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**VIA E-MAIL & HAND DELIVERY** (clerk.plumcommittee@lacity.org)

Planning and Land Use  
Management Committee  
c/o: Zina Cheng  
City of Los Angeles, City Council  
200 N. Spring Street - City Hall, Room 395  
Los Angeles, California 90012

Date: 9/18/18  
Submitted in PLUM Committee  
Council File No: 18-0769  
Item No.: 11

Communication from  
Applicant Representative

Re: Rebuttal to Appeal of Central Area Planning Commission Approval  
VTT-74730-SL Council File No. 18-0769  
Related Case: ZA-2016-4902-ZAA-SPPA-SPP-DI  
ENV-2016-4903-CE  
1710, 1718 & 1720 North Berendo Street and  
4765, 4767 & 4773 West Hollywood Boulevard (the "Property")  
PLUM Hearing Date: September 18, 2018

Dear Chair Huizar and Members of the Planning and Land Use Management Committee ("PLUM"):

This office represents PH/T&T Master One, LLC, owner and applicant (hereafter, "Applicant") for the Property and land use entitlements referenced above. The following responds to the unsubstantiated and baseless appeal filed by Alex Kondracke and Abraham Soghomonian ("Appellants").

#### **I. PROJECT DESCRIPTION:**

The approval of the demolition of an existing two-story commercial building and the construction of 18 three-story single-family dwellings varying in height from 27'2-1/2" to 42'0", each with attached two-car garages, in an 18-lot Small Lot Subdivision. Entitlements include Project Permit Adjustments for transitional height, Project Permit Compliance, a Zoning Administrator's Adjustment for height and a Director's Interpretation for the Vermont/Western Transit Oriented District Specific Plan, Station Neighborhood Area Plan ("SNAP").

## II. BACKGROUND:

On May 10, 2018, the Zoning Administrator (the "ZA") approved case ZA-2016-4902-ZAA-SPPA-SPP-DI. The Advisory Agency approved Vesting Tentative Tract Map No. 74730-SL (the "VTM") for an 18-lot Small Lot Subdivision on May 17, 2018. Both approvals were appealed by the Appellants to the Central Area Planning Commission (the "APC"). On August 1, 2018, the APC denied both appeals and sustained the Advisory Agency's determination to approve the Small Lot Subdivision and sustained the ZA's decision to approve a ZA Adjustment allowing a building height of 35'10", in lieu of 30'0" in the RD1.5-1XL Zone, Project Permit Adjustments approving transitional height adjustments allowing a building height in Subarea B of 27'3" in lieu of 25'0" within 0'0" to 49'0" of an abutting lot in Subarea A, a building height in Subarea B of 36'0" in lieu of 33'0" between 50'0" and 99'0" from an abutting lot in Subarea A, Specific Plan Project Permit Compliance for SNAP and a Director's Interpretation under SNAP Development Standards and Design Guidelines addressing the transparent building elements requirements.

Appellants challenge the APC's decision resulting in the approval of a Vesting Tentative Tract Map, Project Permit Adjustment for height and a ZA's Adjustment for height in lieu of processing Project Permit Exceptions for height. Appellants also argue that the ZA was required to be present in person at the original ZA public hearing. Appellants question the use of a Director's Interpretation for the Transparent Building Elements requirement in the SNAP. Finally, Appellants claim the Class 32 Categorical Exemption under the California Environmental Quality Act ("CEQA") is improper. As demonstrated below, the appeal has no merit.

## III. APPELLATE PROCEDURE AND RIGHT OF APPEAL:

The appeal of Case ZA-2016-4902-ZAA-SPPA-SPP-DI is moot. The Los Angeles Municipal Code<sup>1</sup> provides that the original decision-maker for ZA Adjustments is the ZA with an appeal to the APC.<sup>2</sup> There are no further appeals available for Adjustments. The ZA, acting on behalf of the Planning Director, is the initial decision-maker for applications for Project Permit Adjustments and Project Permit Compliance. The appellate body is the APC.<sup>3</sup> The APC decision is final.<sup>4</sup> Finally, the ZA, acting on behalf of the Planning Director, has the decision-making authority for interpretations of the provisions of Specific Plans.<sup>5</sup> Appeals for

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<sup>1</sup> Hereafter, LAMC.

<sup>2</sup> LAMC Section 12.28 C.

<sup>3</sup> LAMC Sections 11.5.7 C.6(a) and 11.5.7 E.1.

<sup>4</sup> LAMC Section 11.5.7 C.6(e).

<sup>5</sup> LAMC Section 11.5.7 H.2.



site specific cases, as here, are decided by the APC.<sup>6</sup> The APC decision on an appeal of a Director's Interpretation is final.<sup>7</sup>

Thus, Appellants' arguments regarding the processing of the ZA Adjustment for height, their argument regarding the presence of the ZA at the hearing and their questioning of the use of a Director's Interpretation for the Transparent Building Elements requirement in the SNAP are not properly before PLUM.

The only authority for an appeal to the City Council in this case is for the VTTM. The initial decision-making authority for a subdivision is the Advisory Agency.<sup>8</sup> An appeal of an Advisory Agency decision is heard by the APC.<sup>9</sup> An appeal of an APC decision involving a subdivision is heard by the City Council.<sup>10</sup> Thus, the only matter on appeal to the City Council is the VTTM for the 18-lot Small Lot Subdivision.

These procedural facts notwithstanding, reference is made to the July 12, 2018 letter presented to the APC from Psomas, on behalf of the Applicant.<sup>11</sup> The Psomas letter addresses the Appellants' misplaced arguments which question the appropriateness of Project Permit Adjustments under LAMC Section 11.5.7 E and the ZA's findings in support of the ZA decisions.<sup>12</sup>

In any event, since no appeal of the APC's decision on the appeal of the ZA decision is available to Appellants, the City Council should not consider the appeals of the ZA case. The appeals should be dismissed.

#### IV. THE VESTING TENTATIVE TRACT MAP:

Remarkably, even though Appellants had a legitimate procedural opportunity (unlike that of the ZA case) to challenge the VTTM, they failed to do so.

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<sup>6</sup> LAMC Section 11.5.7 H.3.

<sup>7</sup> LAMC Section 11.5.7 C.6(e).

<sup>8</sup> LAMC Sections 17.03 A and 17.06 A.2.

<sup>9</sup> LAMC Sections 17.06 A.3 and 17.02.

<sup>10</sup> LAMC Section 17.06 A.4.

<sup>11</sup> A copy of the July 12, 2018 Psomas letter is attached hereto as Exhibit "A."

<sup>12</sup> Appellants cite *Kottler vs. City of Los Angeles*, Case No. BS 154184 as authority supporting their arguments that variance findings are required to support the ZA decision. This case is a Los Angeles Superior Court case currently on appeal. As such, the case has no legal precedential significance and cannot be cited as law.

**A. The Advisory Agency's decision, adopted by the APC, approving the VTTM is supported by the following mandatory findings<sup>13</sup> none of which are challenged by Appellants.**

**i. The proposed map is consistent with the applicable general and specific plans.**

The Advisory Agency thoroughly analyzes the Hollywood Community Plan land use designations and finds the current zoning of RD1.5-1XL and C2-1D consistent. The subdivision is also consistent with the Framework Element encouraging the proposed development. The Advisory Agency acknowledges the ZA-approved entitlements and includes a specific condition assuring the building setbacks are fully compliant.

**ii. The design or improvements of the proposed subdivision is consistent with applicable general and specific plans.**

The Advisory Agency's discussion explains the design considerations of the subdivision. The project's interface with the surrounding infrastructure is wholly consistent with the general and specific plans. The project includes street dedications and installation of house sewer connections according to Bureau of Engineering requirements as well as internal fire lanes and fire hydrants compliant with Fire Department standards, among other safety improvements.

**iii. The site is physically suitable for the type of development.**

The Advisory Agency recognizes the specific physical site characteristics and, together with its specific location, zoning and lack of any hazardous conditions, appropriately finds the site physically suitable for the proposed development.

**iv. The site is physically suitable for the proposed density of development.**

While considering the zoning for the Property, the lot area and the SNAP considerations, the Advisory Agency properly concludes the proposed density is actually far less than permitted.

**v. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

<sup>13</sup> See Government Code Sections 66473.1, 66474.60, 66473.61 and 66473.63.

The Advisory Agency explains that the appropriate reliance on the Class 32 Infill Development Categorical Exemption demonstrates that the development will not cause substantial environmental damage or be disruptive of fish and wildlife.

**vi. The design of the subdivision or type of improvements is not likely to cause serious public health problems.**

The Advisory Agency recognizes that the improvements on the Property are subject to the rigorous standards of the City's Municipal Code provisions of the Building, Zoning, Fire and Health and Safety Codes. Also, recognizing the buildings on the Property will be connected to the City's sanitary sewer system with only an incremental impact on the Hyperion Treatment Plant, assures the development will not cause serious health problems.

**vii. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.**

The Advisory Agency recognizes that no public easements are known to exist on the Property and there is no other obligation existing that would interfere with public access to the surrounding properties.

**viii. The design of the proposed subdivision shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.**

The feasibility of providing for future passive or natural heating and cooling opportunities has been considered by the Advisory Agency, recognizing the orientation of the buildings, the natural topography and the physical building design features.

There is nothing in Appellant's appeal to City Council filed August 13, 2018, even remotely addressing the Advisory Agency's determination with respect to the VTTM. For this reason alone, the appeal should be denied.

**V. CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

Reliance on the Class 32 Infill Development Categorical Exemption ("Cat. Ex.") is appropriate in this case.

The Advisory Agency determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Statutes and Guidelines, Section 15332 (Class 32 Infill Development) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to State CEQA Statutes and Guidelines, Section 15300.2 applies.



A. **A project qualifies for a Class 32 Categorical Exemption if it satisfies the following five conditions.**

- i. **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.**

The site is zoned RD1.5-1XL and C2-1D and has a General Plan Land Use Designation of Low Medium II Residential and Highway Oriented Commercial, respectively. The site is also located within Subarea A (Neighborhood Conservation) and B (Mixed Use Boulevards) of the SNAP. As demonstrated by the findings of the ZA and the Advisory Agency, and adopted by the APC, the project is in substantial conformance with the Hollywood Community Plan land use designation, all applicable zoning designations, density and floor area regulations, and the SNAP provisions.

The project site is located within the adopted Hollywood Community Plan area and is designated for Low Medium II Residential and Highway Oriented Commercial land uses corresponding to the C2-1D and RD1.5-XL Zones. The land use designation and zoning permit a density calculated at one unit for every 800 square feet of lot area in the C2-1D Zone and one unit for every 1,500 square feet of lot area in the RD1.5 -XL Zone. The project site consists of 6,750 square feet of lot area in the RD1.5-1XL Zone and 21,337 square feet of lot area in the C2-1D Zone, allowing a total of 31 units (four units in the RD1.5-1XL Zone and 27 units in the C2-1D Zone). The proposed project includes four units in the RD1.5-1XL Zone and 14 units in the C2-1D Zone. The proposed development would add new, for-sale housing opportunities to the City's housing supply. The project is consistent with the land use designation of the Community Plan.

The project complies with the regulations of the Zoning Code which allow for the granting of Zoning Administrator's Adjustments and Project Permit Adjustments for slight modifications to the applicable development standards. LAMC Section 12.28 authorizes Zoning Administrator's Adjustments and LAMC Section 11.5.7 E authorizes Project Permit Adjustments. Hence, the processing of such adjustments is consistent with the Zoning Code allowing consideration of such discretionary decisions.

- ii. **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The Property is located in a highly urbanized area within the Hollywood Community Plan. The subject site is 28,409 square feet, or 0.65 acres (post-dedication) and wholly within the city limits of the City of Los Angeles.

The project site is located in a highly urbanized area. All of the surrounding properties are developed with single- and multi-family residential developments, commercial and retail stores, surface parking lots, institutions, an urban park and an elementary school. The site is currently improved with a two-story commercial building and surface parking lot.

**iii. The project site has no value as habitat for endangered, rare or threatened species.**

The property is currently developed with a two-story theater building and a surface parking lot within an established, fully developed, medium-density residential area in proximity to large boulevards and other large employment centers. The project site has no value as a habitat for endangered, rare or threatened species and there are no endangered, rare, or threatened species on the site. The project site is currently fully developed with structures and a paved parking lot. There is no natural habitat currently existing. The proposed project will consist of single-family homes, paved driveways and ornamental landscaping typical of urban housing developments. The proposed development will not change the current conditions having no large open space areas conducive to habitat for endangered, rare, or threatened species.

**iv. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

Traffic: The proposed project will result in a net increase of 18 residential units on the project site. The Los Angeles Department of Transportation ("LADOT") utilizes a threshold guide that lists various uses within the City and identifies thresholds that would require LADOT to complete an Initial Study Assessment Form ("ISAF"). An ISAF involves LADOT calculating potential trip counts that would be created by any proposed project in order to determine whether a traffic study is warranted for any given development. The proposed project does not reach the LADOT recognized threshold of 43 peak hour trips that would warrant a second level review to determine the necessity of a traffic study. As such, LADOT determined that the proposed project will not create adverse impacts to traffic. As explained in the LADOT traffic studies manual, a Traffic Study is only warranted for development projects forecast to generate over 43 AM or PM commuter peak hour trips. At the request of the City Planning Department, a Traffic Report was prepared to determine if the trip generation of the Project would exceed the LADOT threshold.

The Traffic Report determined that 13 AM peak hour trips and 18 PM peak hour trips will be generated by the project's introduction of 18 additional residential dwelling units to replace the existing site development and will not contribute to any significant traffic impacts.

Noise: The project must comply with the City of Los Angeles Noise Ordinances Nos. 144,331 and 161,574 and any subsequent ordinances, which limits the emission or creation of noise. During construction of the proposed project, the Applicant is required to comply with the City's Noise Ordinance No. 161,574, which regulates noise from demolition and construction activities. Section 41.40 of the LAMC prohibits construction activity (including demolition) and repair work, where the use of any power tool, device, or equipment would disturb persons occupying sleeping quarters in any dwelling hotel, apartment, or other place of residence, between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, and between 6:00 p.m. and 8:00 a.m. on Saturday. All such activities are also prohibited on Sundays and all federal holidays.

Section 112.05 of the LAMC further specifies the maximum noise level of construction machinery that can be generated in any residential zone of the city or within 500 feet thereof. The project's compliance with the above ordinances and regulations results in no significant construction noise impacts.

Additionally, as a small lot subdivision for 18 single-family residences, the project is not considered a significant operational noise source. Activities associated with occupancy of single family homes does not cause significant noise impacts on the environment.

Air Quality: The building construction phase includes the construction of the proposed building on the subject property, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping the subject property. Appropriate dust control measures are required to be implemented as part of the proposed project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, and maintaining effective cover over exposed areas.

Best Management Practices (BMP) will be implemented that include, but are not limited to, the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;



- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle, but be turned off.

The project will not result in significant impacts related to air quality because it falls below interim air thresholds that were developed by Department of City Planning staff based on CalEEMod model runs relying on reasonable assumptions, consulting with the Air Quality Management District ("AQMD") staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established AQMD construction and operational thresholds.

Water Quality: Construction activities would not involve any significant excavation near an identified water source. In addition, the project will be required to comply with various regulatory requirements, which would reduce stormwater flows off-site. The project would comply with Chapter VI Article 4.4 of the LAMC, Stormwater and Urban Runoff Pollution Control, which requires the application of Best Management Practices ("BMPs") to reduce or prevent pollutant discharges. As a part of the building permit process for the project, the Applicant will be required to eliminate or reduce non-stormwater discharges to waters of the nation, develop and implement a Stormwater Pollution Prevention Plan ("SWPPP") for project construction activities, and perform inspections of the stormwater pollution prevention measures and control practices to ensure conformance with the site SWPPP. Therefore, development of the proposed project would not degrade the quality of stormwater runoff from the site.

**v. The site can be adequately served by all required utilities and public services.**

The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. These utilities and public services have continuously served the neighborhood for more than 70 years. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these code requirements, the proposed project will not create any impact on existing utilities and/or public services and the new 18 dwelling units development will be adequately served by the existing infrastructure.

**B. The Advisory Agency properly determined that none of the five exceptions to a Cat. Ex. are applicable in this case, as follows.**

- i. Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

This exception does not apply because the Class 32 Cat. Ex. recognized for this case is not a Class 3, 4, 5, 6 or 11 Cat. Ex.

- ii. Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The project is the construction of residential units in an area previously developed and surrounded by residential and commercial uses. The project is entirely consistent with the existing General Plan designation and zoning regulations. The succession of multi-family residential projects in the area developed to the permitted density, floor area, and height, and constructed pursuant to applicable building code requirements will not result in cumulative impacts. The project will not generate a significant number of vehicle trips and will not result in any significant impacts to land use planning, habitat, noise, air quality, or water quality and, therefore, will not make a considerable contribution to any significant cumulative traffic, air quality, or noise impacts.

The project would also not contribute to a cumulative impact on any historic resources. Barnsdall Park and the Hollyhock House to the south of the project site are considered historic resources. There are two projects proposed at the northwest edge of the park that will be taller than the proposed project. As demonstrated by the photo simulations submitted to the City for each of these projects, neither will create a significant visual impact because the dense olive trees at the northwest side of the park will block views from the park to these projects. Since this same grove of olive trees will also shield the proposed project from view from the park, the combination of the three projects will not create a cumulative impact. None of the projects will be particularly visible from the park or impact views to the north or west from the park. Therefore, the proposed project will not cause a significant cumulative impact on a historic resource.

- iii. **Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

The project site is comprised of three existing standard-sized lots located in an urbanized area of the City currently developed with a two-story theater and surface parking lot. The project consists of residential uses and operations that are compatible with the surrounding residential development. Neither the existing uses on the site, nor proposed uses demonstrate any unusual circumstances, and the project will not generate significant traffic, air quality, or noise impacts. The project is required to adhere to any and all building code requirements intended to reduce environmental impacts to less than significant levels. Thus, the project will not result in activity that will have a significant effect on the environment due to unusual circumstances.

