development, the project shall be halted in the area of discovery. The services of a professional archaeologist, as depending on the nature of the materials encountered, shall be secured by contacting the Center for Public Archaeology – Cal State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist and/or the Center for Public Paleontology - USC, UCLA, Cal State Los Angeles, Cal State Long Beach, or the County Museum to assess the resources and evaluate the impact; and Copies of the archaeological surveys, studies, or reports shall be submitted to the UCLA Archaeological Information Center.
25. CUL-MM-2 If any paleontological materials are encountered during the course of the project development, the project shall be halted in the area of discovery. The services of a professional paleontologist, as depending on the nature of the materials encountered, shall be secured by contacting the Center for Public Archaeology – Cal State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist and/or the Center for Public Paleontology - USC, UCLA, Cal State Los Angeles, Cal State Long Beach, or the County Museum to assess the resources and evaluate the impact; and, copies of the paleontological surveys, studies, or reports shall be submitted to the UCLA Archaeological Information Center.
26. NOI-PDF-1 In compliance with the recommendations of the project noise modeling study, the project's 3rd level courtyard (with pool) shall be limited to 278 occupants at one time and the smaller 3rd level courtyard (without pool) shall be

limited to 112 occupants in order to keep noise levels below the significance threshold which is an increase in the ambient noise level of 3 dBA or 5 dBA in CNEL (depending on the land use category).

27. NOI-PDF-2 Activities in the project's courtyards shall be limited to operational hours of 8 a.m. to 10 p.m. and shall not include live bands or amplified music above ambient background noise levels (i.e., noise levels associated with normal speech, which is approximately 65 dBA at 3 feet) between the hours of 8 p.m. and 9 a.m.
28. NOI-PDF-3 The project's outdoor spaces that are not wrapped within the building envelope above the 3rd level shall be enclosed around the perimeter with 42" high safety/plex-glass barriers.
29. NOI-PDF-4 The project's parking, trash, loading, and other back-of-house uses shall be located within the interior parking structure, out of sight from residents and visitors of the community, and from neighboring properties and will be accessed via De Longpre Avenue in order to prevent noise from exceeding the threshold which is an increase in the ambient noise level of 3 dBA or 5 dBA in CNEL (depending on the land use category).
30. NOI-MM-1 The project applicant shall complete a structural monitoring program for Sensitive Receptor No. 3 (The Playhouse) during construction including the following:
  - a) Conduct a preconstruction survey to document existing conditions of Sensitive Receptor 3 (The Playhouse). Documentation shall consist of video and/or photographic documentation of accessible and visible areas on the exterior and select interior elevations of the adjacent buildings. A registered civil engineer, structural engineer, or certified engineering geologist with experience working with historical buildings shall develop recommendations for the adjacent structure monitoring program that will include, but not be limited to, specific vibration levels that shall not be exceeded for each building, vibration monitoring, elevation and lateral monitoring points, crack monitors, and other instrumentation deemed necessary to protect the structures from construction-related damage.
  - b) The monitoring program shall survey for vertical and horizontal movement, as well as any exceedances of the vibration thresholds established for each building under section (a) above. If the thresholds are met or exceeded, or noticeable structural damage becomes evident to the project contractor, work shall stop in the area of the affected building until measures have been taken to stabilize the affected building to prevent construction-related damage to the structure. Any necessary repair work would be performed in accordance with the Secretary of the Interior Standards.

The applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at The Playhouse (Sensitive Receptor No. 3) during

demolition, excavation, and construction. The vibration monitoring system shall measure and continuously store the peak particle velocity (PPV) in inch/second. Vibration data shall be stored on a one-second interval. The system shall also be programmed for two preset velocity levels: a warning level of 0.17 inch/second (PPV) for The Playhouse (Sensitive Receptor No. 3), and a regulatory level of 0.20 inch/second (PPV). The system shall also provide real-time alert when the vibration levels exceed the two preset levels.

In the event the warning level above is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

In the event the regulatory level above is triggered, the contractor shall halt the construction activities in the vicinity of the building and visually inspect the building for any damage. Results of the inspection must be logged. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart.

In the event damage occurs to historic materials due to construction vibration, such materials shall be repaired in kind in a manner that meets the Secretary of the Interior's Standards.

- c) The structure monitoring program shall be submitted to the Department of Building and Safety for approval.
31. NOI-MM-2 Noise and groundborne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as feasible from the nearest off-site land uses.
  32. NOI-MM-3 Construction and demolition activities shall be scheduled so as to avoid operating several loud pieces of equipment simultaneously, as feasible.
  33. NOI-MM-4 Flexible sound control curtains and/or noise sheds as feasible shall be placed around all drilling apparatuses, drill rigs, and jackhammers when in use.
  34. NOI-MM-5 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. Noise reduction devices shall achieve a sound attenuation of at least 3 dBA at 50 feet of distance.
  35. NOI-MM-6 A temporary, continuous sound barrier shall be erected along the perimeter of the project site. The barrier shall be at least 8 feet in height and constructed of materials achieving a Transmission Loss (TL) value of at least 20 dBA, such as ½ inch plywood. The supporting structure shall be engineered and erected according to applicable codes. The temporary barrier shall remain in place until all project windows have been installed.
  36. NOI-MM-7 All construction truck traffic shall be restricted to truck routes approved

by the Department of Building and Safety, which routes shall avoid residential areas and other sensitive receptors to the extent feasible.

37. NOI-MM-8 Two weeks prior to the commencement of construction at the project site, notification shall be provided to the immediate surrounding off-site properties that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period.
38. NOI-MM-9 Construction staging areas for each project shall be as far from sensitive receptors as possible.
39. NOI-MM-10 Construction activities shall utilize rubber-tired equipment in place of steel-track equipment.
40. NOI-MM-11 The construction contractor shall avoid using vibratory rollers and packers near sensitive receptors.
41. NOI-MM-12 The construction contractor shall use drilled piles or the use of a sonic or vibratory pile driver where geological conditions permit their use. The construction shall not utilize impact piling except in locations where the underlying geological conditions render drilled piles or sonic or vibratory pile drivers ineffective.
42. PS-PDF-1 The project would provide security fencing and at least one guard to the site during the construction phase.
43. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the

deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

**TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

**VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

**APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **JULY 12, 2019**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

**Figueroa Plaza**  
201 North Figueroa Street  
4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

**Marvin Braude San Fernando  
Valley Constituent Service Center**  
6262 Van Nuys Blvd., Room 251  
Van Nuys, CA 91401  
(818) 374-5050

**West Los Angeles  
Development Services**  
1828 Sawtelle Blvd., 2<sup>nd</sup> Floor  
West Los Angeles, CA 90025  
(310) 231-2912

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must

be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

### NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting adjustments, a Zoning Administrator's Interpretation, a waiver of dedication and improvement, and site plan review, as enumerated in LAMC Sections 12.28, 12.21A, 12.37, and 16.05 have been established by the following facts:

### **BACKGROUND**

The project site is located at 5604-5632 West De Longpre Avenue and 5605-5607 W. Fernwood Avenue in Hollywood. The project site consists of an irregularly-shaped area comprising approximately 1.7 acres at the southwest corner of the intersection of St. Andrews Place and De Longpre Avenue. The project site fronts approximately 330 feet along the west side of St. Andrews Place, 350 feet along the south side of De Longpre Avenue, and 100 feet along the north side of Fernwood Avenue. The Property comprises nine parcels, legally described as Lots 1 through 7, 29, and 30, Block 3, of the Lemona Tract. The lots total approximately 74,275 square feet or 1.7 acres, according a land survey conducted on May 13, 2015.

The property is designated for High Density Residential uses by the Hollywood Community Plan and is classified in the R4-2 Zone. The zone permits an unlimited building height and unlimited stories and a 6:1 Floor Area Ratio (FAR). However, the FAR is limited to a maximum of 4.5:1 by the Hollywood Community Plan. No changes to the land use or zoning are proposed in the Draft Hollywood Community Plan Update.

The land uses within the general vicinity of the project site are characterized by a mix of low- to high-intensity commercial, institutional, and residential uses, which vary widely in architectural style and period of construction. The area surrounding the project site is relatively flat and characterized by mixed-use commercial, residential high-rise buildings, hotels and surface parking along Sunset Boulevard, with mid- and low-rise residential, restaurants, parking and vacant uses on side streets. A Home Depot and a partially completed Target building are located along Sunset Boulevard to the north and northeast, and the western edge of the project site is located approximately 90 feet from US-101.

De Longpre Avenue is a Local Street dedicated to approximately 60 feet in width at this location, no dedications are required as part of the proposed project.

St. Andrews Place is a Local Street, dedicated to approximately 60 feet in width at this location. St. Andrews is required to have a 60-foot total public right-of-way dedication, or a 30-foot half dedication.

Fernwood Avenue is a Local Street, dedicated to approximately 60 feet in width at this location. Therefore, no dedications are required as part of the proposed project.

US 101 the US 101 provides regional access to the project area between Downtown Los Angeles (approximately 4.5 miles southeast) and the San Fernando Valley (approximately seven miles northwest). In the vicinity, US 101 provides four travel lanes in each direction. Access to and from US 101 is available via interchanges on Sunset Boulevard to the northwest and Western Avenue to the southeast.

Previous zoning related actions on the site/in the area include:

#### Subject Property

CPC-2016-1450-CPU - The Hollywood Community Plan is currently being updated (the Draft EIR was released in November 2018). According to the Draft Community Plan, there are no changes proposed to the designated land use or zoning for the project site. In the vicinity, there are two areas with proposed changes. Directly to the southeast of the project site, the parcels bounded by Fernwood Avenue, North Saint Andrews Place and Fountain Avenue that are currently zoned R4P-1 are proposed to be changed to R4-1. Also proposed is a zone change for parcels to the north of the project site that front Sunset Boulevard and within the boundaries of the Station Area Neighborhood Plan (SNAP). These parcels are proposed to be changed from (Q)C2-1 and C2-1 to [Q]C2-2D for consistency with the SNAP.

ZA-2012-3201-ZV-ZAA-1A – On July 17, 2013, the Zoning Administrator approved a variance to permit 19 off-site parking spaces in lieu of the required parking on-site; an adjustment to allow the maintenance of the existing 5-foot side yard along the western property line in lieu of the required 10 feet; and an adjustment to allow the maintenance of the existing combined width of the two side yards of 41 feet in lieu of the required 50-foot width combined for a school in the R4 Zone at 5620 W. De Longpre Avenue. On October 9, 2013, the Central Area Planning Commission denied the appeal and sustained the Zoning Administrator's approval.

ZA-1994-886-ZV – On February 17, 1995, the Zoning Administrator approved a variance to permit the construction of a 39,800 square-foot replacement Day Care Center with 19 off-site parking spaces in lieu of the required 86 on-site parking spaces, and an 8-foot in height within the required front yard setback at 5616-5630 De Longpre Avenue.

#### Surrounding Properties

ZA-2017-1083-MCUP-SPP-SPR – On March 14, 2017, an application was filed requesting a Master Conditional Use Permit for alcohol sales, Project Permit Compliance Review and Site Plan Review for a proposed 845,868 square-foot mixed-use project with 735 apartments and 95,820 square-feet of commercial uses at 1418-1440 Western Avenue.

ZA-2016-1530-CUB-CU-1A – On March 8, 2018, the Zoning Administrator approved the sale and dispensing of a full line of alcoholic beverages for on-site consumption in a private creative office use/club and a public restaurant; with hours of operation 24-hours; and a zero-foot landscape setback in lieu of the required 5-foot setback at 1360-1370 St. Andrews Place. On May 29, 2018, the Central Area Planning Commission granted the appeal in part and denied the appeal in part.

DIR-2015-3566-DB-SPR-1A – On February 23, 2018, the Director approved a Density Bonus Compliance Review and a Site Plan Review for the construction of a six-story, 61-foot, 6-inch tall building totaling 61,992 square feet with 75 dwelling units at 1276 Western Avenue. On June 22, 2018 the Central Area Planning Commission denied the appeal and sustained the Director.

CPC-2015-74-GPA-SP-CUB-SPP-SPR – On November 12, 2015, the City Planning Commission approved and recommended the City Council adopt a General Plan Amendment, and Specific Plan Amendment, the CPC approved a Conditional Use Permit, Specific Plan Project Permit Compliance, and Site Plan Review for a 194,749 square-foot retail shopping center with two levels of parking structure at 5500-5544 Sunset Boulevard.

## **Public Hearing**

Dana Sayles, Representative:

- The address is 1375 North St. Andrews Place
- Proposing 185 rental units (studios to 3 bedroom, 5 live-work units)
- 1.7-acre site is L-shaped, 7 parcels containing a vacant charter school, and a theater
- Survey LA designates the theater as historic, we are preserving it
- Surrounding properties: former Assistance League headquarters, Home Depot, and multi-family
- The site is zoned R4-2, unlimited height and 4.5:1 floor area ratio
- It is a Tier 3 TOC site, and is in an Enterprise Zone
- The site permits 316 dwelling units
- We are proposing 226,000 square feet of floor area (3.75:1 FAR)
- Eight stories with two stories of above grade parking, one subterranean level
- Parking is not visible
- Three points of vehicular entry
- 22,000 sf of open space, 3<sup>rd</sup> floor common areas (spa, pool, gym), roof terrace
- 7,000 sf of private balconies
- EIR condition that all open spaces close at 10 pm
- We are using drought tolerant plant materials
- Contemporary architecture utilizes color and planes for visual interest

- The building won't compete with the theater
- Sustainably designed (CAL Green), eco-friendly building materials
- ZAA to allow the maintenance of non-conforming front and side yards for the existing building; to allow a reduced building separation of 17.7 feet in lieu of 22 feet
- ZAI regarding the yards required for the new building
- Requesting a waiver from the 10' by 10' radius - theater is built to the property line
- An EIR was prepared
- The project was presented to the Hollywood Studio District Neighborhood Council on March 11, they did not have a quorum
- Project was filed in 2015, consistent with the Code, no TOC incentives requested
- Charter School closed in June 2018

Doug Haines, HSNC Board member, speaking as an individual:

- The applicant went before the Board
- Charter School's trips were evaluated in the traffic analysis – should not have been
- This is a large residential project
- There will be impacts to the building's residents
- The location is problematic – located adjacent to the 101 Freeway
- Fine particulate matter enters even with doors and windows closed
- It is out of scale with the neighborhood
- Autism levels double within 500 feet of freeways
- Are balconies appropriate at this location?
- Taller than all nearby buildings
- The Second Home Project is under construction nearby (creative Pods)
- There are safety and security issues due to M13 gang and day laborers
- Crime statistics are very high – constant calls for service
- What type of security are they proposing?

Dale Goldsmith and Dana Sayles, Rebuttal:

- The baseline for the project is the Notice of Preparation date (2015)
- The traffic counts reflected the school
- EIR concluded were no significant traffic impacts, including the freeway on/off ramps
- CEQA does not require the evaluation of the environment on the project
- The project included a health risk analysis
- There's a landscape buffer and an 80-foot distance between the 101 and the site
- The balconies are small
- We are using MERV 13 filtration
- AQ impacts are well below significance level
- The project is much less intense than what the existing zoning permits
- The yard adjustments are due to the existing theater
- There are no land use or aesthetic impacts
- There will be security measures (security cameras), crime is an existing issue
- Site is vacant, developing it will create more activity and eyes on the street
- The project was designed following the City's Design Out Crime Guidelines
- The units are all market rate

- Project construction should take 24 months
- Providing 5% EV-ready parking
- We can install if there is a need from tenants
- The lots are tied (one ownership)
- It is adjacent to a multi-family project to the west that is slated for redevelopment, to the south is the PATH project, 101 is proposed to be covered
- To the north is the Home Depot and creative office to the east

### Correspondence

A letter was received from the LAUSD Office of Environmental Health and Safety. The agency stated that due to the proximity of Grant Elementary School, the project could have impacts on LAUSD schools, and recommended a list of conditions that would serve to mitigate the impacts. Grant Elementary school is located approximately 985 feet to the north of the project site, on the opposite side of Sunset Boulevard. Conditions have been included to address potential impacts to schools and other sensitive receptors.

### ZONING ADMINISTRATOR'S INTERPRETATION – SITE SPECIFIC

LAMC Section 12.21A.2 provides in pertinent part as follows:

Other Use and Yard Determinations by the Zoning Administrator. The Zoning Administrator shall have authority to determine other uses, in addition to those specifically listed in this article, which may be permitted in each of the various zones, when in his or her judgment, the other uses are similar to and no more objectionable to the public welfare than those listed. The Zoning Administrator shall also have authority to interpret zoning regulations when the meaning of the regulation is not clear, either in general or as it applies to a specific property or situation.

For the purpose of applying LAMC Section 12.14C concerning yard regulations, the Zoning Administrator finds that the lot line abutting St. Andrews Place serves as the front lot line and therefore is subject to front yard regulations of LAMC Section 12.14C.

The request pertains to the application of the front, side and rear yard regulations to the project site. Yard regulations exist to ensure that buildings have adequate access to light and air. The application of the yard regulations depend on the identification of the lot lines.

The project site comprises nine contiguous lots creating an irregularly shaped property with approximately 350 feet of frontage on De Longpre Avenue, 330 feet of frontage on St. Andrews Place, and 100 feet of frontage on Fernwood Avenue. All three streets are Local Streets. However, St. Andrews Place experiences more traffic since both De Longpre and Fernwood Avenues virtually dead-end into the sound wall of Highway 101, while St. Andrews Place connects Sunset Boulevard and Fountain Avenue and provides access to the Home Depot parking lot at 1451 St. Andrews Place.

The LAMC defines "front lot line" as "...in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street..." (LAMC 12.03). By that criterion, Fernwood Avenue would be the front lot line, and thus the front yard of the Project.

However, the following factors have been considered in the request by the applicant to determine St. Andrews Place to be the front yard:

The proposed project involves the new construction of a residential building on the northern portion of the project site as well as the maintenance of an existing building on the site that will not be expanded or altered. Construction of the new building will take place on Lots 1-7, creating a rectangular project site with 350 feet of frontage on De Longpre Avenue and 165 feet of frontage on St. Andrews Place. The existing building must be included as part of the project since it sits on lots that are tied to Lots 1-3 and the northern end of the building encroaches on Lot 1. Nevertheless, the configuration of the lots on which the new project is constructed results in a front yard on St. Andrews Place.

If Fernwood Avenue were designated as the front yard of the project, De Longpre Avenue would then also be considered a front yard, as it would be considered a through lot. Therefore, the western property line that abuts an existing multi-family residential building would be a required 11-foot side yard, rather than a 20-foot rear yard. A more generous buffer along this property would be in the best interest of the residents of both the existing building on the abutting property and the new building on the project site. An 11-foot side yard would be appropriate along the De Longpre Avenue frontage (8 feet 10 inches), since the abutting property to the west also has a 10-foot building line setback (Ordinance 106,540) and the property on the north side of the street is a big-box format retail store and would not be adversely affected by residential uses.

The fact that the frontage along St. Andrews Place is longer than along Fernwood Avenue is somewhat arbitrary since it is driven by the unusual configuration of the lot-tied property rather than the natural shape of existing lots. If the lots were not tied and the theater building existed as its own parcel, the front yard would be along St. Andrews Place.

The commercial properties along the east side of St. Andrews Place across from the project site are oriented towards that street. Likewise, the northern portion of the theater building located at 5605 - 5607 Fernwood Avenue of the project site is oriented toward St. Andrews Place. The project should also be oriented towards St. Andrews Place to maximize pedestrian engagement with these commercial uses. Furthermore, the addressing and primary fire department access points will be via St. Andrews Place, not Fernwood Avenue. Thus, designating St. Andrews Place as the front yard for this project is consistent with these factors.

In light of the above, the Zoning Administrator determines:

- a. the property line that fronts St. Andrews Place shall serve as the front yard;
- b. the property line that fronts Fernwood Avenue shall serve as a side yard;
- c. the property line that fronts De Longpre Avenue shall serve as a side yard;
- d. the property lines that divide the project site from Lots 24-28 to the south and west shall serve as side yards; and
- e. the property line that divides the project site from Lot 8 to the west shall serve as a rear yard.

### **MANDATED FINDINGS**

In order for an adjustment from the zoning regulations to be granted, all of the legally mandated findings delineated in LAMC Section 12.28 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

1. **While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The project site is located at 1365-1375 St. Andrews Place, 5604-5632 West De Longpre Avenue and 5605-5607 West Fernwood Avenue in Hollywood. The site is a level, irregular-shaped, 1.7-acre property with nine parcels zoned R4-2. The property contains two vacant buildings (35,057 square feet of total floor area) previously occupied by the Citizens of the World Charter School and a day care facility. The property also contains a 9,658 square-foot theater building, operated by the Assistance League of Los Angeles, which will remain.

The site has approximately 330 feet of street frontage along the west side of St. Andrews Place, 350 feet along the south side of De Longpre Avenue, and 100 feet along the north side of Fernwood Avenue. The R4-2 Zone permits an unlimited building height and unlimited stories and a 6:1 Floor Area Ratio (FAR). However, the FAR is limited to a maximum of 4.5:1 by the Hollywood Community Plan. The property is located in an Adaptive Reuse Incentive Area, a Transit Oriented Community, the Hollywood Redevelopment Project area, an Urban Agriculture Incentive Zone, and is 1.56 kilometers from the Hollywood Fault. The site is also within an Opportunity Zone, the Los Angeles Promise Zone, the Central City Revitalization Zone, and the Los Angeles State Enterprise Zone.

The 1375 St. Andrews Apartment Project ("the project") proposes the demolition of the two vacant buildings, and construction of a new 226,160 square-foot residential building with 185 residential units and 294 on-site parking spaces. The project involves the construction of an eight-story, 95-foot residential building providing six levels of residential units above a concrete parking structure with two levels above grade and one subterranean level. The first two stories would be wrapped with habitable space along De Longpre Avenue and St. Andrews Place in front of the parking and would contain an entry lobby on the ground floor along De Longpre Avenue. The proposed residential units, include five studio apartments, 75 one-bedroom apartments, 70 two-bedroom apartments, and 35 three-bedroom apartments. The units range in size from 464 square feet (studio) to 2,162 square feet (three-bedroom apartment).

The project would include common and private open space for tenants, including a garden courtyard on the ground floor, a fitness facility, community room, two courtyards, and pool on the third floor, and a roof deck on the eighth floor. Common tenant open space would total 15,875 square feet, with an additional 7,000 square feet of private balconies for a total of 22,875 square feet of proposed open space. No exterior or interior changes are proposed to the theater building.

While the project primarily involves the construction of a new apartment building, the project also involves the maintenance, with no expansion or alteration, of an existing theater building originally constructed in 1939 with various additions and alterations made over the past century. The existing building is to remain a children's playhouse/theater and was identified as a potentially historic resource by *SurveyLA*. As such, there is no plan to remove or alter this building, and thus the continued maintenance of the building is considered a part of the proposal. The yard reduction and building separation requests by the applicant relate directly to the retention and maintenance of this theater.

The applicant has requested approval of several entitlements to construct the project. The entitlements includes adjustments for reduced front and side yards and building separation, a waiver of a required 10-foot by 10-foot curb cut, and site plan review for a development which creates 50 or more dwelling units. The applicant also requested a property specific Zoning Administrator's Interpretation to designate the front yard as St. Andrews Place (see above). The intent of the zoning regulations is to provide adequate space for light and air, to prevent and fight fires, to conserve property values, and to promote health, safety, and welfare in accordance with the General Plan. These regulations are written in a citywide basis and do not take into account the unique characteristics an individual property may have. Property owners seeking relief from the strict application to the yard regulations may apply for an adjustment. The Zoning Administrator is authorized to approve deviations if the required findings can be made in the affirmative.

#### Front Yard

As noted in the ZAI, the Zoning Administrator determined that the property's front yard is located on St. Andrews Place. Per LAMC Section 12.11C, structures in the R4 Zone are required to comply with front yard setbacks to provide relief from the public rights-of-way. However, the existing building to remain has a zero-foot setback along St. Andrews Place and the strict provision of the current setback requirements is infeasible. The front yard reduction request pertain solely to the frontage along the existing building to remain. The new residential building proposed on the northern portion of the project site shall comply fully with the code-required 15-foot front yard setback.

Additionally, the existing front yard setback compliments neighboring properties and does not create a mismatched streetwall. The property at 5600 West Fernwood Avenue, south of the existing building, has 0-foot setbacks along Fernwood Avenue and St. Andrews Place, similar to the 0-foot setback of the project's existing building along St. Andrews Place. Properties facing the project site across St. Andrews Place are zoned (Q)C2-1 with varied setbacks, and properties to the north of the project site across De Longpre Avenue are also zoned C2-1 and have 0-foot setbacks.

#### Side Yard

The proposed project is requesting a reduction in one required side yard along De Longpre Avenue from 11 feet to 8 feet 10 inches, not to exceed 20 percent per LAMC 12.28 A. As with the front yard, the reduction in this yard is also necessary to achieve

the objectives of the project while retaining the existing theater building onsite. Per 12.11 C, structures in the R4 zone are required to comply with side yard setbacks to provide relief to neighboring properties. However, the provision of such yards is infeasible due to the retention of the existing theater building (to remain as part of the project) and would require the demolition of a substantial portion of the building to achieve the goals of the project, thereby creating an undue hardship on the project and a loss of the historic facade.

Furthermore, the reduction in the side yard along De Longpre Avenue would not affect neighboring properties as this side yard abuts De Longpre Avenue, a local street, rather than a neighboring property. The reduced side yard setback would also be consistent with the properties adjacent to the west on De Longpre Avenue that include a varied setback from zero to 10-feet, as well as the zero-foot back yard setback for the Home Depot building across De Longpre Avenue. Therefore, the reduced side yard along De Longpre to 8 feet 10 inches would still achieve the intent of the setback requirement.

#### Building Separation

The existing building to remain as part of the proposed project is a children's playhouse/theater and has been identified as a potentially historic resource by *SurveyLA* and the project's EIR. There is no plan to remove or alter this building, and thus the continued maintenance of the building is considered a part of the proposal. In order to preserve this existing structure and still achieve the objectives of the project, a reduction in the required building separation, not to exceed 20 percent, is requested as part of the project. Specifically, the project includes a request to reduce the required building separation from 20 feet to 17 feet and 7 inches. As part of the proposed project design, the existing 10-foot building separation will be increased to 17 feet and 7 inches to increase the size of the existing paseo and provide an adequate buffer between the interior theater courtyard and the proposed project. Additionally, the portions of the project that abut the theater paseo and courtyard are designed as passive and active open space amenities for project residents on the third floor. The project open space is located and designed to complement the existing interior theater courtyard/paseo and limit privacy impacts to both existing and proposed uses.

Approval of the proposed adjustments will allow the construction of a 185-unit apartment building on a site zoned for High Density residential use and allows for the preservation of the theater. The approval is subject to numerous conditions of approval and mitigation measures identified in the EIR. Therefore, the site's irregular shape and existing theater make strict adherence to the yard regulations impractical, the project nonetheless conforms to the intent of those regulations.

- In light of the project as a whole including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The project site is located on St. Andrews Place, immediately east of US-101 and a block south of Sunset Boulevard in Hollywood. The site contains a vacant charter school, a vacant building and asphalt play areas formerly used as a childcare center, and an operating theater. The school and day care center closed in 2018. The applicant proposes the demolition of the vacant buildings, and construction of a 185-unit apartment building with 294 parking spaces and 132 bike parking spaces. The existing theater building would be maintained on the site and continue operations as part of the project. The project would total 235,841 square feet with a 3.75:1 FAR, less than the maximum floor area of 282,699 square feet and 4.5:1 FAR permitted on the site.

Properties to the north and east of the project site are zoned C2-1 and are developed with retail including a Home Depot and Target, commercial buildings and a surface parking lot. In September 2019, a workspace called Second Home will be opening at 1370 St. Andrews Place (to the east of the site). Properties to the west and south are zoned R4-2 and are predominantly multi-family residential buildings with one single-family house to the south across Fernwood Avenue. These properties are designated for High Density Residential uses by the General Plan and will likely be redeveloped in the future.

The Zoning Administrator conducted a public hearing for the proposed project. The applicant's representatives described the project and the requested entitlements. One person testified in opposition to the project citing concerns with the residential project's location near the 101 Freeway and in an area with criminal activities related to gangs and day laborers. He stated that the project traffic would exacerbate congestion on adjacent streets in addition to the on-ramp and off-ramps to the freeway. He felt that the building was too large and dense for the site, and was out of scale with the surrounding buildings. He expressed concerns that the building occupants would be subject to air quality impacts. The applicant's attorney countered that an EIR was prepared for the project. The EIR determined that the project would not result in any significant traffic or air quality impacts. The building will have security personnel and cameras. The attorney argued that the project will incrementally increase the safety of the neighborhood because there will be more eyes on the street. He noted that the purpose of the CEQA is to evaluate a project's impact on the environment and not the environment's impact on the project. Nonetheless, the project will have air filtration systems to reduce interior particulate matter. The project's FAR and density are below what is permitted on the site. The applicant attended the Hollywood Studio District Neighborhood Council meeting on March 11, 2019 to present the project, but the Board lacked a quorum.

The theater has been an integral part of the neighborhood since 1939. The project will not involve the expansion or alteration of the building, and will continue to be operated by the Assistance League of Los Angeles as a theater storage and rehearsal space. As such, the intensity of the operations of the building will continue to be insignificant and will not adversely affect nor degrade neighboring properties.

Per LAMC Section 12.11C, structures in the R4 Zone are required to comply with front yard setbacks to provide relief the public rights-of-way. However, the provision of such yards is infeasible for street fronting portions of the existing theater (to

remain as part of the project) and would require the demolition of a substantial portion of the building, thereby creating an undue hardship on the project and a loss of the historic facade. Furthermore, the existing setbacks compliment neighboring properties and do not create a mismatched street wall. The property at 5600 Fernwood Avenue, south of the existing building, has zero-foot setbacks along Fernwood Avenue and St. Andrews Place, similar to the zero-foot setback of the project's existing building along St. Andrews Place. The portion of the project's existing building on 5607 Fernwood Avenue provides an approximately 18-foot setback, similar to the 18-foot setbacks provided by the two adjacent multi-family residential buildings to the west.

The applicant is requesting a reduction in one required side yard along De Longpre Avenue from 11 feet to 8 feet 10 inches. The reduction in this yard is necessary to achieve the objectives of the project while retaining the existing theater and increasing building separation over the existing conditions. The reduction in this yard is appropriate to provide a high quality new project while avoiding an adverse effect on an existing historical structure onsite. The setback would be similar to the existing buildings on site and will be compatible with the abutting multi-family properties to the west, and therefore will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

Following original construction and occupancy of the theater building in 1939, two 10-foot by 40-foot one-story hallway wings appear in the building permit history in the 1960's extending from the northern most end of the theater. While no Certificate of Occupancy or dimensioned floorplan is available for these wings based on records research, they create an approximately 10-foot interior paseo between the theater building (to remain) and an existing building to be demolished as part of the proposed project. As part of the proposed project design, the existing 10-foot building separation will be increased to 17 feet, 7 inches to increase this paseo and provide an adequate buffer between the interior theater courtyard and the new residential building.

Additionally, the portions of the new residential project that abut the theater paseo and courtyard are designed as passive and active open space amenities for project residents on the third floor. The project open space is located and designed to complement the existing interior theater courtyard/paseo and limit privacy impacts to both existing and proposed uses. The location, size, and height of the existing building will not be expanded, diminished, or altered in any way. Though originally designed with non-conforming yards, the size of the building is relatively small, being approximately 25 feet in height and having portions that are two stories and some portions with only a single story. With neighboring properties featuring two to four stories, the existing theater is one of the smallest in the neighborhood. As such, maintaining the existing building will not adversely affect nor degrade neighboring properties.

- 3. The project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The General Plan is the City's roadmap for future growth and development. The General Plan elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. Most of the policies derived from these elements are in the form of LAMC requirements. Except for the entitlements described herein, the project does not propose to deviate from any other LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and three additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. The request is consistent with the following Framework multi-family goals and objectives:

- Goal 3C: Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.
- Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.
- Goal 4A: An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.
- Objective 4.1: Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City sub-region to meet the projected housing needs by income level of the future population to the year 2010.

The Housing Element of the General Plan further promotes the development, preservation, and enhancement of quality residential neighborhoods. Approval of the project is consistent with the following Housing Element objectives and policies:

- Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.
- Policy 1.1.3: Facilitate new construction of a variety of housing types that address current and projected needs of the city's households.
- Objective 1.5: Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.
- Policy 1.5.1: Streamline the land use entitlement, environmental review, and building permit processes.
- Objective 2.2: Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.
- Policy 2.2.2: Provide incentives and flexibility to generate new multi-family housing near transit and centers, in accordance with the General Plan Framework element, as reflected in Map ES.1.

The Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The Hollywood Community Plan designates the property for High Density Residential with the corresponding zones of R4 and [Q]R5. The property is zoned R4 with Height District No. 2 and is not within a specific plan. The Community Plan coordinates the development of Hollywood as a major center of population, employment, retail services, and entertainment. The project advances a number of specific goals and objectives of the Community Plan:

Housing. The intensity of residential land use in this Plan and the density of the population which can be accommodated thereon shall be limited in accordance with the following criteria:

The adequacy of the existing and assured circulation and public transportation systems within the area.

Complies. As an infill development site, the property has outstanding access to community resources, particularly public transportation. There are several major bus routes running along Sunset Boulevard, Hollywood Boulevard, and Western Avenue. Additionally, the project site is less than one-half mile from the Hollywood/Western Station of the Metro Red Line. The site's proximity to Highway 101, Sunset Boulevard, and Western Avenue also ensures adequate access to arterials roads and freeways for regional vehicular travel.