- iv. **Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.**

The only state designated scenic highway in the City of Los Angeles is a portion of State Route 27 (Topanga Canyon Boulevard), which is located approximately 25 miles to the west of the site. The Property is not located within view of a designated state scenic highway. There are also no existing trees, buildings, rock outcroppings or similar resources that could be considered scenic resources. Therefore, the proposed project will not impact any scenic resources.

There will be no impacts on potential historic resources to the east and Barnsdall Park/Hollyhock House to the south as discussed below.

- v. **Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site. Hazardous materials are defined as any solid, liquid, or gas that can harm people, other living organisms, property, or the environment. The project site is not located in Hazardous Waste/Border Zone Properties area as designated by the City of Los Angeles. There are no oil wells located on the project site. There are no elevators or in-ground hydrologic systems, no



monitoring or water supply wells, or above- or below-ground storage tanks on the project site. No potentially fluid-filled electrical equipment is located on or immediately adjacent to the project site. No industrial wastewater is generated on the project site and sanitary wastewater is discharged to the City Bureau of Sanitation. The project site is not located within a Methane Zone or Methane Buffer Zone and would not be subject to the requirements of the City Methane Ordinance.

**vi. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

The project is not located in a designated Historic Preservation Overlay Zone or on a site designated as historic on any federal, state or local database. Therefore, demolition of structures on the project site and construction of the proposed project would not constitute a substantial adverse change in the significance of a historic resource as defined by CEQA.

The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register.

The Property is also not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. The Property abuts a property at 4759 Hollywood Boulevard, which has been identified in SurveyLA as a potential historic resource that may be eligible for listing in National Register of Historic Places and the California Register of Historical Resources as well as local designation as an excellent example of streetcar commercial development in Los Angeles. However, per the Historical Resource Technical Report prepared by GPA Consulting and dated September 2017, the project would have no direct impacts on historical resources, as there are no historical resources on the project site and no historical resources would be demolished, destroyed, altered, or relocated as a result of the project. Indirect impacts on historical resources were also analyzed. It was found that the project would not have a significant impact on the 4759 Hollywood Boulevard property. The new building would be located adjacent to this historical resource; however, the project would not result in a substantial adverse change to the immediate surroundings of the historical resource to the degree that it would no longer be eligible for listing under national, state, or local landmark designation programs. The Historical Resource Technical Report has been reviewed by the Department of City Planning, Office of Historic Resources and concurred with the analysis and conclusion as of September 29, 2017. Based on this information, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

The Property is directly across Hollywood Boulevard from Barnsdall Park and the Hollyhock House. The park and house are designated by the City of Los Angeles as a Historic Cultural Monument, and are listed on the both the state and federal Register of Historic Places. An impact on a historic resource may be found when the integrity of the historic resource is so diminished by the proposed project that the historic resources would no longer qualify as an historic resource. According to National Register Bulletin 15, within the concept of integrity, there are seven aspects of qualities that are recognized in various combinations. These factors are: feeling, association, workmanship, location, design, setting, and materials. The only relevant factor with respect to the potential impact of the subject property is setting, because all of the other criteria only apply to buildings that are not new according to National Bulletin 15.

Barnsdall Park is an urban park with lush landscaping. However, the park's serene setting is juxtaposed with the adjacent commercial activity on Hollywood Boulevard and Vermont Avenue. The northern and eastern boundaries of the park are adjacent to multi-story residential buildings, shopping centers and commercial buildings. The southern boundary is immediately adjacent to the Kaiser Permanente Medical Complex. The western boundary of the park faces multi-story residential buildings.

Barnsdall Park does not directly border the project site. It is removed from the project site and the surrounding neighborhood by its position on top of a hill that is approximately 79 feet above the bordering streets. Hollywood Boulevard, which is 90 feet wide in front of the Project Site, also separates the park from the project site. As demonstrated from the photo simulations submitted by the Applicant, within the substantial majority of the park, and particularly at the top of the hill where the Hollyhock House is located, the project site is not visible. Trees and buildings throughout the park largely obstruct views of the project site. A grove of olive trees exists on the north slope of the park between the Hollyhock House and Hollywood Boulevard. This grove is a historic component of the park and is an essential part of the historic setting and will not be disturbed by the proposed project.

As demonstrated by photographic evidence submitted by the Applicant, the project site is completely hidden from view from the Hollyhock House itself and the west lawn. The project site is only partially visible from the Hollyhock House museum on the north side of the house and the project is only visible at all from the view point because a number of olive trees have died or been removed along this particular view corridor. The Project site is not visible from the roadway leading up to the park and is not visible from the north side of the Barnsdall Park Art Gallery.

Additionally, as demonstrated by the photo simulations submitted by the Applicant, the proposed project will not block views from the park to the Griffith Observatory, Hollywood sign or any ridgelines in the Hollywood Hills. The tops of the proposed buildings on project site are approximately 30 feet lower than the top of Barnsdall Park. The project blends

into the background of the residential buildings on the north side of Hollywood Boulevard and does not stand above its surrounding environment.

As a result, the project will not affect the setting of Barnsdall Park. The park would continue to be listed on the National Register of Historic Places and on the California Register as well as continue to be designated a City of Los Angeles Historic Cultural Monument. Therefore, the proposed project will have no impact on the historic resource of Barnsdall Park. The proposed project does not affect any views from the park, particularly any views from the west lawn. Finally, the project would not affect the setting of the Hollyhock House and would not affect the Hollyhock House's nomination for the UNESCO World Heritage List.<sup>14</sup>

Appellants argue that it was improper for the APC to recognize the Class 32 Cat. Ex. for the CEQA clearance for the project on the grounds that project would create a significant impact on a historic resource (Barnsdall Park and the Hollyhock House). Following Planning staff's recommendation and the decision of the Advisory Agency, the APC correctly rejected the Appellants' CEQA arguments and upheld the Class 32 Cat. Ex. for the Vesting Tentative Tract Map. The City Council should do the same.

Barnsdall Park, which includes the Hollyhock House, the Residence "A" Guesthouse, the Los Angeles Municipal Art Gallery, and other associated structures is a historic resource on the State and Federal National Registers and designated as a Cultural Historic Monument by the City of Los Angeles. The proposed project is located across Hollywood Boulevard on the north side of the park.

The project will not significantly impact an historic resource. Appellants provide no substantial evidence that the project will significantly impact Barnsdall Park or the historic buildings within the park. Only one photo taken from the park is provided as evidence that the project site is visible from the park (Page 11 of Appeal Letter) but this photo is actually taken from adjacent to the Hollyhock House Motor Court building, which is a separate structure on the north side of the house. This structure actually blocks views from the Hollyhock House itself to the north. The project site is not visible at all from the actual perimeter of the Hollyhock House or from the Great Lawn on the west side of the house itself. Appellants also provide a photo taken from Berendo Street looking south at the park with an arrow pointing at the Residence "A" Guesthouse within this park. From this photo it is not clear that the Residence "A" is even visible from Berendo Street. This is not substantial evidence of a significant impact on a historic resource.

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<sup>14</sup> See, the September 17, 2018 letter submitted by GPA Consulting, a copy of which is attached hereto as Exhibit "B."



Attached as Exhibit C to Exhibit "A" of this letter is a photo showing the view from the north side of the two -story Municipal Art Gallery adjacent to Residence "A" looking north toward the project site. It is clear from this photo that the project site is blocked from views by a grove of olive trees on the north side of the park. The olive grove is an integral part of the historic resource that actually pre-dates the construction of the Hollyhock House. From historic photos in Exhibit E to Exhibit "A" of this letter (Historic Structure Report) it is evident that the olive trees were once denser and taller along the north slope and that around 2008, the grove was replaced with new trees that are smaller than the original trees they replaced. It is clear from present day photographs (see Exhibit D to Exhibit "A" of this letter) that many olive trees on the north slope have either died or been removed and have not been replaced. It is the lack of trees in this portion of the park that makes the proposed project visible at all from the park. The photographic evidence provided as part of the photo exhibit originally submitted for the project (Exhibit F-View 12 to Exhibit "A" of this letter) along with the photo analysis in Exhibit D clearly demonstrate that the project would largely be concealed from view from the park and completely invisible from the Hollyhock House or the Great Lawn on the west side of the house.

Thus, Appellants' claim that the project site is within full view from the top of the park and Wright's Residence A Guesthouse is without merit and not supported by substantial evidence.

Appellants argue that the proposed project, along with other proposed projects in the area, will "likely prevent" the Hollyhock House from being chosen as a World Heritage site. The Barnsdall Art Park Foundation sent a letter to the City Planning Department on February 28, 2018 (Exhibit G to Exhibit "A" of this letter), supporting the proposed project and stating that it would not affect the viewshed from the park, a main concern for properties around the Park. The Art Park Foundation expressed no concern that the proposed Project would negatively impact the World Heritage List application. The project also received other letters of support from the Los Feliz Neighborhood Council and the Los Feliz Business Improvement Association (Exhibit H to Exhibit "A" of this letter).

The Appellants make reference to a letter from the Frank Lloyd Wright Building Conservancy (FLWBC) dated April 11, 2016. This letter is not related to the subject property but to a different project at 4900 Hollywood Boulevard to the northwest of the project site. In that letter, the FLWBC objected to that proposed apartment building project that was to be 83 feet tall and more directly visible from the Great Lawn on the west side of the Hollyhock House. The City ultimately approved that project with a reduced height of 63 feet.

**VI. CONCLUSION:**

For all the reasons included herein and any such additional reasons presented at the PLUM hearing, the PLUM Committee should recommend that the City Council dismiss the appeals of the ZA case and deny the appeal of the APC's decision to sustain the Advisory Agency's approval of the VTTM and acceptance of the Cat. Ex.

Very truly yours,



KEVIN K. MCDONNELL of  
Jeffer Mangels Butler & Mitchell LLP

KKM:

Enclosures

cc: Hon. Councilmember Jose Huizar, c/o shawn.kuk@lacity.org  
Hon. Councilmember Marqueece Harris-Dawson, c/o lynell.washington@lacity.org  
Hon. Councilmember Mitchell Englander, c/o dang.nguyen@lacity.org  
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July 12, 2018

Jennifer Chung-Kim  
President  
Central Area Planning Commission  
200 N. Spring Street, 5<sup>th</sup> Floor  
Los Angeles, CA 90012

RE: Rebuttal to Appeal Filed on Case ZA-2016-4902-ZAA-SPPA-SPP-DI-1A  
4765-4773 Hollywood Boulevard, 1710-1720 N. Berendo Street

On behalf of the owner and applicant for the above referenced case, PH/T&T Master One, LLC, I am pleased to submit the following responses to the appeal filed by Alex Kondracke and Abraham Soghomonian (Appellants) on the May 29, 2018.

In summary, the appeal 1) challenges the Zoning Administrator's decision to approve a Project Permit Adjustment for height and a Zoning Administrator's Adjustment for height in lieu of processing Project Permit Exceptions for height, 2) questions the use of a Categorical Exemption under the California Environmental Quality Act (CEQA), and 3) claims the Zoning Administrator was required to be present at the hearing. The issues will be discussed in detail below.

#### Project Permit Adjustments

The appeal claims that three height adjustments and one Director's Interpretation were approved by the Zoning Administrator and that a Specific Plan Exception should have been processed instead with the Area Planning Commission being the decision maker. This is an incorrect understanding of the entitlements requested and the how the Wilshire/Vermont Station Neighborhood Area Plan (SNAP) works in conjunction with the Zoning Code when there are conflicting standards or when the SNAP is silent on a development standard.

Section 3 of the SNAP contains implementation language that states the SNAP development standards are in addition to those set forth in the Zoning Code and that they supersede standards in the Zoning Code when there are conflicting standards. Additionally, when the SNAP is silent or does not provide a development standard that is within the Zoning Code, then the underlying Zoning Code for that standard still applies.

In this case, there are two different zones affecting the property and two corresponding Subareas within the SNAP. Proposed Lots 1-14 are located in the C2-1D Zone and within SNAP Subarea B. Proposed Lots 15-18 at the north end of the site are located in the RD1.5-1XL Zone and Subarea A of the SNAP.

The Zoning Administrator correctly approved a Project Permit Adjustment from the SNAP transitional height limits in Subarea B for less than 10% increases in height in two of the transitional height distance

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Suite 4300  
Los Angeles, CA 90071-2405



bands. In these cases, the SNAP contains specific numerical height standards that supersede the underlying height allowed in the C2-1D zone of 50 feet. Thus, it was appropriate for these adjustments to be processed as Project Permit Adjustments and not as Zoning Administrator's Adjustment or Specific Plan Exceptions since the requests were for deviations of less than 10% from the enumerated height standard in the SNAP. A deviation of more than 10% from the Specific Plan height standard would require a Specific Plan Exception.

The Zoning Administrator also correctly approved a Zoning Administrator's Adjustment for a 19.4% increase in height in the RD15.1XL Zone and not a Project Permit Adjustment or Specific Plan Exception because the project complies with the height standard described in the SNAP but needed relief from the numerical height standard expressed in the underlying zone. The SNAP requires the height in Subarea A to be no greater than 15 feet higher than the height of the building immediately to the north of the project site. The SNAP does not provide a numerical maximum height limit for Subarea A. It is a height limit relative to the height of the abutting property. Because there is no numerical height limit in Subarea A, but there is a numerical height limit of 30 feet in the underlying RD1.5-IXL Zone, the project is still required to comply with the numerical Zoning Code standard because the SNAP is silent on a numerical height standard. Thus, it is entirely proper for the entitlement request to deviate from the numerical Zoning Code standard to be the Zoning Administrator's Adjustment process in Los Angeles Municipal Code (LAMC) Section 12.28A and not the Project Permit Adjustment of Project Permit Exception process in LAMC Section 11.5.7E or F. Since the project complies with the SNAP relative height standard, it would not be appropriate to apply the Specific Plan Exception process to a deviation from the underlying Zoning Code standard.

The Appellants also argue that a Specific Plan Exception should have been processed for the adjustments because LAMC Section 11.5.7E1(b) states an Exception is required when two or more Adjustments are requested. This section does not require that an Exception has to be required, it merely grants the Director of Planning the authority to decide if a Specific Plan Exception should be required and it requires this decision to be made prior to the application being deemed complete. In this case, there is arguably only one Specific Plan Adjustment being requested (transitional height deviations for two areas) and one Zoning Administrators Adjustment (Height in the RD1.5-IXL zone) so this Code provision does not apply since there are not two different Project Permit Adjustments being requested. It is also not a mandatory provision. The Director "May determine" that and Exception is required in lieu of two Specific Plan Adjustments. Finally, this action must take place prior to the application deemed complete. In this case, the Director did not request that a Specific Plan Exception be required before the project is deemed complete.

It is also worth noting that the Appellants are arguing for a process (Specific Plan Exception) that would require the Area Planning Commission (APC) to hear and decide on the case. The act of filing the appeal on the Zoning Administrator's Adjustments assured that the cases will now be heard by the APC.

The Appellants devote a healthy portion of its appeal letter discussing the consistency of the project with the required findings for a Specific Plan Exception. However, as described above, a Specific Plan Exception is not warranted for either deviations in the height in Subarea A or B or due to the number of Project Permit Adjustments requested. Therefore, consistency of the project with Specific Plan Exception findings is irrelevant and unnecessary. The Zoning Administrator provides thorough Project Permit Adjustment findings that have not been refuted by the Appellants.

### Use of Class 32 Categorical Exemption

In its appeal, the Appellants argue that it was improper for the Zoning Administrator to use the Class 32 (Urban Infill) Categorical Exemption for the CEQA clearance for the project on the ground that project would create a significant impact on a historic resource (Barnsdall Park and the Hollyhock House).

Barnsdall Park, which includes the Hollyhock House, the Residence "A" Guesthouse, the Los Angeles Municipal Art Gallery, and other associated structures is a historic resource on the State and Federal National Registers and designated as a Cultural Historic Monument by the City of Los Angeles. The proposed project is located across Hollywood Boulevard on the north side of the park.

A project qualifies for a Class 32 Categorical Exemption if it is a project to be developed on an infill site and meets the conditions described therein. The proposed project involves the demolition of existing structures to allow for the construction of eighteen (18) small lot homes and provision of 40 parking spaces. A project that meets the five conditions described below may qualify for the Class 32 Categorical Exemption:

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;
2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban use.
3. The project site has no value as habitat for endangered, rare or threatened species;
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
5. The site can be adequately served by all required utilities and public services.

The Attached Exhibit A provides a detailed description of how the proposed project meets all five conditions that allow for the City to approve a Class 32 Categorical Exemption for the project.

The Appellants raise a number of questions and issues that deserve a direct response separate from the analysis described above.

The project will not significantly impact an historic resource. The Appellants provides no substantial evidence that the project will significantly impact Barnsdall Park or the historic buildings within the park. Only one photo taken from the park is provided as evidence that the project site is visible from the park. This photo is purported to be taken from "Adjacent to the Hollyhock House" (Page 4 of Appeal Letter) but this photo is actually taken from adjacent to the Hollyhock House Motor Court building, which is a separate structure on the north side of the house. This structure actually blocks views from the Hollyhock House itself to the north. The project site is not visible at all from the actual perimeter of the Hollyhock House or from the Great Lawn on the west side of the house itself. The Appellants also provide a photo taken from Berendo Street looking south at the park with an arrow purporting to point at the Residence "A" Guesthouse within this park. In reality, the arrow is pointing to the top of the two-story Los Angeles Municipal Art Gallery and not the Residence "A" Guesthouse. The Residence "A" Guesthouse is lower down the hill and the project is not clearly visible from the Residence "A" Guesthouse. Attached is a photo (Exhibit B) showing the view from Berendo Street properly labeled and a view and a photo (Exhibit C) showing the view from the north side of the two -story Municipal Art Gallery looking north toward the project site. It is clear from this photo that the project site is blocked from views by a grove of Olive trees on the north side of the park.



As evidenced from attached Exhibit D, the top of the units facing Hollywood Boulevard have an upper elevation of approximately 461.5 feet above sea level. The Great Lawn on the west side of the Hollyhock House sits at an elevation of 492 feet above sea level. Thus, the top of the proposed project is 30 feet below the ground level of the Hollyhock House and the Great Lawn. As is evidenced from the photos simulations as part of Exhibit D, the project will not be visible from the Hollyhock House. As evidenced from the colored maps and cross-sections in Exhibit D, there are a number of existing residential buildings to the north of the project site between Hollywood Boulevard and Franklin Avenue that are higher than 461.4 feet above sea level. There is only one higher than the 492 feet. Thus, the proposed project is consistent with the scale of development on the north side of the site and will not interfere with viewshed to the north. It will only be partially visible from the roadway leading from Hollywood Boulevard to the top of the park in a location north of the Hollyhock House Motor Court building. Thus, the project does not have a significant impact on the historic resource because it does not block views or scenic vistas. It also does not interfere with the setting of the park or the Hollyhock House to such an extent that the park or the buildings within the park could lose its eligibility to be a historic resource because of a diminished setting.

Additionally, the proposed project is only visible because Olive Trees in the historic Olive Grove on the north slope of the park have been removed and not replaced. This Olive Grove is an integral part of the historic resource that actually pre-dates the construction of the Hollyhock House. From historic photos in Exhibit E (Historic Structure Report) it is evident that the Olive Trees were once denser and taller along the north slope and that around 2008, the grove was replaced with new trees that are smaller than the original trees they replaced. It is clear from present day photographs (see Exhibit D) that many Olive Trees on the north slope have either died or been removed. It is the lack of trees in this portion of the park that makes the proposed project visible at all from the park. The photographic evidence provided as part of the photo Exhibit originally submitted for the project (Exhibit F-View 12) along with the photo analysis in Exhibit D clearly demonstrate that the project would largely be concealed from view from the park and completely invisible from the Hollyhock House or the Great Lawn on the west side of the house.

Thus, the Appellants' claim that the project site is "Within full view from both the top of the park and from Wright's "Residence A" Guesthouse" is without merit and not supported by any evidence, documentary or otherwise.

Turning to the issue of the pending UNESCO World Heritage List application, the Appellants have argued that the proposed project, along with other proposed project in the area, will "likely prevent" the Hollyhock House from being chosen as a World Heritage site. The Barnsdall Art Park Foundation sent a letter to the City Planning Department on February 28, 2018 (Exhibit G), supporting the proposed project and stating that "We found that it would not affect the viewshed from the park, which is our main concern for properties around the Park." The Art Park Foundation expressed no concern that the proposed Project would negatively impact the World Heritage List application. The project also received other letters of support from the Los Feliz Neighborhood Council and the Los Feliz Business Improvement Association (Exhibit H)

The Appellants provided a copy of a letter from the Frank Lloyd Wright Building Conservancy (FLWBC) related to a project at 4900 Hollywood Boulevard to the northwest of the project site. In that letter, the FLWBC objected to that proposed apartment building project that was to be 83 feet tall and more directly visible from the Great Lawn on the west side of the Hollyhock House. The City ultimately approved that project with a reduced height of 63 feet. The FLWBC letter indicates it was partially the density bonus



that would allow for height bonus over the code-required height that was objectionable. The subject project that the Appellants object to will only be 47.5 feet tall and the even with the height deviations be no more than 461.5 feet above sea level at any point. Whereas the 4900 Hollywood Project would have been 496 feet above sea level and was finally approved to be at 476 feet above sea level. In the end, the City determined that the height of the project at 4900 Hollywood Boulevard at the northwest side of the park would not compromise the World Heritage List application. The subject project will be on the north side of the park, will be shorter in height and less visible than the 4900 Hollywood project, will not compromise the viewshed to the north, and will also not negative impact the World Heritage list application.

With regard to the issue of cumulative impacts raised by the Appellants, the CEQA Findings in attached Exhibit A provide a discussion of why there are no cumulative impacts, including on a historic resource. Additionally, it is important to note that the approved project at 4900 Hollywood Boulevard and the pending project at 4830-4850 Hollywood Boulevard are both to the northwest of the park and not within the same viewshed as the proposed project, which is directly north of the park. These other projects are also largely within the same line-of-sight from the Hollyhock House and the Great Lawn with the 4900 Hollywood Boulevard project being almost directly behind the 4830-4850 Hollywood Boulevard project. Attached as Exhibits I and J are the photo simulations prepared for each of these projects. Both projects will also be largely blocked from view from the top of the park by the Olive Grove. As indicated above, the 4900 Hollywood Boulevard project was approved with no identified significant environmental impacts on a historic resource. The environmental determination for 4830-4850 Hollywood Boulevard has not yet been approved by the City, but based on its relative height and location as compared to the 4900 Hollywood Boulevard project, there is a high likelihood that it will also not be deemed to have no significant impact on the historic resource of Barnsdall Park.

With all three of these projects, which are on the north and northwest aspects of the park having no significant impact on historic resources, the combination of the three also does not rise to a cumulative impact on the environment either. When combined these three projects will not block views of scenic vistas, the Hollywood Sign, the Griffith Park Observatory, or ridgelines in the Hollywood Hills. The projects will all be lower than the 492' elevation of the ground floor of the Hollyhock House. The historic Olive Grove will also largely shield all three projects from view from the Hollyhock House.

The fact that three projects are proposed of varying heights in two different view corridors and are proposed in proximity to Barnsdall Park does not automatically mean there is a cumulative impact on a historic resource. The Appellants failed to supply any evidence to substantiate the assertion that the cumulative impacts would be significant, as is their burden.

#### Zoning Administrator Attendance at Hearing

The Appellants also object to the fact that the Zoning Administrator, who decided the case, was not physically present at the hearing for which the Zoning Administrator's actions were taken. This practice is expressly authorized by LAMC Section 12.24 D. That section states that "Upon notice of a complete application, the initial decision-maker shall set the matter for public hearing at which evidence shall be taken and may conduct the hearing itself or may designate a hearing officer to conduct the hearing." In this case, the Zoning Administrator designated Greg Shoop, a City Planner, to be the Hearing Officer for the case as is expressly stated in the Letter of Determination. Mr. Shoop was present at the hearing and conducted the hearing in accordance with City procedures.

Conclusion

In contrast to Appellants' baseless claims, substantial evidence in the record and attached to this letter demonstrate that the Area Planning Commission should deny the Appellants appeal and uphold the actions of the Zoning Administrator on Case ZA-2016-4902-ZAA-SPPA-SPP-DI-1A.

Sincerely,

Psomas



Paul Garry  
Senior Project Manager

Cc: Nuri Cho, City Planning Department  
Randy Poag, PHT&T Master One, LLC  
Bill Delvac, Damon Mamalakis, Armbruster, Goldsmith & Delvac, LLC

Enclosures:

Exhibit A: CEQA Findings of Fact  
Exhibit B: Annotated Photo from Berendo Street  
Exhibit C: Google Street View Photo from Municipal Art Gallery  
Exhibit D: Visual Impact Analysis, Photos, and Photo Simulations  
Exhibit E: Historic Structure Report  
Exhibit F: 4773 Hollywood Boulevard Photo Exhibit  
Exhibit G: Letter from Barnsdall Art Park Foundation  
Exhibit H: Letters from Los Feliz Neighborhood Council and Los Feliz Improvement Association  
Exhibit I: 4900 Hollywood Boulevard Photos Simulations  
Exhibit J: 4830-4850 Hollywood Boulevard Photo Simulations

## EXHIBIT A

### FINDINGS OF FACT (CEQA)

The Advisory Agency determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Statutes and Guidelines, Section 15332 (Class 32 Infill Development) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to State CEQA Statutes and Guidelines, Section 15300.2 applies.

#### Class 32 Categorical Exemption

A project qualifies for a Class 32 Categorical Exemption if it is a project to be developed on an infill site and meets the conditions described therein. The proposed project involves the demolition of existing structures to allow for the construction of eighteen (18) small lot homes and provision of 40 parking spaces. The following outlines how the project meets the five conditions to qualify for the Class 32 Categorical Exemption:

**The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;**

The subject site is 28,409 square feet, or 0.65 acres, in size (post-dedication) and wholly within the City of Los Angeles. The site is zoned RD1.5-1XL and C2-1D and has a General Plan Land Use Designation of Low Medium II Residential and Highway Oriented Commercial, respectively. The site is also located within Subarea A (Neighborhood Conservation) and B (Mixed Use Boulevards) of the SNAP. As shown in the case file, the project is in substantial conformance with the Hollywood Community Plan land use designation, all applicable zoning designations density and floor area regulations, and the SNAP provisions, in conjunction with the approval of Case No. ZA-2016-4902-ZAA-SPPA-SPP-DI. The project site is located in an urbanized area, and all of the surrounding properties are developed with single- and multi-family residential developments, commercial and retail stores, surface parking lots, institutions, park, and an elementary school. The site is currently improved with a two-story commercial building and surface parking lot and has no value as a habitat for endangered, rare or threatened species. There are seven (7) non-protected trees on the site, which will be removed as part of the proposed project.

The project site is located within the adopted Hollywood Community Plan area, and is designated for Low Medium II Residential and Highway Oriented Commercial land uses corresponding to the C2-1D and RD1.5-XL Zones. The land use designation and zone permit a density calculated at one (1) unit per 800 square feet of lot area in the C2-1D Zone and one (1) unit per 1,500 square feet of lot area in the RD1.5 -XL zone. The project site consists of 6,750 square feet of land in the RD1.5-1XL zone and 21,337 square feet of lot area in the C2-1D zone thereby allowing a total of 31 units (4 units in the RD1.5-1XL Zone and 27 units in the C2-1D zone). The proposed project includes 4 units in the



RD1.5-1XL zone and 14 units in the C2-1D zone. The proposed development would add new, for-sale housing opportunities to Los Angeles' housing supply. The project would be consistent with the land use designation in the Community Plan.

The project complies with the regulations of the Zoning Code, which allow for the granting of Zoning Administrator's Adjustments and Project Permit Adjustments for slight modifications to the applicable development standards. Los Angeles Municipal Code (LAMC) Section 12.28 authorizes Zoning Administrator's Adjustments and LAMC Section 11.5.7.E, authorizes Project Permit Adjustments. Hence, the processing of such adjustments is consistent with the zoning code and the project is consistent with the Zoning Code in using these procedures.

**The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;**

The subject property is located in a highly urbanized area within the Hollywood Community Plan. The subject property consisting of three existing parcels totaling approximately 28,409 square feet in area. The subject property is substantially surrounded by urban uses. The area is characterized with mostly one to three story multi-family buildings in the RD1.5-1XL and C2-1D Zone. The project site is 0.65 acres in size and is located within an urban area that is developed with residential, commercial/light industrial uses, and recreational uses.

**The project site has no value as habitat for endangered, rare or threatened species;**

The project is located is currently developed with a two-story theater building and a surface parking lot within an established, fully developed, medium-density residential area in proximity to large boulevards and other large employment centers. The project site has no value as a habitat for endangered, rare or threatened species and there are no endangered, rare, or threatened species on the site. The project site currently consists of a fully develop site with structures and a paved parking lot; there is no habitat. The proposed project will consist of single-family homes, paved driveways and ornamental landscaping typical of urban housing developments. There will be no larges open space areas that would be attractive habitat for endangered, rare, or threatened species.

**Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and**

Traffic – The construction of eighteen (18) units proposed by the project will result in a net increase of eighteen (18) residential units to the project site. The Los Angeles Department of Transportation (LADOT) utilizes a threshold guide that lists various uses within the City and identifies thresholds that would require LADOT to complete an Initial Study Assessment Form (ISAF). An ISAF involves LADOT calculating potential trip counts that would be created by any proposed project in order to determine whether or not a traffic study would be require for any given development. The proposed project did not reach the LADOT recognized threshold of 47 dwelling units that would warrant a

second level review to determine the necessity of a traffic study. As such, it has been determined that the proposed project will not create adverse impacts to traffic. As explained in the LADOT traffic studies manual, a Traffic Study is only required for development projects forecast to generate over 43 AM or PM commuter peak hour trips. By introducing eighteen (18) additional residential dwelling units to replace the existing conditions, the project is forecast to generate a small fraction of the 43 peak hour trip threshold used by LADOT for purposes of determining whether a detailed review of traffic impacts is required. The Traffic Report submitted for the project estimates that 13 AM peak period trips and 18 PM peak period trips will be generated by the project.

Therefore, the project will not cause a significant or substantial increase in traffic; it is anticipated that traffic impacts as a result of the project will be less than significant.

Noise – The project must comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances, which limits the emission or creation of noise levels. During construction of the proposed project, the applicant will be required to comply with the City's Noise Ordinance No. 161,574, which regulates noise from demolition and construction activities. Section 41.40 of the LAMC prohibits construction activity (including demolition) and repair work, where the use of any power tool, device, or equipment would disturb persons occupying sleeping quarters in any dwelling hotel, apartment, or other place of residence, between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, and between 6:00 p.m. and 8:00 a.m. on Saturday. All such activities are also prohibited on Sundays and all federal holidays. Section 112.05 of the LAMC also specifies the maximum noise level of construction machinery that can be generated in any residential zone of the city or within 500 feet thereof. As a result of the project being required to comply with the above ordinances and regulations, it can be found that the project would not result in any significant construction noise impacts. The Los Angeles Police Department has the power and duty to enforce the noise control provisions of Section 41.40; enforcement of the City's noise regulations is not within the purview of the Advisory Agency's decision to approve the Vesting Tentative Tract Map.

Additionally, as a small lot subdivision for 18 single-family residences, the project is not considered a significant operational noise source. Activities associated with occupancy of single family homes does not cause significant noise impacts on the environment.

Air Quality – The building construction phase includes the construction of the proposed building on the subject property, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping the subject property. These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving grading and foundation preparation would primarily generate PM<sub>2.5</sub> and PM<sub>10</sub> emissions. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the project site) would primarily generate NO<sub>x</sub> emissions. The application of architectural coatings would result primarily in the release of ROG emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

Nevertheless, appropriate dust control measures would be implemented as part of the proposed project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, and maintaining effective cover over exposed areas.

Best Management Practices (BMP) will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

The project will not result in significant impacts related to air quality because it falls below interim air threshold that were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AOMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds.

Additionally, an air quality and greenhouse gas emissions analysis report was prepared by Yorke Engineering, LLC dated May 11, 2017 for a similar eighteen (18) unit small lot subdivision project at 6517-6533 Lexington Avenue. That report estimated that unmitigated GHG emissions resulting from a similar eighteen (18) unit small lot subdivision project would be about 252 MT CO<sub>2</sub>e per year and about 246 MT CO<sub>2</sub>e per year with operational mitigation measures incorporated – mainly code-required energy and water conservation features. Off-site traffic impacts are included in these emissions estimates, along with construction emissions amortized over 30 years. As shown in that report, all construction and operational impacts will not cause the SCAQMD's draft screening threshold levels to be exceeded.

**Water Quality** – Construction activities would not involve any significant excavation near an identified water source. In addition, the project will be required to comply with various regulatory requirements, which would reduce stormwater flows off-site. The project would comply with Chapter VI Article 4.4 of the LAMC, Stormwater and Urban Runoff Pollution Control, which requires the application of Best Management Practices (BMPs) to reduce or prevent pollutant discharges. Under the conditions of a building permit for the project, the project applicant will be required to eliminate or reduce non-stormwater discharges to waters of the nation, develop and implement a Stormwater Pollution Prevention Plan



(SWPPP) for project construction activities, and perform inspections of the stormwater pollution prevention measures and control practices to ensure conformance with the site SWPPP. Therefore, development of the proposed project would not degrade the quality of stormwater runoff from the site.

**Utilities and Public Services** – The site can be adequately served by all required utilities and public services.

The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. These utilities and public services have continuously served the neighborhood for more than 70 years. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services through the net addition of eighteen dwelling units.

As a general matter, the project will also be subject to Regulatory Compliance Measures (RCMs), which require compliance with pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on public utilities.

#### **Categorical Exemption Exceptions**

Planning staff evaluated the exceptions to the use of Categorical Exemptions for the proposed ordinance listed in "CEQA Guidelines" Section 15300.2 and determined that none of the exceptions apply to the proposed project:

- A. Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project qualifies for a Class 32 Categorical Exemption. The exemption is not a Class 3, 4, 5, 6 or 11. The requested project will not impact any environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The project site is located in an urbanized area in the City of Los Angeles. The project site is not located in a particularly sensitive environment and would not be located on a site containing wetlands, endangered species, or wildlife habitats; therefore, this exception is not applicable.

- B. Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The project is the construction of residential units in an area previously developed and surrounded by residential and commercial uses. The project is entirely consistent with the existing General Plan designation and zoning, with the permitted use of the adjustment applications. The succession of multi-family residential projects in the area developed to the permitted density, floor area, and height, and constructed pursuant to applicable building code requirements will not result in cumulative impacts. The project will not generate a significant number of vehicle trips and will not result in any significant impacts to land use planning, habitat, noise, air quality, or water quality and therefore will not make a considerable contribution to any significant cumulative traffic, air quality, or noise impacts. Therefore, impacts under this category will be less than significant.

The project would also not contribute to a cumulative impact on any historic resources. As described below, Barnsdall Park and the Hollyhock House to the south of the project site are considered historic resources. There are two related projects proposed at the northwest edge of the park that will be taller than the proposed project. As demonstrated by the photo simulations submitted to the City for each of these projects, neither will be create a significant visual impact because the dense olive trees at the northwest side of the park will block views from the park to these projects. Since this same grove of Olive Trees will also largely shielded the proposed project from view from the park, the combination of the three projects will not create a cumulative impact since none of the projects will be particularly visible from the park or impact views to north or west from the park. Therefore, the accumulation of projects will not cause a significant cumulative impact on a historic resource.

- C. Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The project site is comprised of three existing standard-sized lots located in an urbanized area of the City currently developed with a two-story theater and surface parking lot. The project consists of residential uses and operations that are compatible with the surrounding residential development. Neither the existing uses on the site, nor proposed uses demonstrate any unusual circumstances, and the project will not generate significant traffic, air quality, or noise impacts. The project will be required to adhere to any and all building code requirements intended to reduce environmental impacts to less than significant levels. Thus, the project will not result in activity that will have a significant effect on the environment due to unusual circumstances.

- D. Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway

officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The only state designated scenic highway in the City of Los Angeles is a portion of State Route 27 (Topanga Canyon Boulevard), which is located approximately 25 miles to the west of the site. The subject site is not designated as a state scenic highway, nor are there any designated state scenic highways located near the project site. There are also no existing trees, buildings, rock outcroppings or similar resources that could be considered scenic resources and therefore no impact to any scenic resources will occur.