The availability of sewers, drainage facilities, fire protection services and facilities, and other public utilities.

Complies. As an infill development site, the property has existing connections to sewer and drainage facilities, and is served by Los Angeles Fire Department, Fire Station 82 (5769 Hollywood Boulevard - 0.6 miles from the project site) and the Los Angeles Police Department, Hollywood Division (1358 N. Wilcox Avenue - 1.4 miles from the project site).

The steepness of the topography of the various parts of the area, and the suitability of the geology of the area for development.

Complies. The project site is located on a level lot and is therefore free of the risks inherent with development on a hillside, landslide or liquefaction areas, or on the Alquist-Priolo Fault Zone.

The project will provide 185 new residential units in an area zoned and designated for such use. As conditioned, the project is in substantial conformance with the purpose, intent and provisions of the General Plan and the Hollywood Community Plan

## **SITE PLAN REVIEW**

- 4. That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The site is designated High Density Residential by the Hollywood Community Plan. The project advances the following specific goals and objectives of the Community Plan:

HOUSING. The intensity of residential land use in this Plan and the density of the population which can be accommodated thereon shall be limited in accordance with the following criteria:

1. The adequacy of the existing and assured circulation and public transportation systems within the area;

Complies. As an infill development site, the property has outstanding access to community resources, particularly public transportation. There are several major bus routes running along Sunset Boulevard, Hollywood Boulevard, and Western Avenue. Additionally, the project site is less than one-half mile from the Hollywood/Western Station of the Metro Red Line. The site's proximity to Highway 101, Sunset Boulevard, and Western Avenue also ensures adequate access to arterials roads and freeways for regional vehicular travel.

2. The availability of sewers, drainage facilities, fire protection services and facilities, and other public utilities.

Complies. As an infill development site, the property has existing connections to sewer and drainage facilities, and is served by Los Angeles Fire Department, Fire Station 82 (5769 Hollywood Boulevard - 0.6 miles from the project site) and the Los Angeles Police Department, Hollywood Division (1358 N. Wilcox Avenue - 1.4 miles from the project site).

3. The steepness of the topography of the various parts of the area, and the suitability of the geology of the area for development.

Complies. The project site is located on a virtually flat lot and is therefore free of the risks inherent with development on a hillside, landslide or liquefaction areas, or on the Alquist-Priolo Fault Zone.

#### GENERAL PLAN FRAMEWORK ELEMENT

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram (Figures 3-1 to 3-4) and Table 3-1.

According to the General Plan Framework Long-Range Land Use Diagram for the Metro Subarea (Figure 3-1), the project site is located in or adjacent to a designated Community Center around the intersection of Sunset Boulevard and Western Avenue. Residential development in proximity of these Community Centers will shorten and lessen the need for vehicle trips and vehicle miles traveled. Thus, the project is consistent with Policy 3.1.4 of the General Plan Framework. Furthermore, Chapter 4 outlines Goals, Objectives and Policies with regard to Housing in the City of Los Angeles:

Goal 4A: An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

Objective 4.1: Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City sub-region to meet the projected housing needs by income level of the future population to the year 2010.

Policy 4.1.1: Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within each City sub-region to meet the twenty-year projections of housing needs.

Policy 4.1.4: Reduce overcrowded housing conditions by providing incentives to encourage development of family-size units.

Complies. The project proposes the demolition of two vacant buildings and construction of a new 226,160 square-foot residential building with 185 residential units while maintaining an existing children's theater operated by Assistance League of Los Angeles. The 185 units includes 5 studio apartments, 75 one-bedroom apartments, 70 two-bedroom, and 35 three-bedroom apartments, providing a range of housing types including family-size units. The units range in size from 464 square feet (studio) to 2,162 square feet (three-bedroom apartment), providing an equitable distribution of housing units by cost.

## HOUSING ELEMENT

The Housing Element of the General Plan provides land use policies and programs that encourage development of affordable housing across the City. The project is consistent with the following policies of the Housing Element of the General Plan:

Policy 1.1.3: Facilitate new construction of a variety of housing types that address current and projected needs of the city's households.

The project proposes the demolition of two vacant buildings and construction of a new residential apartment building with 185 units ranging from in size from studio to three-bedroom. The property is located near the intersection of Sunset Boulevard and Western Avenue, a short walk to the Metro Red Line and near the commercial corridors along Sunset and Hollywood Boulevards. The project would provide much needed new housing stock in a major center of population, employment, retail services, and entertainment that is well-served by transit.

- 5. The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The project has been designed for optimal building orientation, lot coverage, massing, parking, and other required improvements for a residential project. The building is designed to front St. Andrews Place in order to preserve the existing theater on-site and minimize any impact to that resource. The project provides an articulated frontage along De Longpre Avenue, with a sizable 20-foot rear yard

setback along the property adjacent to the existing multi-family residential property to the west. The new residential building would have eight stories and be 95 feet high with a FAR of 3.75:1. The project site's R4-2 zoning allows unlimited height and a FAR of 4.5:1. The project's height and bulk are thus under the maximum allowed and compatible with the surrounding multi-family residential and regional commercial uses.

All parking, trash, loading, and other back-of-house uses have been carefully located within the interior parking structure, out of sight from residents and visitors of the community, and from neighboring properties. Any rooftop equipment will be screened to ensure development compatible with existing properties.

At the ground floor, the project has been designed to enhance the pedestrian experience, with a pedestrian entrance on the St. Andrews Place frontage near the intersection of De Longpre Avenue. Glass treatment on the first and second floors provides transparency along the St. Andrews Place frontage, which is lined with habitable uses in the form of a residential lobby and second floor community room. Lush landscaping will surround the project to enhance the pedestrian and ground floor experience along St. Andrews Place and De Longpre Avenue. Vehicular access to the parking garage is on the St. Andrews Place side of the building. Pedestrian access to the residential portions of the building is provided a street-level lobby entrance on St. Andrews Place, which is the most direct path to transit, bikeways, and neighborhood-serving commercial amenities. The project's reduced setbacks along St. Andrews Place and De Longpre are consistent with existing setbacks on adjacent properties and will not diminish the pedestrian experience.

The project's fresh material palette with accent color and darker material variations will serve as an appropriate transition between the large, regional commercial buildings on St. Andrews Place and Sunset Boulevard and the high- to medium-residential development further south in the East Hollywood and Hollywood Studio District neighborhoods. Variations in materials, planes, and balconies provide articulation and visual interest for the public realm. A vertical corner feature further emphasizes the form of the building while serving to break up the massing.

Off-street parking facilities and loading areas. The project will contain 294 parking spaces for the 185 residential units. Parking will be located in an enclosed structure within three levels: two above grade (wrapped by habitable uses on the St. Andrews Place frontage) and one subterranean parking level. Vehicular access will be provided on St. Andrews Place and De Longpre Avenue.

Lighting. The project will provide illumination at street level for security. All lighting on the upper levels will be shielded and focused on the project site and directed away from the neighboring land uses. The project will include architectural features and facades with a low level of reflectivity. As such, the project will not result in a substantial amount of light that would adversely affect the day- or night-time views in the project vicinity.

Landscaping. The project proposes to provide substantial landscaping along the street level, as well as in the roof terraces and central courtyard. The project will

incorporate new street trees in the public right-of-way consistent with the City's landscape ordinance.

Trash collection. The project will provide trash collection within the building and will be located within the enclosed parking structure in order to minimize the effect on traffic on St. Andrews Place.

Thus, the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that will be compatible with existing and future development on adjacent properties and neighboring properties.

**6. Any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The building design carefully considers the needs of future residents with its programming, amenities and units. The development provides approximately 22,875 square feet of open space, distributed throughout the building on multiple levels. Two central courtyards are provided on the first habitable level (third floor). This configuration optimizes outdoor views for all units and provides two sizable spaces, including the west courtyard, which offers 3,158 square feet, and the east courtyard, which offers 3,158 square feet. Both courtyards are open to the sun and sky, and which will be furnished to create a place for socialization and repose. A shared pool is located in the east courtyard.

An indoor community room which will be furnished with shared amenities will be located on the second level, providing an active use along the St. Andrews Place frontage. The transparent glass along the street wall will provide natural light and visual interest for the users of the space and enhance the pedestrian environment for the community. The courtyards, terraces, and community room will provide varied options for accessing open space. Residents will be able to host friends and family outdoors or indoors without impacting the small parks in the neighborhood or public rights-of-way in front of neighboring properties, and the shared pool will provide a recreational amenity.

## **WAIVER OF DEDICATIONS AND IMPROVEMENTS**

**7. The dedication and/or improvement requirement does not bear a reasonable relationship to any project impact.**

Pursuant to LAMC Section 12.371.2, the decision maker may waive, reduce, or modify the required dedication(s) or improvement(s) as appropriate after making any of the following findings, based on substantial evidence in the record that *the dedication or improvement requirement is physically impractical.*

The project as designed does not include any additions or alterations to the existing Assistance League of Los Angeles theater building located at Fernwood Avenue and St. Andrews Place where the 10-foot by 10-foot curb cut has been required by the

Bureau of Engineering. While the parcels containing the existing building are part of the common ownership, the project is only utilizing the theater parcels for density and FAR purposes. As such, requiring a curb cut on a portion of the property where no construction is proposed would not be beneficial to the public convenience or bare a reasonable relationship to the project.

8. **The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established.**

While the City's Mobility Plan 2035 recommends curb cuts where none exist to facilitate travel and quality of life for the elderly and disabled, the sidewalk and streetscape at Fernwood Avenue and St. Andrews Place is currently improved with curb cuts, grooved concrete to alert pedestrians to the intersection at the existing curb cuts, and four-way stop signs. These existing improvements meet the guidelines established by the Streets Standards Committee and intent of Mobility Plan 2035 and thus the improvements are unnecessary.

9. **The dedication or improvement requirement is physically impractical.**

The proposed project does not include any construction, alterations, or additions to the parcels in which the requested curb cut is located at the corner of St. Andrews Place and Fernwood Avenue. The project is utilizing these common ownership parcels solely for Floor Area and density and the existing building will remain. As such, requiring physical improvements to a portion of the public right-of-way where no construction is anticipated would be detrimental to the public convenience and be physically impractical. Additionally, existing curb cuts are currently provided at all corners of the St. Andrews Place and Fernwood Avenue intersection.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

### **10. FINDINGS OF FACT (CEQA)**

#### **I. Introduction**

The Environmental Impact Report (EIR), consisting of the Draft EIR and Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and impacts of the 1375 St. Andrews Apartments project ("project"), located at 1367–1375 St. Andrews Place, 5604-32 W De Longpre Avenue, and 5605-5607 Fernwood Avenue ("project site"). The project proposes the demolition of two vacant buildings on the project site which comprise 35,057 square feet, and construction of a new 226,160 square-foot residential building with 185 residential units and 294 on-site parking spaces. The new building would be eight stories and 95 feet in height, providing six levels of residential units above a concrete parking structure with two levels above grade and one subterranean level. An existing theater building located on the project site at 5605–5607 Fernwood Avenue and operated by the Assistance League of Los Angeles would be maintained on the site and continue operations as part of the project. No changes are proposed to the interior or exterior of the existing theater building. Once

completed, the project would total approximately 235,841 square feet, including the existing theater, resulting in a total project FAR of 3.75:1. The project would be consistent with the existing General Plan land use and zoning designations and no General Plan land use designation or zoning amendments are requested. Project approval does not require any variances or conditional use permits.

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of implementation of project by preparing an EIR (Case Number ENV-2015-4630-EIR/State Clearinghouse No. 2016051068). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. ("CEQA") and the California Code of Regulations Title 14, Division 6, Chapter 3 (the "CEQA Guidelines"). The findings discussed in this document are made relative to the conclusions of the EIR.

CEQA Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." CEQA Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See CEQA Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

- 1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final EIR for the project as fully set forth therein. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely "potentially significant", these findings nevertheless fully account for all such

effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the project.

For each significant environmental impact analyzed in the EIR, the following information is provided:

Description of Significant Effects - A description of the environmental effects identified in the EIR, including a judgment regarding the significance of the impact.

Project Design Features - A list of the Project Design Features that are included as part of the project (numbering of the features corresponds to the numbering in the EIR).

Mitigation Measures - A list of the mitigation measures that are required as part of the project to reduce identified significant impacts (numbering of the mitigation measures correspond to the Mitigation Monitoring Program, which is included as Section IV of the Final EIR).

Finding - One or more of the three possible findings set forth above for each of the significant impacts, per Public Resources Section 21081(a) and CEQA Guidelines Section 15091(a).

Rationale for Finding - A summary of the rationale for the finding(s).

Reference - A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines §15093, 15043[b]; see also CEQA § 21081[b].)

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR, Final EIR, and Errata are available on the Department of City Planning's website at <http://planning.lacity.org> (to locate the documents click on the "Environmental Review" tab on the left-hand side, then "Final EIR," and click on the project title, where the Draft and Final EIR are made available). The Draft and Final EIR are also available at the following four Library Branches:

- Los Angeles Central Library - 630 W. Fifth Street, Los Angeles, CA 90071;
- Goldwyn-Hollywood Regional Branch Library - 1623 North Ivar Avenue, Los Angeles, CA 90028;
- Will & Ariel Durant Library, 7140 Sunset Blvd, Los Angeles, CA 90046

## II. ENVIRONMENTAL DOCUMENTATION BACKGROUND

For purposes of CEQA and these Findings, the Record of Proceedings for the project includes (but is not limited to) the following documents:

**Initial Study.** The project was reviewed by the Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of the CEQA (PRC 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.).

**Notice of Preparation.** Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on May 24, 2016, and ending on June 23, 2016. The NOP also provided notice of a Public Scoping Meeting held on June 7, 2016. The purpose of the NOP and Public Scoping Meeting was to formally inform the public that the City was preparing a Draft EIR for the project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. Written comment letters responding to the NOP and the Scoping Meeting were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

**Draft EIR.** The Draft EIR evaluated in detail the potential effects of the project. It also analyzed the effects of a reasonable range of three alternatives to the project, including a “No Project” alternative. The Draft EIR for the project (State Clearinghouse No. 2016051068), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 45-day public comment period beginning on August 23, 2018, and ending on October 8, 2018. A Notice of Availability (NOA) was distributed on August 23, 2018 to all property owners within 500 feet of the project site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at City Hall, Department of City Planning, and the following local libraries: Los Angeles Central Library, Goldwyn-Hollywood Regional Branch Library, and Will & Ariel Durant Library. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on August 23, 2018.

**Notice of Completion.** A Notice of Completion was sent with the Draft EIR to the Governor’s Office of Planning and Research State Clearinghouse for distribution to State Agencies on August 23, 2018, and notice was provided in newspapers of

general and/or regional circulation.

**Final EIR.** The City released a Final EIR for the project on December 12, 2018, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section II, Responses to Comments, of the Final EIR. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the project site, as well as anyone who commented on the Draft EIR, and interested parties.

**Public Hearing.** The Zoning Administrator held a duly noticed public hearing for the project on March 19, 2019.

### **III. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT**

The Department of City Planning prepared an Initial Study dated May 24, 2016. The Initial Study is located in Appendix A of the Draft EIR. The Initial Study found the following environmental impacts not to be significant or less than significant:

- I. Aesthetics**
  - a. Scenic Vista
  - b. Scenic Resources
  - c. Visual Character
  - d. Substantial Light or Glare
  
- II. Agricultural and Forest Resources**
  - a. Farmland
  - b. Existing Zoning for Agricultural Use
  - c. Forest Land or Timberland Zoning
  - d. Loss or Conversion of Forest Land
  - e. Other Changes in the Existing Environment
  
- III. Air Quality**
  - e. Objectionable Odors
  
- IV. Biological Resources**
  - a. Special Status Species
  - b. Riparian Habitat and Wetlands
  - c. Wetlands
  - d. Movement of any Resident or Migratory Species
  - f. Habitat Conservation Plans
  
- VI. Geological Resources**

- a(i). Fault Rupture
- a(iii). Seismic Ground Failure/Liquefaction
- a(iv). Landslides
- b. Soil Erosion
- e. Septic Tanks

**VIII. Hazards and Hazardous Materials**

- a. Transport, Use, Disposal of Hazardous Materials
- c. Hazardous Emissions or Materials Near a School
- e. Airport Land Use Plans
- f. Private Airstrips
- g. Emergency Response/Evacuation Plans
- h. Wildland Fires

**IX. Hydrology and Water Quality**

- a. Water Quality Standards or Discharge Requirements
- b. Groundwater Supplies
- c. Erosion or Siltation
- d. Surface Runoff
- e. Stormwater Drainage
- f. Degrade Water Quality
- g. Mapped 100-Year Flood Hazard Areas
- h. 100-Year Flood Hazard
- i. Flooding
- j. Seiche, Tsunami or Mudflow

**X. Land Use and Planning**

- a. Divide an Established Community
- c. Habitat or Natural Community Conservation Plans

**XI. Mineral Resources**

- a. Loss of Known Mineral Resources
- b. Loss of Mineral Resources Recovery Site

**XII. Noise**

- e. Airport Land Use Plans
- f. Private Airstrips

**XIII. Population and Housing**

- b. Displacement of Existing Housing
- c. Displacement of Existing Residents

**XV. Recreation**

- b. Construction or Expansion of Recreational Facilities

**XVI. Transportation/Circulation**

- c. Air Traffic Patterns

**XVII. Utilities**

a. Wastewater Treatment Requirements

In addition to the above environmental impact areas identified as not significant or less than significant by the Initial Study, impacts of the project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and regulatory compliance measures) and that require no mitigation are identified below.

The City has reviewed the EIR as well as the whole of the administrative record and has determined that the following environmental impact categories will not result in any significant impacts and that no mitigation measures are needed, and no additional findings are needed. This information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

**Air Quality (Draft EIR Section IV.B)**

- a. Conflict with or Obstruct Implementation of Air Quality Plan
- b. Violate Air Quality Standards
- c. Cumulative Considerable Net Increase of Criteria Pollutant
- d. Expose Sensitive Receptors

**Biological Resources (Draft EIR Section IV.C)**

- e. Conflict with Local Policies Protecting Biological Resources

**Cultural Resources (Draft EIR Section IV.D)**

- b. Human Remains

**Geological Resources (Draft EIR Section IV.E)**

- a(ii). Seismic Ground Shaking
- c. Unstable Soil or Geologic Unit
- d. Expansive Soil

**Greenhouse Gas Emissions (Draft EIR Section IV.F)**

- a. Direct or Indirect Emissions Resulting in Significant Impact
- b. Conflict with Applicable Plans or Regulations

**Hazards and Hazardous Materials (Draft EIR Section IV.G)**

- b. Release of Hazardous Materials
- d. Hazardous Materials Site

**Land Use and Planning (Draft EIR Section IV.H)**

- b. Conflict with Applicable Land Use Plan, Policy, or Regulation

**Population and Housing (Draft EIR Section IV.J)**

- a. Induce Substantial Population Growth

**Public Services (Draft EIR Section IV.K)**

- a. Fire Protection
- b. Police Protection
- c. Schools
- d. Recreation and Parks
- e. Library Services

**Transportation/Circulation (Draft EIR Section IV.L)**

- a. Conflict with Applicable Plan, Ordinance, or Policy
- b. Congestion Management Plan
- d. Design Features

- e. Emergency Access
- f. Public Transit, Bicycle, and Pedestrian Facilities

**Tribal Cultural Resources (Draft EIR Section IV.M)**

- a. Eligible Historic Resources
- b. Tribal Cultural Resources

**Utilities (Draft EIR Section IV.N)**

- b. Water or Wastewater Treatment Facilities
- c. Stormwater Drainage Facilities
- d. Water Supplies
- e. Wastewater Treatment Capacity
- f. Landfill Capacity
- g. Solid Waste Regulations

**Energy Conservation (Draft EIR Section IV.O)**

- a. Energy Consumption
- b. New Energy Sources

**Mandatory Findings of Significance (Draft EIR Section V)**

- a. Wastewater Treatment Requirements

**IV. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION**

**Cultural Resources**

**Historical Resources**

The existing theater building (“Playhouse”) at the project site appears eligible for listing in the National and California Registers, as well as eligible for designation as a local HCM. It is therefore a historical resource under CEQA. The existing Early Learning Center building does not appear eligible for listing in the National or California Registers, or for designation as a local HCM. It is therefore not an historical resource under CEQA and its demolition would not cause a significant historical resources impact.

Although the project could potentially cause direct impacts to the Playhouse, these impacts would be less than significant with implementation of the structural monitoring program required by MM-NOI-1. Because the setting of the Playhouse and the other nearest historical resource (the Anne Banning Community House) have been altered over time, the project does not have the potential to cause indirect impacts to the historical setting.

Although impacts to historic resources tend to be site-specific, cumulative impacts would occur if the project, related projects, and other future development would impact local historical resources. The project would not indirectly impact the Playhouse or the Anne Banning Community House, and due to their distance, the nearest related projects would not have direct or indirect impacts on these resources. The project’s contribution to cumulative historic impacts would therefore be less than significant.

Therefore, the project will have a less than significant impact on historical resources.

**MM NOI-1** The project applicant shall complete a structural monitoring program

for Sensitive Receptor No. 3 (The Playhouse) during construction including the following:

a) Conduct a preconstruction survey to document existing conditions of Sensitive Receptor 3 (The Playhouse). Documentation shall consist of video and/or photographic documentation of accessible and visible areas on the exterior and select interior elevations of the adjacent buildings. A registered civil engineer, structural engineer, or certified engineering geologist with experience working with historical buildings shall develop recommendations for the adjacent structure monitoring program that will include, but not be limited to, specific vibration levels that shall not be exceeded for each building, vibration monitoring, elevation and lateral monitoring points, crack monitors, and other instrumentation deemed necessary to protect the structures from construction-related damage.

b) The monitoring program shall survey for vertical and horizontal movement, as well as any exceedances of the vibration thresholds established for each building under section (a) above. If the thresholds are met or exceeded, or noticeable structural damage becomes evident to the project contractor, work shall stop in the area of the affected building until measures have been taken to stabilize the affected building to prevent construction-related damage to the structure. Any necessary repair work would be performed in accordance with the Secretary of the Interior Standards.

c) The applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at The Playhouse (Sensitive Receptor No. 3) during demolition, excavation, and construction. The vibration monitoring system shall measure and continuously store the peak particle velocity (PPV) in inch/second. Vibration data shall be stored on a one-second interval. The system shall also be programmed for two preset velocity levels: a warning level of 0.17 inch/second (PPV) for The Playhouse (Sensitive Receptor No. 3), and a regulatory level of 0.20 inch/second (PPV). The system shall also provide real-time alert when the vibration levels exceed the two preset levels.

In the event the warning level above is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

In the event the regulatory level above is triggered, the contractor shall halt the construction activities in the vicinity of the building and visually inspect the building for any damage. Results of the inspection must be logged. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart.

In the event damage occurs to historic materials due to construction vibration, such materials shall be repaired in kind in a manner that meets the Secretary of the Interior's Standards.

d) The structure monitoring program shall be submitted to the Department of Building and Safety for approval.

### **Archaeological Resources**

The project site is fully developed with structures and paved areas. Construction activities would involve excavation below existing grade up to depths of approximately 15 feet to construct subterranean parking structure for the project, thereby creating a potential to disturb any undiscovered archaeological resources. With compliance with CUL-MM-2, impacts to archaeological resources in the event that resources are discovered during excavation and grading activities would be less than significant. The nearest related projects have either completed their subterranean excavation, or do not propose such excavation. Similar to the project, it is reasonably anticipated that other related projects would comply with existing regulatory requirements and would incorporate mitigation measures if there is a high potential for archaeological resources to occur at that site. Therefore, cumulative impacts would be less than significant.

**CUL-MM-2** If any archaeological materials are encountered during the course of the project development, the project shall be halted in the area of discovery. The services of a professional archaeologist, as depending on the nature of the materials encountered, shall be secured by contacting the Center for Public Archaeology – Cal State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist and/or the Center for Public Paleontology - USC, UCLA, Cal State Los Angeles, Cal State Long Beach, or the County Museum to assess the resources and evaluate the impact; and Copies of the archaeological surveys, studies, or reports shall be submitted to the UCLA Archaeological Information Center.

### **Paleontological Resources**

Excavation activities, which may achieve depths of up to approximately 15 feet for the proposed subterranean parking structure, may extend farther into the underlying geologic materials than the previous activity at the project site. However, with implementation of Mitigation Measure CUL-MM-3, impacts to paleontological resources that may be discovered during excavation and grading activities would be less than significant. The nearest related projects have either completed their subterranean excavation, or do not propose such excavation. Similar to the project, it is reasonably anticipated that other related projects would comply with existing regulatory requirements and would incorporate mitigation measures if there is a high potential for paleontological resources to occur at that site. Therefore, cumulative impacts would be less than significant.

**CUL-MM-3** If any paleontological materials are encountered during the course of the project development, the project shall be halted in the area of discovery. The services of a professional paleontologist, as depending on the nature of the materials encountered, shall be secured by contacting the Center for Public Archaeology – Cal State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist and/or the Center for

Public Paleontology - USC, UCLA, Cal State Los Angeles, Cal State Long Beach, or the County Museum to assess the resources and evaluate the impact; and Copies of the paleontological surveys, studies, or reports shall be submitted to the UCLA Archaeological Information Center.

## **Noise and Vibration**

### **Vibration (Building Damage)**

Vibration levels during project construction at Sensitive Receptor No. 3 (The Playhouse) could have the potential to exceed the FTA's 0.12 PPV (inches per second) standard for historic buildings or buildings that are extremely susceptible to vibration damage. In accordance with the Secretary of Interior Standard 5 and Section 91.3307.1 (Protection Required) of the LAMC, distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property would be preserved, and all adjacent property shall be protected from damage during construction and demolition work. Additionally, mitigation measure MM-NOI-1 (as described above under Historic Resources) would be implemented, which includes a structure monitoring program during construction activities to ensure historic resources and adjacent buildings are protected from damage. With compliance with regulatory requirements (i.e., Secretary of Interior Standard 5 and Section 91.3307.1 of the LAMC) and implementation of MM-NOI-1 (incorporating a structure monitoring program) and MM-NOI-12 (limitation on pile driving), vibration impacts pertaining to building damage would be less than significant.

**MM-NOI-12** The construction contractor shall use drilled piles or the use of a sonic or vibratory pile driver where geological conditions permit their use. The construction shall not utilize impact piling except in locations where the underlying geological conditions render drilled piles or sonic or vibratory pile drivers ineffective.

## **V. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT EVEN AFTER MITIGATION**

The EIR concluded that while the project's operational-related noise and vibration impacts would be less than significant without mitigation, its project-level and cumulative construction-related noise and vibration (human annoyance) impacts would remain significant and unavoidable following implementation of all feasible mitigation measures described in the Final EIR. Consequently, in accordance with CEQA Guidelines Section 15093, a Statement of Overriding Considerations has been prepared (see Section VII of these Findings).

### **Construction Noise and Vibration**

#### **Impact Summary**

The construction noise levels forecasted for the proposed construction work would result in significant noise impacts at all of the sensitive receptors before

implementation of mitigation. In addition to on-site construction activities, the project would also generate haul trips during the excavation phase. Previously identified sensitive receptors along St. Andrews Place and De Longpre Avenue may experience noise level increases of 5 dBA or more from project haul trucks. Therefore, these off-site noise impacts would be potentially significant.

Construction-related vibration would exceed thresholds regarding human annoyance at several of the nearest sensitive receptors. In addition, vibration-sensitive uses are located along the anticipated haul route. Since construction-related vibration levels could exceed the relevant thresholds, on- and off-site construction-generated human annoyance vibration impacts would be potentially significant.

Construction of the project in combination with the related projects would result in an increase in construction noise and vibration in this heavily urbanized area of the City. Therefore, as project construction noise and vibration impacts would be considered significant, it is possible that project construction activities could combine with construction activities associated with related projects to generate a cumulatively considerable noise and vibration impact during construction. As such, cumulative impacts with respect to construction noise and vibration from on-site sources would be significant.

As the related projects would be anticipated to use similar trucks as the project, it is anticipated that construction trucks would generate similar vibration levels along the anticipated haul route. Therefore, to the extent that other related projects use the same haul route at the same time as the project, potential cumulative human annoyance impacts associated with temporary and intermittent vibration from haul trucks traveling along the designated haul routes would be significant.

### **Mitigation Measures**

**MM-NOI-2** Noise and groundborne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as feasible from the nearest off-site land uses.

**MM-NOI-3** Construction and demolition activities shall be scheduled so as to avoid operating several loud pieces of equipment simultaneously, as feasible.

**MM-NOI-4** Flexible sound control curtains and/or noise sheds as feasible shall be placed around all drilling apparatuses, drill rigs, and jackhammers when in use.

**MM-NOI-5** The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. Noise reduction devices shall achieve a sound attenuation of at least 3 dBA at 50 feet of distance.

**MM-NOI-6** A temporary, continuous sound barrier shall be erected along the perimeter of the project site. The barrier shall be at least 8 feet in height and constructed of materials achieving a Transmission Loss (TL) value of at least 20

dBA, such as ½ inch plywood. The supporting structure shall be engineered and erected according to applicable codes. The temporary barrier shall remain in place until all project windows have been installed.

**MM-NOI-7** All construction truck traffic shall be restricted to truck routes approved by the Department of Building and Safety, which routes shall avoid residential areas and other sensitive receptors to the extent feasible.

**MM-NOI-8** Two weeks prior to the commencement of construction at the project site, notification shall be provided to the immediate surrounding off-site properties that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period.

**MM-NOI-9** Construction staging areas for each project shall be as far from sensitive receptors as possible.

**MM-NOI-10** Construction activities shall utilize rubber-tired equipment in place of steel track equipment.

**MM-NOI-11** The construction contractor shall avoid using vibratory rollers and packers near sensitive receptors.

**MM-NOI-12** The construction contractor shall use drilled piles or the use of a sonic or vibratory pile driver where geological conditions permit their use. The construction shall not utilize impact piledriving except in locations where the underlying geological conditions render drilled piles or sonic or vibratory pile drivers ineffective.

### **Finding**

The City finds, pursuant to Public Resources Code section 21081(a)(1), that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. However, these impacts have not been reduced to less than significant.

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section VII of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or project alternatives identified in the EIR to reduce the project's impacts to be less than significant.

### **Rationale for Finding**

#### **Construction Noise and Vibration**

Implementation of Mitigation Measures MM-NOI-2 through MM-NOI-12 would reduce the severity of temporary construction, and eliminate significant impacts at

Sensitive Receptor Nos. 4, 5, and 6. However, temporary and periodic construction-related noise impacts would remain significant and unavoidable at Sensitive Receptor Nos. 1, 2, and 3. No other feasible mitigation measures have been identified that would reduce these impacts.

It is possible for the project and related projects to contribute to cumulative off-site haul truck construction noise impacts for receptors located between construction sites. Though the project would be subject to multiple on-site mitigation measures, conventional mitigation measures such as providing temporary noise barrier walls to reduce the off-site construction truck traffic noise impacts would not be feasible as the barriers would obstruct the access and visibility to the properties along the haul route. Therefore, there are no feasible mitigation measures to reduce the temporary noise impacts associated with off-site construction traffic. As such, cumulative noise impacts from off-site construction would remain significant and unavoidable.

The identified vibration-related mitigation measures would reduce the severity of temporary construction vibration impacts with regard to building damage. However, no feasible mitigation measures to reduce on-site vibration below the human annoyance thresholds have been identified. Moreover, as noted above, measures to reduce off-site vibration impacts resulting from haul truck activities are not feasible. Accordingly, project-level and cumulative vibration impacts with regard to human annoyance would remain significant and unavoidable.

### **Reference**

Section IV.I, Noise of the Draft EIR; Noise monitoring data and calculations contained in Appendix J of the Draft EIR.

## **VI. ALTERNATIVES TO THE PROJECT**

In addition to the project, the Draft EIR evaluated a reasonable range of three alternatives to the project designed to reduce the significant environmental impacts of the project while still meeting the general project objectives. These alternatives are: 1) No Project/No Build Alternative; 2) Maximum FAR Project; and 3) Small Lot Ordinance (SLO) Project.

### **Summary of Findings**

Based upon the following analysis, the City finds, pursuant to Public Resources Code Section 21081, that specific economic, legal, social, technological, or other considerations, including considerations identified in Section VII of these findings (Statement of Overriding Considerations), make infeasible the project alternatives identified in the EIR.

### **Project Objectives**

An important consideration in the analysis of alternatives to the project is the degree to which such alternatives would achieve the objectives of the project. As more thoroughly described in Section II, Project Description, of the Draft EIR, both the

City and project applicant have established specific objectives concerning the project, which are incorporated by reference herein and discussed further below.

### **Alternative 1 – No Project/No Build**

Alternative 1, the No Project Alternative, assumes that the project site would be occupied by a preschool and a charter school, no new permanent development would occur within the project site, and the existing environment would be maintained.

### **Impact Summary**

The No Project Alternative would avoid the project's significant and unavoidable construction noise impacts. Impacts associated with all other environmental issues would be less than those of the project.

### **Finding**

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section VII of these findings (Statement of Overriding Considerations), make infeasible the No Project/No Build Alternative described in the Draft EIR.

### **Rationale for Findings**

Alternative 1 would eliminate the project's significant and unavoidable impacts, reduce all the project's less than significant environmental impacts, and is environmentally superior to the project. However, Alternative 1 would not meet the project's underlying purpose, or achieve any of the project objectives.

### **Reference**

Section VI, Alternatives, of the Draft EIR.