There will be no impacts on potential historic resources to the east and Barnsdall Park/Hollyhock House to the south as discussed below.

- E. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site. Hazardous materials are defined as any solid, liquid, or gas that can harm people, other living organisms, property, or the environment. The project site is not located in Hazardous Waste/Border Zone Properties area as designated by the City of Los Angeles. There are no oil wells located on the project site. There are no elevators or in-ground hydrologic systems, no monitoring or water supply wells, or above- or below-ground storage tanks on the project site. No potentially fluid-filled electrical equipment is located on or immediately adjacent to the project site. No industrial wastewater is generated on the project site and sanitary wastewater is discharged to the City Bureau of Sanitation. The project site is not located within a Methane Zone or Methane Buffer Zone and would not be subject to the requirements of the City Methane Ordinance.

- F. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The project is not located in a designated Historic Preservation Overlay Zone or on a site designated as historic on any federal, state or local database. Therefore, demolition of structures on the project site and construction of the proposed project would not constitute a substantial adverse change in the significance of a historic resource as defined by CEQA.

The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register.



The subject property is also not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. The subject property does abut a property at 4759 Hollywood Boulevard, which has been identified in SurveyLA as a potential historic resource that may be eligible for listing in National Register of Historic Places and the California Register of Historical Resources as well as local designation as an excellent example of streetcar commercial development in Los Angeles. However, per the Historical Resource Technical Report prepared by GPA Consulting and dated September 2017, the project would have no direct impacts on historical resources, as there are no historical resources on the project site and no historical resources would be demolished, destroyed, altered, or relocated as a result of the project. Indirect impacts on historical resources were also analyzed, and it was found that the project would not have a significant impact on the 4759 Hollywood Boulevard property. The new building would be located adjacent to this historical resource; however, the project would not result in a substantial adverse change to the immediate surroundings of the historical resource to the degree that it would no longer be eligible for listing under national, state, or local landmark designation programs. The Historical Resource Technical Report has been reviewed by the Department of City Planning, Office of Historic Resources and concurred with the analysis and conclusion as of September 29, 2017. Based on this information, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

The subject property is directly across Hollywood Boulevard from Barnsdall Park and the Hollyhock House. The park and house are designated by the City of Los Angeles as a Historic Cultural Monument, and are listed on both the state and federal Register of Historic Places. An impact on a historic resource may be found when the integrity of the historic resource is so diminished by the proposed project that the historic resources would no longer qualify as an historic resource. According to National Register Bulletin 15, within the concept of integrity, there are seven aspects of qualities that are recognized in various combinations. These factors are: feeling, association, workmanship, location, design, setting, and materials. The only relevant factor with respect to the potential impact of the subject property is setting, because all of the other criteria only apply to buildings that are not new according to National Bulletin 15.

Barnsdall Park is an urban park with lush landscaping. However, the park's serene setting is juxtaposed with the adjacent commercial activity on Hollywood Boulevard and Vermont Avenue. The northern and eastern boundaries of the park are adjacent to multi-story residential buildings, shopping centers and commercial buildings. The southern boundary is immediately adjacent to the Kaiser Permanente Medical Complex. The western boundary of the park faces multi-story residential buildings.

Barnsdall Park does not directly border the project site. It is removed from the project site and the surrounding neighborhood by its position on top of a hill that is approximately 79 feet above the bordering streets. Hollywood Boulevard, which is 90 feet wide in front of the Project Site, also separates the park from the project site. As demonstrated from the photo simulations submitted by the applicant, within the substantial majority of the park, and particularly at the top of the hill where the Hollyhock House is located, the project site

is not visible. Trees and buildings throughout the park largely obstruct views of the project site. A grove of Olive trees is planted on the north slope of the park between the Hollyhock House and Hollywood Boulevard. This grove is a historic component of the park and is an essential part of the historic setting.

As demonstrated by photographic evidence submitted by the Applicant, the project site is completely hidden from view from the Hollyhock House itself and the west lawn. The project site is only partially visible from the Hollyhock House museum on the north side of the house and the project is only visible at all from the view point because a number of olive trees have died or been removed along this particular view corridor. The Project site is not visible from the roadway leading up to the park and is not visible from the north side of the Barnsdall Park Art Gallery.

Additionally, as demonstrated by the photo simulations submitted by the applicant, the proposed project will not block views from the park to the Griffith Observatory, Hollywood sign or any ridgelines in the Hollywood Hills. The tops of the proposed buildings on project site are approximately 30 feet lower than the top of Barnsdall Park. The project blends into the background of the residential buildings on the north side of Hollywood Boulevard and does not stand above its surrounding environment.

As a result, the project would not affect the setting of Barnsdall Park. The park would continue to be listed on the National Register of Historic Places and on the California Register as well as continue to be designated a City of Los Angeles Historic Cultural Monument. Therefore, the proposed project would have no impact on the historic resource of Barnsdall Park. Additionally, because the proposed project does not affect any views from the park, particularly any views from the west lawn. Finally, the project would not affect the setting of the Hollyhock House and would not affect the Hollyhock House's nomination for the UNESCO World Heritage List.

## **Conclusion**

As outlined above, the proposed project is located in a developed, urbanized area, which is not a particularly sensitive environment and will not impact an environmental resource of hazardous or critical concern that is designated, precisely mapped, or officially adopted by any federal, state, or local agency. The project will not result in any significant impacts and, therefore, will not make a cumulatively considerable contribution to any significant cumulative impacts. The project is comprised of three standard-sized lots, is consistent with the surrounding developments, including established residential uses, does not present any unusual circumstances, nor would it constitute a substantial adverse change in the significance of a historic resource as defined by CEQA. Therefore, none of the possible exceptions to Categorical Exemptions, found in Section 15300.2 Exceptions, apply to this project. As such, the project is Categorically Exempt from CEQA review.

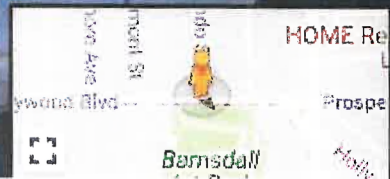
Residence A

Art Gallery

Hollyhock House

cfi  
CENTER  
FOR  
INQUIRY

EXHIBIT B



Google

11 Barnsdall



EXHIBIT C







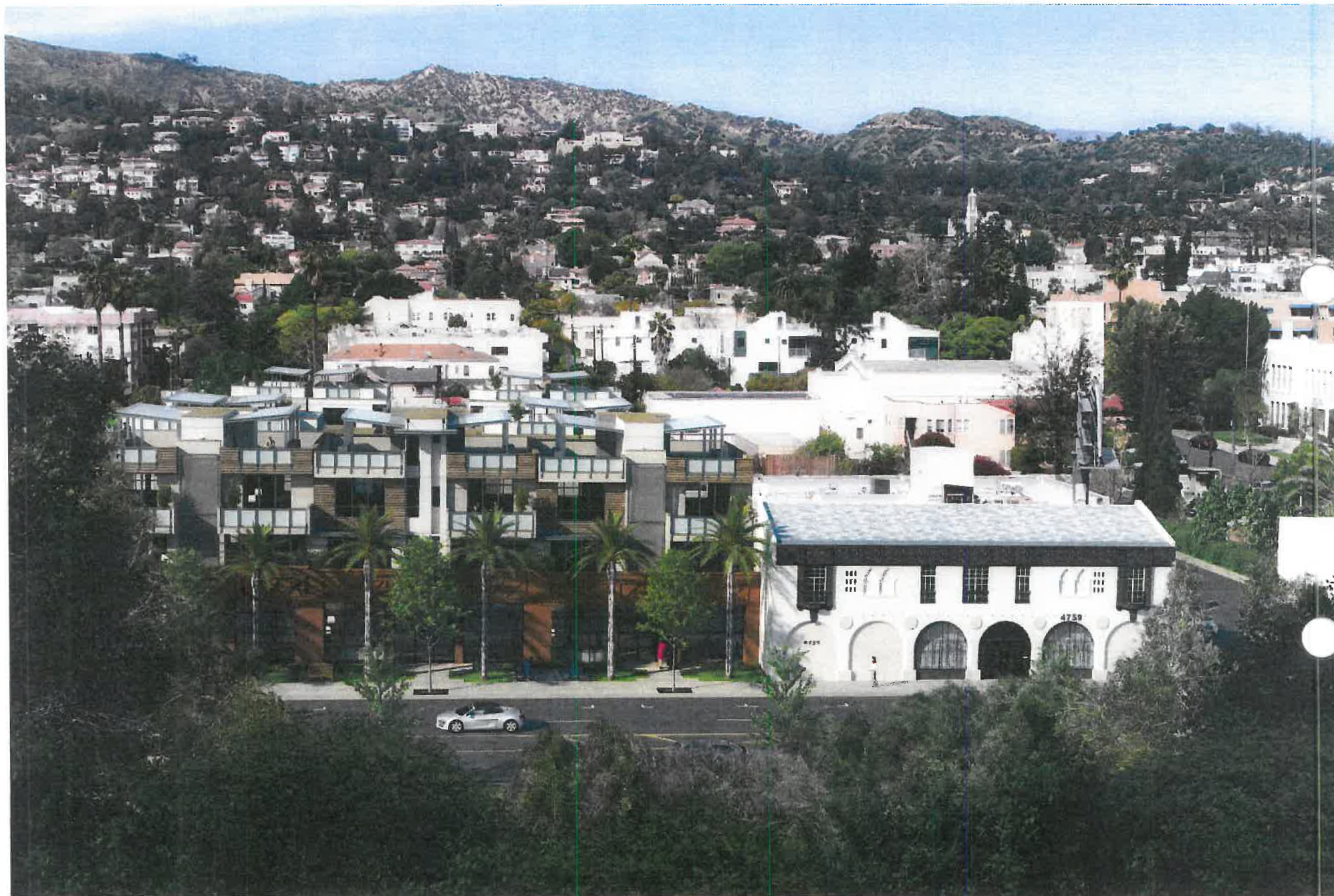
Northeast Corner of Hollywood Blvd & Berendo St





Berendo St West Elevation



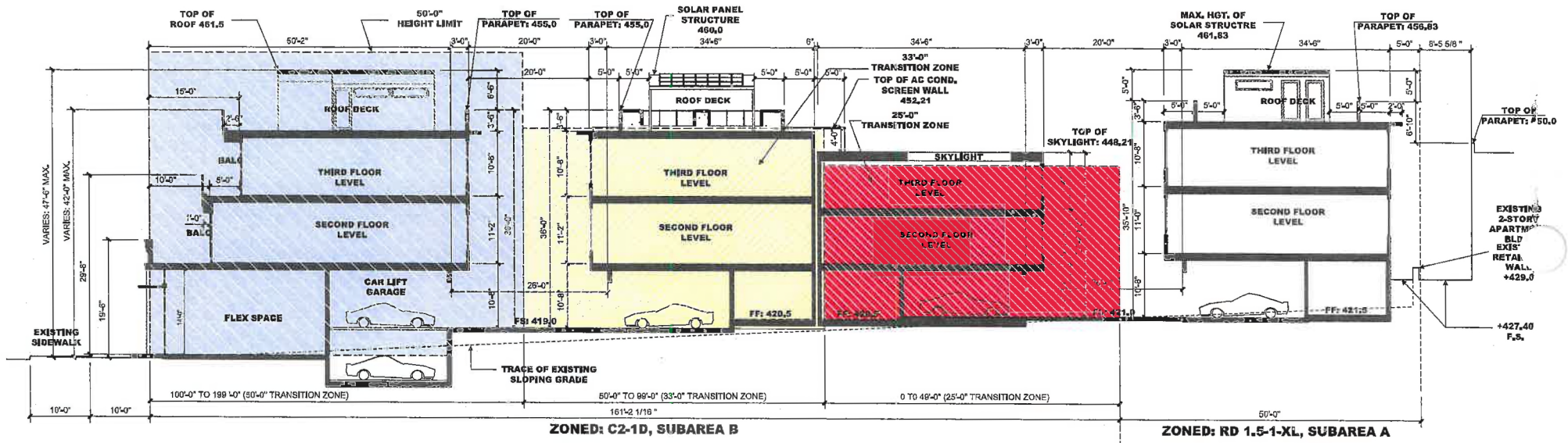


View from Barnsdall Park



South

North



SITE SECTION A-A

SCALE: 1/8"=1'-0"