### **Alternative 2 – Maximum FAR**

Alternative 2: Maximum FAR Project would construct a residential building with ground floor day care uses. Alternative 2 would seek to utilize all of the allowable 4.5:1 floor area and unlimited height for which the site is zoned. The tower would be a total height of 268 feet. The residential building would have a much smaller footprint on the site than the proposed project, covering less than 20 percent of the site area compared to the proposed project which covers approximately 60 percent of the site area.

### **Impact Summary**

The Maximum FAR Project Alternative would have the same temporary significant and unavoidable impact as the project with respect to construction noise and vibration. The Maximum FAR Project Alternative would have the same or lower impacts than the project with respect to paleontological resources, archeological

resources, land use & planning, and public services (parks and recreation), and higher impacts with respect to air quality (construction and operation), greenhouse gases (operation), noise (construction and operation), population (construction), public services (fire and police), traffic, and utilities (wastewater, water, solid waste, electricity, and natural gas) even though these would still be less than significant.

### **Finding**

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section VII of these findings (Statement of Overriding Considerations), make infeasible Alternative 2 described in the Draft EIR.

### **Rationale for Finding**

Although Alternative 2 would reduce some of the project's less than significant impacts, other impacts would be greater (while remaining less than significant), and the project's significant and unavoidable construction noise and vibration impacts would not be eliminated or significantly reduced.

### **Reference**

Section VI, Alternatives, of the Draft EIR.

### **Alternative 3 – Small Lot Ordinance (SLO) Alternative**

Under Alternative 3: Small Lot Ordinance (SLO) Project, the two buildings fronting De Longpre Avenue formerly occupied by a charter school and day care center would be demolished in order to develop a reduced-intensity project comprising 40 residential townhouses entitled under the City's Small Lot Subdivision Ordinance (SLO). The 40 SLO units would have the same footprint as the project, with the theater to remain as it is. Maximum height of the townhouses would be 35 feet from grade. Total square footage of residential uses would be 72,000 square feet.

### **Impact Summary**

The SLO Project Alternative would have the same temporary significant and unavoidable impact as the project with respect to construction noise and vibration. The SLO Project Alternative would have lower less than significant impacts than the project with respect to air quality, paleontological resources, archeological resources, geology and soils (strong seismic ground shaking and groundwater), greenhouse gases, land use, noise, population and housing, and public services, traffic, tribal cultural resources, and utilities.

### **Finding**

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section VII of these findings (Statement of Overriding Considerations), make infeasible Alternative 3 as described in the Draft EIR.

### **Rationale for Findings**

Although Alternative 3 would reduce many of the project's less than significant impacts, the project's significant and unavoidable construction noise and vibrations impacts would not be eliminated or significantly reduced. Moreover, the alternative would not implement the project objectives to the same extent as the project.

### **Reference**

Section VI, Alternatives, of the Draft EIR.

### **Project Alternatives Considered and Rejected**

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. One alternative to the project that was considered and rejected as infeasible is described below:

### **Alternative Project Site**

This alternative would consider development of the project on an alternate infill site in the project vicinity. However, the project applicant does not own or control any other sites, and development of another site on an infill site in the project area would result in environmental impacts similar to those of the project. As development of such an alternative site would involve use of the same construction equipment as the project, an alternative site alternative would not eliminate or substantially lessen the project's significant and unavoidable noise and vibration impacts during construction.

### **Environmentally Superior Alternative**

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the project.

Of the alternatives analyzed in the Draft EIR, Alternative 1, the No Project/No Build Alternative would avoid the project's significant environmental impacts. However, the No Project Alternative would not meet any of the project basic objectives. The SLO Project Alternative would be environmentally superior to the project. Because this alternative would reduce development density, as compared to the

project, the SLO Project Alternative would lessen the significant and unavoidable impacts of the project with respect to construction noise and vibration, although the impacts would remain significant. The SLO Project Alternative would have reduced less than significant impacts compared to the project with respect to air quality, paleontological resources, archeological resources, geology and soils (strong seismic ground shaking and groundwater), greenhouse gases, noise, population and housing, and public services, traffic, and utilities. However, the SLO Project Alternative would not meet the objectives of the project to the same degree as the project.

## **VII. OTHER CEQA CONSIDERATIONS**

### **Growth Inducing Impacts**

Section 15126.2(d) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

The project would be consistent with the growth forecast for the City of Los Angeles Subregion. Moreover, the project site is located in an urbanized area that is served by current infrastructure (e.g., roads and utilities), and community service facilities. The only off-site infrastructure improvements would consist of tie-ins to the existing utility main-lines already serving the project area. The project would not require the construction of off-site infrastructure that would provide additional infrastructure capacity for other future development. Additionally, the project would be located in a developed area (infill) where the residents would utilize the existing transportation. Lastly, the project would not open inaccessible sites to new development other than existing opportunities for development that are already available. Therefore, direct and indirect growth-inducing impacts would be less than significant.

### **Significant Irreversible Environmental Changes**

Section 15126.2(c) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the project and would continue throughout its operational lifetime.

### **Natural Resources**

The proposed project would require the long-term commitment of natural resources and land, and would redevelop approximately 1.7 acres of land with residential uses. However, the land is located in an urbanized area and is currently developed with buildings and infrastructure. The project would not develop open space or previously undeveloped land and the redevelopment of the project site would not represent a loss of a natural resource.

Construction of the project would require consumption of resources that are not replenishable or that may renew so slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), petrochemical construction materials (e.g., plastics), and water. Fossil fuels, such as gasoline and oil, would also be consumed in the use of construction vehicles and equipment.

In compliance with the Citywide Construction and Demolition Waste Recycling Ordinance (Ordinance No. 181,519), all construction and demolition waste generated by the project would be taken to City certified construction and demolition waste processors, where the waste would be recycled to the extent feasible. Therefore, recycling of project-generated demolition and construction-related waste (i.e., asphalt and construction debris) would be reduced.

Once constructed, the use of these resources over the life of the project would be minimal and likely only needed for repairs or maintenance. The project would require the use of energy during operation. Energy demand associated with operation of the project is described in Section IV.O Energy – CEQA Appendix F. Although the commitment of resources required for the type and level of proposed development would limit the availability of these resources for future generations for other uses, this resource consumption would be consistent with growth and anticipated change in the Los Angeles area.

### **Commitment of Future Generations**

The project site is currently developed with existing buildings and would occur within an area where development of the land is allowed under the City's General Plan and Zoning Ordinance. Therefore, the project would not represent a long-term commitment of land that is undeveloped or slated for preservation as undeveloped land. The project would not create any secondary impact by providing access to a previously inaccessible area.

### **Potential for Irreversible Damage**

The project would not use or create any materials with the potential for irreversible damage. The project site does not consist of a hazardous material site pursuant to Government Code Section 65962.5. Accidental spills of fuels, paints, or other chemicals could occur during construction. However, the project would not create a significant hazard related to routine transport, use, or disposal of hazardous materials during construction as such activities would occur in conformance with all applicable local, State, and federal regulations and the demolition contractor would comply with applicable federal and State standards and procedures with respect to waste materials in the existing buildings including ACMs, ACCMs, LBP, and LBS. Project uses would potentially involve the use of small quantities of hazardous materials for routine cleaning, maintenance, and landscaping. However, all potentially hazardous materials would be contained, stored, and used in accordance with the manufacturers' instructions and handled in compliance with

the applicable standards and regulations, such as those administered by the LAFD, OSHA, and CalOSHA.

### VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

The EIR identified unavoidable significant impacts pertaining to construction-related noise and vibration impacts (regarding human annoyance). Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decisions of the public agency allow the occurrence of significant impacts identified in the EIR that are not substantially lessened or avoided, the lead agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. Article I of the City's CEQA Guidelines incorporates all of the State CEQA Guidelines contained in Title 14, California Code of Regulations, Sections 15000 et seq. and thereby requires, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects identified in the Final EIR cannot be substantially lessened or avoided. These findings and the Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the EIR, the source references in the EIR, and other documents and material that constitute the record of proceedings.

Accordingly, based on the analysis provided in the Final EIR, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will result from implementation of the project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the project, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the project against the project's significant and unavoidable impacts, the City hereby finds that the each of the project's benefits, as listed below, outweighs and overrides the significant unavoidable impacts of the project.

Summarized below are the benefits, goals and objectives of the project. These provide the rationale for approval of the proposed project. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually would be sufficient to outweigh the significant unavoidable impacts of the project and justify the approval, adoption or issuance of all of the required permits, approvals and other entitlements for the project and the certification of the completed Final EIR. Despite the unavoidable noise and vibration impacts caused by the construction of the project, the City approves the project based on the following contributions of the project to the community:

- **New Housing Units.** The project will provide new infill housing consisting of a variety of unit types that will help meet housing demands in the Hollywood Community Plan Area.
- **VMT Reduction.** The project's new housing units will be developed near public transit options and employment centers, therefore facilitating a reduction in vehicle miles traveled.

- **Revitalization of Project Site.** The project will revitalize an underutilized urban property through the development of new residential units and associated open space, landscaping, and site improvements.
- **Retention of Historic Resources.** The project will retain the project site's historic children's playhouse/theater and develop complementary residential uses that will be compatible with the retained building.

## IX. GENERAL FINDINGS

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the project that is evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the project, that the Draft EIR which was circulated for public review reflected its independent judgment, and that the Final EIR reflects the independent judgment of the City.
2. The EIR evaluated the following potential project and cumulative environmental impacts: Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Land Use; Noise; Population and Housing; Public Services; Traffic; Tribal Cultural Resources; Utilities; and Energy Conservation and Infrastructure. Additionally, the EIR considered Growth Inducing Impacts and Significant Irreversible Environmental Changes. The significant environmental impacts of the project and the alternatives were identified in the EIR.
3. The City finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.
4. Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process.
5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final

EIR provides adequate, good faith and reasoned response to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.

6. The Final EIR documents include changes to the Draft EIR. The Final EIR provides additional information that was not included in the Draft EIR. Having reviewed the information contained in the Draft EIR and the Final EIR and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there are no new significant impacts, substantial increase in the severity of a previously disclosed impact, significant information in the record of proceedings, or other criteria under CEQA that would require recirculation of the Draft EIR, or preparation of a supplemental or subsequent EIR.

Specifically, the City finds that:

- a. The Responses to Comments contained in the Final EIR fully considered and responded to any comments claiming that the project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.
  - b. The City has thoroughly reviewed the public comments received regarding the project and the Final EIR as it relates to the project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
  - c. None of the information submitted after publication of the Final EIR, including testimony at and documents submitted for the public hearings on the project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.
7. The mitigation measures identified for the project were included in the Draft and Final EIRs. As revised, the final mitigation measures for the project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation

measures identified in the MMP is incorporated into the project. The City finds that the impacts of the project have been mitigated to less than significance by the feasible mitigation measures identified in the MMP.

8. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City serves that function. The MMP includes all the mitigation measures and project design features adopted by the City in connection with the approval of the project and has been designed to ensure compliance with such measures during implementation of the project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.
9. In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the project.
10. The custodian of the documents or other material which constitute the record of proceedings upon which the City's decision is based is the City Department of City Planning, Environmental Review Section, 221 North Figueroa Street, Room 1350, Los Angeles, California 90012.
11. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
12. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the project.
13. The EIR is a project EIR for purposes of environmental analysis of the project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the project by the City and other regulatory jurisdictions.

## **FLOOD HAZARD**

11. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of a Flood Zone.

Inquiries regarding this matter shall be directed to Erin Strelch, Planning Staff at (213)847-3626.



MAYA E. ZAITZEVSKY  
Associate Zoning Administrator

MEZ:ES:dn

cc: Councilmember Mitch O'Farrell  
Thirteenth Council District  
Adjoining Property Owners

**APPEAL  
WITH  
ATTACHMENTS**



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission, City Planning Commission, City Council, Director of Planning

Regarding Case Number: ZA-2015-4629 ZAA-ZAI-WDI-SPR;

Project Address: 1365-1375 St. Andrews Place, 5604-5632 W De Longpre Ave, & 5605-5607 W. Fernwood Ave

Final Date to Appeal: 07/12/2019

- Type of Appeal: Appeal by Applicant/Owner, Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved, Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Supporters Alliance for Environmental Responsibility

Company:

Mailing Address: 4399 Santa Anita Ave., Suite 205

City: El Monte State: CA Zip: 91731

Telephone: (510) 836-4200 E-mail: richard@lozeaudrury.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company? Self, Other
Is the appeal being filed to support the original applicant's position? Yes, No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Richard Drury

Company: Lozeau Drury LLP

Mailing Address: 1939 Harrison Street, Suite 150

City: Oakland State: CA Zip: 94612

Telephone: (510) 836-4200 E-mail: richard@lozeaudrury.com

**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part

Are specific conditions of approval being appealed?  Yes  No

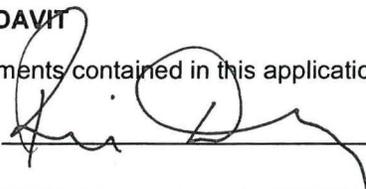
If Yes, list the condition number(s) here: All Conditions

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 07/11/2019

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89<sup>00</sup></u>	Reviewed & Accepted by (DSC Planner): <u>LaTanya Roux, Planning Assistant</u>	Date: <u>7/12/19</u>
Receipt No: <u>0102064870.</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

## **Justification/Reason for Appeal**

### **1375 St. Andrews Apartments Project**

Zoning Administrator Case No. ZA-2015-4629 ZAA-ZAI-WDI-SPR; ENV-2015-4630-EIR

1365–1375 St. Andrews Place, 5604-5632 W De Longpre Ave, & 5605-5607 W. Fernwood Ave.

**REASON FOR THE APPEAL:** The Environmental Impact Report (“EIR”) prepared for the 1375 St Andrews Apartments Project (CEQA No. ENV-2015-4630-EIR) (“Project”) fails to comply with the California Environmental Quality Act (CEQA).

**SPECIFICALLY THE POINTS IN ISSUE:** The EIR fails to adequately analyze environmental impacts of the Project, fails to adequately describe the environmental setting of the Project, and fails to propose all feasible mitigation measures and alternatives to reduce Project impacts.

Specifically, the EIR found potentially significant impacts in the following categories: noise, public services, transportation and traffic. It also found potentially significant impacts for one of the mandatory findings of significance required by CEQA. Appellant also believes the Project will have significant air quality impacts, indoor air quality impacts, as well as traffic impacts and other impacts. The CEQA document fails to tie environmental impacts to human health impacts in violation of CEQA. These potentially significant impacts must be analyzed in a revised EIR.

**HOW YOU ARE AGGREIVED BY THE DECISION:** Members of appellants Supporters Alliance for Environmental Responsibility (“SAFER”) live in the vicinity of the proposed Project. They breathe the air, suffer traffic congestion, and will suffer other environmental impacts of the Project unless it is properly mitigated. Members of SAFER, will be directly affected by soil contamination, improperly controlled construction equipment, and other risks during Project construction.

**WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION:** The Zoning Administrator approved the EIR, Statement of Overriding Considerations and the Mitigation Monitoring Program for the Project despite the fact that the EIR fails to comply with CEQA.



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission, City Planning Commission, City Council, Director of Planning

Regarding Case Number: ZA - 2015 - 4629 LEQA # ENN-201554030-1R

Project Address: 1375 St. Andrews Pl, Los Angeles, CA 90028

Final Date to Appeal: 07/12/19

- Type of Appeal: Appeal by Applicant/Owner, Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved, Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Tabatha Yelos

Company:

Mailing Address: 5600 Fernwood Ave #106

City: Los Angeles State: CA Zip: 90028

Telephone: 404-394-1835 E-mail: tabatha@yelos.org

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self, Other:

- Is the appeal being filed to support the original applicant's position? Yes, No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable):

Company:

Mailing Address:

City: State: Zip:

Telephone: E-mail:

**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part  
 Are specific conditions of approval being appealed?  Yes  No

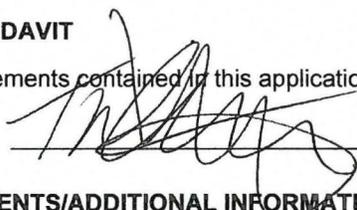
If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature: 

Date: 7/11/19

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
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- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>Anna Van</u>	Date: <u>07/12/19</u>
Receipt No: <u>0104064989</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Tabatha Yelós  
5600 Fernwood Ave Apt 106  
Los Angeles, CA 90028

Central Area Planning Commission  
City of Los Angeles Planning Department  
Los Angeles City Hall  
200 N Spring St, 2<sup>nd</sup> Floor  
Los Angeles, CA 90012

**Appeal of Case No.: ZA-2015-4629; CEQA Case No.: ENV-20154630-EIR**  
**Project Address: 1375 St Andrews Pl., Los Angeles, CA 90028**

Honorable Commission members:

This letter summarizes my appeal of the decision to grant approval to “1375 St. Andrews, LLC” for the construction of a 185-unit apartment complex at 1375 St. Andrews Pl. as the Environmental Impact Review and the developer failed to prove that this specific development would be the best use for the area. The proposed alternatives presented in the Environmental Impact Review (EIR) are lacking. They fail to take into consideration the fact that the land on which the proposed development will sit has special zoning as a result of its proximity to a Freeway.

In addition to my objection that a zoning law has been ignored, among the alternatives presented in the EIR an option was given that would reduce the significant environmental impact on the area. However, this option was not considered as better fit for the land despite that it does, in fact, “meet most of the basic project objectives.”

Furthermore, while the EIR acknowledges that the Project is in a Transit Oriented Community (TOC), it fails to properly consider that its residents will be highly unlikely to use public transportation due to the fact that, as a market-rate development, this Project is targeted towards higher-income residents. As has been determined by multiple studies, lower-income residents are the largest user base of public transit, not higher-income residents. The Project indirectly acknowledges this issue by failing to ask for a TOC Affordable Housing Incentive for which it is perfectly eligible, and instead including 294 parking stalls within the development. By doing so, it violates the Goal 4A and Objective 4.1 of General Plan that require that housing be developed in accordance with the needs of the city so that housing is accessible to residents of *all incomes*.

The General Plan also states that housing should be built in order to meet the housing needs of the city. The EIR and the commission’s decision fail to acknowledge that Council District 13, where the Project is located, is the district with the highest vacancy rate and has seen a decline in its population. There is no visible need for further development.

Although the Project will not cause any direct displacement, it is important to note that, by failing to comply with the General Plan, this Project will cause indirect displacement. Many studies have show that by developing projects at market-rate in areas that have predominantly low-to-mid income residents who cannot afford market-rate apartments, these new projects cause land values to rise and result in mass displacement of current residents. Given the statistics presented by the Los Angeles Homeless Services Authority in the 2019 Homeless Count, this will further compound the homelessness crisis in the city, which is primarily caused by the lack of affordable housing.

Finally, my appeal concludes that this Project will not benefit the area and that there are evidently other projects that are better suited for the area considering the environment in which the proposed development exists and the larger problems facing both the District and the City at large.

## I. INTRODUCTION

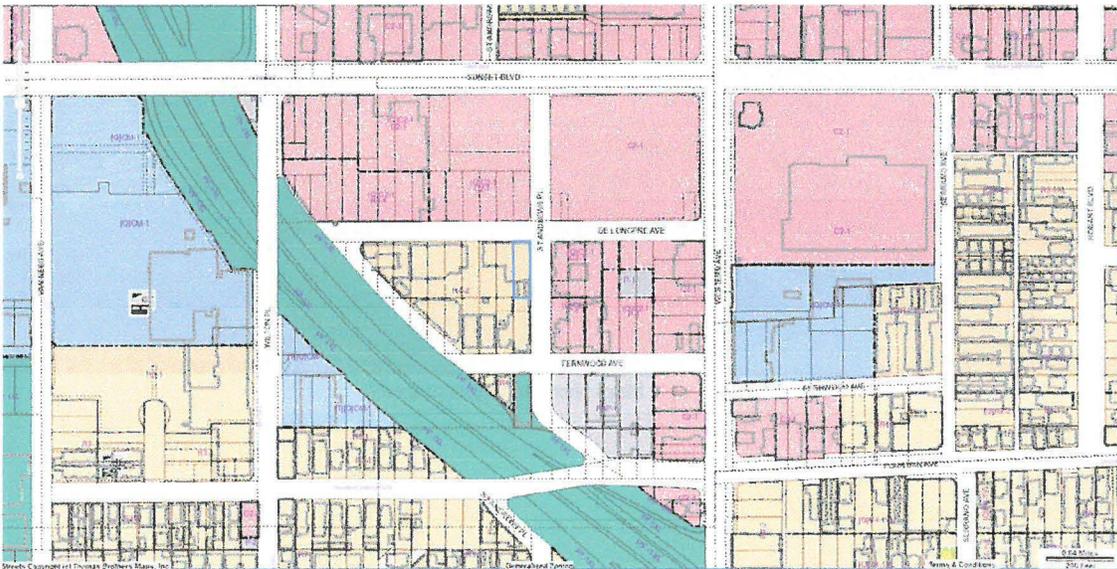
The subject Site consists of an irregularly shaped area comprising approximately 1.7 acres at the southwest corner of the intersection of St. Andrews Place and W. De Longpre Avenue in Hollywood. The Project Site is relatively flat and currently occupied by three buildings: a private charter school that is currently vacant, a day care facility that is also currently vacant, and a children's theater. The two vacant buildings are proposed to be demolished, while the children's theater is proposed to be maintained. The Project would construct an eight-story, 95-foot high residential building with 185 residential units (studios to 3 bedroom, 5 live-work units) and 294 parking spaces. The Site is located within the Hollywood Community Plan with a corresponding zone of High Density Residential R4-2. The zoning information is: ZI-2427 Freeway Adjacent Advisory for Sensitive Uses, ZI-2452 Transit Priority Area in the City of Los Angeles, ZI-1352/2277 Hollywood Redevelopment Project, and ZI-2374 Los Angeles State Enterprise Zone.



Photo: Google Maps photo of subject property



Google Maps photo showing aerial view of 1300 block of St Andrews Pl and 5600 block of W De Longpre Ave



ZIMAS Zoning Maps of subject site. Area is zoned as High Density Residential near the 101 Freeway where non-habitable land use should take priority – the zoning is inconsistent with proper land use planning.

## II. OBJECTIONS

The proposed project site is within about 0.1 miles of the 101 Freeway, a heavily trafficked freeway in Los Angeles. As such, it is zoned ZI-2427. This zoning notice was created because “air pollution studies indicate a strong link between the chronic exposure of populations to vehicle exhaust and particulate matter from roads and freeways and elevated risk of adverse health impacts” (*Department of City Planning Zoning Information File*). Given that the proposed Project will install MERV air filtration systems as is required by this zoning notice, we can say that the Project is both aware of the negative health impacts in the area relating with freeway proximity and of the zoning notice.

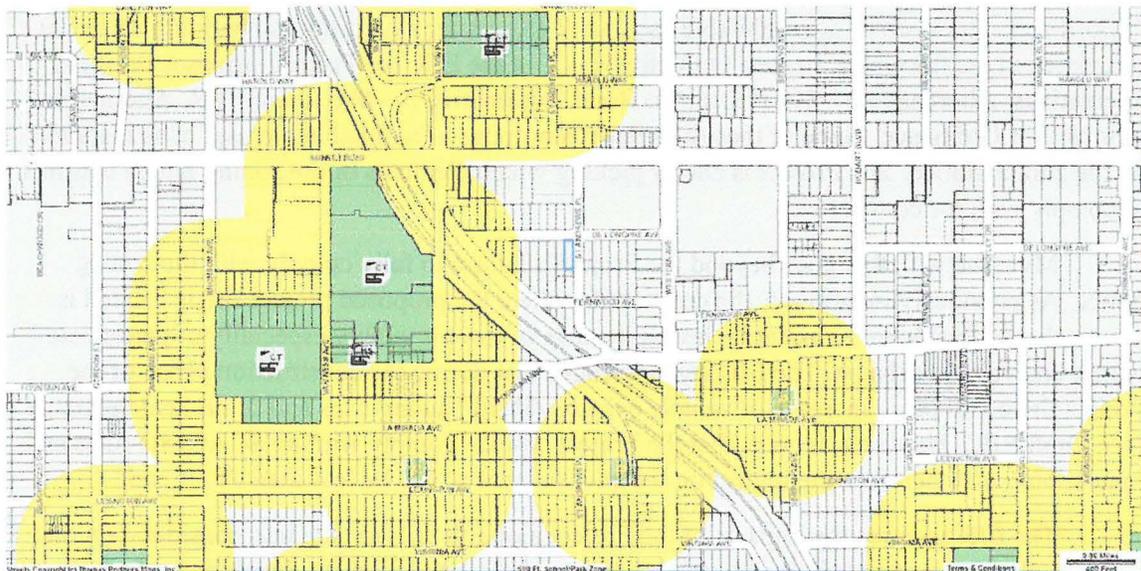
However, the zoning notice also lists a series of “Alternatives to Consider” in order to comply with *Plan for Healthy LA Policy 5.2 – People*: “Reduce negative health impacts for people who live and work in close proximity to industrial uses and freeways through health promoting land uses and impacts.” Among these alternatives, the proposed Project must “Prioritize the location of non-habitable uses, such as parking structures and building areas not calculated in the floor area, nearest to the freeway.” In the EIR, the Project proposes three (3) alternatives: Alternative 1 – No Project/No Build, Alternative 2 – Maximum FAR, Alternative 3 – Small Lot Ordinance. None of these alternatives propose a “non-habitable use” as is mandated by the zoning notice. The Project is cherry picking which elements of the zoning notice it wants to comply with for convenience.

My issue with this goes beyond the Project’s failure to fully comply with the zoning notice. As previously mentioned, the community where the proposed project site is located is extremely vulnerable to the negative health impacts of low air quality especially of particulate matter and vehicle exhaust. The EIR acknowledges that during the construction phase of the Project there will be an increase of vehicle exhaust due to hauling trips and of particulate matter (I-9, Draft EIR). However, it notes that the Project would “comply with all SCAQMD rules and regulations” and therefore the impact on the environment would be less than significant.

The EIR assesses the impacts of the Project alone. It fails to take into consideration that this area already has poor air quality due to its proximity to the freeway. In addition, the EIR fails to mention that this area has had active construction sites for the past several years. At the time of writing, both the Target and Second Home projects are still in construction. Not to mention that Target, a sizeable construction project, will not be finished for at least another year. “Air pollution studies indicate a strong link between *chronic* exposure of populations to vehicle exhaust and particulate matter from roads and freeways and elevated risk of adverse health impacts” (ZI-2427). By approving the Project, the zoning administrator is worsening the air quality in an area that already has significantly harmful air quality and further contributing to *chronic* exposure of my community to poor air quality. It is not prioritizing the health of current residents who live in buildings that do not have MERV air filtration systems and instead using air quality thresholds that were meant to be applied in areas without constant exposure to poor air generated by proximity to the freeway. The assessments of the EIR are not thorough enough to be considered useable.

Furthermore, the Project's objectives do not align with ZI-2427. The No Project/No Build alternative would, of course, reduce the significant harmful effects that the project would have on the community. This alternative was marked as infeasible because it "would not meet the project's underlying purpose, or achieve any of the project objectives" (Letter of determination 44). However, in an area that should "Prioritize the location of non-habitable uses" (ZI-2427) the objective of a project should not be to create habitable housing. Therefore, to say that a No Project/No Build alternative would not meet the Project's objectives is inconsistent with the intent of the zoning law.

As such, the zoning is inconsistent with proper land use planning. The proposed Site would perhaps be better suited for something like a park. The area currently does not have a park within 500ft and any parks that are nearby are small and were not created in such a way that they have provided significant benefit to the community. The benefit of a well-built park would be that it would provide green space for the community, which would help improve the air quality.



ZIMAS: 500ft School/Park Zone. The project site is within the blue rectangle. There are only a few parks in the area that are not well-built and offer little community benefit

The EIR identified Alternative 3 – Small Lot Ordinance (SLO) as the "Environmentally Superior Alternative" (Draft EIR I-7). The EIR states on page I-7:

"SLO Project would be environmentally superior to the Project. Because this alternative would reduce development density, as compared to the Project, the SLO Project alternative would lessen the significant and unavoidable impacts of the Project with respect to construction noise and vibration, although the impacts would remain significant... [and]... have reduced less than significant impacts compared to the Project with respect to air quality, paleontological resources, archeological resources, geology and soils, greenhouse gases, noise, population and housing, and public services, traffic, and utilities. However, the SLO Project Alternative would fail to meet the objectives of the project to the same degree as the Project"

First, it is important to mention that, when constructing buildings, noise and vibration are often found to have significant impacts on the environment. For this reason, the aforementioned impacts are deemed “unavoidable.” Nevertheless, with the SLO Alternative these impacts would be lessened. The EIR failed to mention how long an SLO Alternative would take to build, which is important since the health effects in the area are worsened by time as mentioned above. The proposed Project is expected to take 24 months to complete. I imagine that when building 40 residential units instead of 185 the construction time would be lessened seeing as this is about 4.5x fewer units – it is a significantly smaller project.

Second, it is important to remember that this area is already significantly vulnerable to adverse health effects caused by its proximity to the freeway. These adverse health risks are made worse by active construction seeing as construction sites do cause air pollution, which is the primary health concern in the area. This is reiterated by ZI-2427 Freeway Adjacent Advisory Notice. Therefore, if there is *any* reduction to the less than significant impacts listed above, then the alternative SLO project should be prioritized.

Third, while the SLO Project Alternative does not “meet the objectives of the project to the same degree of the Project” it still does meet the project objectives.

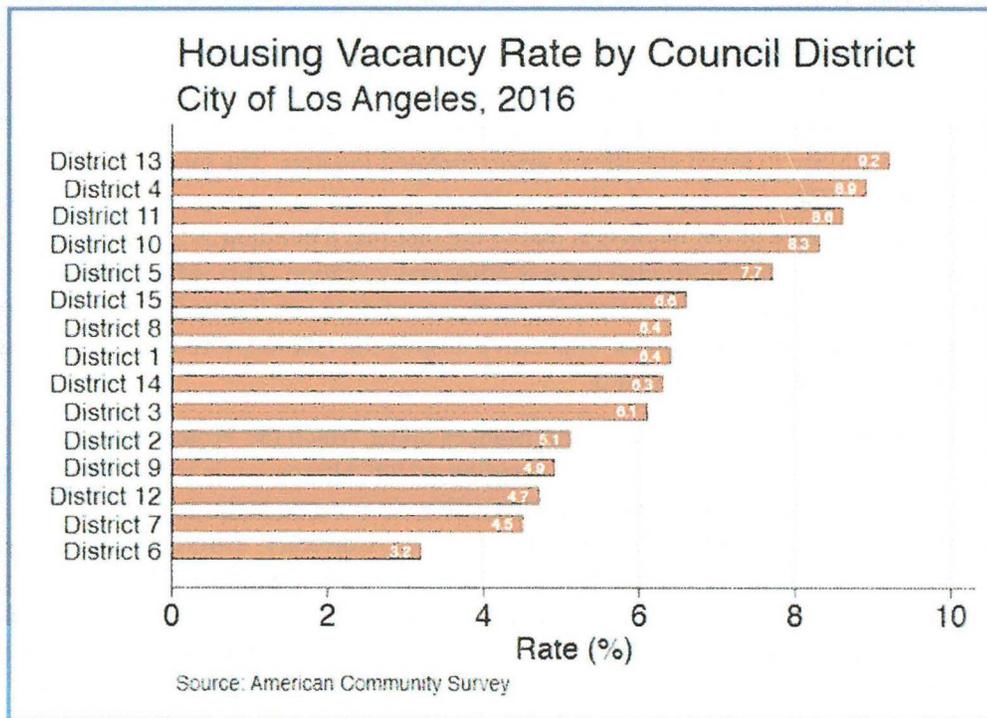
“As set forth in CEQA Guidelines Section 15126.6(c),... among the factors that may be used to eliminate an alternative from detailed consideration are the alternative’s failure to meet most of the basic project alternatives, the alternative’s infeasibility, of the alternative’s inability to avoid significant environmental impacts” (Letter of determination 46).

The SLO Project Alternative does “meet most of the basic project alternatives.” Therefore, citing this as a reason to eliminate the alternative is not in accordance with CEQA Guidelines. The project is also feasible. So, we are left to discuss the matter of the SLO Project Alternative’s inability to avoid significant environmental impacts. The impacts determined to be significant by the EIR are noise and vibration. These impacts were assessed to be unavoidable. The unavoidable nature of the impacts is due to the fact that a building is being constructed, and when buildings are being constructed there is noise and vibration. This is true of the vast majority of residential construction sites. Thus, it is not fair to use this to determine that the SLO Project Alternative is not the superior alternative despite the fact that it reduces every single environmental impact across the board.

It is important to consider the circumstances under which the Project is being built in order to decide which criteria to use when deciding which Alternative is best fit for the area. Then, that criteria should be applied to all Alternatives in order to make a decision. This consistency is important in order to make a fair decision. Currently, different criteria was applied to each alternative in order to make a decision: Alternative 2 – Maximum FAR was ruled out because it would have greater environmental impacts and Alternative 3 – SLO was ruled out because it would not meet the Project alternatives to the same extent as Alt 2 or the proposed Project. This is a logically inconsistent decision. If the criteria is to best meet the project objectives then Alt 2 would be the preferred project. If the criteria is to have the least

environmental impact then Alt 3 would be the preferred project. In both cases, the proposed Project is never preferred. If we take into consideration the current circumstances, that the Project site is in an area that is vulnerable to environmental impacts (as stated in ZI-2427), then the criteria should be that the preferred project have the least environmental impact. As such, the SLO Project Alternative should be the preferred project.