TRANSITIONAL ZONE HEIGHT  
LIMIT SCHEDULE

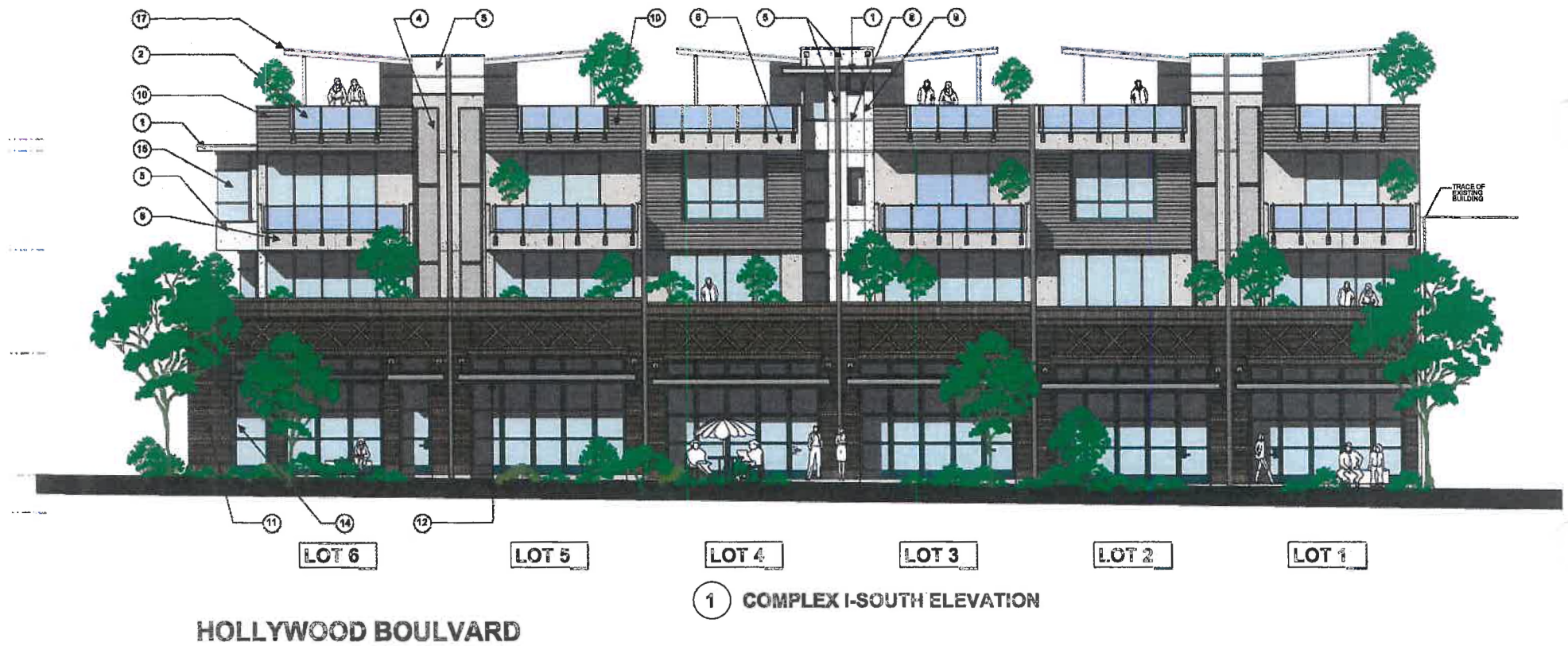
50'-0" HEIGHT LIMIT ZONE



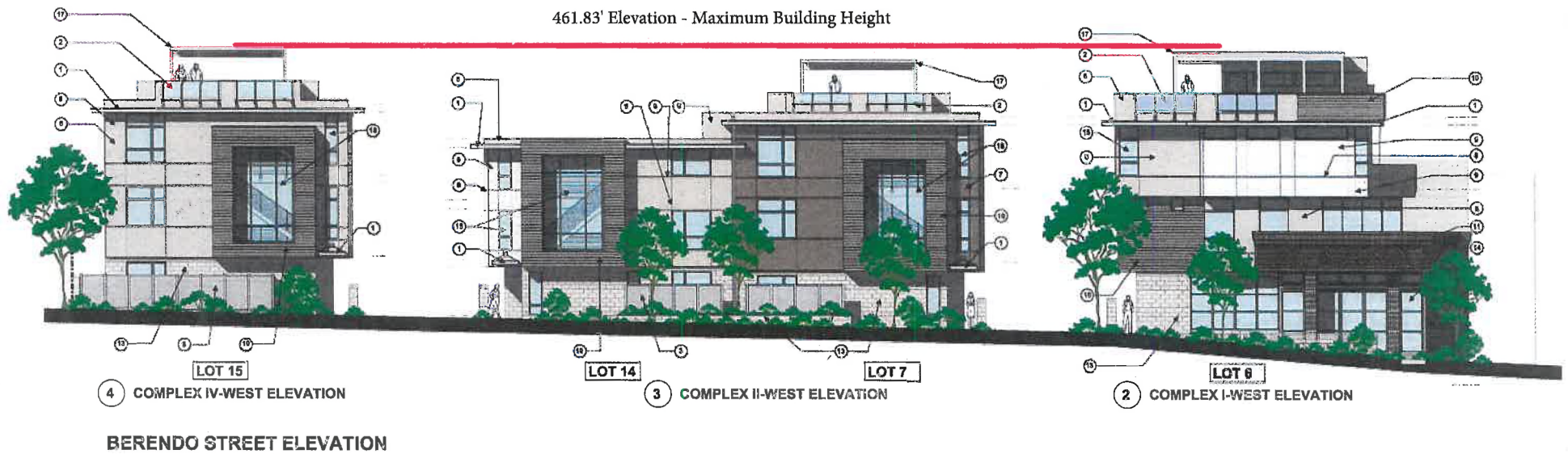
33'-0" HEIGHT LIMIT ZONE



25'-0" HEIGHT LIMIT ZONE









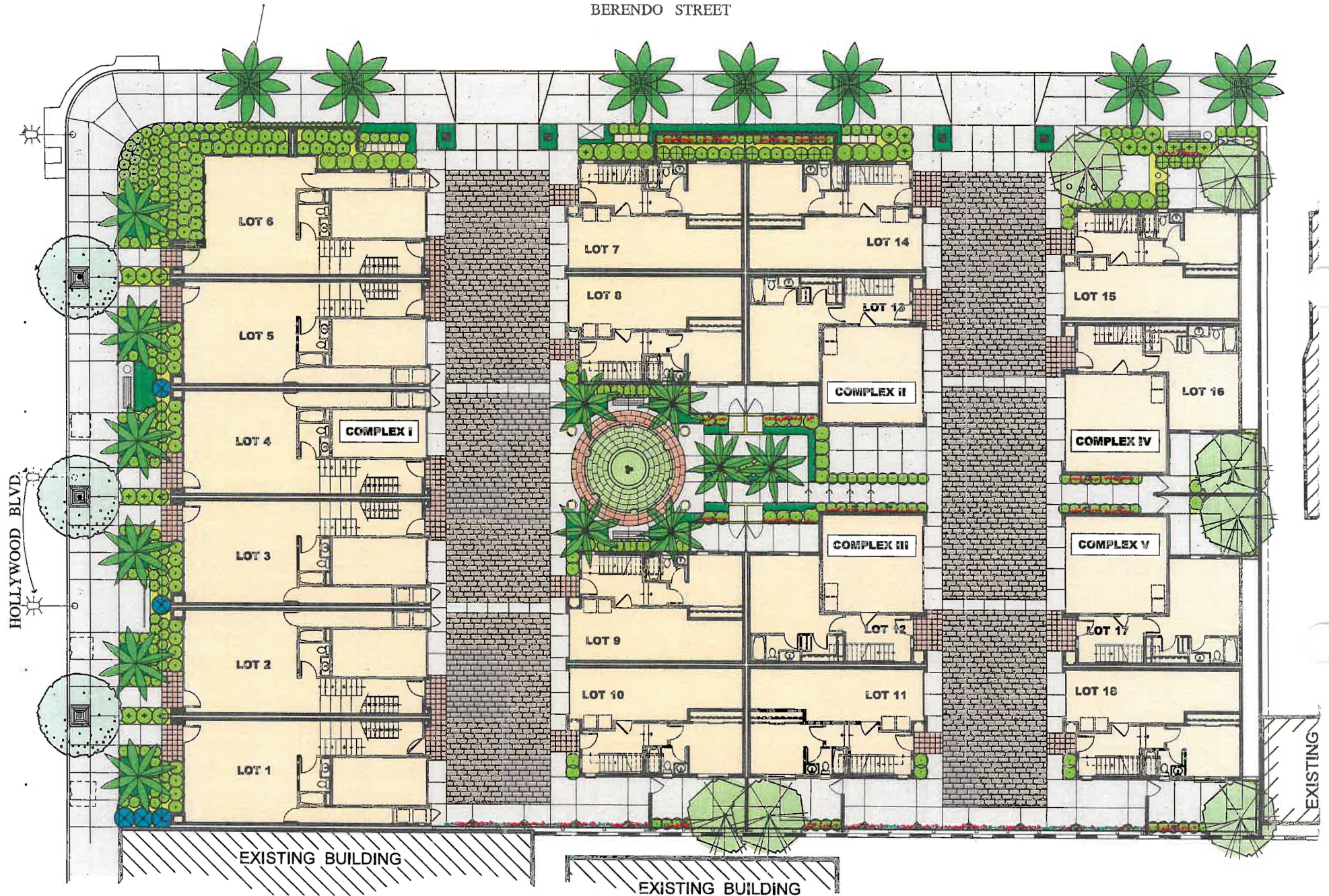










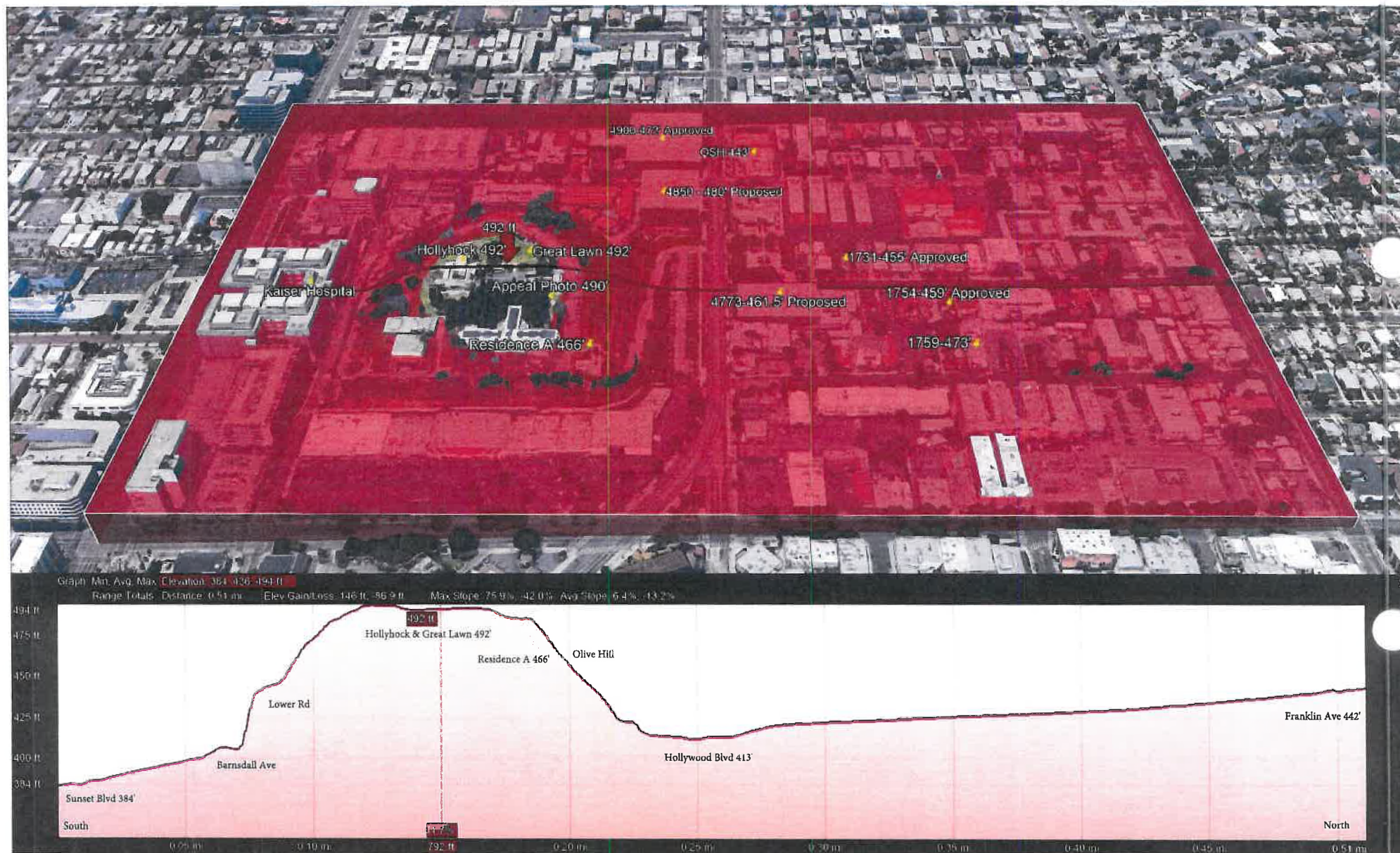


EXHIBIT D

4773 Hollywood Maximum Building Elevation @ 461.83'









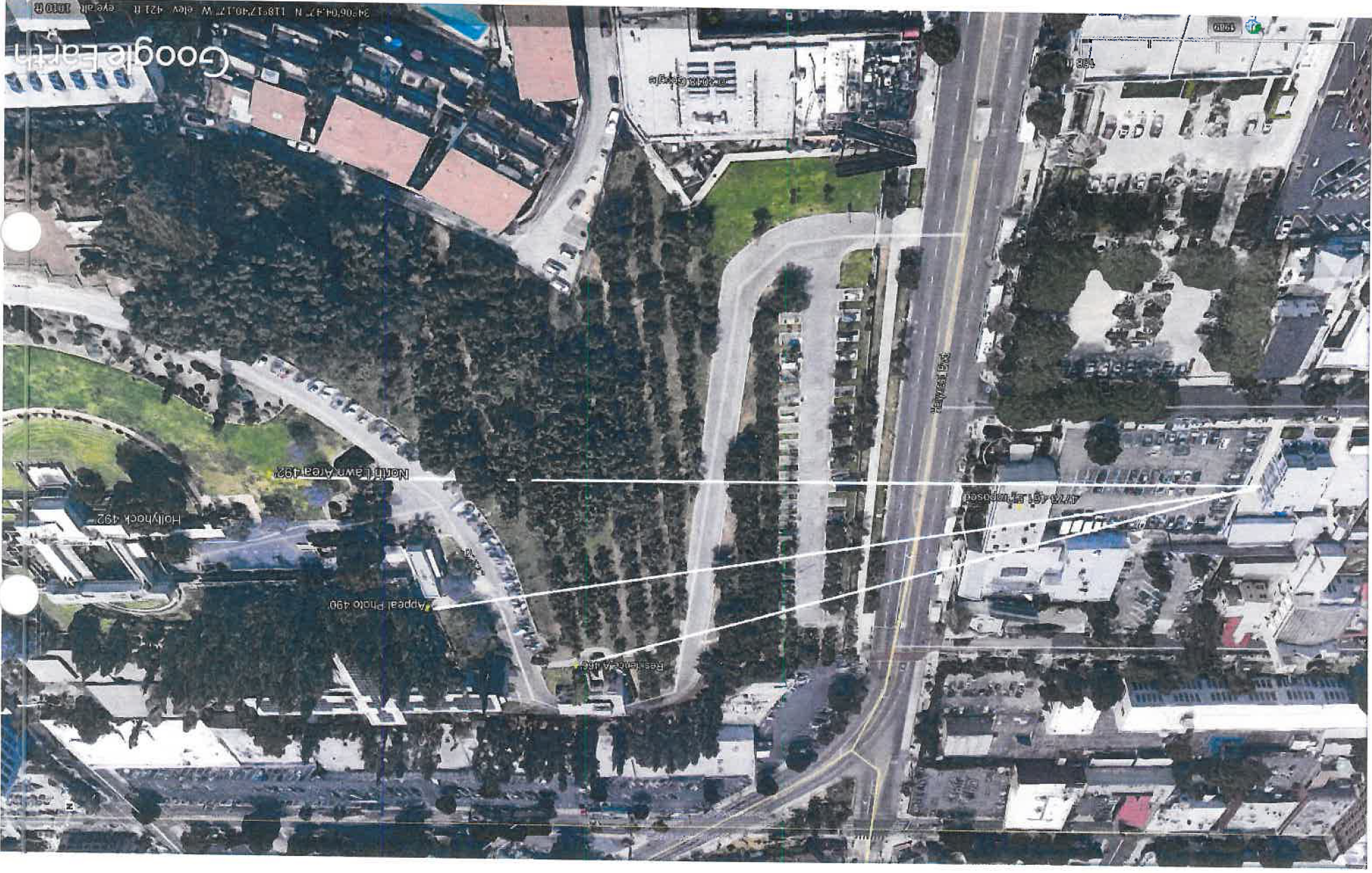
Arrows pointing to areas where olive trees have been removed

## EXHIBIT D





EXHIBIT D



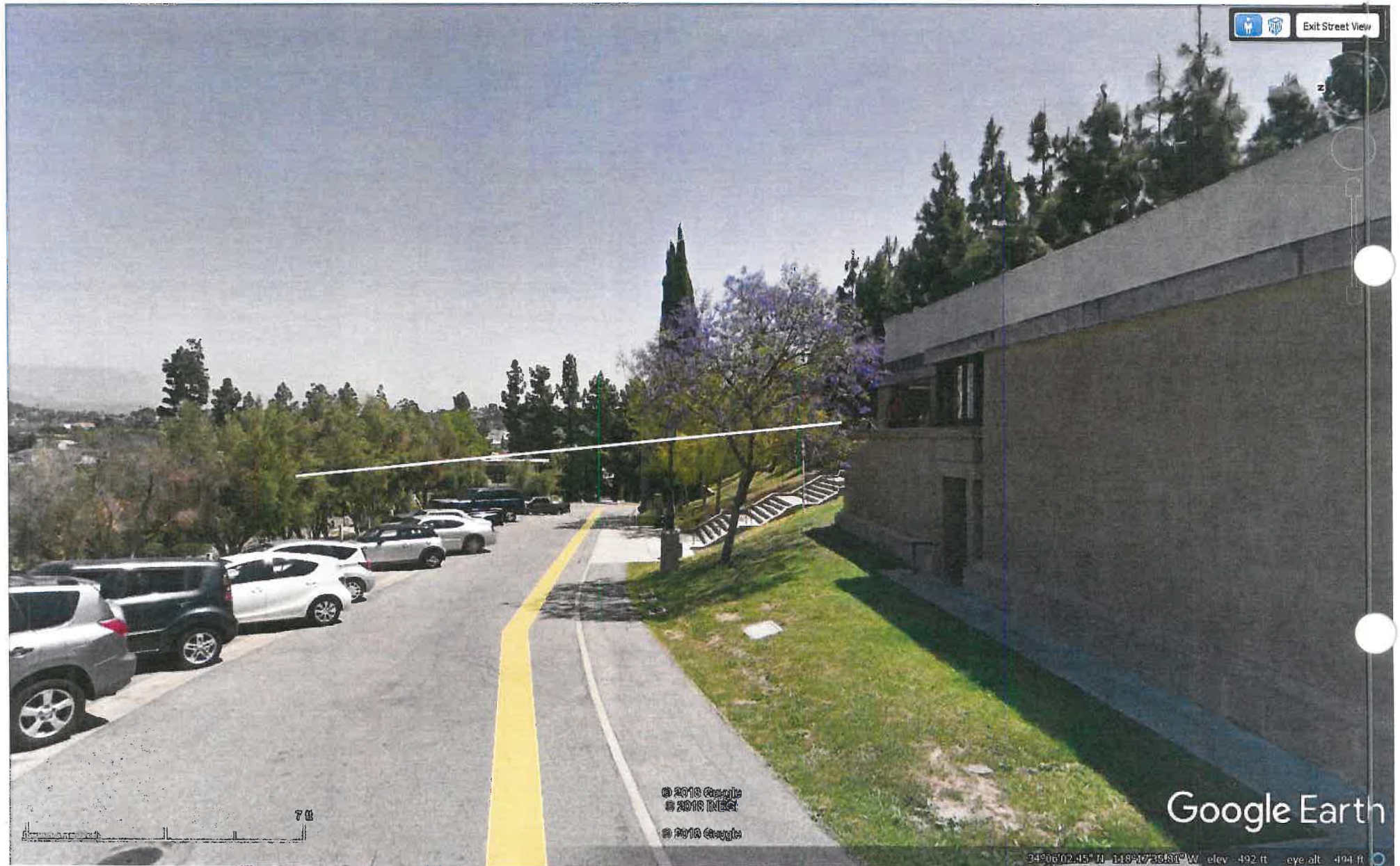










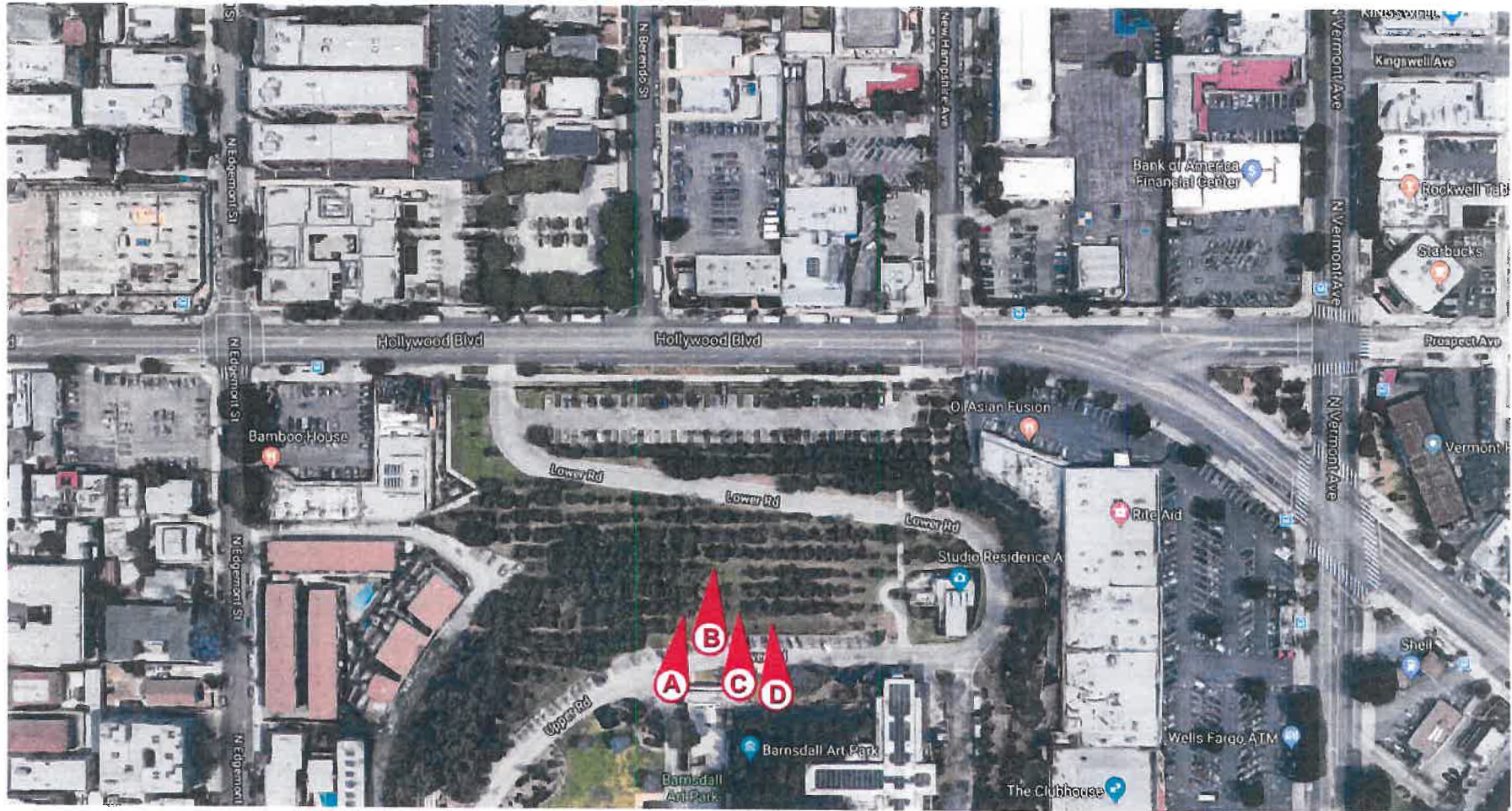








## EXHIBIT D



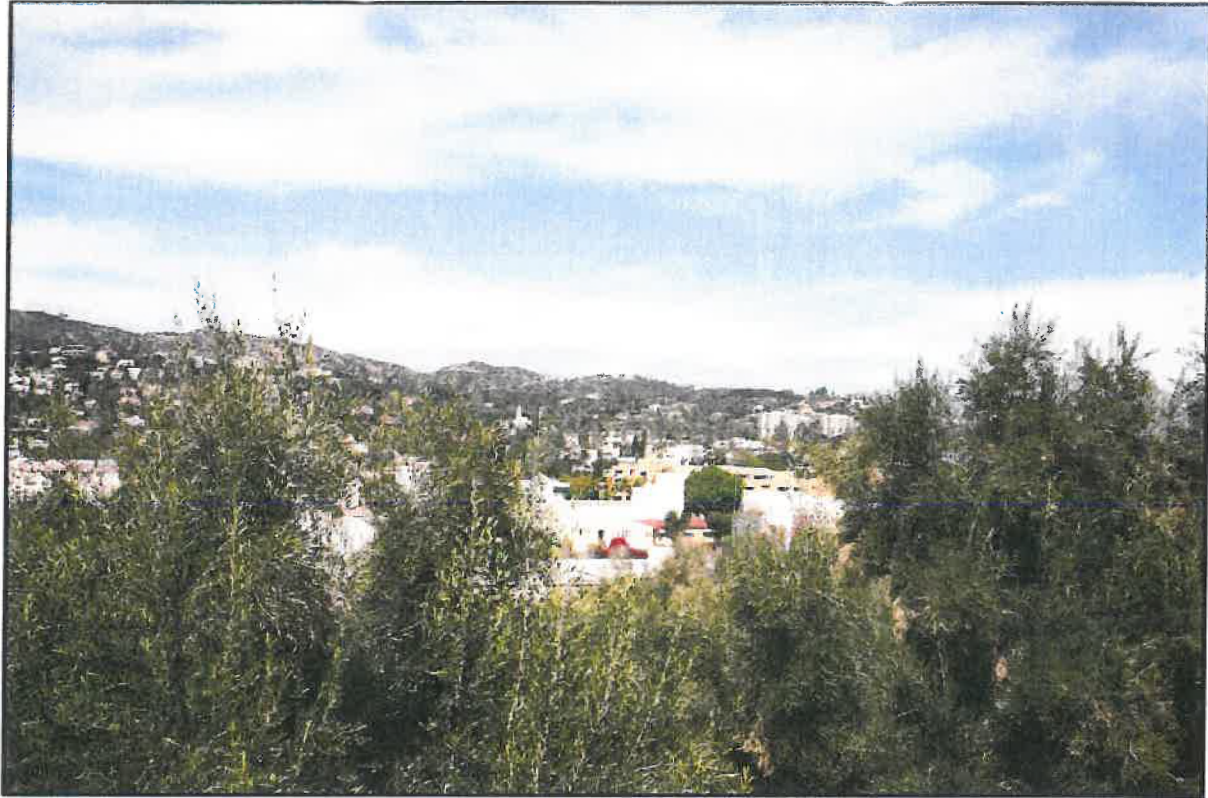
4773 Hollywood Blvd

Key Map

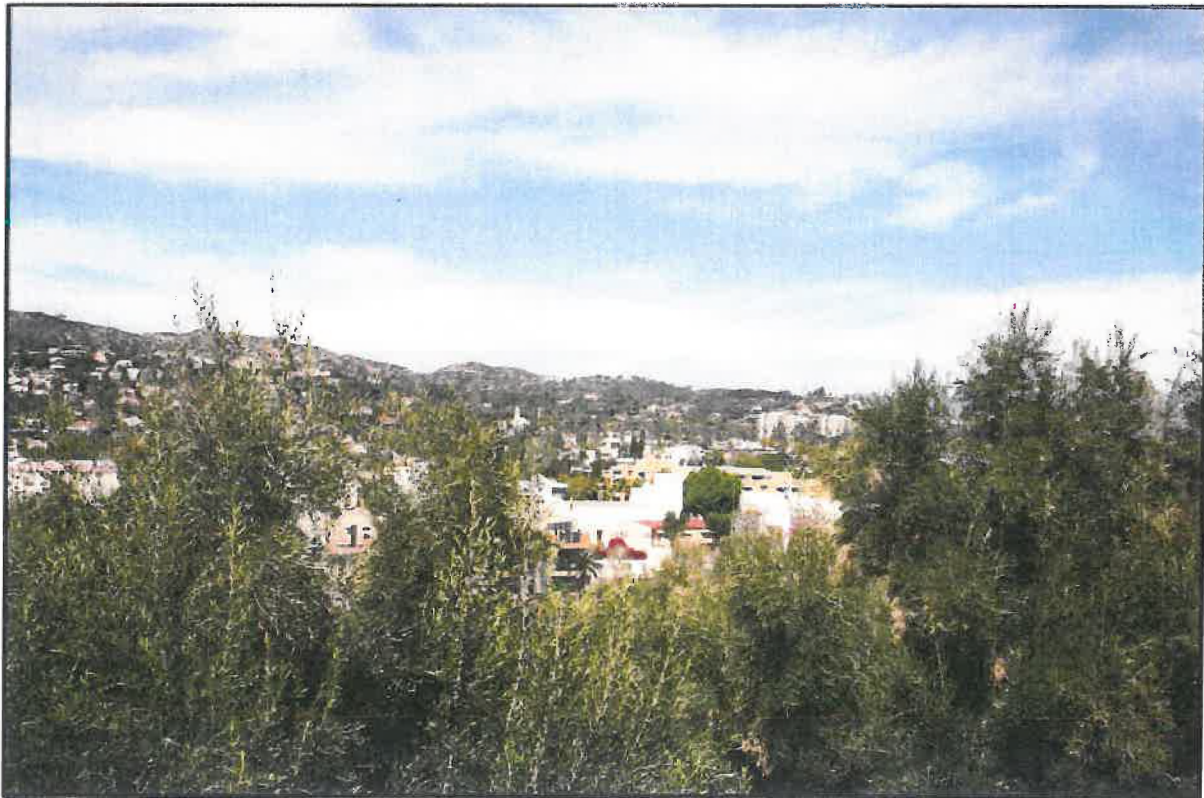
VisionScape IMAGERY  
visionscapeimagery.com  
Toll free: 888.356.3668



EXHIBIT D



Existing View



Proposed View

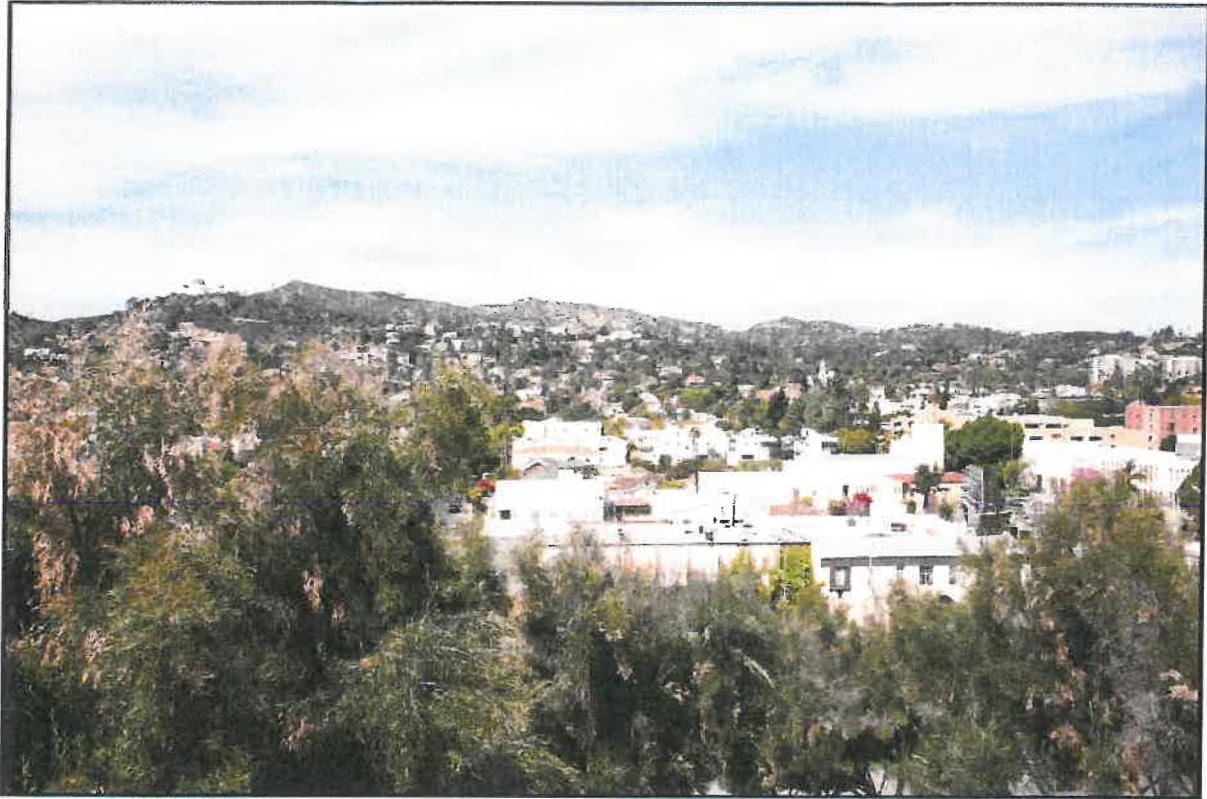
4773 Hollywood Blvd.

View A

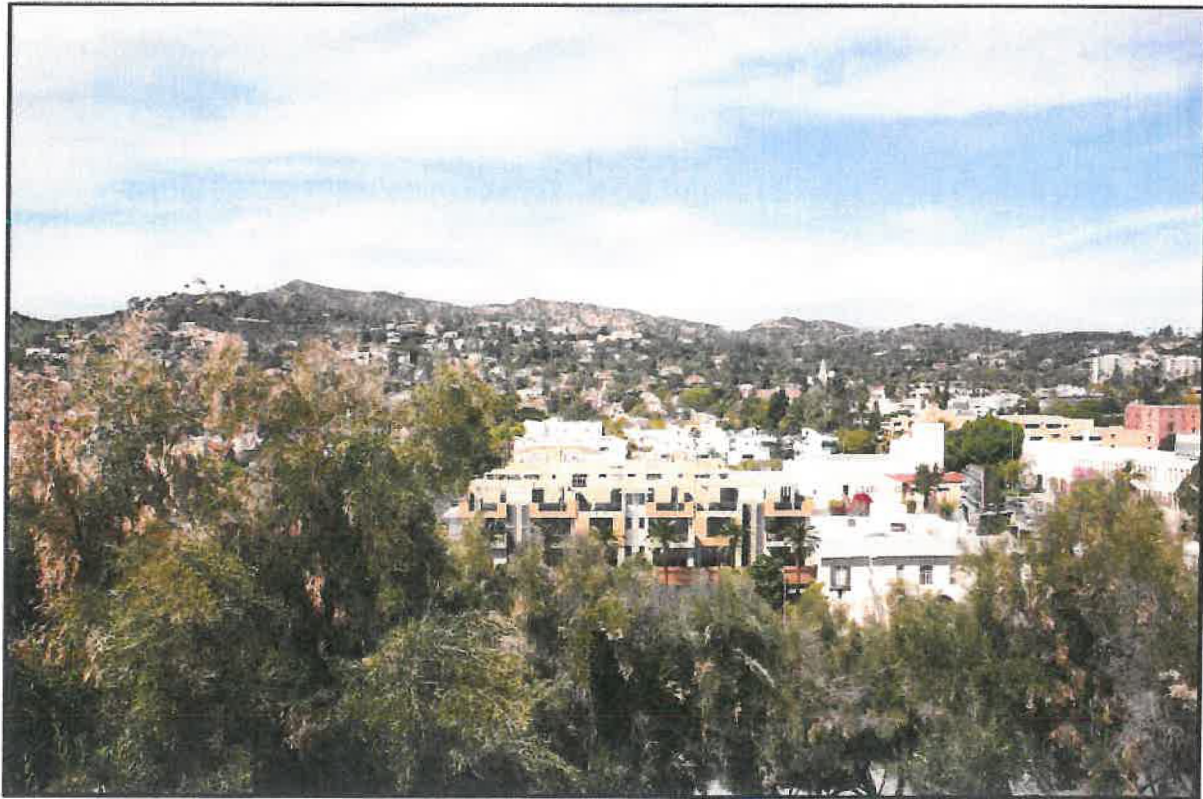
VisionScape IMAGERY  
visionscapeimagery.com  
Toll Free 888.356.3666



EXHIBIT D



Existing View



Proposed View

4773 Hollywood Blvd.

View B

VisionScape IMAGERY  
visionscapeimagery.com  
Toll Free 888.356.3668



EXHIBIT D



Existing View



Proposed View

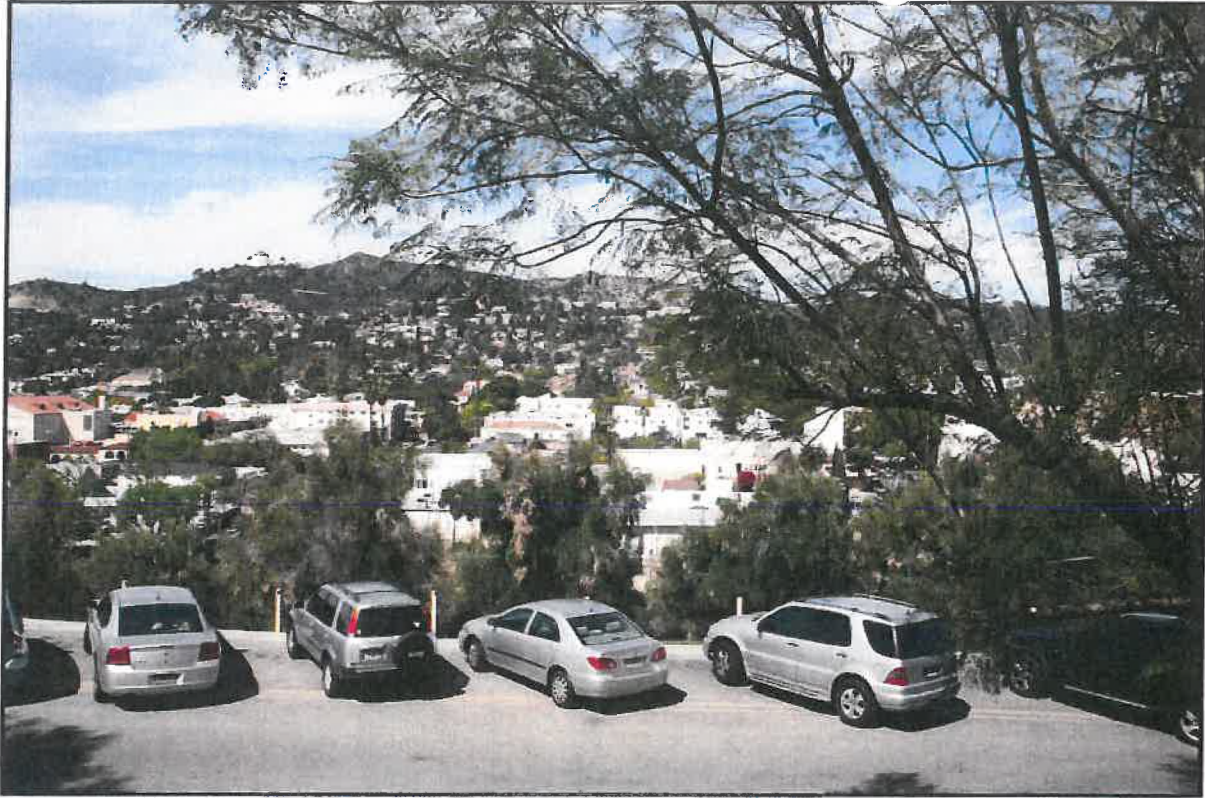
4773 Hollywood Blvd.