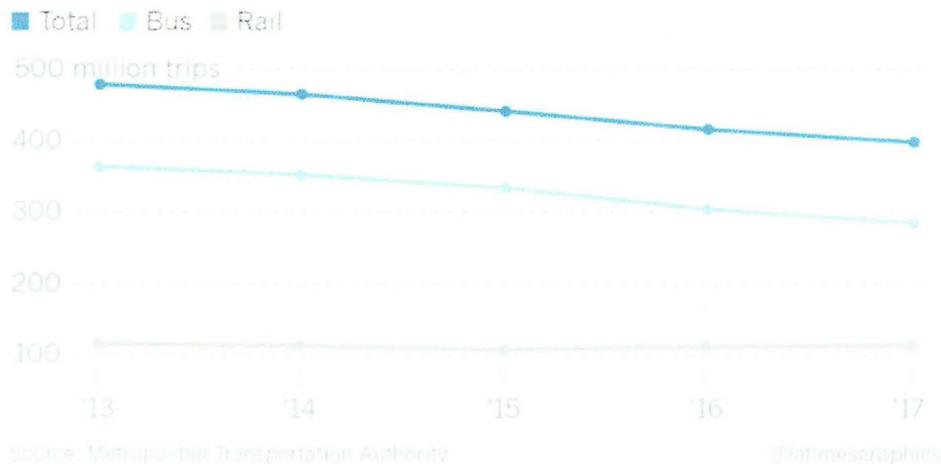
The proposed Project could be considered a happy medium between all criteria. However, there are other factors that must also be considered. In order to justify a need for a project that would best meet the project objectives there would have to be a visible need for more housing in the area. However, as published in the Los Angeles Area Chamber of Commerce “2018 Economic Report by Council Districts,” council district 13, where the project site is located, has the highest vacancy rate of all the council districts in Los Angeles at 9.2% (see graph below). The 2018 Hollywood Community Plan Update Draft EIR estimates that there were about 104,000 housing units in Hollywood in 2016, which means that over 9,500 of them are vacant. From 2010 to 2016 Hollywood only had a population growth of about 8,000 people (Hollywood Community Plan Update Draft EIR). As it turns out, there are more vacant housing units than even the amount of people moving into the neighborhood over a period of six years. Therefore, we can conclude that there is a housing surplus in Hollywood and no provable need at the moment for more housing. It would be unjustified to use the project’s objectives as criteria to determine the which Alternative is best fit for the area; we must use environmental impact as criteria for the area thus concluding that the SLO Project Alternative should be the preferred project.



The Statement of Overriding Considerations, which was issued as a result of the fact that the project has significant impacts that are unavoidable, summarizes the “benefits, goals, and objectives of the project.” It states, “the City approves the project based on the following contributions of the project to the community: New Housing Units, VMT Reduction, Revitalization of Project Site, Retention of Historic Resources.” We have already seen that there is low demand in Hollywood for more housing, thus the first contribution, New Housing Units, cannot be assessed as being a *contribution* to the community. The project site could be revitalized through various types of developments including “non-habitable uses” that were not considered in the project Alternatives. A “non-habitable use” would also be consistent with the lack of need for New Housing Units. The Children’s Theater, being the Historic Resource referenced, would have to be maintained no matter what due to the existence of a Mitigation Monitoring Program (MMP) that was designed to protect this building. An MMP could be applied to any type of development on the project site. Therefore, this provision is not specific to the Project.

“VMT Reduction. The project’s new housing units will be developed near public transit options and employment centers, therefore facilitating a reduction in vehicle miles traveled.” It is hard for me to believe that this project will achieve such a goal for two reasons. First, the Project qualifies for a TOC Affordable Housing Incentive that it declined to request. Instead, the Project will have 294 parking stalls. By doing so, the Project indirectly acknowledges that its residents will be highly likely to drive cars. In an article published by the LA Times about the overall decline in public transit use, they reference “One study prepared by UCLA for the Southern California Assn. of Governments [that] suggests that the region simply has more cars available per resident than in the past, making driving easier and making traffic worse” in order to show that people who own cars are less likely to take public transit because it is more convenient and safer than riding the bus or Metro (*Ridership on Metro Fell to the Lowest Level in More than a Decade Last Year* 2018).

### Annual Metro ridership



Furthermore, another LA Times article quotes Brian Taylor, the director of UCLA's Institute of Transportation Studies: "the primary constituencies of transit agencies: low-wage workers" (*Billions spent, but fewer people are using public transportation in Southern California* 2016). The proposed Project, being at market-rate, is not geared towards low-wage people. Thus, it will further contribute to the decline in public transportation usage. TOCs should have affordable housing in order to accommodate the low-income earners that use public transportation and make the best use of the zone. This project is aimed at higher-income earners. The effects that it will have in the area will be the exact opposite of the goals that it has set out to meet. It is highly unlikely that the Project will actually result in a VMT reduction.

Furthermore, Goal 4A and Objective 4.1 of the Los Angeles General Plan relate to developing housing that will meet projected housing needs and will be accessible to people of all incomes. As a market-rate development, it is evident that this Project will not "meet the projected housing needs by income level of the future population." The Project is in violation of the General Plan.

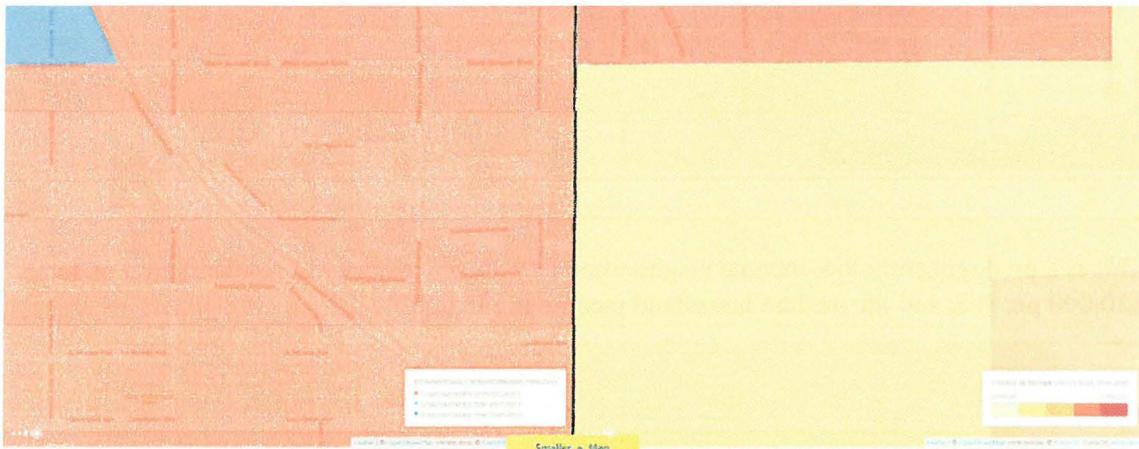
This is concerning to me and to my neighbors for fear that the Project will cause indirect displacement. A 2010 study by Mark Davidson and Loretta Lees entitled *New-Build Gentrification: Its Histories, Trajectories, and Critical Geographies* found that "new-build gentrification... is causing significant displacement" (14). In other words, despite the fact that an old building is not being demolished, introducing new market-rate apartment buildings, especially into a low-income zone will cause displacement: "This indirect displacement... would take the form of 'exclusionary displacement' or price shadowing, where lower income groups would be unable to access the property." This is of particular concern since "53% of people experiencing first-time homelessness cited 'Economic Hardship' as a leading factor" (2019 LAHSA Homeless Count). This shows that the housing crisis in Los Angeles is caused by a lack of affordability, and, since introducing market-rate apartments into a low-income area makes the housing overall less affordable, this will contribute to the worsening housing affordability crisis.

You may argue that adding more housing stock to an area with low demand, even if it is at market-rate, will eventually cause market prices to drop. However, a 2016 study by Miriam Zuk and Karen Chappel entitled *Housing Production, Filtering and Displacement: Untangling the Relationships* found that it can take decades for these effects to surface. This means that, by the time we see market prices begin to drop, the most vulnerable populations, such as the ones living in the area where the Project is being proposed, will already have been displaced.

The Urban Displacement Project, a gentrification mapping project conducted by researchers at UCLA, UC Berkeley, and Portland State University, found that this area is a "disadvantaged neighborhood" where the median gross rent has not significantly changed in the period between 2000-2015. This goes to show that introducing a Project that would significantly affect the median rent could have devastating effects on the area.

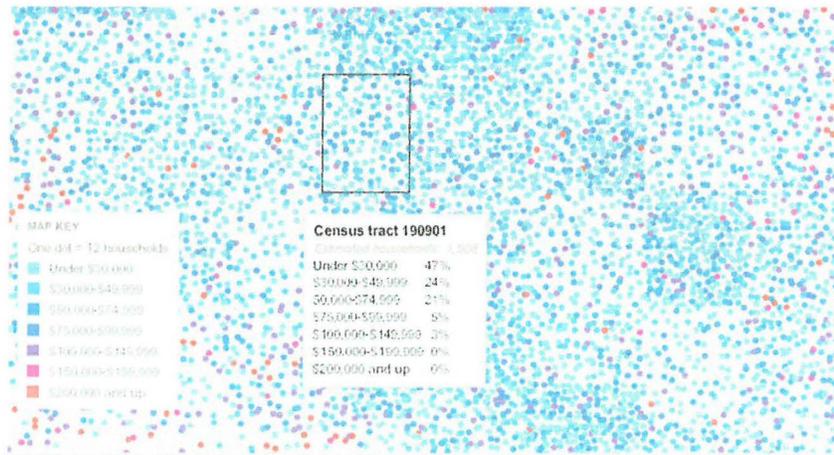
Indicator	Los Angeles County
Disadvantaged neighborhoods are those census tracts that are "eligible" or susceptible to gentrification. A tract must meet all of the following criteria: 1. Population $\geq$ 500 people 2. Any combination of at least 3 indicators: • % low income households $>$ regional median • % college educated $<$ regional median • % renters $>$ regional median • % nonwhite $>$ regional median	Total Tracts
	2,346 Tracts
	Disadvantaged in 1990 only:
	112 Tracts
	Disadvantaged in 2000 only:
74 Tracts	
Disadvantaged both decades:	
850 Tracts	

Urban Displacement Project's definition of a "disadvantaged neighborhood"

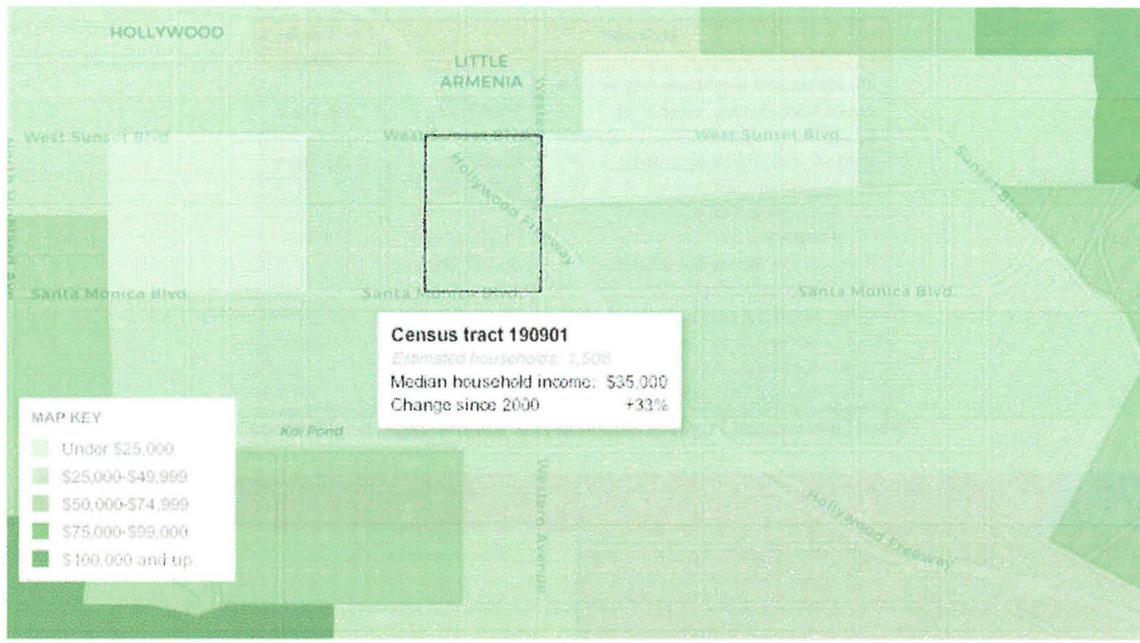


The left map shows that the area is in a disadvantaged neighborhood, the right map shows that there has been little change in median gross rent from 2000-2015

Lastly, it is important to look at the demographics of the neighborhood to understand how this displacement could happen.

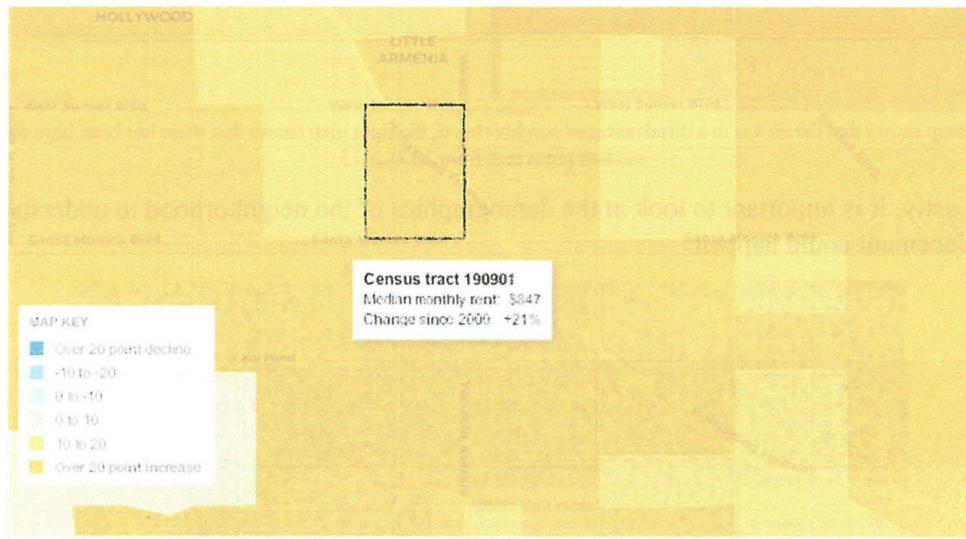


By MATTHEW BLOOM, SHAYL CARTER and ALAN McLEAN | Source: 2008 American Community Survey, Census Bureau, socialexplorer.com

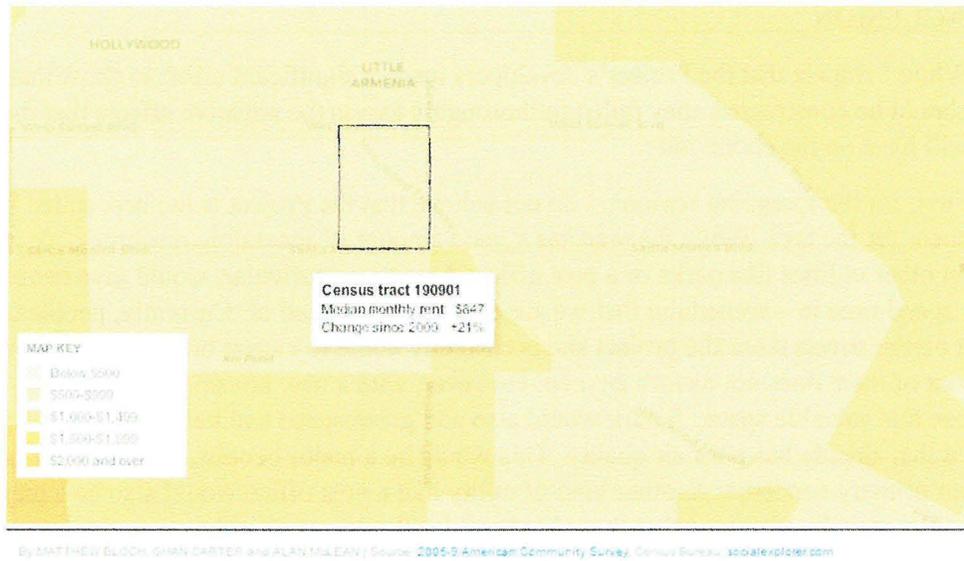


By MATTHEW BLOCH, SHAN CARTER and ALAN McLEAN | Source: 2005-9 American Community Survey, Census Bureau, socialexplorer.com

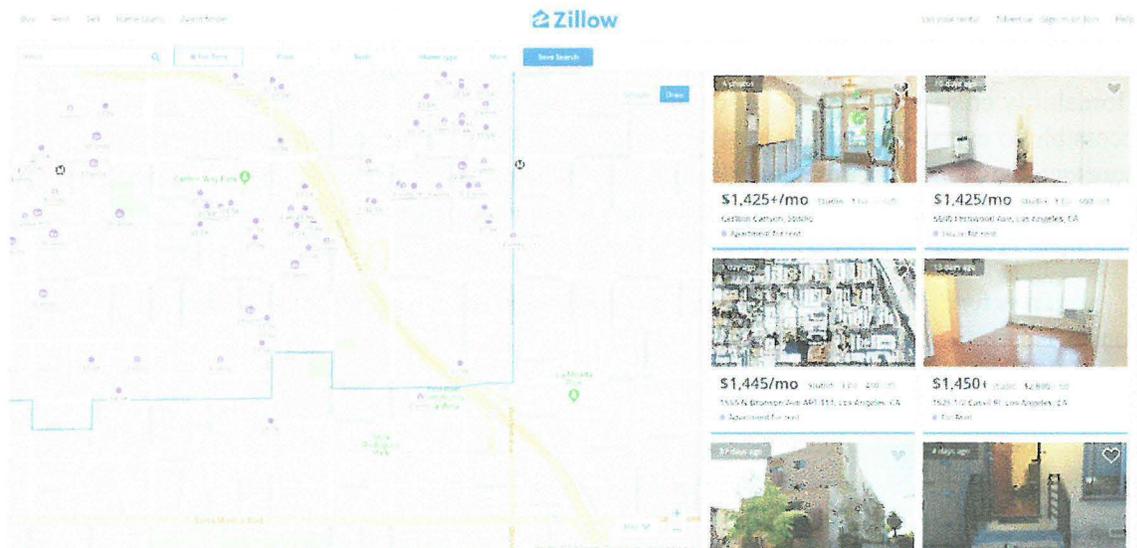
This is a predominantly low-income neighborhood where the majority of residents earn under \$30,000 per year and the median household income is \$35,000.



By MATTHEW BLOCH, SHAN CARTER and ALAN McLEAN | Source: 2005-9 American Community Survey, Census Bureau, socialexplorer.com



Though the median monthly rent has been increasing since 2000 it still remains relatively low. A quick housing search shows that market value rents range from \$1,200 to \$2,700 well above the average \$847. That's a 42% - 218% increase. In a neighborhood where the median income is \$35,000, the current average resident would go from paying 29% of their monthly income in rent to 41% - 92% of their monthly income in rent.



### III. CONCLUSION

While I respect that the Project's developers made a significant effort to show that their Project should be constructed, they failed to thoroughly assess the negative effects that the project will have on the community.

First, for the foregoing reasons, I do not believe that the Project is the best suited kind of development for the area. While the area has a good amount of accessible resources, we are lacking in other utilities like parks or a post office. A park, in particular, would give people a space to spend time in – something that we are desperately in need of. Currently, people usually hang out on the streets since the project site is currently home to vacant buildings and hanging out in front of them does not disturb anyone. However, with a new housing development, we would lose this valuable space. A park would also add green space and help improve air quality in an area that already has poor air quality. This would be a major benefit, seeing as our health is one of our primary concerns. Another kind of utility like a post office would also be a major benefit to the area. I understand that these kinds of developments would require the area to be rezoned, however, I do not see how that would be a bad idea since the area should “prioritize non-habitable uses” and an R4-2 zoning is meant for residential development. This is contradictory. As stated, a rezoning in order to allow a non-residential development would be a huge benefit to the area.

Second, if the area cannot be rezoned, we ask that you at least reduce the size of the Project out of considerations for our health, and require that the Project include a significant amount of affordable housing so as not to cause indirect displacement.

It is important that we all work together towards to common goal of solving the housing affordability crisis, investing in our communities, and building a dynamic city that can be accessible to everyone, regardless of socioeconomic status. In the district that is currently represented by the councilmember who appears most committed to resolving our housing crisis, I was aggrieved by the decision to approve such a project. There is a desperate need for more affordable housing in this City – not market-rate luxury housing.

Therefore, I respectfully request that the Commission reconsider the decision of the Zoning Administrator.

Thank you.

Tabatha Yelós  
resident of 5600 Fernwood Ave

# **ENVIRONMENTAL CLEARANCE**

Environmental Impact Report: Click Link below to view environmental report

[ZA-2015-4629-ZAA-ZAI-WDI-SPR-1A](#)

**PLANNING  
DEPARTMENT  
APPLICATION**



APPLICATIONS:

DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

Case Number ZA-2015-4629-ZAA-ZAI-SPR-WDI, ENV-2015-4630-EIR

Env. Case Number \_\_\_\_\_

Application Type \_\_\_\_\_

Case Filed With (Print Name) \_\_\_\_\_ Date Filed 4/11/17

Application includes letter requesting:

Waived hearing       Concurrent hearing       Hearing not be scheduled on a specific date (e.g. vacation hold)

Related Case Number \_\_\_\_\_

**Provide all information requested. Missing, incomplete or inconsistent information will cause delays.**  
*All terms in this document are applicable to the singular as well as the plural forms of such terms.*

1. PROJECT LOCATION

Street Address<sup>1</sup> 5604-5632 W. De Longpre Ave; 5605-5607 W. Fernwood Ave Unit/Space Number \_\_\_\_\_

Legal Description<sup>2</sup> (Lot, Block, Tract) Lots 1-7; 29-30; Block 3; Lemona Tract

Assessor Parcel Number 5544-030-052, -059 Total Lot Area 74,275 sf

2. PROJECT DESCRIPTION

Present Use Charter School (Vacant), Day Care (Vacant), Theater

Proposed Use Residential, Theater

Project Name (if applicable) 1375 St. Andrews Place

Describe in detail the characteristics, scope and/or operation of the proposed project The new construction, use, and maintenance of 185 residential apartment units with 294 on-site parking spaces in two above grade and one below grade parking level.

Additional information attached       YES       NO

Complete and check all that apply:

**Existing Site Conditions**

- Site is undeveloped or unimproved (i.e. vacant)
- Site is located within 500 feet of a freeway or railroad
- Site has existing buildings (provide copies of building permits)
- Site is located within 500 feet of a sensitive use (e.g. school, park)
- Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial)
- Site has special designation (e.g. National Historic Register, Survey LA)

<sup>1</sup> Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)

<sup>2</sup> Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

**Proposed Project Information**

- Demolition of existing buildings/structures
- Relocation of existing buildings/structures
- Interior tenant improvement
- Additions to existing buildings
- Grading
- Removal of any on-site tree
- Removal of any street tree
- New construction: 226,160 sf square feet
- Accessory use (fence, sign, wireless, carport, etc.)
- Exterior renovation or alteration
- Change of use and/or hours of operation
- Haul Route
- Uses or structures in public right-of-way
- Phased project

**Housing Component Information**

Number of Residential Units: Existing 0 – Demolish(ed)<sup>3</sup> 0 + Adding 185 = Total 185  
 Number of Affordable Units<sup>4</sup> Existing 0 – Demolish(ed) 0 + Adding 0 = Total 0  
 Number of Market Rate Units Existing 0 – Demolish(ed) 0 + Adding 185 = Total 185  
 Mixed Use Projects, Amount of Non-Residential Floor Area: N/A square feet

**3. ACTION(S) REQUESTED**

Provide the Los Angeles Municipal Code (LAMC) Section that authorizes the request and (if applicable) the LAMC Section or the Specific Plan/Overlay Section from which relief is sought; follow with a description of the requested action.

Does the project include Multiple Approval Requests per LAMC 12.36?  YES  NO

Authorizing section 12.03 Section from which relief is requested (if any): 12.21 A.2  
 Request: A Zoning Administrator's Interpretation to determine that the St. Andrews Place shall be the front yard, the De Longpre Avenue and Fernwood Avenue frontages shall be side yards, and the western property line separating Lots 7 and 8 shall be the rear yard.

Authorizing section 12.28.A Section from which relief is requested (if any): 12.11.C  
 Request: A Zoning Administrator's Adjustment to allow a non-conforming front yard and a non-conforming side yard for an existing building on-site, and a reduction in one required side yard not to exceed 20%, from 11 feet to 8 feet 10 inches, a reduction in required building separation by 20%.

Authorizing section \_\_\_\_\_ Section from which relief is requested (if any): \_\_\_\_\_  
 Request: Site Plan Review, pursuant to LAMC Section 16.05 to permit the construction of a residential project with more than 50 dwelling units.

Additional Requests Attached  YES  NO

<sup>3</sup> Number of units to be demolished and/or which have been demolished within the last five (5) years.

<sup>4</sup> As determined by the Housing and Community Investment Department

**4. RELATED DEPARTMENT OF CITY PLANNING CASES**

Are there previous or pending cases/decisions/environmental clearances on the project site?  YES  NO

If YES, list all case number(s) ENV-2015-4630-EIR, ZA-2015-4629-ZAA-ZAI-SPR

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If the application/project is directly related to one of the above cases, list the pertinent case numbers below and complete/check all that apply (provide copy).

Case No. \_\_\_\_\_

Ordinance No.: \_\_\_\_\_

Condition compliance review

Clarification of Q (Qualified) classification

Modification of conditions

Clarification of D (Development Limitations) classification

Revision of approved plans

Amendment to T (Tentative) classification

Renewal of entitlement

Plan Approval subsequent to Master Conditional Use

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project?  YES  NO

Have you filed, or is there intent to file, a Subdivision with this project?  YES  NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City:

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**5. OTHER AGENCY REFERRALS/REFERENCE**

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please check all that apply and provide reference number if known.

Are there any outstanding Orders to Comply/citations at this property?  YES (provide copy)  NO

Are there any recorded Covenants, affidavits or easements on this property?  YES (provide copy)  NO

Development Services Case Management Number \_\_\_\_\_

Building and Safety Plan Check Number \_\_\_\_\_

Bureau of Engineering Planning Referral (PCRF) Reference Number 201500261

Bureau of Engineering Hillside Referral \_\_\_\_\_

Housing and Community Investment Department Application Number \_\_\_\_\_

Bureau of Engineering Revocable Permit Number \_\_\_\_\_

Other—specify \_\_\_\_\_

**6. PROJECT TEAM INFORMATION** (Complete all applicable fields)

**Applicant<sup>5</sup> name** SeaZen-AHC 1375 LLC c/o Mitchell Hanzik

Company/Firm \_\_\_\_\_

Address: 1800 Augusta Drive Unit/Space Number Suite 150

City Houston State TX Zip Code: 77057

Telephone (713) 808-1228 E-mail: mhanzik@allenharrisonco.com

Are you in escrow to purchase the subject property?  YES  NO

**Property Owner of Record**  Same as applicant  Different from applicant

Name (if different from applicant) \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Representative name** Dana Sayles, AICP

Company/Firm three6ixty

Address: 4309 Overland Avenue Unit/Space Number \_\_\_\_\_

City Culver City State CA Zip: 90230

Telephone (310) 204-3500 E-mail: dana@three6ixty.net

**Other** (Specify Architect, Engineer, CEQA Consultant etc.) Owner's Representative

Name Fred Shaffer

Company/Firm Saiko Investment Corp.

Address: 1590 Rosecrans Ave. Unit/Space Number D-303

City Manhattan Beach State CA Zip Code: 90266

Telephone 310-213-6560 E-mail: fshaffer@gtocompanies.com

**Primary Contact for Project Information** (select only one)  Owner  Applicant  
 Agent/Representative  Other \_\_\_\_\_

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List, and the Abutting Property Owners List.

<sup>5</sup> An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e. usually not the agent/representative).

**PROPERTY OWNER**

9. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service or process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized to file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g. John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.

- A. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.
- B. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
- C. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
- D. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.  
The City requires an original signature from the property owner with the "wet" notary stamp.  
A Notary Acknowledgement is available for your convenience on following page.*

Signature  Date 4.11.2017

Print Name Mikhail Hanzik, Authorized Signatory, SeaZen-AHC 1375, LLC

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

Space Below For Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ~~California~~ TEXAS

County of HARRIS

On APRIL 11, 2017 before me, LEAH LINARES  
(Insert Name of Notary Public and Title)

personally appeared MITCHELL HANZIK who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Leahlinares  
Signature

(Seal)

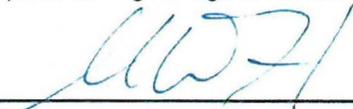


**APPLICANT**

**10. APPLICANT DECLARATION.** A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.

- A. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
- B. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
- C. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required.
- D. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
- E. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
- F. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
- G. I understand that if this application is denied, there is no refund of fees paid.
- H. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.
- I. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

*The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.*

Signature: 

Date: 4.13.2017

Print Name: Mitchell Hurzick

# **MISCELLANEOUS**

**(Reports,  
Orders,  
Permits, etc)**

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**ATTACHMENT "A"**  
**FINDINGS & SUPPLEMENTAL INFORMATION**  
**1375 St. Andrews Place, Los Angeles, California 90028**

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➤ **SITE INFORMATION**

- Street Addresses: 5604-5632 W. De Longpre Ave, 5605-5607 W. Fernwood Ave, Los Angeles, California 90028
- Lot area: 74,275 square feet / 1.7 acres
- Assessor's Parcel Numbers: 5544-030-052, -059

➤ **ACTIONS REQUESTED**

- **Zoning Administrator's Adjustment** pursuant to LAMC Section 12.28 A to allow a non-conforming front yard of 0 feet in lieu of 15 feet and non-conforming side yard of seven feet in lieu of 10 feet required by LAMC Section 12.11 C for an existing building on the project site to remain.
- **Site Plan Review** pursuant to LAMC Section 16.05 to permit the construction, use, and maintenance of a new 7-story, approximately 192,273-square foot residential building providing 185 apartment units and 251 on-site parking spaces.
- **Zoning Administrator's Interpretation** pursuant to LAMC Section 12.21 A.2 to determine that, due to the unique configuration of the Subject Property, the St. Andrews Place frontage shall be the front yard, the De Longpre Avenue and the Fernwood Avenue frontages shall be the side yards, and the property line dividing Lots 7 and 8 shall be the rear yard (see Figure 2 on Page 15 of this Attachment)

➤ **PROPERTY INFORMATION**

The Subject Property is located at 5604-5632 W. De Longpre Avenue and 5605-5607 W. Fernwood Avenue, Los Angeles, California 90028, (the "Property"). The Property is an irregularly shaped parcel of land located at the southwest corner of the intersection of St. Andrews Place and De Longpre Avenue, extending west for seven parcels along De Longpre Avenue and south to two parcels fronting on Fernwood Avenue. The Property comprises a total of nine (9) parcels, legally described as Lots 1 through 7, 29, and 30, Block 3, of the Lemona Tract. The lots total approximately 74,275 square feet or 1.7 of surface land area, according a land survey conducted on May 13, 2015. The Property fronts approximately 330 feet along the west side of St. Andrews Place, 350 feet along the south side of De Longpre Avenue, and 100 feet along the north side of Fernwood Avenue.

The Property is designated for High Density Residential uses by the Hollywood Community Plan and is classified in the R4-2 Zone. The zone permits an unlimited building height and unlimited stories and a 6:1 Floor Area Ratio (FAR). However, the FAR is limited to a maximum

of 4.5:1 by the Hollywood Community Plan. The Subject Property is currently developed with a charter school occupied by Citizens of the World Charter School, a vacant day care facility, and a children's playhouse/theater building operated by Assistance League of Los Angeles (to remain as a part of the project).

The Project is located within a Los Angeles State Enterprise Zone. Though many of the economic incentives and benefits of the State Enterprise Zone program have expired, land use benefits still apply to enhance development activity within the 39 State Enterprise Zones in Los Angeles. Projects within Enterprise Zones are exempt from paying fees for Site Plan Review. The Project, with more than 50 dwelling units, is eligible for this waiver.

Property in the surrounding area is characterized by light industrial, commercial, and multi-family residential uses. Properties along De Longpre Avenue to the north of the Subject Property are zoned [Q]C2-1 and improved with regional commercial uses. Properties to the east of the Subject Property along the east side of St. Andrews Place are developed with institutional and multi-family residential uses and designated [Q]C2-1. Properties to the west of the Subject Property between De Longpre and Fernwood Avenues are designated R4-1 and developed with multi-family residential uses. To the south of the Subject Property along the south side of Fernwood Avenue are multi- and single-family residential uses west of St. Andrews Place and a surface parking lot east of St. Andrews Place.

#### ➤ **STREETS AND CIRCULATION**

De Longpre Avenue, abutting the Subject Property to the north, is a designated Local Street, dedicated to approximately 60 feet in width at this location. De Longpre Avenue is required to have a 60-foot total public right-of-way dedication, or a 30-foot half dedication. Therefore, no dedications are required as part of the proposed Project.

St. Andrews Place, abutting the Subject Property to the east, is a designated Local Street, dedicated to approximately 60 feet in width at this location. St. Andrews is required to have a 60-foot total public right-of-way dedication, or a 30-foot half dedication. Therefore, no dedications are required as part of the proposed Project.