View C

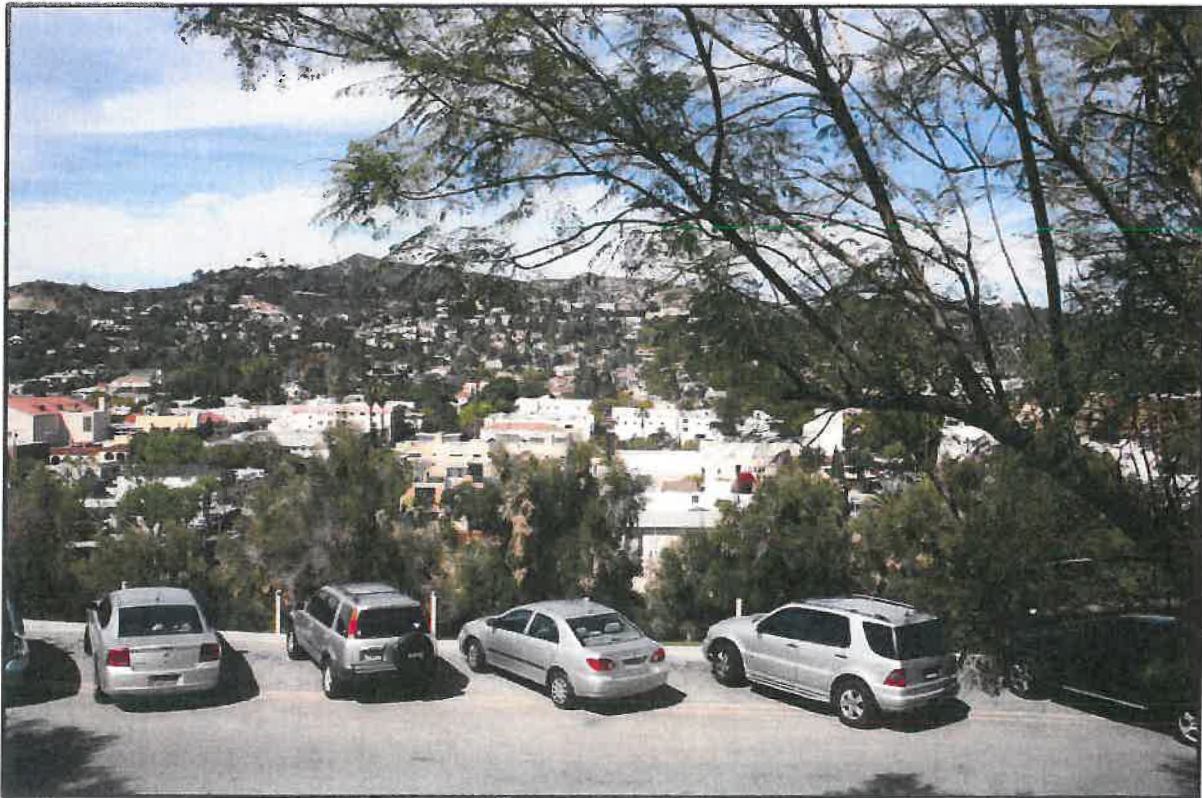
**VisionScape** INCORPORATED  
visionscapeimagery.com  
Toll Free 858.356.3608



EXHIBIT D



Existing View



Proposed View

4773 Hollywood Blvd.

View D

**VisionScape** LANDSCAPE ARCHITECTS  
visionscapeimagery.com  
Toll Free 888.256.3668



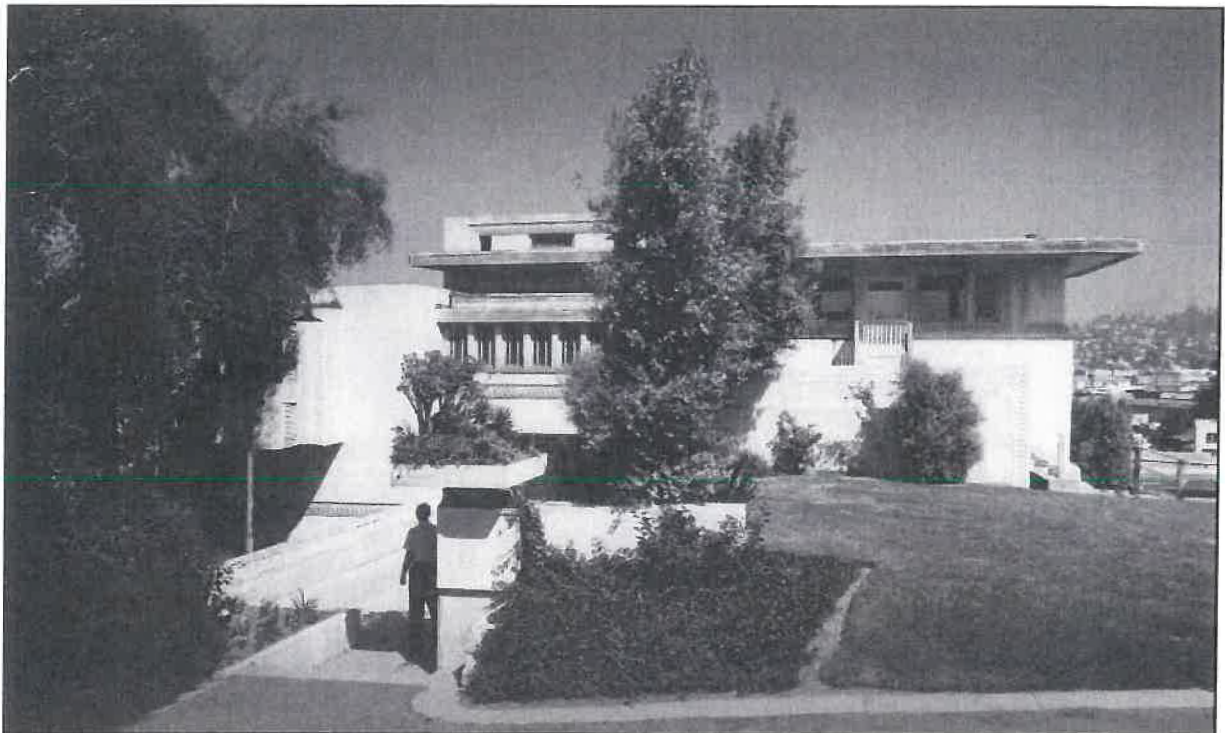
EXHIBIT E

HISTORIC STRUCTURE REPORT

RESIDENCE A AT BARNSDALL PARK

CITY OF LOS ANGELES

LOS ANGELES COUNTY, CALIFORNIA



TASK I, II, AND III FINAL

LSA

July 13, 2009

## APPENDIX A

### HISTORIC PHOTOGRAPHS

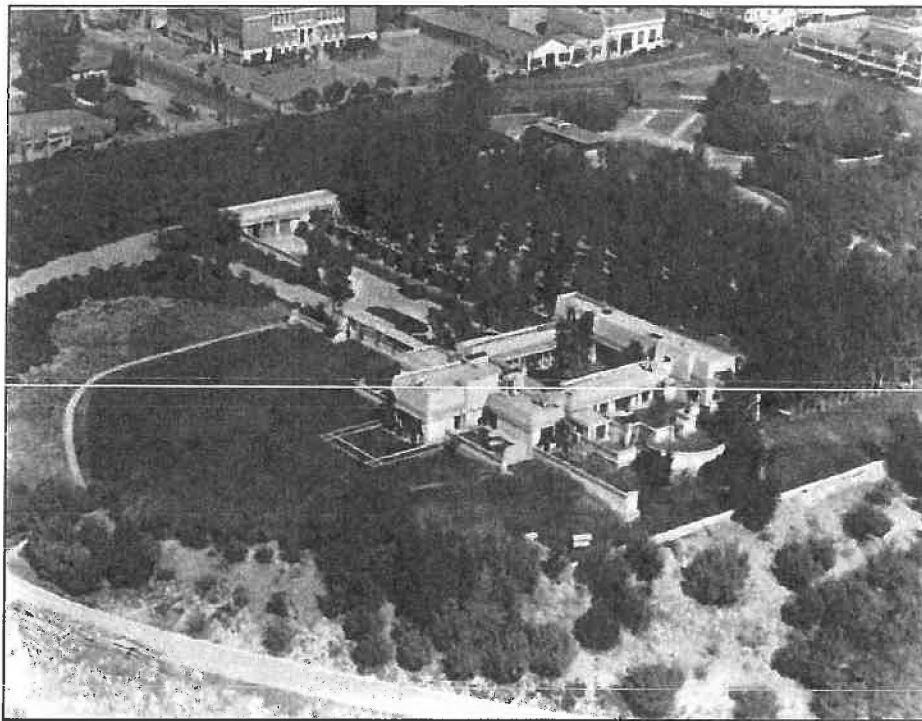




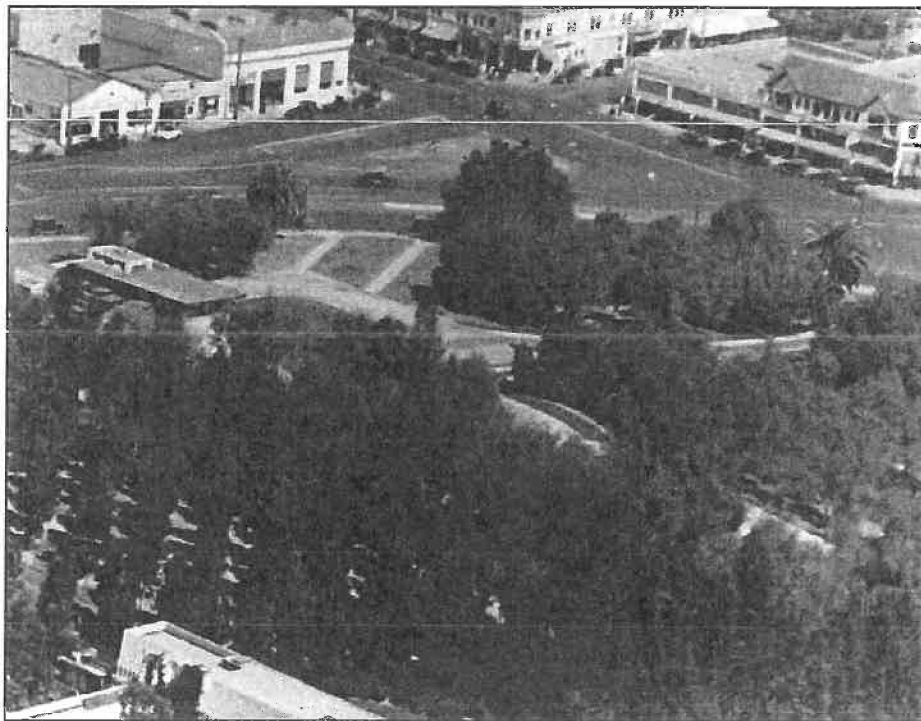
**Figure 1:** 1920 aerial view of Olive Hill (renamed Barnsdall Park in 1927), view southwest.  
(Photo credit: Hollyhock House Archives)



**Figure 2:** 1921 aerial view of Olive Hill (renamed Barnsdall Park in 1927), view northeast.  
(Photo credit: Hollyhock House Archives)



**Figure 3:** 1923 aerial view of Olive Hill (renamed Barnsdall Park in 1927), view northeast.  
(Photo credit: Hollyhock House Archives)



**Figure 4:** 1924 aerial view of Olive Hill (renamed Barnsdall Park in 1927), view northeast. Residence A is in the upper left corner of the photo.  
(Photo credit: Hollyhock House Archives)

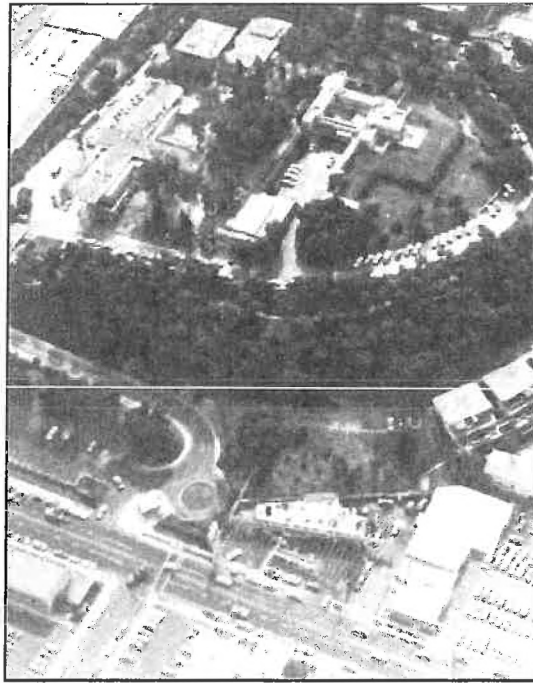




**Figure 5:** Pre 1954 aerial view of Barnsdall Park, view northwest.  
(Photo credit: Hollyhock House Archives)



**Figure 6:** Post 1967 aerial view of Barnsdall Park, view southwest.  
(Photo credit: Hollyhock House Archives)



**Figure 7:** 1970 aerial view of Barnsdall Park,  
view southeast.  
(Photo credit: Hollyhock House Archives)

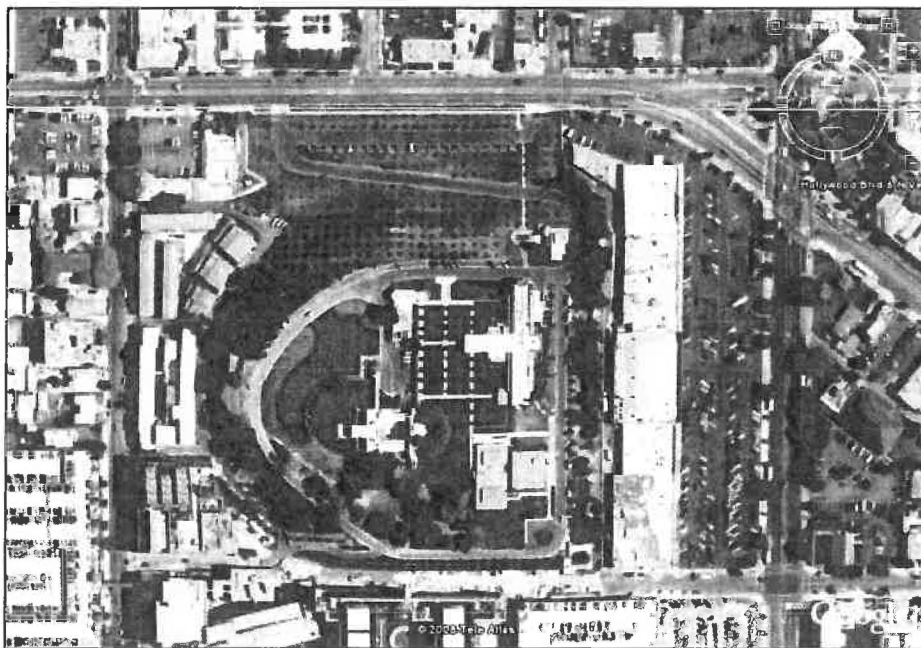


**Figure 8:** 1970 aerial view of Barnsdall Park, view west.  
(Photo credit: Hollyhock House Archives)





**Figure 9:** Aerial view of Barnsdall Park, view northwest, date unknown.  
(Photo credit: Hollyhock House Archives)



**Figure 10:** Contemporary birds eye view of Barnsdall Park, view northwest.  
(Photo credit: 2009 U. S. Geological Survey, GeoEye, accessed from google.com)

## EXHIBIT F

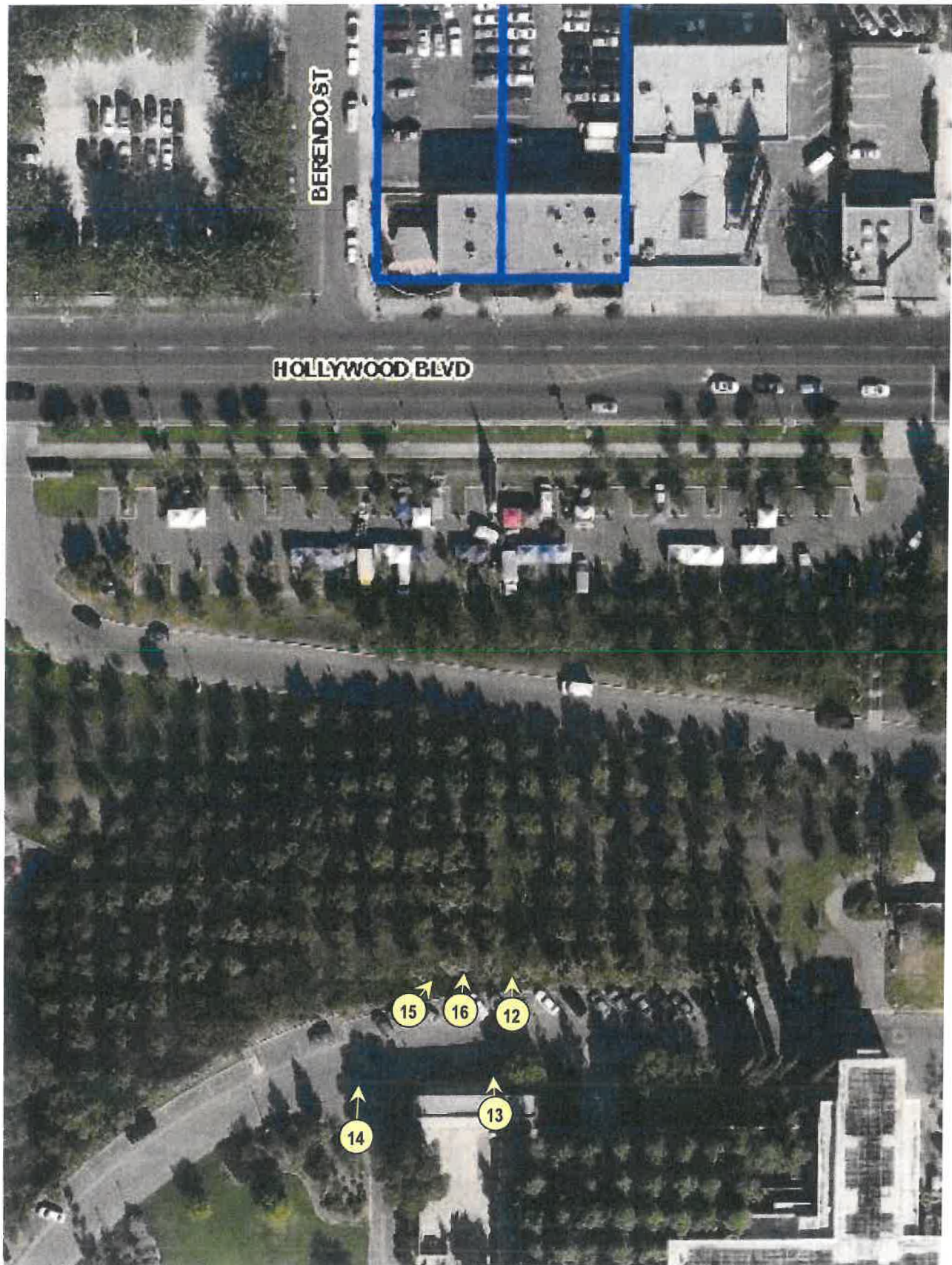
### SITE PHOTO EXHIBIT (VTT-74730)

4767 & 4773 Hollywood Boulevard, 1710-1720 Berendo Avenue





SITE PHOTO EXHIBIT (VTT-74730)  
4767 & 4773 Hollywood Boulevard, 1710-1720 Berendo Avenue





**SITE PHOTO EXHIBIT (VTT-74730)**  
**4767 & 4773 Hollywood Boulevard, 1710-1720 Berendo Avenue**



View 1: Looking north at south side of project site from south side of Hollywood Blvd.