Fernwood Avenue, abutting the Subject Property, is a designated Local Street, dedicated to approximately 60 feet in width at this location. Fernwood Avenue is required to have a 60-foot total public right-of-way dedication, or a 30-foot half dedication. Therefore, no dedications are required as part of the proposed Project.

➤ ZONING STATISTICS (FIGURE 1)

	Required/Permitted	Provided
Land Area (Gross)	74,275 sf	
Land Area (Net)	74,275 sf	
Density (1/400 sf)	<b>185 dwelling units</b>	<b>185 dwelling units</b>
- Studio		46
- 1-bedroom		92
- 2-bedroom		47
Floor Area Ratio	4.5:1	3:1 (3.2:1 w/ theater)
Buildable Lot Area <sup>1</sup>	62,822 sf	
Floor Area (New)	-	192,273 sf
Existing Building to Remain	-	9,681 sf
Floor Area (Total)	282,699 sf	201,954 sf
Gross Project Area (New) <sup>2</sup>	-	296,156 sf
Parking	251	251
Bicycle Parking	204	204
Front Yard Setback	15 ft	15 ft
Side Yard Setbacks	10 ft	10 ft
Rear Yard Setback	19 ft	19 ft
Open Space	19,675 sf	19,878 sf
Building Height	Unlimited	85 ft
Allowable Stories	Unlimited	7

<sup>1</sup> Buildable area deducts the setback area (with side yard reduction) from the total lot area.

<sup>2</sup> Includes basement and parking square footages.

➤ PROJECT DESCRIPTION

The Applicant, 1375 St. Andrews LLC, proposes to redevelop the Subject Property with a new residential building including 185 residential units and 251 on-site parking spaces. The building comprises 192,273 square feet of floor area, 7 stories, and is 85 feet high, providing to five residential levels above two above-grade parking levels and a subterranean parking level. The first two stories, which primarily contain a parking garage for the residents, will be wrapped with habitable space in the form of a residential lobby and a community room on the St. Andrews Place frontage. Additionally, the existing theater building located on the Project site at 5605 - 5607 Fernwood Avenue will remain as part of the Project. The existing building's 9,681 square feet of floor area added to the 192,273 square feet of new floor area results in a total project floor area of 201,954 square feet and a total project FAR of 3.2 to 1.

The Project proposes a total of 185 residential units, including 46 studio apartments, 92 one-bedroom apartments, and 47 two-bedroom apartments. The units range in size from a 465 square feet studio to a 1,298 square feet two-bedroom apartment. Two furnished and landscaped courtyards will be located in the center of the apartments on the third floor, one of which is connected to a pool. The Project will also provide a rear yard on the west side of the building and an at-grade park near the southeast corner of the building.

Parking is provided on one subterranean level and two above-grade levels of the Project. The subterranean level serves as a basement with vehicle parking and storage and is accessed by

Parking  
★

a ramp on De Longpre Avenue. The first level of at-grade parking is likewise accessed by a second ramp off De Longpre Avenue. An interior ramp provides vehicular access to the second level of parking. Parking is provided in accordance with LAMC 12.21 A.4(a), which requires one space for each unit with less than three habitable rooms (i.e. studios), 1.5 spaces for each unit with three habitable rooms (i.e. one-bedroom apartments) and two spaces for units with more than three habitable rooms (i.e. two-bedroom apartments). These requirements would result in 278 required parking spaces. However, the Project is also eligible for a 10 percent parking reduction by providing additional bicycle parking. The Project is therefore required to provide a minimum of 251 parking spaces and proposed to provide 251 parking spaces. The Project is also required to provide a minimum of one long-term bike parking space per unit and one short-term parking space for every 10 units for a total of 204 required bike parking spaces. The Project will provide 185 long-term bicycle parking spaces in a secure room on the first at-grade level as well as 19 short-term parking spaces in the public right-of-way, for a total of 204 bike parking spaces.

Open space is provided in accordance with LAMC 12.21 G.2, which requires 100 square feet for each unit with less than three habitable rooms (i.e. studios and one-bedrooms), 125 square feet for each unit with three habitable rooms (i.e. two-bedroom apartments) and 175 square feet for units with more than three habitable rooms (i.e. three-bedroom apartments or larger). The project is therefore required to provide a minimum of 19,675 square feet of open space. Including private balconies, the Project is providing a total of 19,878 square feet of open space. Per LAMC 12.21 G.2(a)(iv), 50 percent of the total required open space, or 9,837.5 square feet, must be common open space. Common open space is provided in the form of an indoor community room (3,404 sf), two central courtyards (2,019 sf and 3,705 sf), a rear yard (2,000 sf) and an at-grade park (3,000 sf). Of the outdoor common open space (10,724 sf), a minimum of 25 percent will be landscaped with a variety of drought-tolerant plant species (2,690 sf). The proposed landscaping plan provides a mix of ground cover and trees to compliment the architecture. Plant material has been selected for temperature hardiness and low water use.

Located at the border between Central Hollywood and East Hollywood, the Project stands as a representative of Hollywood's eclectic design. In accordance with the Hollywood Community Plan and Citywide Design Guidelines, the façade offers a mix of materials, colors, and planes to add visual interest along a corridor that hosts a mix of erstwhile architectural styles among both residential and institutional buildings. The strong vertical corner greets southbound travelers navigating the commercial corridor on Sunset Boulevard and serves to transition the urban fabric from the large-format retail to the high-density residential neighborhood along Fountain Avenue. The ground floor and second floor is treated with transparent glass to improve the pedestrian experience along St. Andrews Place.

The building will be sustainably designed to meet or exceed all City of Los Angeles current building code and Title 24 requirements. As such, the development will incorporate eco-friendly building materials, systems, and features wherever feasible, including Energy Star appliances, water saving and low-flow fixtures, non-VOC paints and adhesives, drought tolerant planting, and high performance building envelopment. The building will also be designed to accommodate solar photovoltaic panels and on-site electric vehicle chargers.

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## ZONING ADMINISTRATOR'S ADJUSTMENT

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Pursuant to LAMC Section 12.28 A, the Zoning Administrator shall not grant an application for an adjustment unless he or she finds:

- (a) That while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations;***

While proposed Project primarily involves the construction of a new apartment building, the Project also involves the maintenance, with no expansion or alteration, of an existing building originally constructed in 1939 with various additions and alterations made over the past century. The existing building is to remain a children's playhouse/theater and has been identified as a potentially historic resource by SurveyLA. As such, there is no plan to remove or alter this building, and thus the continued maintenance of the building is considered a part of the proposal.

Per 12.11 C, structures in the R4 zone are required to comply with front, side, and rear yard setbacks to provide relief to neighboring properties and public rights-of-way. However, the provision of such yards is infeasible for the existing portion of the Property and would require the demolition of a substantial portion of the building, thereby creating an undue hardship on the Project and a loss of the historic facade. Furthermore, the existing setbacks compliment neighboring properties and do not create a mismatched streetwall. The property at 5600 Fernwood Avenue, south of the existing building, has 0-foot setbacks along Fernwood Avenue and St. Andrews Place, similar to the 0-foot setback of the Project's existing building along St. Andrews Place. The portion of the Project's existing building on 5607 Fernwood Avenue provides an approximately 18-foot setback, similar to the 18-foot setbacks provided by the two adjacent multi-family residential buildings to the west.

Therefore, strict adherence to the zoning regulations in this instance is impractical, but nonetheless conforms with the intent of those regulations.

- (b) That in light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety;***

The proposed Project involves a new residential apartment building as well as preservation of an existing children's playhouse/theater on-site. This theater has been an integral part of the neighborhood since 1939. The Project will not involve the expansion or alteration of the building, and the building will continue to be operated by the Assistance League of Los Angeles as a theater storage and rehearsal space. As such, the intensity of the operations of the building will continue to be insignificant and will not adversely affect nor degrade neighboring properties.

The location, size, and height of the existing building will not be expanded, diminished, or altered in any way. Though originally designed with non-conforming yards, the size of the building is relatively small, being approximately 25 feet in height and having portions that are two stories and some portions with only a single story. With neighboring properties featuring two to four stories, the existing theater is one of the smallest in the neighborhood. As such, maintaining the existing building will not adversely affect nor degrade neighboring properties.

Therefore, the location, size, height, operations and other significant features of the existing building will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

- (c) That the project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.**

#### **HOLLYWOOD COMMUNITY PLAN**

The Site is designated High Density Residential by the Hollywood Community Plan. The Project advances a number of specific goals and objectives of the Community Plan:

**HOUSING.** *The intensity of residential land use in this Plan and the density of the population which can be accommodated thereon shall be limited in accordance with the following criteria:*

1. *The adequacy of the existing and assured circulation and public transportation systems within the area;*

Complies. As an infill development site, the property has outstanding access to community resources, particularly public transportation. There are several major bus routes running along Sunset Boulevard, Hollywood Boulevard, and Western Avenue. Additionally, the Subject Property is less than one-half mile from the Hollywood/Western Station of the Metro Red Line. The Subject Property's proximity to Highway 101, Sunset Boulevard, and Western Avenue also ensures adequate access to arterials roads and freeways for regional vehicular travel.

2. *The availability of sewers, drainage facilities, fire protection services and facilities, and other public utilities;*

Complies. As an infill development site, the property has existing connections to sewer and drainage facilities, and is served by Los Angeles Fire Department, Fire Station 82 (5769 Hollywood Boulevard - 0.6 miles from Subject Property) and the Los Angeles Police Department, Hollywood Division (1358 N. Wilcox Avenue - 1.4 miles from Subject Property).

3. *The steepness of the topography of the various parts of the area, and the suitability of the geology of the area for development.*

Complies. The Subject Property is located on a virtually flat lot and is therefore free of the risks inherent with development on a hillside, landslide or liquefaction areas, or on the Alquist-Priolo Fault Zone.

## GENERAL PLAN FRAMEWORK ELEMENT

**Policy 3.1.4:** *Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram (Figures 3-1 to 3-4) and Table 3-1.*

According to the General Plan Framework Long-Range Land Use Diagram for the Metro Subarea (Figure 3-1), the Project site is located in or adjacent to a designated Community Center around the intersection of Sunset Boulevard and Western Avenue. Residential development in proximity of these Community Centers will shorten and lessen the need for vehicle trips and vehicle miles traveled. Thus, the Project is consistent with Policy 3.1.4 of the General Plan Framework.

Furthermore, Chapter 4 outlines Goals, Objectives and Policies with regard to Housing in the City of Los Angeles:

**Goal 4A:** *An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.*

**Objective 4.1:** *Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City sub-region to meet the projected housing needs by income level of the future population to the year 2010.*

**Policy 4.1.1:** *Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within each City sub-region to meet the twenty-year projections of housing needs.*

**Policy 4.1.4:** *Reduce overcrowded housing conditions by providing incentives to encourage development of family-size units.*

## HOUSING ELEMENT

The Housing Element of the General Plan provides land use policies and programs that encourage development of affordable housing across the City. The Project is consistent with the following policies of the Housing Element of the General Plan:

**Policy 1.1.3:** *Facilitate new construction of a variety of housing types that address current and projected needs of the city's households.*

An objective of the Housing Element is to promote an equitable distribution of housing opportunities throughout the City. The Subject Property is located near the intersection of Sunset Boulevard and Western Avenue, a short walk to the Metro Red Line and near the commercial corridors along Sunset and Hollywood Boulevards. The Project would further the goals and objectives of the Housing Element by providing quality housing stock in a variety of types along with much needed housing units in a variety of sizes and prices.

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## SITE PLAN REVIEW

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In granting an approval, the Director or Area Planning Commission on appeal, shall find:

1. ***That the Project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.***

### **HOLLYWOOD COMMUNITY PLAN**

The Site is designated High Density Residential by the Hollywood Community Plan. The Project advances a number of specific goals and objectives of the Community Plan:

***HOUSING.*** *The intensity of residential land use in this Plan and the density of the population which can be accommodated thereon shall be limited in accordance with the following criteria:*

1. *The adequacy of the existing and assured circulation and public transportation systems within the area;*

Complies. As an infill development site, the property has outstanding access to community resources, particularly public transportation. There are several major bus routes running along Sunset Boulevard, Hollywood Boulevard, and Western Avenue. Additionally, the Subject Property is less than one-half mile from the Hollywood/Western Station of the Metro Red Line. The Subject Property's proximity to Highway 101, Sunset Boulevard, and Western Avenue also ensures adequate access to arterials roads and freeways for regional vehicular travel.

2. *The availability of sewers, drainage facilities, fire protection services and facilities, and other public utilities;*

Complies. As an infill development site, the property has existing connections to sewer and drainage facilities, and is served by Los Angeles Fire Department, Fire Station 82 (5769 Hollywood Boulevard - 0.6 miles from Subject Property) and the Los Angeles Police Department, Hollywood Division (1358 N. Wilcox Avenue - 1.4 miles from Subject Property).

3. *The steepness of the topography of the various parts of the area, and the suitability of the geology of the area for development.*

Complies. The Subject Property is located on a virtually flat lot and is therefore free of the risks inherent with development on a hillside, landslide or liquefaction areas, or on the Alquist-Priolo Fault Zone.

### **GENERAL PLAN FRAMEWORK ELEMENT**

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**Policy 4.1.1:** *Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within each City sub-region to meet the twenty-year projections of housing needs.*

**Policy 4.1.4:** *Reduce overcrowded housing conditions by providing incentives to encourage development of family-size units.*

## HOUSING ELEMENT

The Housing Element of the General Plan provides land use policies and programs that encourage development of affordable housing across the City. The Project is consistent with the following policies of the Housing Element of the General Plan:

**Policy 1.1.3:** *Facilitate new construction of a variety of housing types that address current and projected needs of the city's households.*

An objective of the Housing Element is to promote an equitable distribution of housing opportunities throughout the City. The Property is located near the intersection of Sunset Boulevard and Western Avenue, a short walk to the Metro Red Line and near the commercial corridors along Sunset and Hollywood Boulevards. The Project would further the goals and objectives of the Housing Element by providing quality housing stock in a variety of types along with much needed housing units in a variety of sizes and prices.

- 2. *The Project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.***

The Project has been designed for optimal building orientation, lot coverage, massing, parking, and other required improvements for a residential project. The building is designed to front St. Andrews Place in order to preserve the existing theater on-site and minimize any impact to that resource. The Project provides an articulated and interesting frontage along De Longpre Avenue, with a sizable 19-foot rear yard setback along the Property adjacent to the existing multi-family residential property to the west.

All parking, trash, loading, and other back-of-house uses have been carefully located within the interior parking structure, out of sight from residents and visitors of the community, and from neighboring properties. Any rooftop equipment will be carefully screened to ensure development compatible with existing properties.

At the ground floor, the Project has been carefully designed to enhance the pedestrian experience, with a pedestrian entrance on the St. Andrews Place frontage near the intersection of De Longpre Avenue. Glass treatment on the first and second floors provides transparency along the St. Andrews Place frontage, which is lined with habitable uses in the form of a residential lobby and second floor community room. Lush landscaping will surround the Project to enhance the pedestrian and ground floor experience along St. Andrews Place and De Longpre Avenue. Vehicular access to the parking garage is provided on the De Longpre Avenue side of the building, which has the least traffic of the adjacent streets. Pedestrian access to the residential portions of the building is provided a street-level lobby entrance on St. Andrews Place, which is the most direct path to transit, bikeways, and neighborhood-serving commercial amenities.

The Project's fresh material palette with accent color and darker material variations will serve as an appropriate transition between the large, regional commercial buildings on St. Andrews Place and Sunset Boulevard and the high- to medium-residential development further south in the East Hollywood and Hollywood Studio District neighborhoods. Variations in materials, planes, and balconies provide articulation and visual interest for the public realm. A vertical corner feature further emphasizes the form of the building while serving to break up the massing.

**Off-street parking facilities and loading areas.** The Project will contain 251 parking spaces for the 185 residential units in addition to the parking spaces provided for the existing theater. Parking will be located in an enclosed structure within three levels: two above grade (wrapped by habitable uses on the St. Andrews Place frontage) and one subterranean parking level. Vehicular access will be provided on De Longpre Avenue.

**Lighting.** The Project will provide illumination at street level for security. All lighting on the upper levels will be shielded and focused on the project site and directed away from the neighboring land uses. The Project will include architectural features and facades with a low level of reflectivity. As such, the Project will not result in a substantial amount of light that would adversely affect the day- or night-time views in the project vicinity.

**Landscaping.** The Project proposes to provide substantial landscaping along the street level, as well as in the roof terraces and central courtyard. The project will incorporate new street trees in the public right-of-way consistent with the City's landscape ordinance.

**Trash collection.** The Project will provide trash collection within the building and will be located within the enclosed parking structure in order to minimize the effect on traffic on St. Andrews Place.

Thus, the Project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that will be compatible with existing and future development on adjacent properties and neighboring properties.

**3. *That any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.***

The building design carefully considers the needs of future residents with its programming, amenities and units. The development provides approximately 19,878 square feet of open space, distributed throughout the building on multiple levels. Two central courtyards are provided on the first habitable level (third floor). This configuration optimizes outdoor views for all units and provides two sizable spaces from which residents can choose to enjoy. The west courtyard offers 2,019 square feet and the east courtyard offers 3,705 square feet which are open to the sun and sky, which will be furnished to create a place for socialization and repose. A shared pool is located in the east courtyard. An indoor community room on the second level provides an active use along the St. Andrews Place frontage. The transparent glass along the street wall will provide plenty of natural light and visual interest for the users of the space, which will be furnished with shared amenities. The courtyards, terraces, and community room will provide a varied menu of options for accessing open space. Residents will be able to host friends and family outdoors or indoors without impacting the small parks in the neighborhood or public rights-of-way in front of neighboring properties.

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## ZONING ADMINISTRATORS'S INTERPRETATION

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Pursuant to LAMC 12.21 A.2, the Applicant is requesting a Zoning Administrator's Interpretation to determine yards other than as defined in LAMC Section 12.03. As a part of the proposed Project, the Applicant requests that the Front Yard of the Project shall be located along St. Andrews Place, rather than Fernwood Avenue, which is technically the "shortest street-facing frontage," and thus De Longpre Avenue and Fernwood Avenue would be side yards.

The Subject Property comprises nine contiguous lots creating an irregularly shaped property with approximately 350 feet of frontage on De Longpre Avenue, 330 feet of frontage on St. Andrews Place, and 100 feet of frontage on Fernwood Avenue. All three streets are designated as Standard Local Streets by the Mobility Element of the General Plan. However, St. Andrews Place experiences more traffic since both De Longpre and Fernwood Avenues virtually dead-end into the sound wall of Highway 101, while St. Andrews Place connects Sunset Boulevard and Fountain Avenue and provides access to the Home Depot parking lot at 1451 St. Andrews Place.

The LAMC defines "front lot line" as "...in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street..." (LAMC 12.03). By that criterion, Fernwood Avenue would be the front lot line, and thus the front yard of the Project. However, we believe that it is in the best interest of the Project and surrounding neighborhood, as well as the best urban planning practice, for St. Andrews Place to be considered the front yard. We believe this for the following reasons:

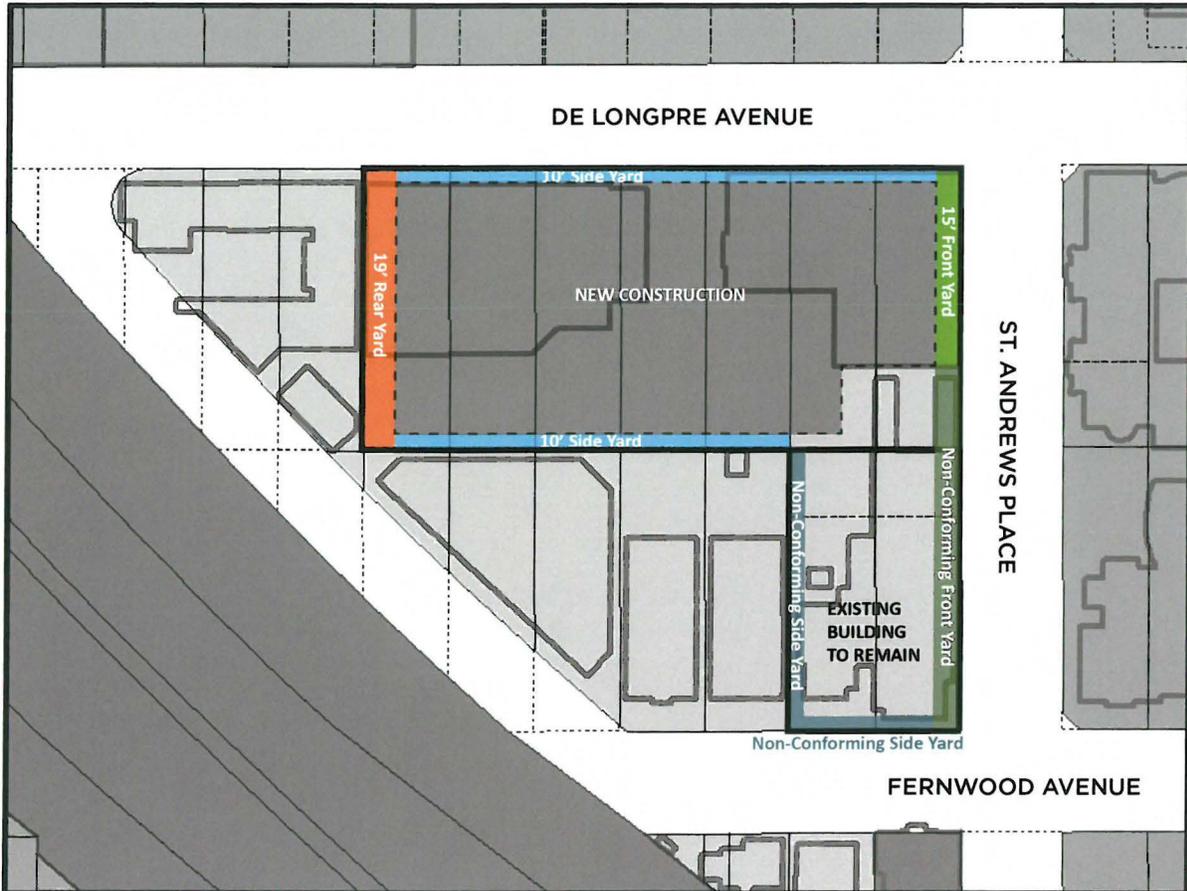
1. The Proposed Project involves the new construction of a residential building on the northern portion of the Subject Property as well as the maintenance of an existing building on the Subject Property that will not be expanded or altered. Construction of the new building will take place on Lots 1-7, creating a rectangular project site with 350 feet of frontage on De Longpre Avenue and 165 feet of frontage on St. Andrews Place. The existing building must be included as part of the Project since it sits on lots that are tied to Lots 1-3 and the northern end of the building encroaches on Lot 1. Nevertheless, the configuration of the lots on which the new Project is constructed results in a front yard on St. Andrews Place.
2. If Fernwood Avenue were designated as the front yard of the Project, De Longpre Avenue would then also be considered a front yard, as it would be considered a through lot. Therefore, the western property line that abuts an existing multi-family residential building would be a required 10-foot side yard, rather than a 19-foot rear yard. A more generous buffer along this property would be in the best interest of the residents of both the existing building on the abutting property and the new building on the Subject Property. A 10-foot side yard would be appropriate along the De Longpre Avenue frontage, since the abutting property to the west also has a 10-foot setback/building line (Ordinance 106,540) and the property on the north side of the street is a big-box format retail store and would not be adversely affected by residential uses.

3. The fact that the frontage along St. Andrews Place is the longer than along Fernwood Avenue is somewhat arbitrary since it is driven by the unusual configuration of the lot-tied property rather than the natural shape of existing lots. If the lots were not tied and the theater building existed as its own parcel, the front yard would unquestionably be along St. Andrews Place.
4. The commercial properties along the east side of St. Andrews Place across from the Subject Property are oriented towards that street. Likewise, the northern portion of the theater building located at 5605 - 5607 Fernwood Avenue of the Subject Property is oriented toward St. Andrews Place. The Project should also be oriented towards St. Andrews Place to maximize pedestrian engagement with these commercial uses. Furthermore, the addressing and primary fire department access points will be via St. Andrews Place, not Fernwood Avenue. Thus, designating St. Andrews Place as the front yard for this Project is consistent with these factors.

Taken together, the reasons cited above make a strong case for designating St. Andrews Place as the front yard of the property. Therefore, the Applicant is requesting a determination that:

- a) the property line that fronts St. Andrews Place shall serve as the front yard;
- b) the property line that fronts Fernwood Avenue shall serve as a side yard;
- c) the property line that fronts De Longpre Avenue shall serve as a side yard;
- d) the property lines that divide the Subject Property from Lots 24-28 to the south and west shall serve as side yards; and
- e) the property line that divides the Subject Property from Lot 8 to the west shall serve as a rear yard.

Figure 2: ZAI Yard Determination Exhibit



# Plans

# 1375 St. Andrews

Los Angeles, CA 90028  
Project #2017477.00



A-00	Cover Sheet	A-11	Building Sections
A-01	Project Summary	A-12	Building Elevations
A-02	Plot Plan	A-13	Building Elevations
A-03	Ground Level Plan	A-14	Building Elevations
A-04	2nd Level Plan	A-15	Unit Plans
A-05	3rd Level Plan	A-16	Unit Plans
A-06	4th - 7th Level Plan	A-17	Unit Plans
A-08	8th Level Plan	A-18	Perspectives
A-09	Roof Plan	A-19	Perspectives
A-10	P1 Level Plan	A-20	Perspectives

L-00	Overall Site Plan
L-01	Tree Disposition Plan
L-02	1st Level Plan
L-03	3rd Level Plan
L-03A	3rd Level Enlargement Plan
L-08	8th Level Plan
L-08A	8th Level Enlargement Plan
L-09	Plant Palette



444 S Flower Street - Suite 1220  
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June 14, 2018

**Zone - R4-2**

**Lot Area = 74,275 sf (1.705 Acres)**  
**Buildable Area = 62,822 sf**

**Maximum Density - 185 Units**  
74,275 sf / 400 = 185 Units

**Proposed Density - 185 Units**

Studio = 5 Units  
Jr. 1 Bed = 32 Units  
1 Bed = 43 Units  
2 Bed = 65 Units  
LW 2 Bed = 5 Units  
3 Bed = 32 Units  
LW 3 Bed = 3 Units

**Allowable FAR = 4.50 : 1 (282,699 sf)**

**Existing SF to Remain : 9,681 sf**

**New SF Proposed : 226,160 sf**

**Proposed FAR = 3.75 : 1 (235,841 sf)**

**Maximum Height = No Height Limit**  
**Proposed Height - 95 ft., 8 Stories**

**Setbacks**

Required / Provided  
Front - 15 ft  
Side - 5 ft + 1 ft each additional story above 2nd = 11 ft\*  
Rear - 15 ft + 1 ft each additional story above 3rd = 20 ft  
\*20% Street Side Yard Reduction = 11 ft - 2.2 ft = 8'-10"

Required Building Separation =  
10 ft + 2 ft for each story over two =  
22 ft - 4.4 ft (20% Reduction) = 17'-7"

**Open Space**

**Open Space Required = 22,875 sf**  
Studio = 5 Units x 100 sf = 500 sf  
Jr. 1 Bed = 32 Units x 100 sf = 3,200 sf  
1 Bed = 43 Units x 100 sf = 4,300 sf  
2 Bed = 65 Units x 125 sf = 8,125 sf  
LW 2 Bed = 5 Units x 125 sf = 625 sf  
3 Bed = 32 Units x 175 sf = 5,600 sf  
LW 3 Bed = 3 Units x 175 sf = 525 sf

**Open Space Provided = 22,875 sf**

Courtyards = 6,350 sf  
Community Room = 2,730 sf  
Rear Yard = 2,740 sf  
Garden Court = 2,745 sf  
Roof Deck = 1,310 sf  
Private Balconies = 140 Units x 50 sf = 7,000 sf

**Proposed NRSF = 184,345 sf**

**Proposed Average Unit Size = 996 sf**

**Parking Required = 327 Spaces**

Studio = 5 Units x 1 Space = 5 Spaces  
Jr. 1 Bed = 32 Units x 1.5 Spaces = 48 Spaces  
1 Bed = 43 Units x 1.5 Spaces = 64 Spaces  
2 Bed = 65 Units x 2 Spaces = 130 Spaces  
LW 2 Bed = 5 Units x 2 Spaces = 10 Spaces  
3 Bed = 32 Units x 2 Spaces = 64 Spaces  
LW 3 Bed = 3 Units x 2 Spaces = 6 Spaces

**Parking Required after Bike Parking Reduction = 294 Spaces**

327 Spaces - 33 Spaces (10%) = 294 Spaces

**Parking Provided = 294 Spaces**

**Bike Parking Required = 132 Spaces**

Long Term: 117 Spaces  
1 - 25 Units = 25 Units / 1 Space = 25 Spaces  
26 - 100 Units = 75 Units / 1.5 Spaces = 50 Spaces  
101 - 200 Units = 85 Units / 2 Spaces = 42 Spaces

Short Term: 11 Spaces  
1 - 25 Units = 25 Units / 10 Spacs = 2 Spaces  
26 - 100 Units = 75 Units / 15 Spaces = 5 Spaces  
101 - 200 Units = 85 Units / 20 Space = 4 Spaces

Long Term: per parking reduction  
327 req. parking stalls x 10% reduction = 33 parking stalls x 4 (1:4 ratio replacement) = 132 Spaces

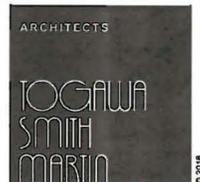
**Bike Parking Provided = 132 Spaces**

Long Term: 121 Spaces  
Short Term: 11 Spaces

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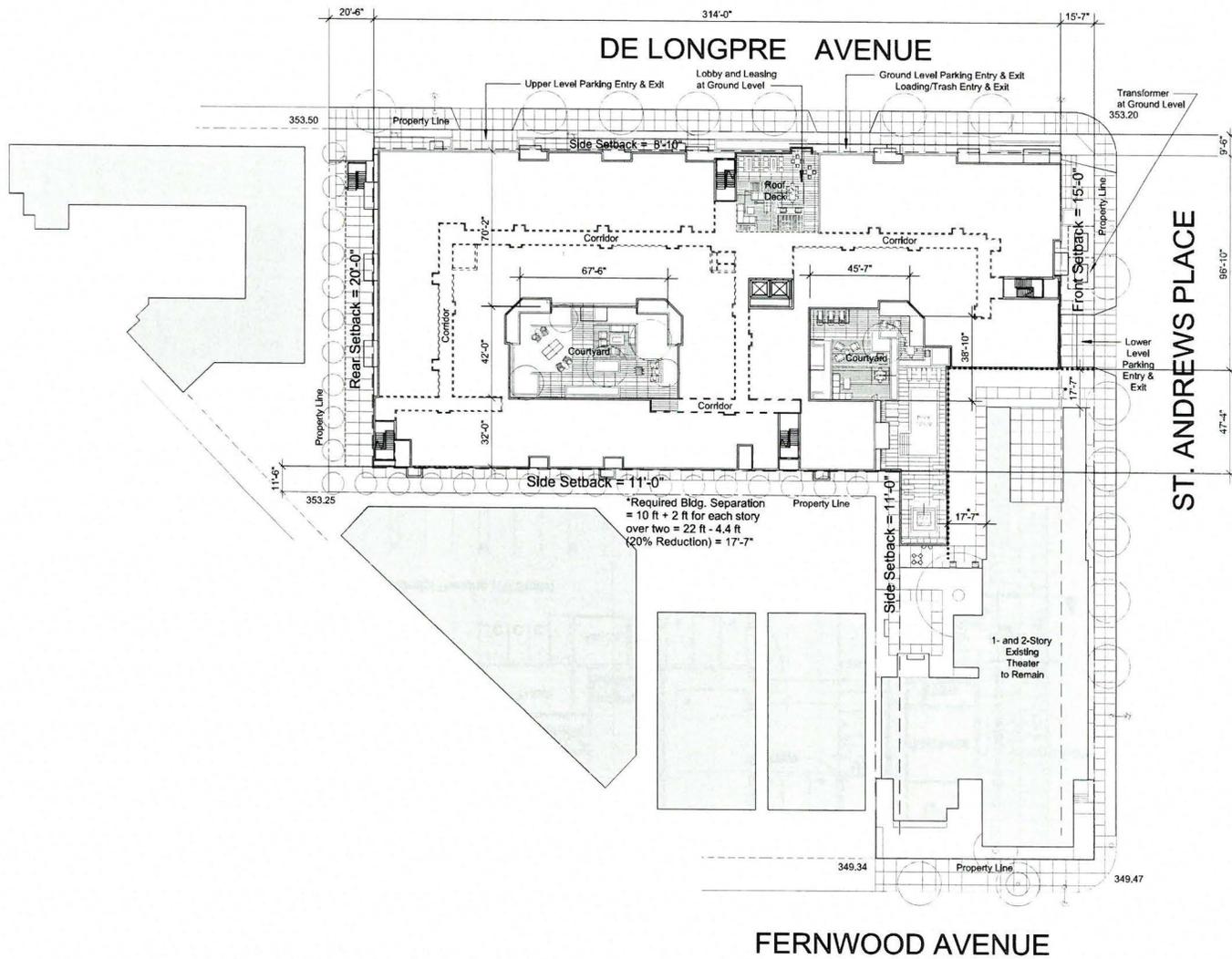
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## Project Summary

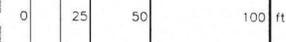
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FERNWOOD AVENUE



Plot Plan

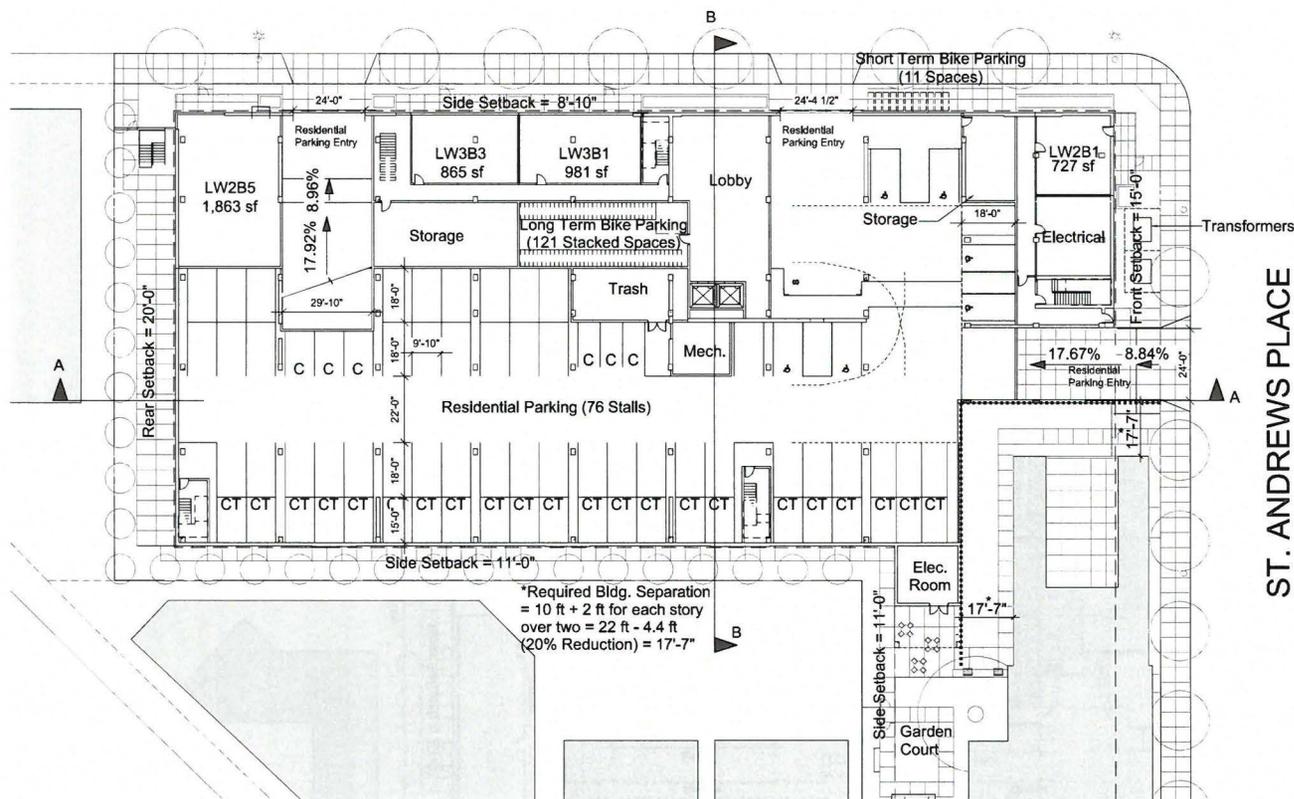
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A-02



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DE LONGPRE AVENUE



ST. ANDREWS PLACE

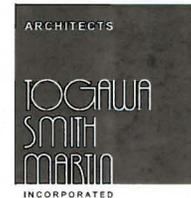
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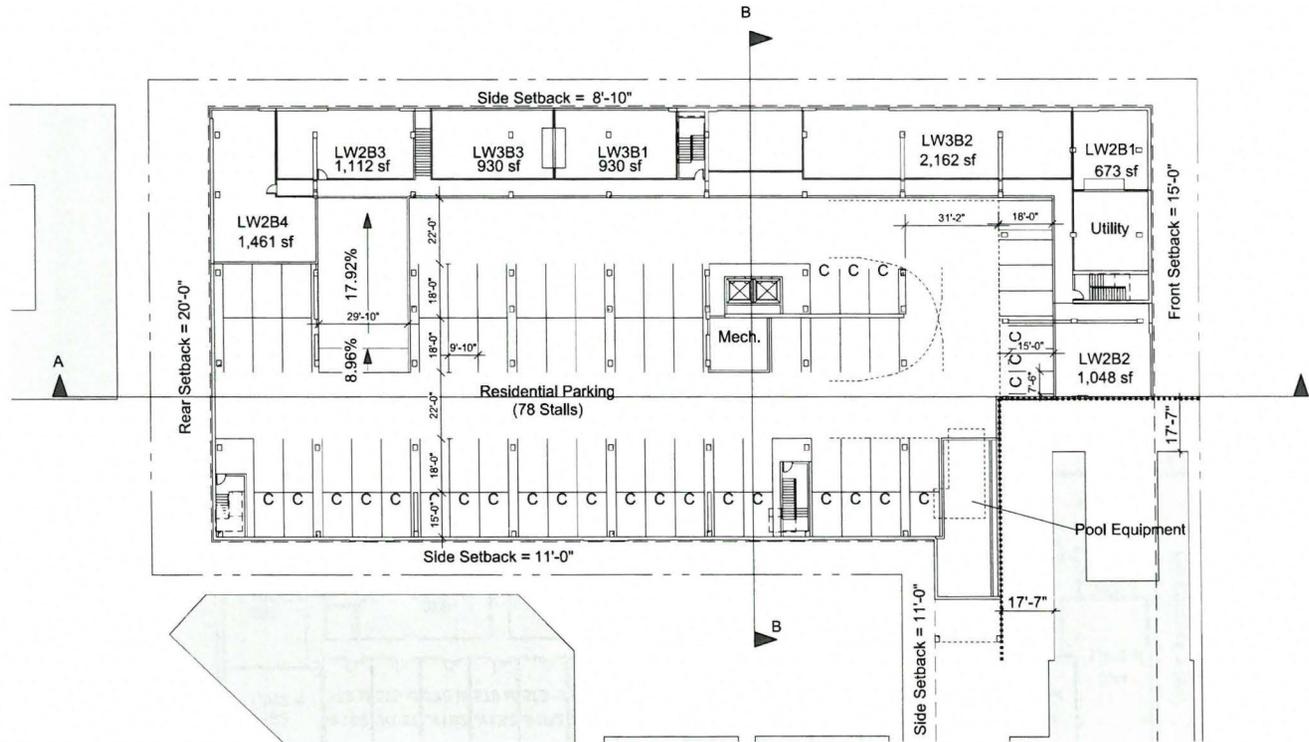


Ground Level Plan

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2nd Level Plan

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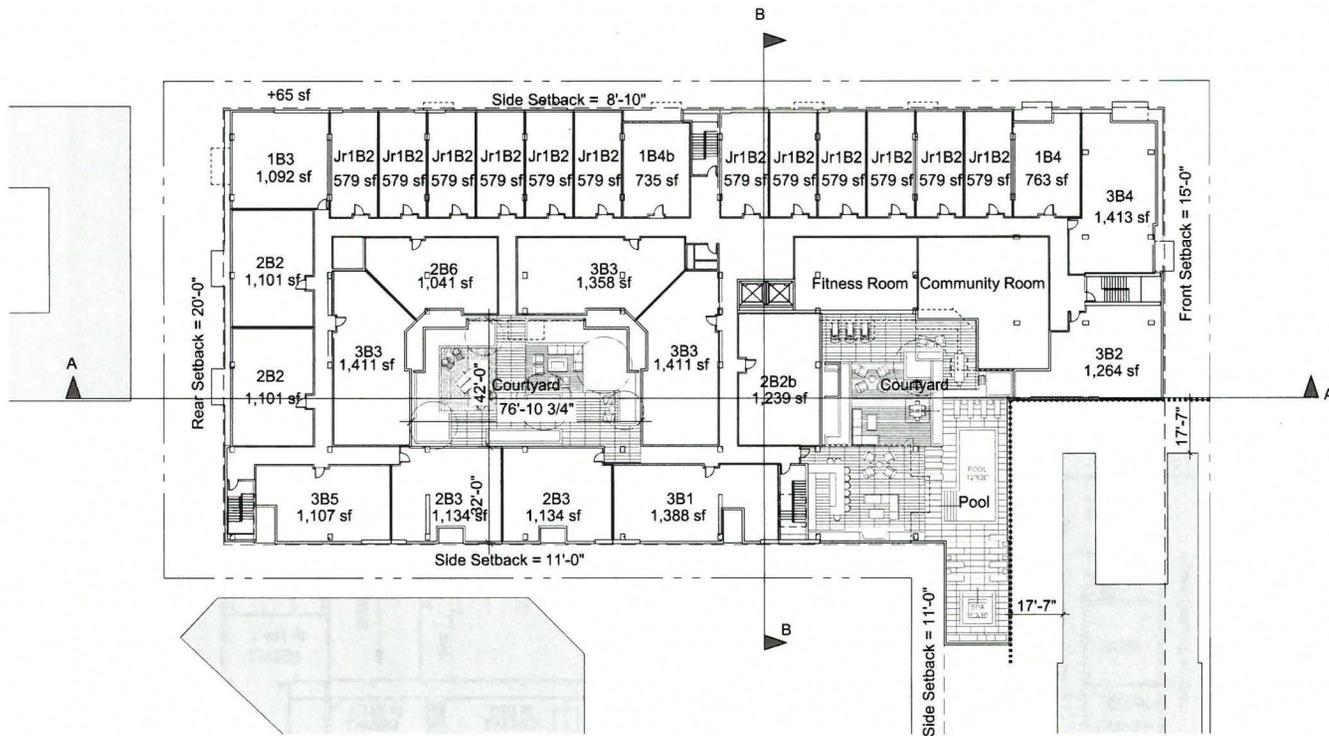
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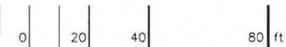
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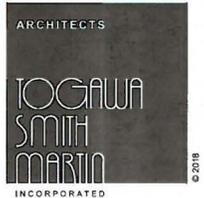
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A-05

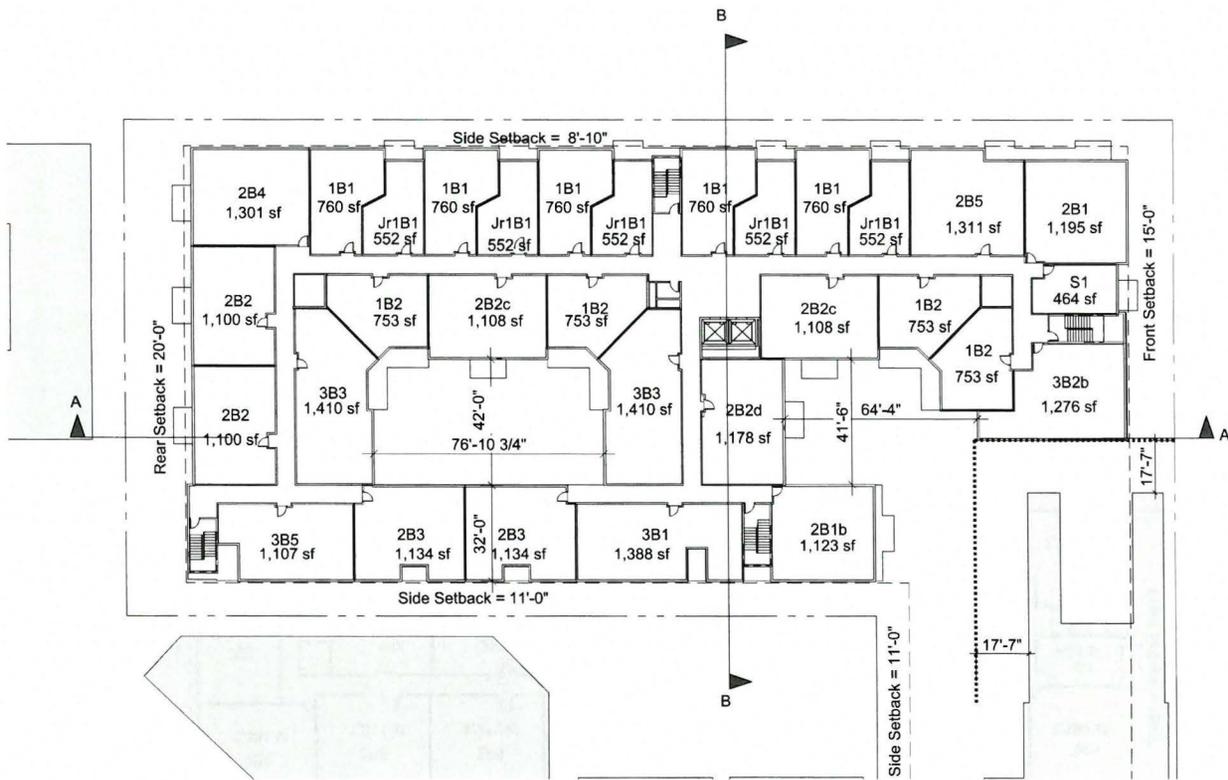


3rd Level Plan



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4th - 7th Level Plan

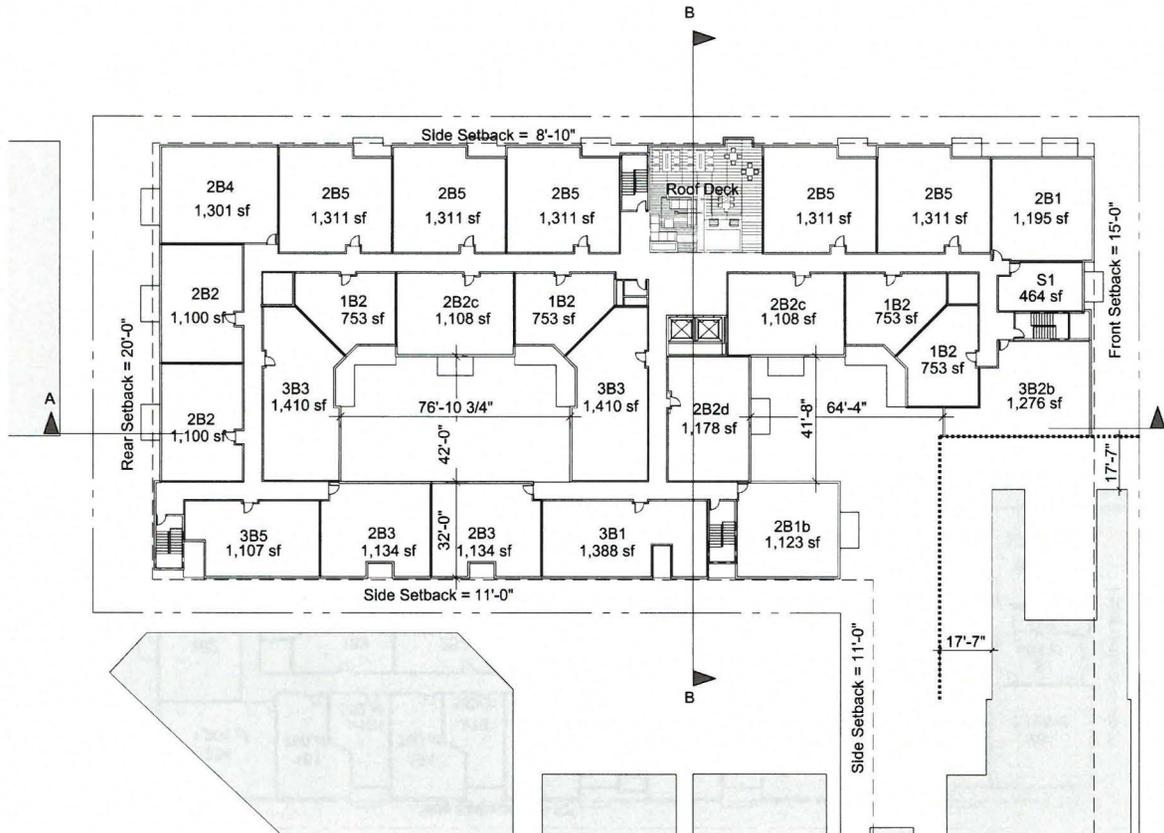
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A-06

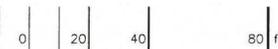


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8th Level Plan

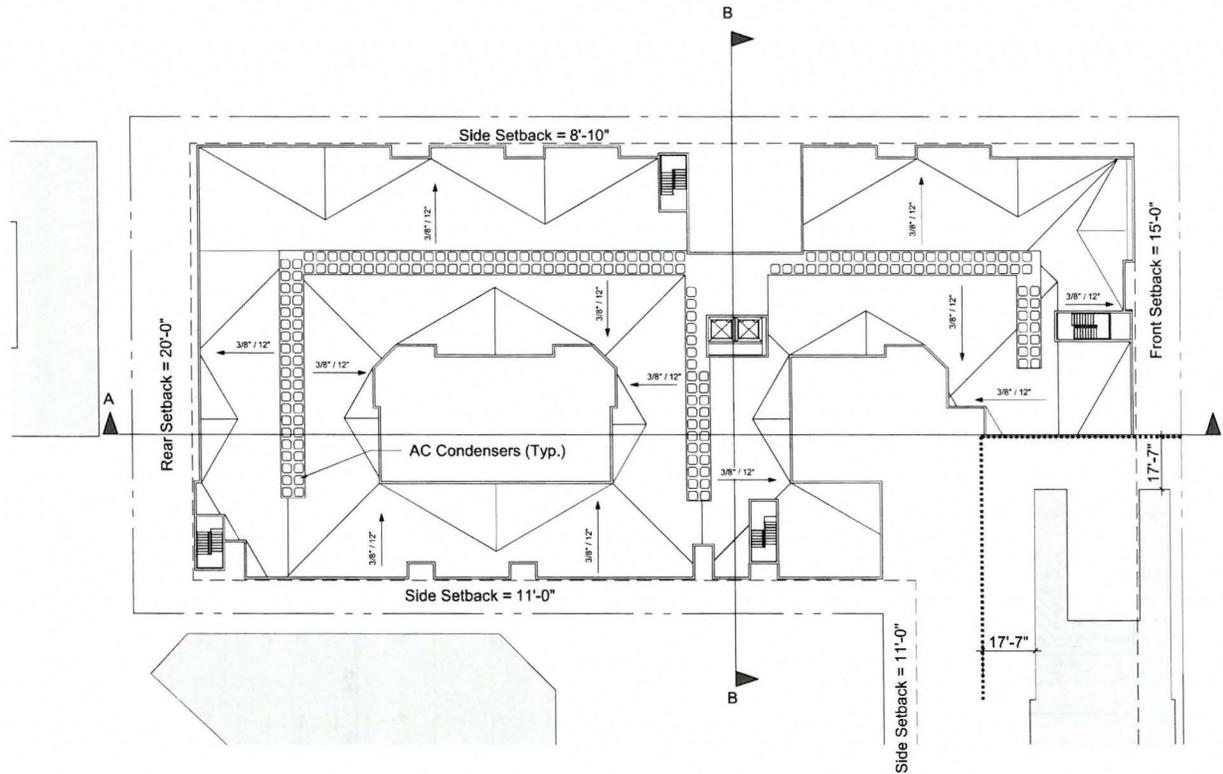
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Roof Plan

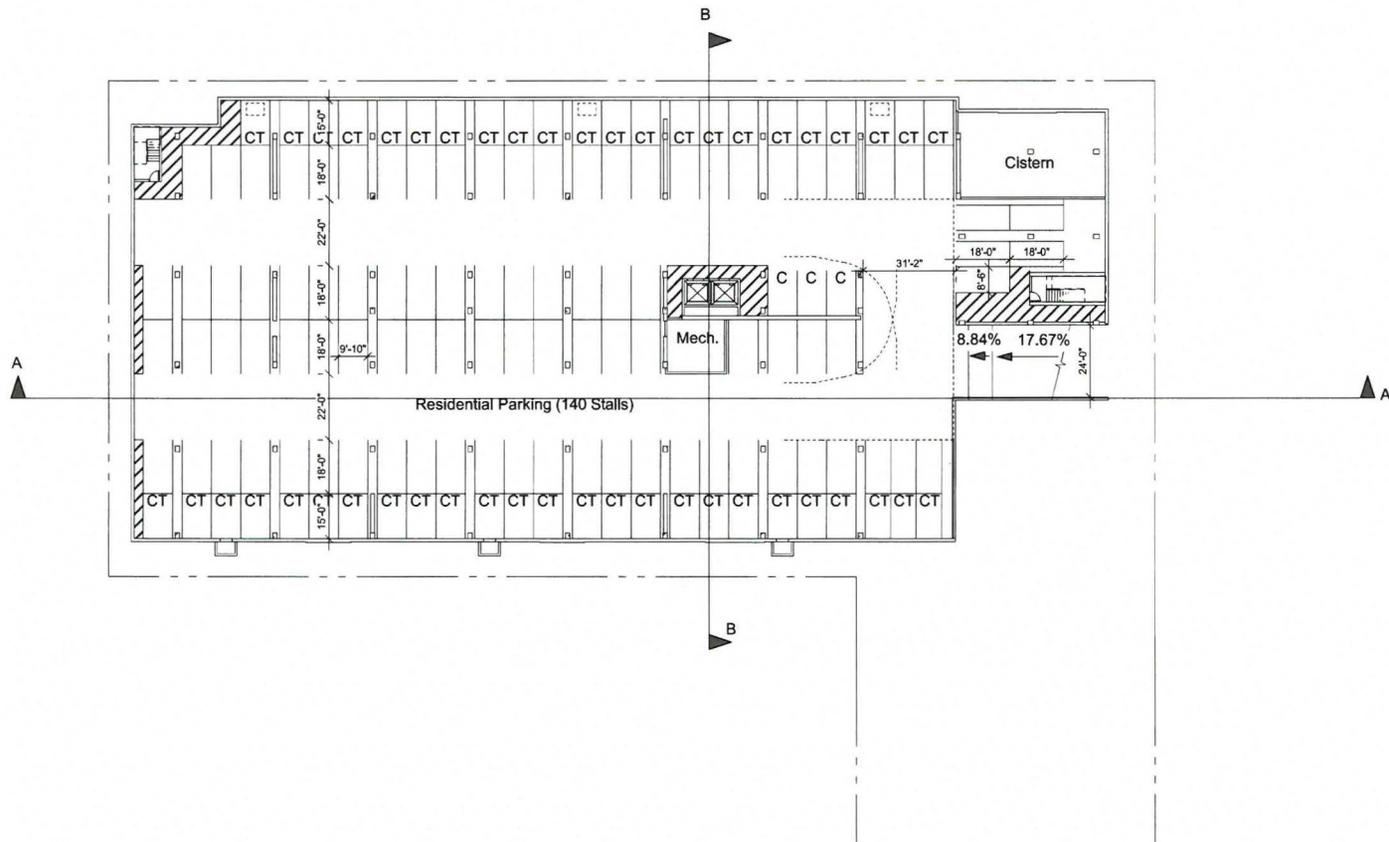
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A-09

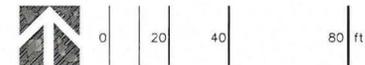


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P1 Level Plan

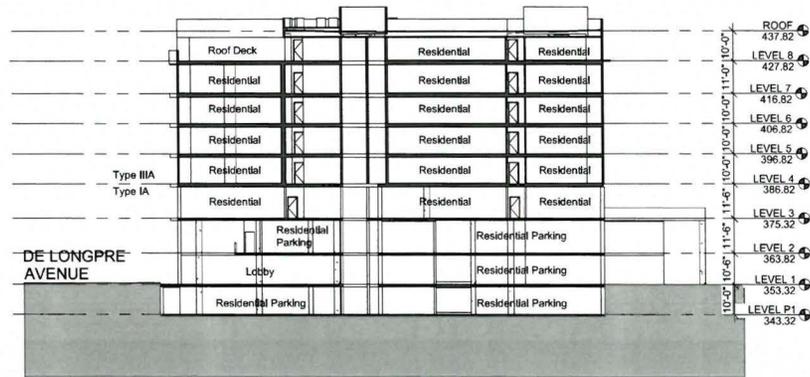
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A-10

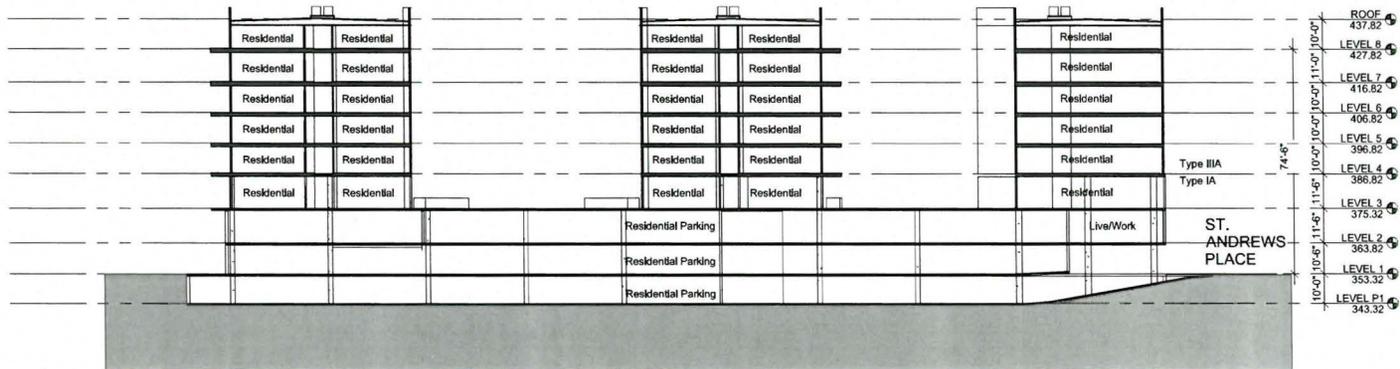


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Section B-B



Section A-A

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Building Sections

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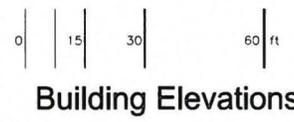
- MATERIAL LEGEND**
- A1 STUCCO - SAND FINISH
  - A2 STUCCO - SMOOTH FINISH
  - B1 METAL PANEL
  - B2 METAL SIDING
  - C1 GLASS RAILING
  - C2 METAL RAILING
  - D VINYL WINDOW
  - E ALUMINUM STOREFRONT
  - F TILE
  - G METAL MESH
  - H SPANDRAL GLASS
  - I METAL CANOPY



North Elevation

A-12

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**Building Elevations**

June 14, 2018

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**MATERIAL LEGEND**

- A1 STUCCO - SAND FINISH
- A2 STUCCO - SMOOTH FINISH
- B1 METAL PANEL
- B2 METAL SIDING
- C1 GLASS RAILING
- C2 METAL RAILING
- D VINYL WINDOW
- E ALUMINUM STOREFRONT
- F TILE
- G METAL MESH
- H SPANDRAL GLASS
- I METAL CANOPY



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**Building Elevations**

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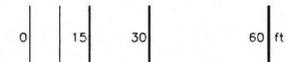
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  - A2 STUCCO - SMOOTH FINISH
  - B1 METAL PANEL
  - B2 METAL SIDING
  - C1 GLASS RAILING
  - C2 METAL RAILING
  - D VINYL WINDOW
  - E ALUMINUM STOREFRONT
  - F TILE
  - G METAL MESH
  - H SPANDRAL GLASS
  - I METAL CANOPY



South Elevation

A-14

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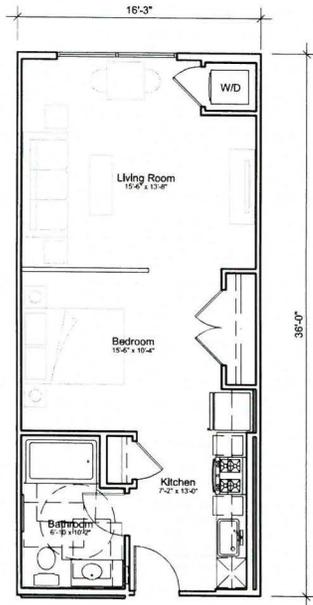


**Building Elevations**

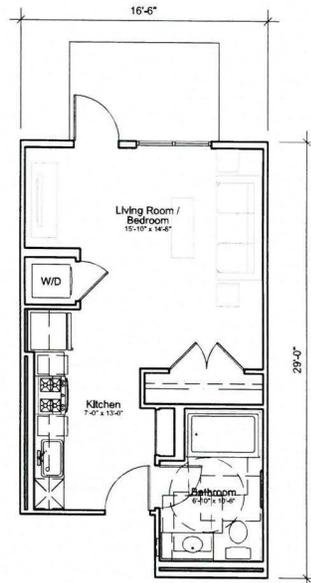
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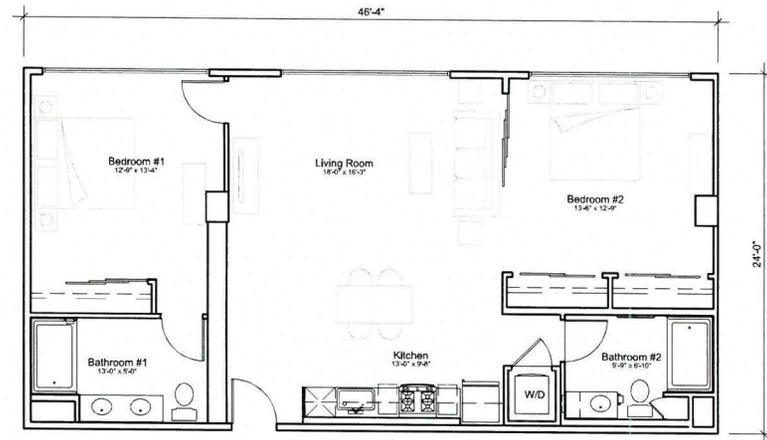
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**Unit Jr1B2** 12 Units  
Junior / 1 bath flat 579 sf

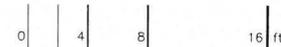


**Unit S1** 5 Units  
Studio / 1 bath flat 464 sf



**Unit LW2B3** 1 Unit  
Live Work 2 bed / 2 bath flat 1,112 sf

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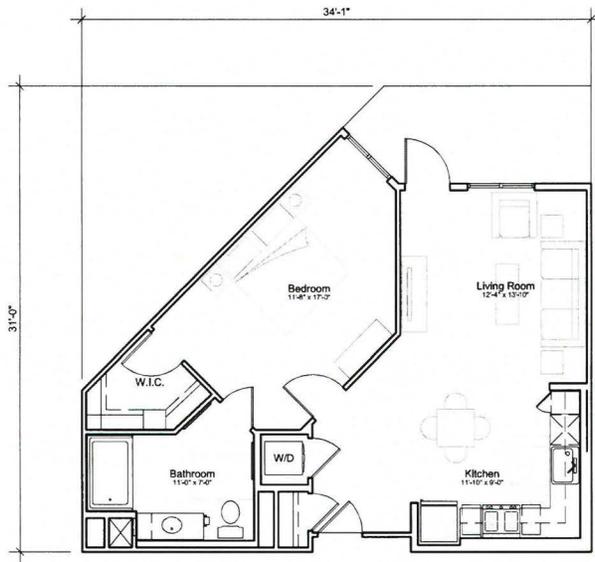


**Unit Plans**

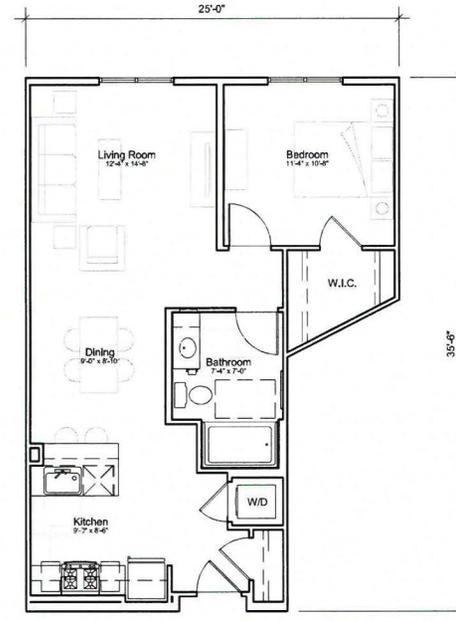
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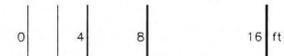


**Unit 1B2** 20 Units  
1 bed / 1 bath flat 753 sf



**Unit 1B1** 20 Units  
1 bed / 1 bath flat 760 sf

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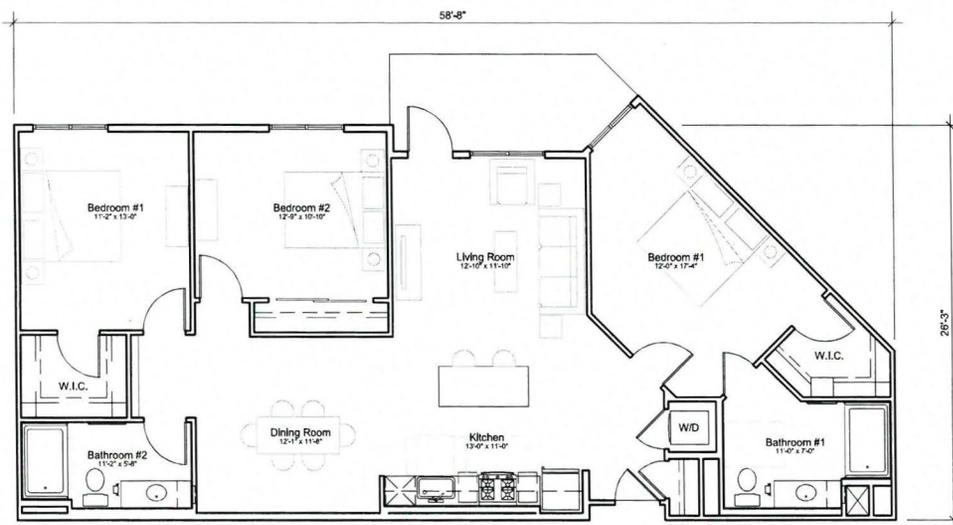
**Unit Plans**

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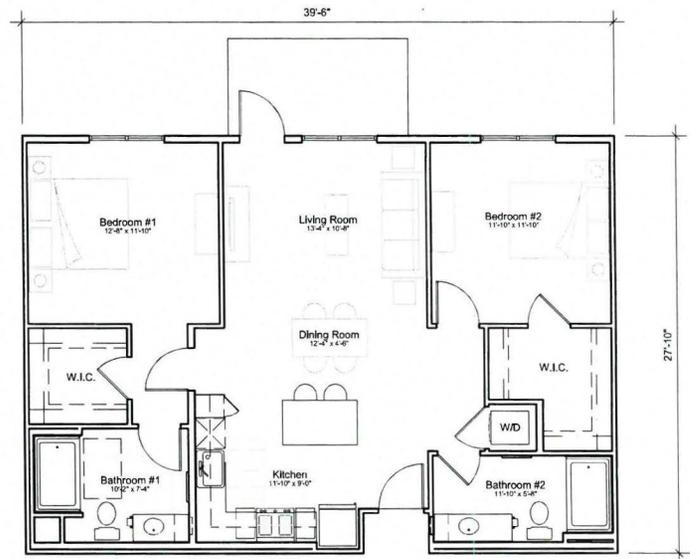
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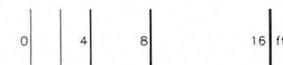


**Unit 3B3**                      13 Units  
 3 bed / 2 bath flat            1,410 sf



**Unit 2B2**                      12 Units  
 2 bed / 2 bath flat            1,100 sf

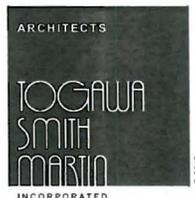
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**Unit Plans**

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Street View at Corner of De Longpre Ave. and St. Andrews

Perspectives

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A-18

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Street View Along De Longpre Ave. Looking East

Perspectives

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Street View Along Interstate 101

Perspectives

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A-20

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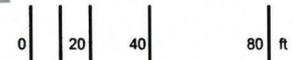
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LANDSCAPE CALCULATIONS	
OPEN SPACE REQUIRED	22,875
OPEN SPACE PROVIDED	22,875
OPEN SPACE PROVIDED (OUTDOOR)	13,145
OPEN SPACE AS LANDSCAPE REQUIRED	3,287 (25%)
OPEN SPACE AS LANDSCAPE PROVIDED	3,287 (25%)
QUANTITY OF UNITS IN DEVELOPMENT	185
QUANTITY OF TREES REQUIRED (1 TREE/ 4 UNITS)	47
QUANTITY OF TREES PROVIDED	47

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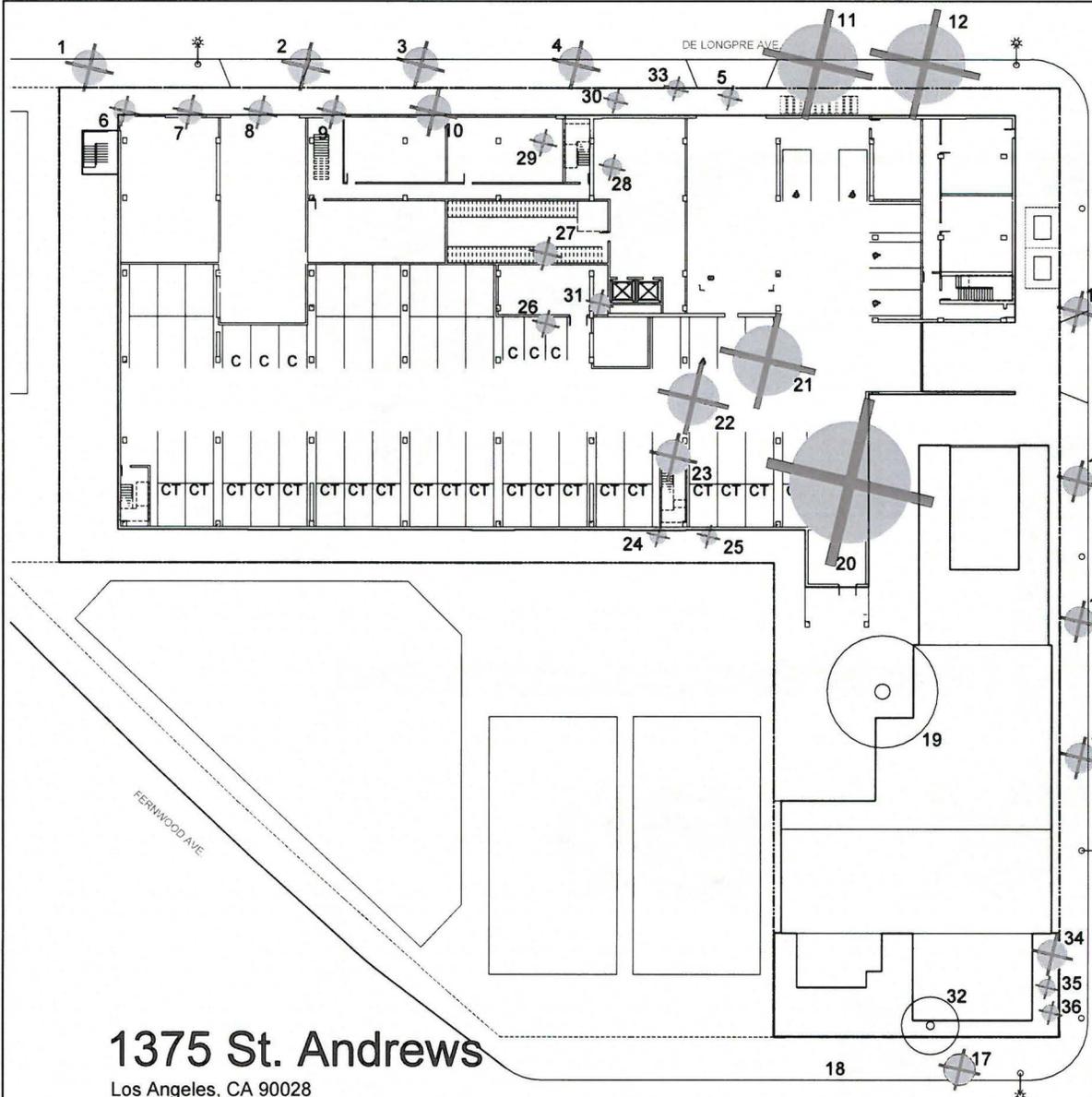


**Overall Site Plan**  
 June 14, 2018

**L-00**

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### Tree Inventory and Disposition Schedule

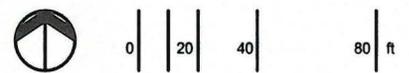
TREE #	SPECIES NAME	COMMON NAME	(REMOVE)	CONDITION	POHS	HEIGHT	DIAMETER	DBH	AGE (YRS)	NOTES
1	LIQUIDAMBAR STYRACIFLUA	AMERICAN SWEET GUM	Y	GOOD	OK	15'	6-8"	6"	4.5+	NEEDS SHAPING
2	LIQUIDAMBAR STYRACIFLUA	AMERICAN SWEET GUM	Y	GOOD	POOR	18'	6-8"	6"	4.5+	NEEDS SHAPING
3	LIQUIDAMBAR STYRACIFLUA	AMERICAN SWEET GUM	Y	GOOD	OK	20'	6"	6"	5+	NEEDS SHAPING
4	LIQUIDAMBAR STYRACIFLUA	AMERICAN SWEET GUM	Y	GOOD	GOOD	25'	18"	6"	5.5+	NEEDS SHAPING
5	PRUNUS SPP	PRUNUS	Y	GOOD	POOR	10'	4"	4"	5+	
6	PODOCARPUS MACROPHYLLUS	YEW PINE	Y	GOOD	OK	20'+	15"+	8"	5+	
7	PODOCARPUS MACROPHYLLUS	YEW PINE	Y	GOOD	GOOD	18"+	10"+	8"	5+	
8	PODOCARPUS MACROPHYLLUS	YEW PINE	Y	GOOD	POOR	25'	18-20"	8"	5+	
9	PODOCARPUS MACROPHYLLUS	YEW PINE	Y	GOOD	OK	18'	12"	6"	5+	
10	PODOCARPUS MACROPHYLLUS	YEW PINE	Y	GOOD	POOR	20'	20"	8"	5+	
11	FICUS MICROCARPA 'NITIDA'	INDIAN LAUREL FIG	Y	GOOD	OK	40'+	30"+	8"	20+	
12	FICUS MICROCARPA 'NITIDA'	INDIAN LAUREL FIG	Y	GOOD	OK	40'+	30"+	8"	20+	
13	PRUNUS SPP	PRUNUS	Y	GOOD	OK	5'	2"	1"	11'	NEEDS TO BE PULLED OUT AND REPLACED
14	GELERA PARVIFLORA	AUSTRALIAN WILLOW	Y	GOOD	OK	18-20'	8"	4"	5+	NEEDS SHAPING
15	GELERA PARVIFLORA	AUSTRALIAN WILLOW	Y	GOOD	OK	15'	5"	3"	5+	NEEDS SHAPING
16	GELERA PARVIFLORA	AUSTRALIAN WILLOW	Y	GOOD	POOR	12'	4"	3"	5+	NEEDS PRUNING AT BACK AND SHAPED
17	GELERA PARVIFLORA	AUSTRALIAN WILLOW	N	GOOD	OK	15'	5"	3"	5+	NEEDS SHAPING
18	-	-	-	MISSING	-	-	-	-	-	REPLACE WITH NEW GELERA
19	ULMUS PARVIFOLIA	CHINESE EVERGREEN ELM	N	GOOD	OK	45'	35"	30"	30+	WILL HAVE TO BE PROTECTED DURING CONSTRUCTION AND SAVED. NEEDS THINNING AND PRUNING.
20	ULMUS PARVIFOLIA	CHINESE EVERGREEN ELM	Y	GOOD	POOR	40'+	40"+	30"	30+	NEEDS TO BE REMOVED FOR CONSTRUCTION. TOO LARGE TO RELOCATE
21	PRAEXINUS UHDEI	EVERGREEN ASH	Y	GOOD	GOOD	30'	25"	20"	30+	
22	PRAEXINUS UHDEI	EVERGREEN ASH	Y	GOOD	GOOD	30'	25"	24"	30+	
23	PRAEXINUS UHDEI	EVERGREEN ASH	Y	GOOD	GOOD	25'	20"	13"	30+	
24	CITRUS	ORANGE	Y	FAIR	FAIR	10'	10"	4"	15+	
25	CITRUS	LEMON	Y	FAIR	POOR	8'	8"	3"	15+	
26	CASSIA FISTULA	GOLDEN SHOWER TREE	Y	FAIR	FAIR	18'	18"	4"	5+	
27	CASSIA FISTULA	GOLDEN SHOWER TREE	Y	FAIR	FAIR	18'	18"	4"	5+	
28	PRAEXINUS UHDEI	EVERGREEN ASH	Y	POOR	POOR	10'	4"	2"	5+	
29	PRUNUS SPP	PRUNUS	Y	POOR	POOR	5'	5"	1"	3+	
30	COCCOS PLUMOSA	QUEEN PALM	Y	GOOD	GOOD	12'	10"	4"	10+	
31	BAURINIA BLAKENI	HONG KONG ORCHID TREE	Y	POOR	POOR	5'	5"	1"	5+	
32	JACARANDA MIMOSIFOLIA	JACARANDA	N	POOR	POOR	40'	20"	10"	20+	OVER PRUNED
33	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	Y	GOOD	GOOD	12'	7"	3"	20+	
34	PIRUS KAWAKAMI	EVERGREEN PEAR	Y	GOOD	OK	35'	20"	8"	5+	
35	PODOCARPUS MACROPHYLLUS	YEW PINE	Y	GOOD	OK	10'	3"	2"	5+	
36	PIRUS KAWAKAMI	EVERGREEN PEAR	Y	POOR	POOR	8'	4"	4"	4+	

### Legend

SYMBOL	SYMBOL	QUANTITY
X	TREE TO BE REMOVED	33
○	TREE TO REMAIN	2

**1375 St. Andrews**  
 Los Angeles, CA 90028  
 Project #2017477.00

**LRM**  
 10335 Jefferson Blvd.  
 Culver City, CA 90232  
 310.636.6600  
 www.lrm.com



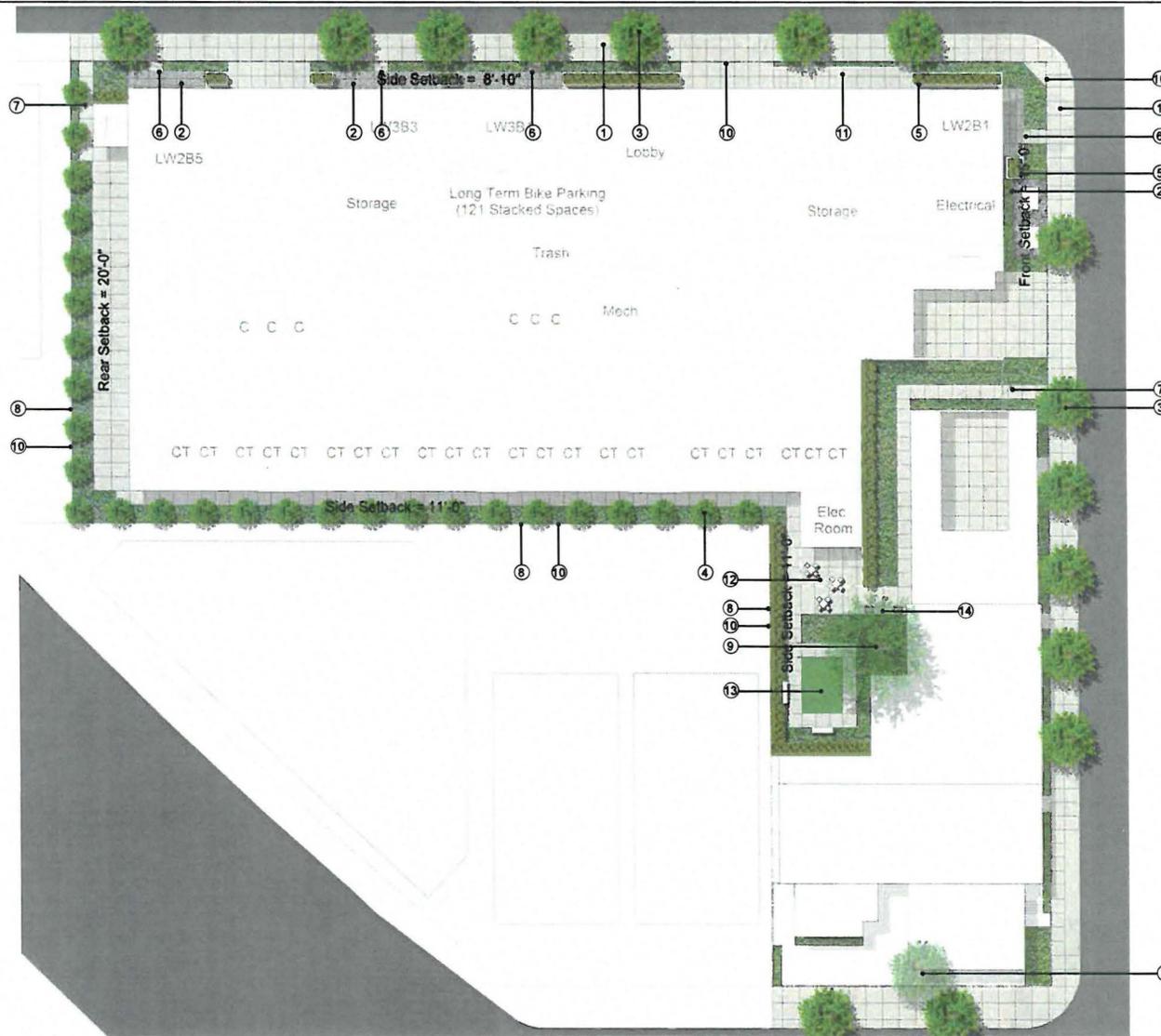
### Tree Disposition Plan

June 14, 2018

L-01

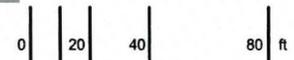
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**TOGAWA SMITH MARTIN**  
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- LEGEND**
- ① CONCRETE PAVING TO MATCH CITY STANDARDS
  - ② ENHANCED PAVING
  - ③ NEW STREET TREE PER THE STREET TREE DIVISION
  - ④ PERIMETER TREE
  - ⑤ RAISED PLANTER
  - ⑥ PATIO FENCE/GATE
  - ⑦ FENCE & GATE
  - ⑧ EXISTING WALL TO REMAIN
  - ⑨ EXISTING TREE TO REMAIN
  - ⑩ PROPERTY LINE
  - ⑪ SHORT TERM BIKE PARKING
  - ⑫ PASSIVE SEATING AREA
  - ⑬ DOG AREA
  - ⑭ BBQ AREA

**1375 St. Andrews**  
 Los Angeles, CA 90028  
 Project #2017477.00

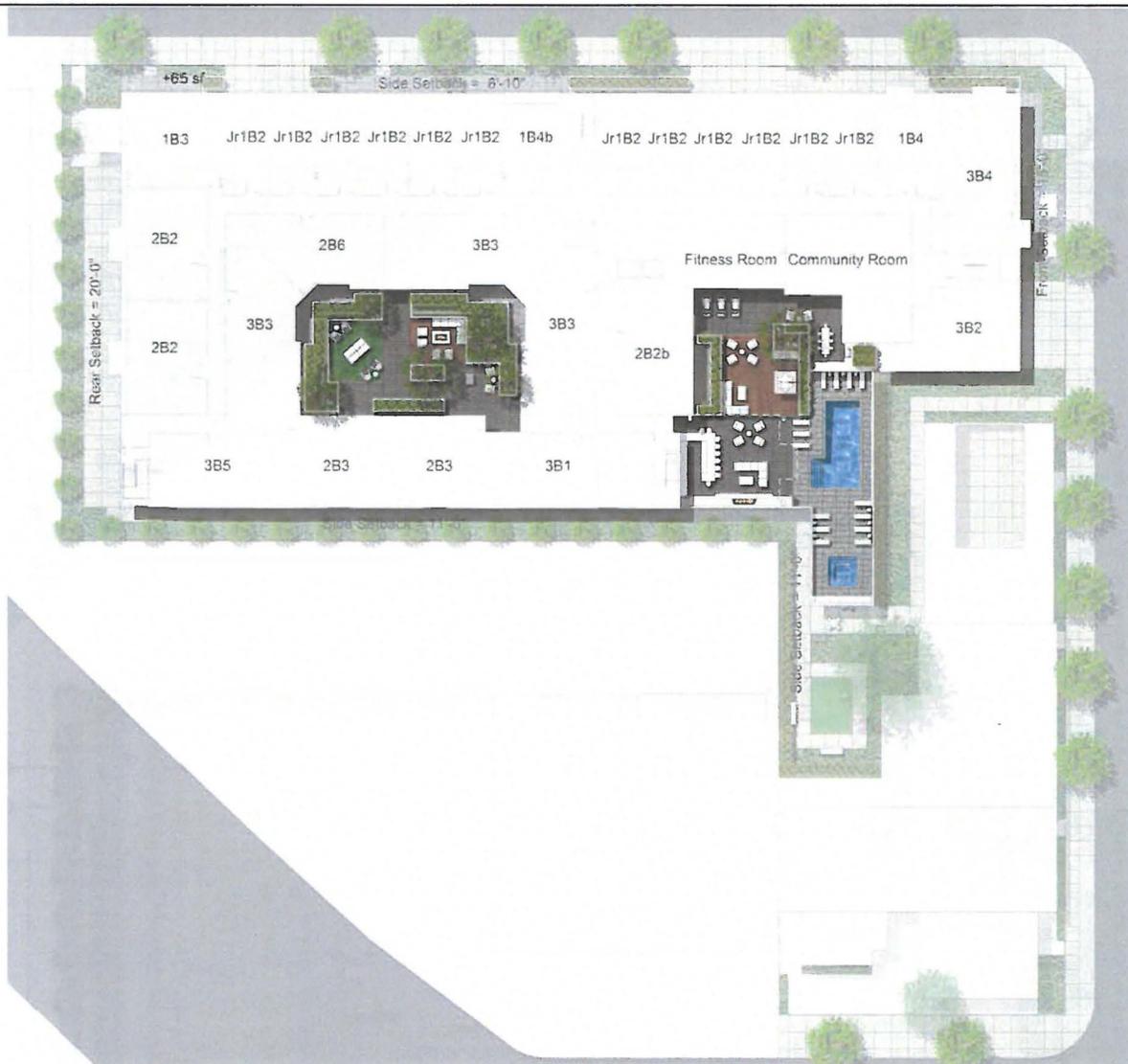


**1st Level Plan**  
 June 14, 2018

**L-02**

ARCHITECTS  
**TOGAWA SMITH MARTIN**  
 INCORPORATED  
 444 S. Flower Street, Suite 1220  
 Los Angeles, California 90071  
 213.614.6050  
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## 3rd Level Plan

June 14, 2018

L-03

ARCHITECTS

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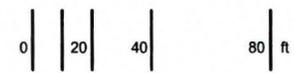


- LEGEND**
- ① ENHANCED PAVING
  - ② CONCRETE PAVING
  - ③ CANOPY TREE
  - ④ RAISED PLANTER
  - ⑤ ARTIFICIAL TURF
  - ⑥ POOL 12'X30'
  - ⑦ SPA 10'X10'
  - ⑧ POOL ENCLOSURE FENCE/GATE
  - ⑨ BUILT IN BANQUETTE
  - ⑩ FIRE PIT WITH LOUNGE SEATING
  - ⑪ BBQ COUNTER WITH SEATING AREA AND SHADE STRUCTURE
  - ⑫ CHAISE LOUNGE CHAIRS
  - ⑬ PRIVATE PATIO

**1375 St. Andrews**  
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 Project #2017477.00



10333 Jamboran Blvd.  
 Culver City, CA 90232  
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**3rd Level Enlargement Plan**

June 14, 2018

**L-03A**

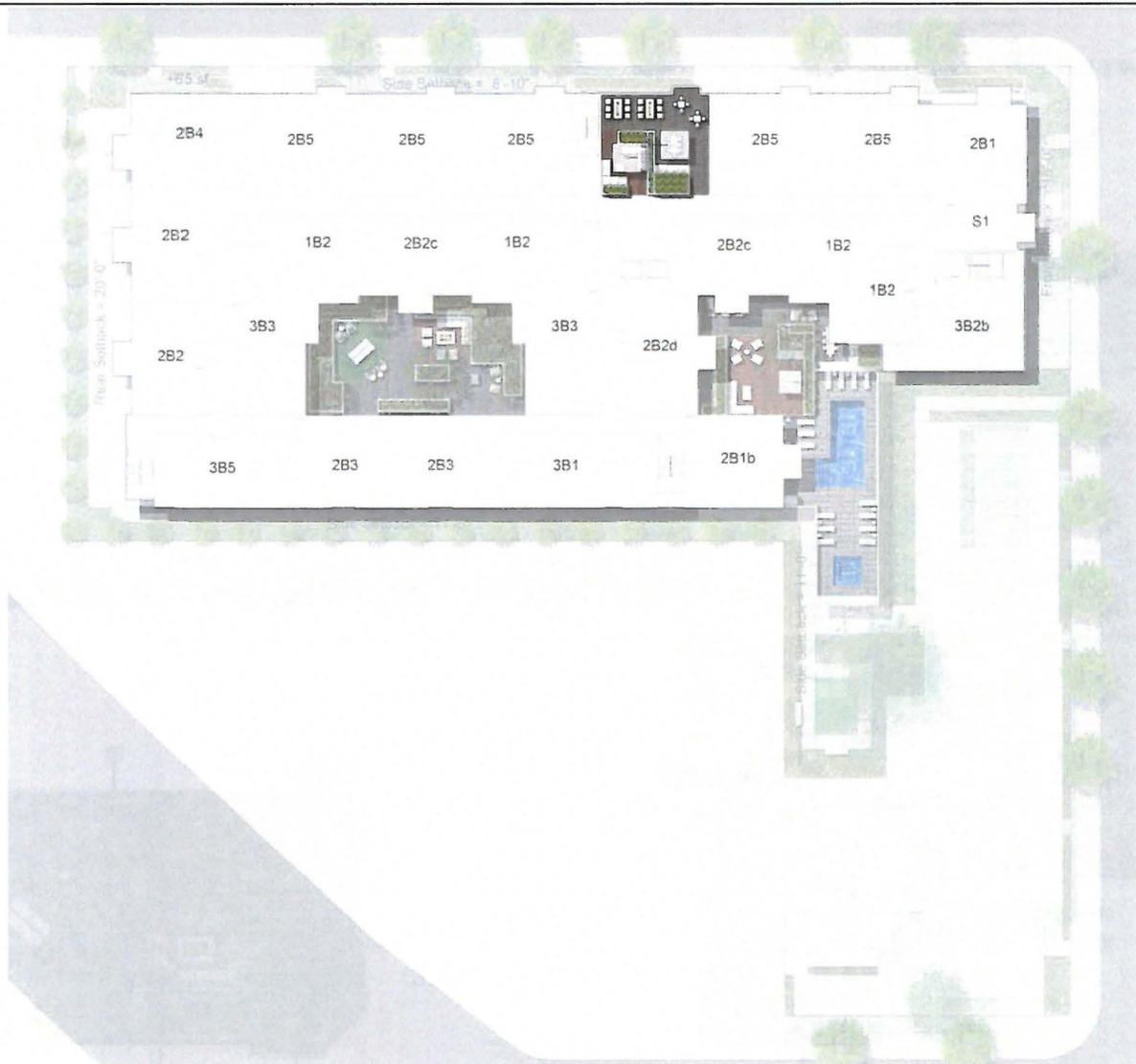
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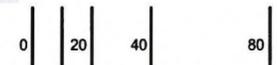


# 1375 St. Andrews

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 Project #2017477.00



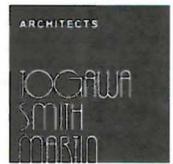
10235 Jefferson Blvd.  
 Culver City, CA 90232  
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## 8th Level Plan

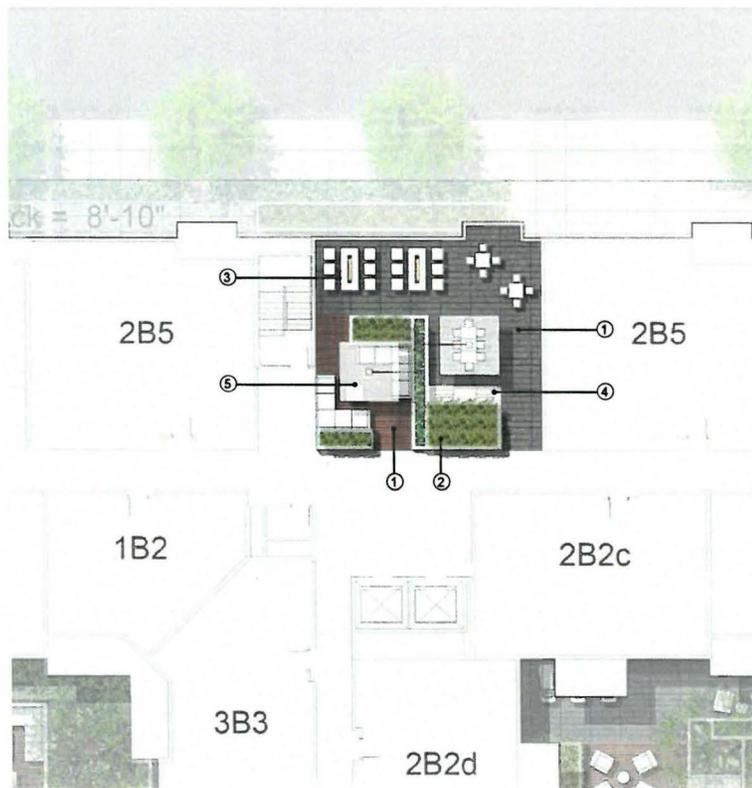
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L-08



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**LEGEND**

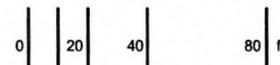
- ① ENHANCED PAVING
- ② RAISED PLANTER
- ③ FIRE PIT WITH LOUNGE SEATING
- ④ BBQ COUNTER WITH SEATING AREA AND SHADE STRUCTURE
- ⑤ LOUNGE SEATING WITH SHADE STRUCTURE

# 1375 St. Andrews

Los Angeles, CA 90028  
Project #2017477.00



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## 8th Level Enlargement Plan

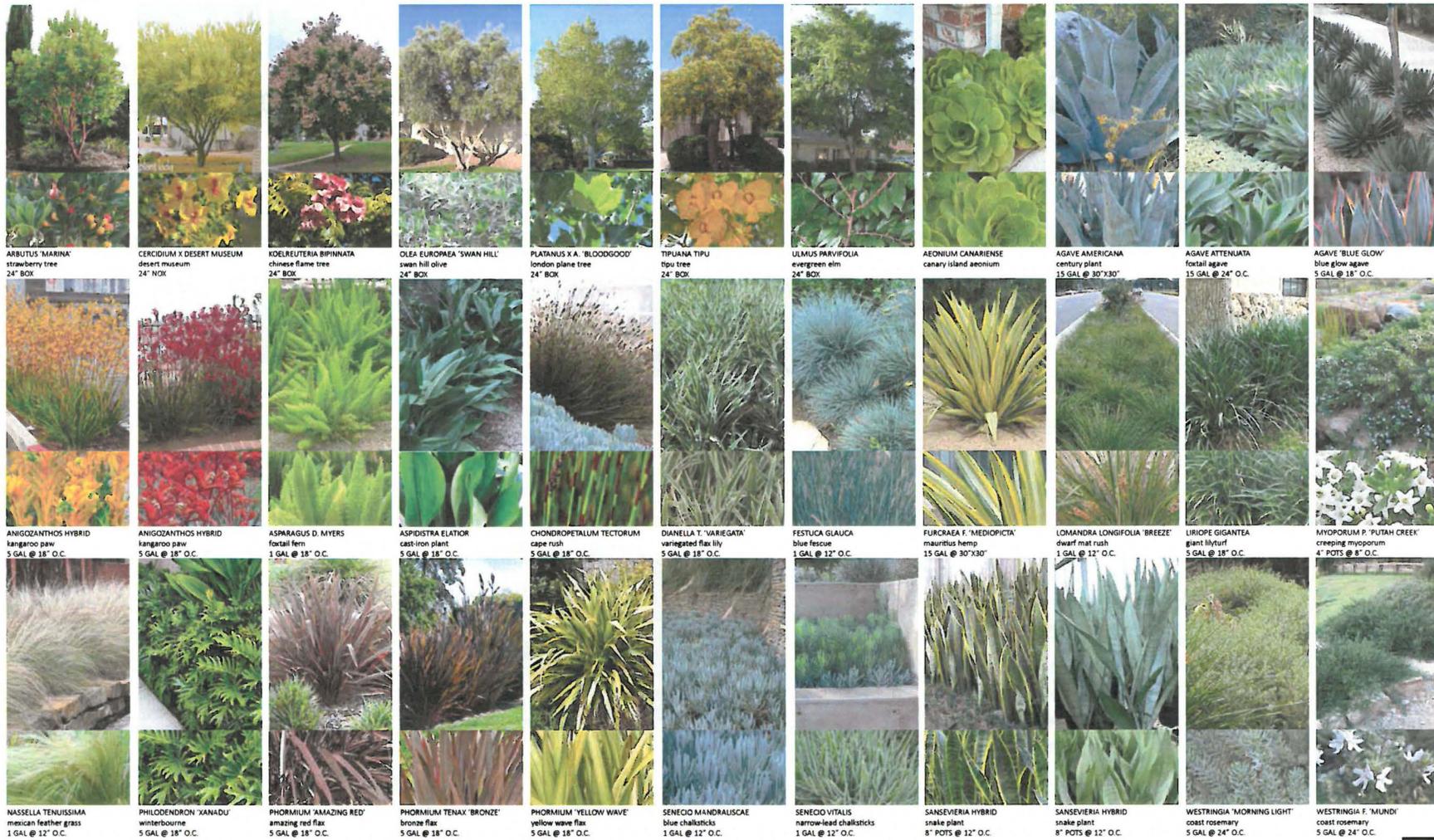
June 14, 2018

## L-08A



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ARBUTUS 'MARINA'  
strawberry tree  
24" BOX

CERCIDIMUM X DESERT MUSEUM  
desert museum  
24" NDK

KOELREUTERIA BIPINNATA  
chinese flame tree  
24" BOX

OLEA EUROPAEA 'SWAN HILL'  
swan hill olive  
24" BOX

PLATANUS X A. 'BLOODGOOD'  
london plane tree  
24" BOX

TIPUANA TIPU  
tipu tree  
24" BOX

ULMUS PARVIFOLIA  
evergreen elm  
24" BOX

AEONIUM CANARIENSE  
canary island aeonium  
15 GAL @ 30"X30"

AGAVE AMERICANA  
century plant  
15 GAL @ 30"X30"

AGAVE ATTENUATA  
foxtail agave  
15 GAL @ 24" O.C.

AGAVE 'BLUE GLOW'  
blue glow agave  
5 GAL @ 18" O.C.

ANIGOZANTHOS HYBRID  
kangaroo paw  
5 GAL @ 18" O.C.

ANIGOZANTHOS HYBRID  
kangaroo paw  
5 GAL @ 18" O.C.

ASPARAGUS D. MYERS  
foxtail fern  
1 GAL @ 18" O.C.

ASPIDISTRA ELATOR  
cast-iron plant  
5 GAL @ 18" O.C.

CHONDROPETALUM TECTORUM  
cape rush  
5 GAL @ 18" O.C.

DIANELLA T. 'VARIEGATA'  
variegated flax lily  
5 GAL @ 18" O.C.

FESTUCA GLAUCA  
blue fescue  
1 GAL @ 12" O.C.

FURCRAEA F. 'MEDIOPICTA'  
mauritius hemp  
15 GAL @ 30"X30"

LOMANDRA LONGIFOLIA 'BREEZE'  
dwarf mat rush  
1 GAL @ 12" O.C.

LIRIOPE GIGANTEA  
giant lilyturf  
5 GAL @ 18" O.C.

MYOPORUM P. 'PUTAH CREEK'  
creeping myoporum  
4" POTS @ 8" O.C.

NASSELLA TENUISSIMA  
mexican feather grass  
1 GAL @ 12" O.C.

PHILODENDRON 'XANADU'  
winterbourne  
5 GAL @ 18" O.C.

PHORMIUM 'AMAZING RED'  
amazing red flax  
5 GAL @ 18" O.C.

PHORMIUM TENAX 'BRONZE'  
bronze flax  
5 GAL @ 18" O.C.

PHORMIUM 'YELLOW WAVE'  
yellow wave flax  
5 GAL @ 18" O.C.

SENECIO MANDRALISCAE  
blue chalksticks  
1 GAL @ 12" O.C.

SENECIO VITALIS  
narrow-lead chalksticks  
1 GAL @ 12" O.C.

SANSEVERIA HYBRID  
snake plant  
8" POTS @ 12" O.C.

SANSEVERIA HYBRID  
snake plant  
8" POTS @ 12" O.C.

WESTRINGIA 'MORNING LIGHT'  
coast rosemary  
5 GAL @ 24" O.C.

WESTRINGIA F. 'MUNDI'  
coast rosemary  
5 GAL @ 24" O.C.

L-09

1375 St. Andrews  
Los Angeles, CA 90028  
Project #2017477.00



Plant Palette  
June 14, 2018



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# **CORRESPONDENCE**

**ARMBRUSTER GOLDSMITH & DELVAC LLP**

LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

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August 30, 2019

**BY EMAIL AND MESSENGER**

The Honorable Central Area Planning Commission  
of the City of Los Angeles  
200 North Spring Street, Room 1070  
Los Angeles, CA 90012  
Attn: Etta Armstrong, Commission Executive Assistant I  
apccentral@lacity.org

Re: 1375 St. Andrews (ZA-2015-4629 ZAA-ZAI-WDI-SPR; ENV-2015-4630-EIR)  
(Scheduled for the Commission's September 10, 2019 meeting)

Dear Commissioners:

We represent SeaZen-AHC 1375 LLC, which is seeking to develop a 185-unit apartment project (the "Project") at the above site (the "Site"). The Project would provide much needed new infill housing in an area well-served by transit without displacing existing housing.

In a determination letter dated June 27, 2019, the Zoning Administrator ("ZA") approved Site Plan Review, yard and building separation adjustments, and a waiver of dedication and improvement for the Project. Supporters Alliance for Environmental Responsibility (SAFER) and Tabatha Yelós, respectively, filed appeals (the "Appeals") of the ZA approvals.

The attached expert memorandum from EcoTierra Consulting, Inc. includes a point-by-point rebuttal of the Appeals that is summarized below. The memorandum demonstrates that the appeals are without merit and should be denied.

**A. The SAFER Appeal Consists of Vague Allegations Unsupported by Facts.**

- SAFER vaguely asserts that (a) the EIR fails to disclose significant impacts, and (b) the EIR did not tie environmental impacts to human health impacts.
- SAFER provides *no evidence whatsoever* to support these assertions; the EIR provides substantial evidence, including a health risk assessment ("HRA"), that all of the Project's impacts would be less than significant, except for temporary and intermittent construction noise and vibration impacts.

**B. Residential development is not prohibited on the Site, and the Project is Consistent with ZI-2427.**

- Ms. Yelós claims that the Site has “special zoning” and that ZI- 2427 (the City Planning Commission’s Freeway Adjacent Advisory Notice for Sensitive Uses) requires that the Site be developer with non-habitable uses.
- In fact, there is no special zoning, and residential uses are permitted under the Site’s R4 zoning.
- ZI-2427 is not zoning and is entirely advisory in nature. Nevertheless, the Project is consistent with ZI-2427. The HRA concludes that, with installation of air filters, health risks to future Project residents from freeway emissions would be less than significant.

**C. The EIR’s Alternatives Analysis Complies with CEQA.**

- Ms. Yelós asserts that the Small Lot Ordinance (SLO) Alternative should be selected, that there is a lack of demand for housing in the area, and that the EIR should have considered a non-habitable use alternative.
- The EIR properly concluded that the SLO Alternative would fail to meet the Project objectives to the to the same degree as the Project, in that it would not provide as much needed housing near transit.
- It is widely recognized that the region is suffering a severe housing shortage. In a letter dated August 22, 2019, the California Department of Housing and Community Development states that 1,344,749 new housing units, including 562,252 above-moderate income units, will need to be built in Southern California over the next 10 years. The Project will help address this problem.
- CEQA requires that an alternative meet the basic Project objectives. A non-habitable use alternative would not meet any of the Project objectives and is therefore infeasible.

**D. The Project is Consistent with the General Plan.**

- Ms. Yelós alleges that the Project is not consistent with the General Plan because it does not include affordable housing.
- There is nothing in the General Plan or Zoning Code that requires the Project to include affordable housing. As set forth in Section IV.H, Land Use and Planning, of the DEIR, the Project would be consistent with the General Plan Framework and the Community Plan.

**E. The Project Would Not Cause Residential Displacement.**

- Ms. Yelós maintains that the Project would result in indirect displacement of area residents.

The Honorable Central Area Planning Commission  
August 30, 2019  
Page 3

- The Project will provide new housing without displacing any existing housing. The appellant provides no substantial evidence that the Project would result in indirect displacement, only speculation and citations to a few general articles that have nothing to do with the Project, the Site, or the Project area.

For the foregoing reasons, we respectfully request that you deny the Appeals and uphold the ZA's well-reasoned approval of the Project. We look forward to answering any additional questions you may have. Thank you for your consideration.

Very truly yours,



Dale Goldsmith

cc: Craig Bullock, Councilmember Mitch O'Farrell's Office  
Maya Zaitzevsky  
Erin Strellich

Attachment: EcoTierra expert memorandum



August 20, 2019

Erin Strellich  
City Planning Associate  
Department of City Planning  
221 North Figueroa St, Suite 1350  
Los Angeles, CA 90012

**RE: Response to 1374 St. Andrews Apartments Project Appeals, July 12, 2019 from Supporters Alliance for Environmental Responsibility (SAFER) and Tabatha Yelós, ENV-2015-4630-EIR (the "Project")**

Dear Ms. Strellich:

EcoTierra Consulting, Inc. prepared the Environmental Impact Report (the "EIR") for the 1375 St. Andrews Apartments Project for the Department of City Planning. The purpose of this memorandum is to provide responses to the CEQA comments raised in the appeals filed by Supporters Alliance for Environmental Responsibility (SAFER) and Tabatha Yelós (the "Appeals"). The Appeals assert that the EIR failed to adequately analyze various issues related to the environmental setting, human health impacts, noise, zoning, land use, housing alternatives, and statement of overriding consideration adopted for the Project.

As demonstrated below, the comments raised in the Appeals do not contain any significant new information or substantial evidence that would change the analysis or the conclusions of the EIR. CEQA requires recirculation of an EIR only when "significant new information" is added to an EIR after public notice of the availability of the EIR has occurred (refer to California Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5), but before the EIR is certified. Section 15088.5 of the CEQA Guidelines specifically states: "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. 'Significant new information' requiring recirculation includes, for example, a disclosure showing that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The comments raised in the Appeals do not contain significant new information that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect environmental effect of the Project. None of the comments raised in the Appeals change any of the basic findings or conclusions of the EIR, constitute “significant new information” pursuant to CEQA Guidelines Section 15088.5, or require recirculation of the EIR.

## **SAFER Appeal**

### **Issue A, Comments summarized:**

*Appellant contends that the EIR did not describe the environmental setting of the Project and did not adequately analyze all feasible mitigation measures and alternatives. Appellant states the EIR found significant impacts related to noise, public services, transportation and traffic.*

### **Issue A, Response:**

The appellant contends without explanation that the Project would have significant air quality, indoor air quality, traffic, and other impacts that the Project EIR did not address, but provides no evidence to support these contentions.

Contrary to the appellant’s assertions, the Draft EIR includes both an Overview of Environmental Setting in Section III.1 of the Draft EIR and an Environmental Setting subsection in each analysis section of the Draft EIR. For example, Section IV.B, Environmental Impact Analysis, Air Quality, has a subsection 2. Environmental Setting, beginning on page IV.B-1. Section IV.C, Environmental Impact Analysis, Biological Resources, has a subsection 2. Environmental Setting, beginning on page IV.C-1, and so forth for each environmental impact analysis section of the Draft EIR. The appellant provides no evidence to suggest that these detailed discussions of the Project’s environmental setting are inadequate.

Section IV.I of the Draft EIR determined that the Project would have a significant, unavoidable impact with respect to construction-related noise and vibration impacts. Specifically, the Draft EIR analyzes and concludes that construction-related noise levels would exceed ambient exterior noise levels at all of the identified sensitive receptors by 5 dBA or more. Mitigation Measures MM-NOI-2 through MM-NOI-12 provided in the Draft EIR would reduce the severity of temporary construction noise impacts (see Table IV.I-15, Estimated Exterior Construction Noise at Sensitive Receptors – Mitigated), but would not reduce the noise levels to below the threshold. Therefore, temporary and periodic construction-related noise impacts would remain significant and unavoidable.

As discussed in Section IV.I of the Draft EIR, existing noise levels at off-site receptors could be exceeded by 5 dBA or more due to haul truck activity for the Project. Related projects could use similar construction equipment and possibly the same haul routes as the Project. As such, it is possible for the Project and related projects to contribute to cumulative construction noise impact for receptors located between construction sites or along the Project’s haul route. Although the Project would be subject to the mitigation measures identified in the EIR, mitigation measures typically used to address onsite construction noise, such as providing temporary noise barrier walls to reduce the off-site construction truck traffic noise impacts, would not be feasible as the barriers would obstruct the access and visibility

to the properties along the haul route. Therefore, there are no feasible mitigation measures to reduce the temporary noise impacts associated with off-site construction traffic. As such, cumulative noise impacts from off-site construction would remain significant and unavoidable.

With respect to human annoyance from construction-related vibration levels, the DEIR states that construction vibration levels would exceed the 72 VdB Category 2 threshold and 75 VdB Category 3 threshold, and that construction-generated human annoyance vibration impacts would be significant. The mitigation measures listed in the EIR would reduce the severity of temporary construction vibration impacts. Nonetheless, temporary and periodic construction-related vibration impacts with respect to human annoyance would remain significant and unavoidable.

As also discussed in the Draft EIR, the vibration levels generated from off-site construction trucks associated with the Project and other related projects along the anticipated haul route(s) would be well below the most stringent building damage threshold of 0.12 PPV for buildings extremely susceptible to vibration. Accordingly, potential cumulative vibration impacts with respect to building damage from off-site construction would be less than significant. However, Project-level and cumulative construction vibration levels could exceed the 72 and 75 VdB human annoyance thresholds. The mitigation measures listed in the EIR would reduce the severity of temporary construction vibration impacts. Nonetheless, off-site construction-related vibration impacts with respect to human annoyance would remain significant and unavoidable.

Section IV.B of the Draft EIR found that the Project would have a less than significant impact, with no mitigation measures required, with regards to Air Quality. Section IV.K of the Draft EIR found that the Project would have a less than significant impact, with no mitigation measures required, with regards to Public Resources (Fire Protection, Police Protection, Schools, Recreation and Parks, and Libraries). Section IV.L of Draft EIR determined that the Project would have a less than significant impact, with no mitigation measures required, with regards to Transportation and Traffic. Therefore, the comment stating that the EIR found potentially significant impacts in the categories of public services and transportation and traffic is factually incorrect. The appellant's contention that there would be significant impacts with respect to air quality, indoor air quality, traffic and "other impacts" provides no other detail and is unsubstantiated by any evidence.

**Issue B, Comments summarized:**

*Appellant states its opinion the EIR did not tie environmental impacts to human health impacts and therefore the EIR must be revised.*

**Issue B, Response:**

This comment is incorrect. Potential human health impacts are addressed throughout the Draft EIR in accordance with the CEQA Statutes and Guidelines and applicable thresholds and regulations. For example, Section IV.B, Air Quality, of the Draft EIR analyzes the potential for the Project to generate criteria air pollutants in excess of established thresholds, and identifies sensitive receptors in the Project vicinity that may be exposed to such pollutants. Table IV.B-1 sets forth a summary of the health effects of criteria pollutants. Section IV.B concludes, based on a detailed quantification of the project's

pollutant emissions, that neither the Project's construction or operational emissions would exceed the SCAQMD's regional or localized thresholds. The localized thresholds are health-based in that they represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard.

Section IV.G, Hazards and Hazardous Materials, of the Draft EIR analyzes the potential for the Project to expose humans to potentially hazardous conditions as a result of the release of hazardous materials. Although, as discussed in Section IV.H, Land Use and Planning, impact analysis of the air environment on new sensitive receptors in proximity to transportation facilities is not required by CEQA, a health risk assessment (HRA) was nevertheless conducted for the Project and was included as Appendix I.2 to the Draft EIR. Therefore, human health impacts are analyzed throughout the EIR, and appellant does not provide specific comments or substantial evidence that such impacts were not evaluated.

## **Yelós Appeal**

### **Issue 1, Comments summarized by topic:**

*Appellant contends that the EIR did not prove that the proposed Project is the best use for the Project Site and that the Project Site has "special zoning" because of its proximity to the freeway. The appellant states that due to the proximity of other construction projects in the area, which contribute to poor air quality, that the EIR was not adequate in addressing Air Quality impacts. The appellant believes the Project is not consistent with ZI-2427 and that ZI-2427 mandates that the Project Site be developed with a non-habitable use.*

### **Issue 1, Response:**

CEQA does not require that an EIR prove that a Project is the best use for a given project site. Rather, CEQA requires that the project proposed by the project applicant is analyzed against the thresholds provided by CEQA and the governing jurisdictions. In compliance with CEQA, the EIR analyzed the potential for the Project to result in impacts related to the issue areas identified by the CEQA Guidelines. The EIR determined that the Project would have significant, unavoidable impacts only with respect to construction-related noise and vibration impacts.

The Project is consistent with the General Plan designation and zoning of the Project Site. The EIR addresses the Project Site's zoning as it relates to the proposed Project in Section IV.H, Land Use and Planning. The Project Site is zoned R4-2. Adjacent to the Project Site to the south and west are multi-family residential buildings within the same block as the Project Site. These properties are zoned R4-2 and designated for High Density Residential by the General Plan. A multi-family residential building and a single-family residence are also located south of the Project Site, across Fernwood Avenue. These properties are also zoned R4-2 and designated for High Density Residential by the General Plan.

Because the Project would develop residential uses within approximately 90 feet of the 101 (Hollywood) freeway, Section IV.H of the Draft EIR also addresses Zoning Information (ZI) No. 2427, the City Planning Commission's Freeway Adjacent Advisory Notice for Sensitive Uses. As explained in the Draft EIR, the

Project Site is within the area covered by ZI No. 2427. However, ZI No. 2427 does not constitute “special zoning” as contended by the appellant. In fact, it is not zoning at all, but rather is advisory in nature.

Under the heading “Project Features and Design Alternatives *To Consider*,” ZI No. 2427 provides that the specified measures “*may* reduce air pollution exposure and associated health risks, and therefore, *should be* taken into account when your project is being configured or when a specific site is being considered for development.” (Emphasis added.) Accordingly, the measures that follow are suggested rather than mandatory. Nevertheless, the appellant maintains that the Project would conflict with Measure No. 3: “Prioritize the location of non-habitable uses, such as parking structures and building areas not calculated in floor area, nearest the freeway.” The appellant misreads this measure as requiring that no “habitable” uses be built anywhere within 1,000 feet of a freeway—in effect, placing a moratorium on new residential development because housing cannot legally be developed on the Project Site under ZI No. 2427. In fact, although Measure No. 1 recommends against locating “schools, day care facilities and senior care centers” in freeway-adjacent areas, nowhere does ZI No. 2427 prohibit multifamily housing. Rather, Measure No. 3 merely recommends that the “non-habitable” portions of an individual project (such as parking garages) be located closest to the freeway as a matter of good site planning.

Although ZI No. 2427 is advisory in nature, the Draft EIR treats ZI No. 2427 conservatively as an adopted policy and provides an analysis of whether the Project conflicts with ZI No. 2427. As recommended by ZI No. 2427, notwithstanding that the potential impact of emissions from the freeway is an impact of the environment on the Project that is not required to be addressed under CEQA, a health risk assessment (HRA) was conducted to assess the potential health risks from criteria pollutants and toxic air contaminants (TACs) that future residents may be exposed to due to the Project Site’s proximity to the freeway. The HRA, prepared by Air Quality Dynamics, is included as Appendix I.2 to the Draft EIR.

As discussed in Section IV.H of the Draft EIR, the California Air Resources Board (CARB) developed the Air Quality and Land Use Handbook: A Community Health Perspective to provide information about facilities such as freeways, refineries, rail yards, and ports that should be considered when siting sensitive land uses such as residences. Particulate matter from diesel engines is a key air pollutant common to these sources and CARB identifies diesel particulate as a carcinogen and a long-term chronic TAC. Gasoline exhaust also results in additional TAC emissions (1,3 butadiene, benzene, formaldehyde, etc.). Health risks associated with exposure to carcinogenic compounds can be defined in terms of the probability of developing cancer as a result of exposure to a chemical at a given concentration. The cancer risk probability is determined by multiplying the chemical’s annual concentration by its unit risk factor (URF). The URF is a measure of the carcinogenic potential of a chemical when a dose is received through the inhalation pathway. It represents an upper bound estimate of the probability of contracting cancer as a result of continuous exposure to an ambient concentration of one microgram per cubic meter ( $\mu\text{g}/\text{m}^3$ ) over a 70-year lifetime.

To represent residential exposures, the HRA employed the U.S. Environmental Protection Agency’s guidance to develop viable dose estimates based on reasonable maximum exposures (RME). Specifically, activity patterns for population mobility recommended by the U.S. Environmental Protection Agency and presented in the Exposure Factors Handbook were utilized. As a result, lifetime risk values for residents were adjusted to account for an exposure duration of 350 days per year for 30

years (i.e., 95th percentile). Additional discussion regarding the use of the 30-year exposure duration is presented in Appendix D of the HRA, included as Appendix I.2 to this Draft EIR. A 9-year exposure duration was additionally assessed to identify risk estimates associated with the average time individuals are reported to reside at a given residence. These values are consistent with CEQA, which considers the evaluation of environmental effects of proposed projects in a manner that reflects both reasonable and feasible assumptions.

The HRA found that carcinogenic risks estimates for the 30-year exposure scenario exceed the level posing no significant risk only for residential receptors located on floor level 1 (see Table 4 in Appendix I.2 of the Draft EIR, Health Risk Assessment). However, compliance with existing regulations (discussed below) would reduce further health risks to sensitive receptors. For the 9-year exposure scenario, no significant risk was found any receptor location.

The HRA also analyzed chronic noncarcinogenic effects; the hazard index identified for each toxicological endpoint totaled less than one for all 30-year and 9-year exposure scenarios. For short duration exposures, the hazard indices for the identified averaging times did not exceed unity. Therefore, noncarcinogenic hazards were predicted to be within acceptable limits.

For criteria pollutants, the HRA found that maximum predicted PM<sub>10</sub> concentrations for residential occupancies exceed the significance thresholds for the 24-hour and annual averaging times for floor levels 1 through 5. The PM<sub>2.5</sub> significance threshold was exceeded on floor levels 1 and 2. For CO and NO<sub>2</sub>, maximum predicted concentrations within acceptable limits. However, compliance with existing regulations would reduce health risks to sensitive receptors to less than significant.

As also discussed in Section IV.B, Air Quality of the Draft EIR, the LA Green Building Code, Section 99.04.504.6 of the LAMC requires mechanically ventilated buildings within 1,000 feet (304.8 m) of a freeway to provide regularly occupied areas of the building with air filtration media for outside and return air that provides a Minimum Efficiency Reporting Value (MERV) of 13. Filters shall be installed prior to occupancy, and recommendations for maintenance with filters of the same value shall be included in the operation and maintenance manual. In addition, as discussed in ZI No. 2427, the 2016 Clean Up Green Up Ordinance mandates high efficiency air intake filters for freeway-adjacent residential buildings.

The HRA shows that use of MERV 11 filters would reduce carcinogenic risk estimates and particulate exposures to less than significant and therefore the required use of MERV 13 filters as required by existing code regulations would further reduce exposures. Thus, incorporation of the above filters would reduce carcinogenic risk estimates and particulate exposures to below significance thresholds. Therefore, although ZI No. 2427 is advisory in nature, even treating ZI No. 2427 for arguments sake as an adopted policy, the Project would not conflict with ZI No. 2427.

With regard to other construction projects in the area, SCAQMD guidance provides that “projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.”<sup>1</sup> Cumulative air quality impacts are addressed in Section IV.B, Air Quality, of the Draft EIR.

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<sup>1</sup> SCAQMD, *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D: Cumulative Impact Analysis Requirements Pursuant to CEQA, August 2003.*

The analysis, prepared in accordance with the SCAQMD guidelines, does not require that specific emissions from various related projects be added to the Project's calculated potential emissions.

**Issue 2, Comments summarized by topic:**

*Appellant states its opinion that the Small Lot Ordinance (SLO) Alternative should be selected as the preferred project because it would reduce impacts and meet the Project Objectives, and because vacancy rates indicate a lack of demand for new housing in the vicinity of the Project Site. Appellant also contends that CEQA requires that all infeasible alternatives be rejected on the exact same grounds and that the EIR should have considered a "non-habitable uses" alternative.*

**Issue 2, Response:**

In general, the environmentally superior alternative as defined by CEQA should avoid or substantially lessen significant adverse impacts to the Project Site and its surrounding environment. The Draft EIR determined that of the alternatives considered, the "No Project/No Project Alternative" would not create any new impacts; therefore, it would be environmentally superior to the Project, which proposes to change existing conditions. However, CEQA requires the identification of another environmentally superior alternative when the No Project Alternative is identified to be environmentally superior to the Project.

The SLO Project Alternative would also be environmentally superior to the Project. As discussed in the EIR, because this alternative would reduce development density, as compared to the Project, the SLO Project Alternative would lessen the significant and unavoidable impacts of the Project with respect to construction noise and vibration due to a shorter construction duration, although the impacts would remain significant. The SLO Project Alternative would have reduced less than significant impacts compared to the Project with respect to air quality, paleontological resources, archeological resources, geology and soils (strong seismic ground shaking and groundwater), greenhouse gases, noise, population and housing, and public services, traffic, and utilities. However, the SLO Project Alternative would fail to meet the objectives of the Project to the same degree as the Project:

- The SLO Alternative would provide new infill housing with a variety of unit types to meet housing demands in the Hollywood Community Plan Area near public transit options and employment centers, but to a lesser degree by providing approximately 40 residential units rather than 185 would not provide for as efficient and functional development of the site as the Project.

Furthermore, a park project alternative, as proposed by the appellant, would not meet any of the Project objectives, and as such would not comply with requirements of CEQA which require that CEQA alternatives meet objectives and limit substantial impacts. Section 15126.6(a) of the State CEQA Guidelines states the following:

*An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives. An EIR need not consider every*

*conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.*

In addition, Section 15126.6(b) of the State CEQA Guidelines states the following:

*Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment, the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly.*

Section 15126.6(c) of the State CEQA Guidelines states the following:

*The range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.*

Section 15126.6(f) of the State CEQA Guidelines states the following:

*The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.*

Section VI of the Draft EIR fully analyzes the potential impacts of each of the three alternatives, each alternative's ability to meeting the Project Objectives, and provides a comparison of each impact between each of the alternatives and the Project.

CEQA gives a lead agency the discretion to reject as infeasible an alternative identified in an EIR.<sup>2</sup> Among other reasons, a lead agency may find that an alternative is infeasible based upon “[s]pecific economic, legal, social, technological, or other considerations” (Public Resources Code Section 21081(a)(3)) or if it determines that the alternative would fail to meet project objectives or is impractical or undesirable from a policy standpoint.<sup>3</sup>

Here, the City properly found that the SLO Alternative was infeasible pursuant to Section 21081(a)(3), in part because it would not satisfy the basic project objective of providing new infill housing near public transit and employment centers as fully as would the preferred project.<sup>4</sup> Section VI.4 of the Draft EIR specifies the significant difference (of approximately 145 units) between the number of housing units that could be developed under the preferred project versus the SLO Alternative. In addition, as discussed in Section IV.J, Population and Housing, of the Draft EIR, the Regional Housing Needs Assessment (RHNA) cycle relevant to the current Housing Element Update calls for 82,002 additional housing units in the City, and the Housing Element specifically identifies a need for more housing.

As discussed in Section IV.J, SCAG expects the Citywide housing supply to increase by 237,029 units between 2016 and 2040.<sup>5</sup> The additional 185 total units proposed to be developed would be within the SCAG’s anticipated growth rate, representing approximately 0.078 percent of the Citywide total growth in housing units for the period of 2016 to 2040. Therefore, the Project would represent a small percentage of the projected overall growth in housing units Citywide and is unlikely to contribute to vacancy rates. Moreover, vacancy rates in Los Angeles County overall remain “historically low,”<sup>6</sup> and the City has been cited as the worst market in the nation for renters with a vacancy rate of just 3.7 percent and annual rent growth of 5.7 percent.<sup>7</sup> The Project will help the City meet its RNHA obligations, will be consistent with regional growth projections, and will help address the housing shortage.

In suggesting that the SLO Alternative should be selected because there is not a need for housing at the Project Site, appellant’s assertions represent “nothing more than a policy disagreement with the City.”<sup>8</sup> The City has determined, however, consistent with the project objectives, that there is a need for more housing and that the Project would satisfy that objective more fully than the SLO alternative.

The appellant also contends that the rejection of Alternative 2 and 3 for different reasons is somehow inappropriate. CEQA does not require a lead agency to reject each alternative for the same reason. As noted, CEQA allows a lead agency to reject infeasible alternatives. CEQA Guidelines Section 15126.6(f)(1) provides:

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<sup>2</sup> *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 998-1001.

<sup>3</sup> *Id.* at 1001-1003.

<sup>4</sup> *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400.

<sup>5</sup> *Southern California Association of Governments, 2016-2040 Regional Transportation Plan/Sustainable Communities Strategies, Growth Forecast Appendix, Adopted April 2016.*

<sup>6</sup> “Rents still flat in LA, despite low vacancies.” *Curbed LA*, December 3, 2018, accessed at: <https://la.curbed.com/2018/12/3/18123937/los-angeles-rental-prices-report-2018-november>.

<sup>7</sup> “Los Angeles Tops Our List Of The Worst Cities For Renters In 2018” *Forbes* April 15 2018, accessed at: <https://www.forbes.com/sites/samanthasharf/2018/04/13/los-angeles-tops-our-list-of-the-worst-cities-for-renters-in-2018/#5ddb94fa5b6b>.

<sup>8</sup> *California Native Plant Society*, 177 Cal.App.4th 957 at 1001 (internal quotation marks omitted).

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).

Thus, it was appropriate for the lead agency to reject Alternative 2 on environmental grounds and Alternative 3 for failure to meet basic project objectives as fully as the Project.

Appellant also maintains that the EIR should have considered an alternative consisting entirely of non-habitable uses. Such an alternative would not meet the project objective to provide new infill housing with a variety of unit types to meet housing demands in the Hollywood Community Plan Area near public transit options and employment centers.

**Issue 3, Comments summarized by topic:**

*Appellant states the Project is within a Transit Oriented Community and because the Project does not request a TOC Affordable Housing incentive, the Project violates Goal 4A and Objective 4.1 of the General Plan. The appellant states that it seems unlikely that Project residents would use public transit, and thus reduce vehicle miles travelled (VMT), because 294 parking spaces are being provided as part of the Project and because, as a market-rate project, the Project would not attract residents who use transit.*

**Issue 3, Response:**

Under the Transit Oriented Communities (TOC) Program, which implements measure JJJ passed by voters, projects offering affordable housing as part of the unit mix are now eligible for development incentives including increased density and decreased parking. The TOC Program does not require that all projects within a TOC area pursue incentives through the TOC program. The Project did not pursue such incentives and is not required to do so. Moreover, the Project application was submitted in December 2015, prior to the adoption of the TOC Guidelines in September 2017.

The Goal and Objective referenced in the appeal letter are set forth in Chapter 4, Housing, of the Framework Element of the General Plan as follows:

**GOAL 4A**

*An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.*

#### Objective 4.1

*Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City subregion to meet the projected housing needs by income level of the future population to the year 2010.*

The Framework Element of the General Plan does not dictate that each project within the City fulfill these goals and objectives. Rather, the goal and objective are citywide. Analysis of the Project as it relates to applicable goals, objectives, and policies of the Southern California Association of Governments' (SCAG) 2008 Regional Comprehensive Plan, SCAG's 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), the South Coast Air Quality Management District's (SCAQMD) 2007 Air Quality Management Plan (AQMP), the Los Angeles County Metropolitan Transportation Authority's (Metro) Comprehensive Management Plan for Los Angeles County (CMP), the City of Los Angeles General Plan (General Plan), the Hollywood Community Plan (Community Plan), and the City of Los Angeles Municipal Code (LAMC) is provided in Draft EIR Section IV.H, Land Use and Planning. It should be noted that CEQA only requires that a Project be analyzed against land use policies that have been adopted to reduce or address environmental impacts.

Draft EIR Section IV.L, Transportation and Traffic, includes an analysis of the existing transit service in the Project area, the Project's potential traffic and transit impacts, and cumulative traffic and transit impacts. The traffic impact analysis includes a 15 percent trip generation adjustment, in accordance with LADOT's Transportation Impact Study Guidelines, for a development within one-quarter mile of a Rapid Bus line and to account for bike- or walk-in trips. The Project Site is in an area with abundant transit options and walking opportunities, and the Project meets the City's objectives of sound planning for housing near transit. Appellant speculates that project residents will not use transit, citing general articles regarding cars and transit use in the region but providing no evidence specific to the Project.

#### **Issue 4, Comments summarized by topic:**

*Appellant states that introducing market rate housing will cause indirect displacement and make housing overall less affordable.*

#### **Issue 4, Response:**

As discussed in Draft EIR Section IV.J, Population and Housing, and as acknowledged by the appellant, the Project Site does not include any existing housing units. Development of the Project would not displace housing units or residents. Rather, the Project would build 185 new residential units where currently none exist. On the one hand, the appellant states that there is high vacancy in Hollywood and therefore there should not be new units built. On the other hand, the appellant states that new housing units will displace existing Hollywood residents and increase rents. These two statements are contradictory. The City faces a well-documented housing shortage, which the City seeks to address as a public policy objective, and the Project would increase the number of residential units available to residents of the City and increase the City's housing stock without removing any housing units from the market.

The Draft EIR correctly notes that the Project Site does not include any existing residential units, and would therefore not directly displace any housing units (Draft EIR, pages IV.J-1, and IV.J-8). The Draft EIR also correctly notes that the Project would not directly result in the displacement of existing residents, since no permanent residents are presently located on the Project Site, and would therefore not necessitate the construction of replacement housing elsewhere (Draft EIR, page IV.J-1). Further, as discussed in the Draft EIR (pages IV.H-18 through H-25), the Project as proposed would provide new residential units in close proximity to the regional transit system, and would work to implement state, regional, and local policies regarding the goal to concentrate future urban growth in transit station areas.

The appellant provides no substantial evidence that the Project would result in indirect displacement but merely speculates. Appellant cites one study focused on London, England (Davidson and Lees), another that recognizes the importance of adding market rate housing (Zuk and Chappel) and a third that fails to support appellant's contention that building new housing without demolishing existing housing will lead to displacement (Urban Displacement Project). Moreover, indirect displacement is not an environmental impact but an economic or social one. Pursuant to CEQA Guidelines Section 15131(a), economic or social effects of a project shall not be treated as significant effects on the environment, unless a cause and effect relationship can be established that an economic and social effect would result in an adverse physical effect on the environment. Appellant has not only failed to provide evidence of indirect displacement, but has also failed to provide evidence showing that such displacement would result in such a physical impact.

Thank you for your consideration of these materials. Please feel free to contact me at [craig@ecotierraconsulting.com](mailto:craig@ecotierraconsulting.com) if you require any additional information regarding the above.

Sincerely,

**EcoTierra Consulting, Inc.**

A handwritten signature in black ink, appearing to read "Craig Fajnor". The signature is fluid and cursive, with the first name "Craig" being more prominent than the last name "Fajnor".

Craig Fajnor  
Principal