View 2: Looking northeast at southwest corner of site from south side of Hollywood Blvd.



**SITE PHOTO EXHIBIT (VTT-74730)**  
**4767 & 4773 Hollywood Boulevard, 1710-1720 Berendo Avenue**



View 3: Looking north up Berendo Avenue with project site on the right.



View 4: Looking northeast at west side of project site taken from the west side of Berendo Avenue.



**SITE PHOTO EXHIBIT (VTT-74730)**  
**4767 & 4773 Hollywood Boulevard, 1710-1720 Berendo Avenue**



View 5: Looking southeast along west side of project site from east side of Berendo Avenue.



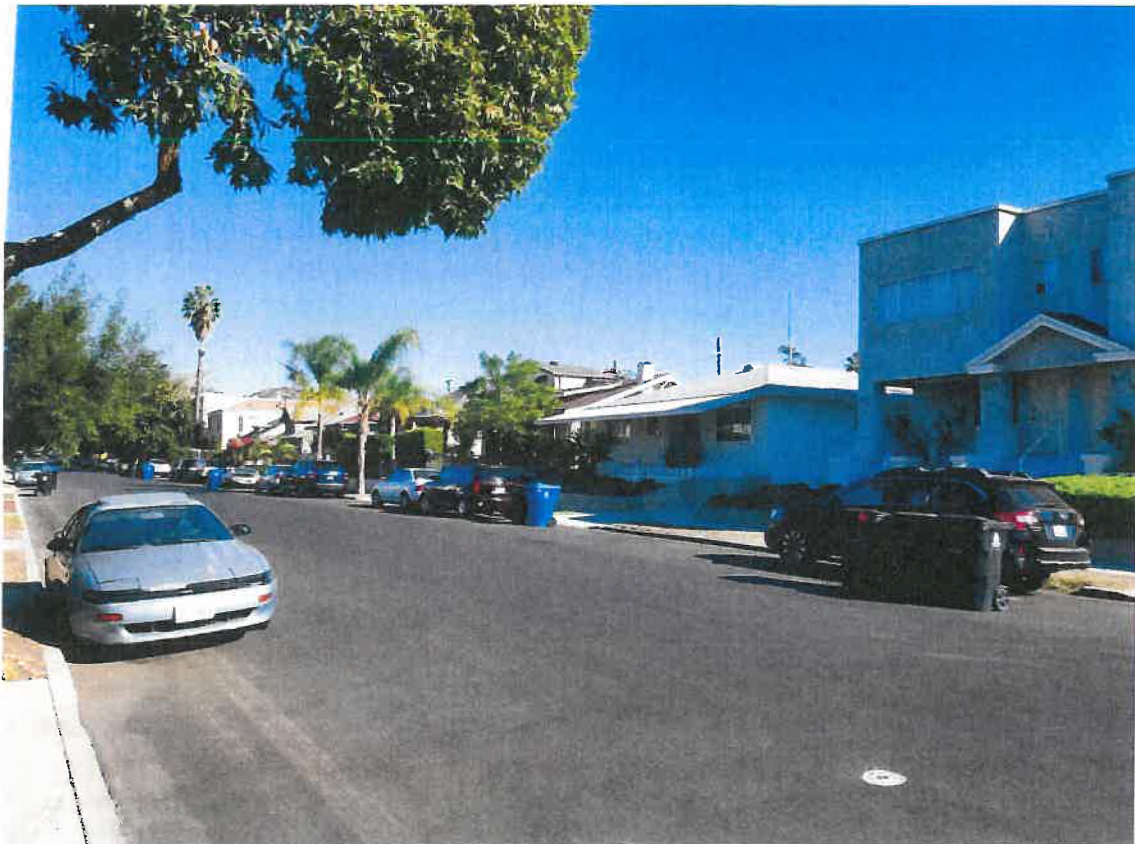
View 6: Looking northeast at north site of project site taken from the west side of Berendo Avenue.



**SITE PHOTO EXHIBIT (VTT-74730)**  
**4767 & 4773 Hollywood Boulevard, 1710-1720 Berendo Avenue**



View 7: Looking north at the north end of project site taken from west side of Berendo Avenue.



View 8: Looking north at buildings on Berendo Avenue to the north of the project site.



**SITE PHOTO EXHIBIT (VTT-74730)**  
**4767 & 4773 Hollywood Boulevard, 1710-1720 Berendo Avenue**



View 9: Looking west at parking lot on west side of Berendo opposite the project site.



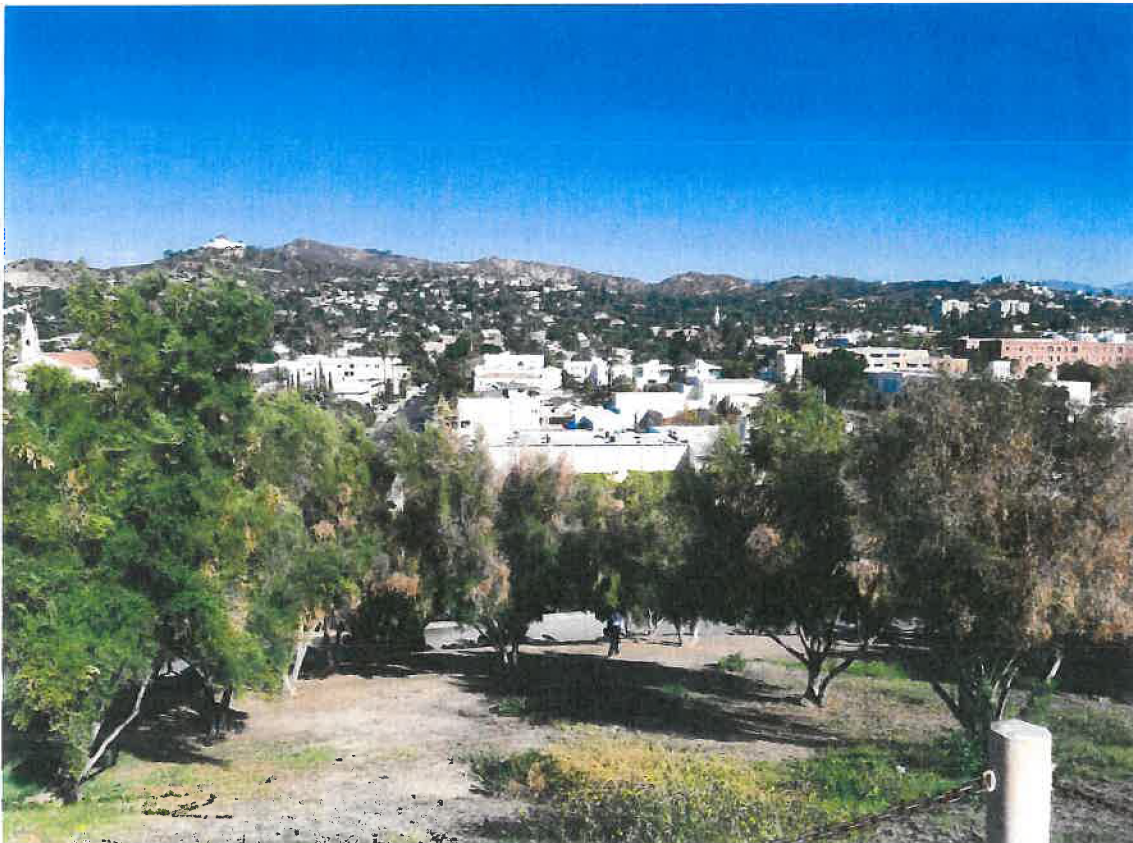
View 10: Looking south at Barnsdall Park on the south side of Hollywood Blvd. opposite the project site.



**SITE PHOTO EXHIBIT (VTT-74730)**  
**4767 & 4773 Hollywood Boulevard, 1710-1720 Berendo Avenue**



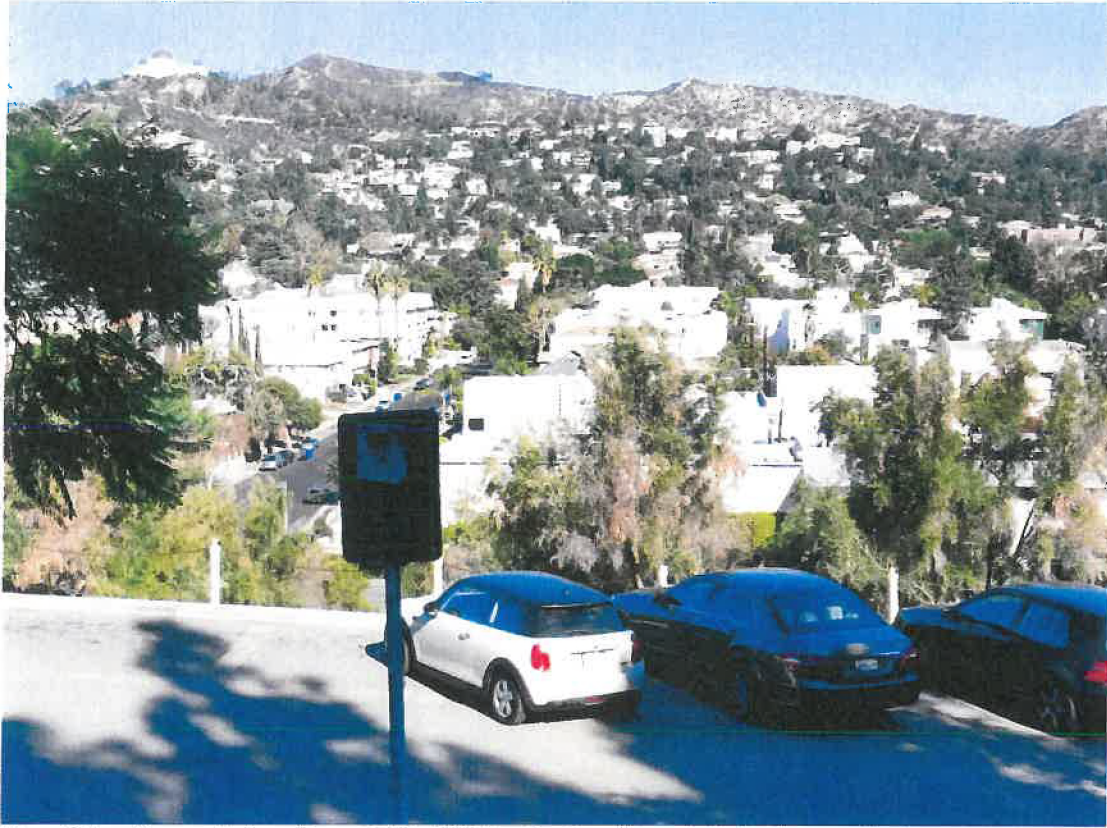
View 11: Looking west along Hollywood Boulevard, taken from the northeast corner of Hollywood/Berendo.



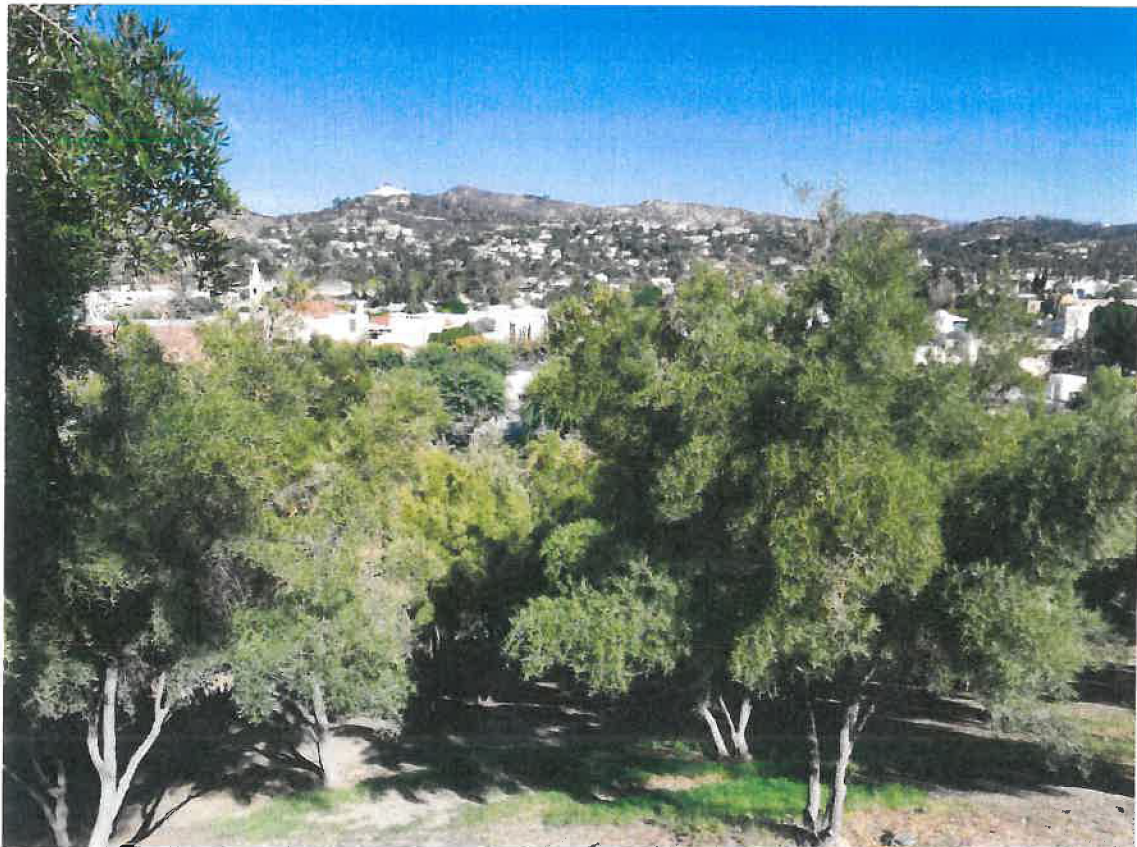
View 12: Looking north from Barnsdall Park parking lot driveway with project seen between trees.



**SITE PHOTO EXHIBIT (VTT-74730)**  
**4767 & 4773 Hollywood Boulevard, 1710-1720 Berendo Avenue**



View 13: Looking north from Barnsdall Park Visitor Center with project site obscured by trees.



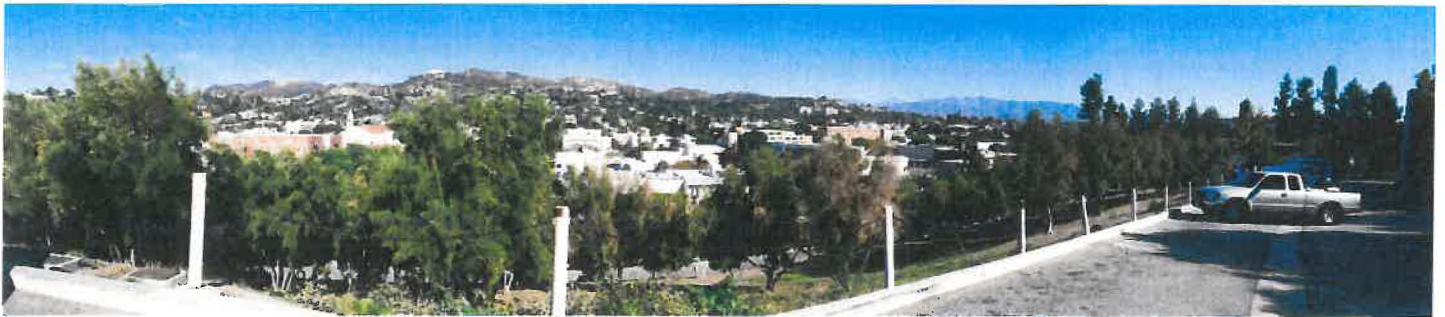
View 14: Looking north from Barnsdall Park with project site obscured by trees.



**SITE PHOTO EXHIBIT (VTT-74730)**  
**4767 & 4773 Hollywood Boulevard, 1710-1720 Berendo Avenue**



View 15: Looking northeast from Barnsdall Park with foreground along Hollywood Blvd. obscured by trees.



View 16: Panorama view looking north from Barnsdall Park parking lot driveway.

# Barnsdall

ART PARK FOUNDATION

February 27, 2018

Nuri Cho, City Planning Associate  
200 N Spring St. Room 621  
Los Angeles, CA 90012

Re: Letter of Support

To Whom It May Concern,

The Barnsdall Art Park Foundation has reviewed the proposed development at 4773 W Hollywood Blvd, and voted to support the project.

We found that it would not affect the viewshed from the park, which is our main concern for properties around the park.

Some members of the board expressed concern that the project does not include any increase in the parking availability to the neighborhood.

Overall we were happy with the responsiveness and attitude of the developer and their agents.

Respectfully submitted,



Bill Macomber  
President, Barnsdall Art Park Foundation

The Barnsdall Art Foundation is a 501(c)3 non-profit organization, tax ID #54-2069148.  
Your donation is fully tax deductible as you have received no goods or services in return.



## EXHIBIT H



### CITY OF LOS ANGELES LOS FELIZ NEIGHBORHOOD COUNCIL



**PRESIDENT**  
Luke Klipp

**VICE PRESIDENTS**  
Sheldon Hirshon - Administration  
Jon Deutsch - Communications

**TREASURER**  
Barbara Howell

**SECRETARY**  
Bryant Edwards

**CERTIFIED COUNCIL #35**

**PO Box 27003  
Los Angeles, CA 90027-0003**

**(213) 973-9758**

[www.losfeliznc.org](http://www.losfeliznc.org)

[info@losfeliznc.org](mailto:info@losfeliznc.org)

February 25, 2017

Hearing Officer, Department of City Planning  
Office of Zoning Administration  
200 North Spring Street, 7<sup>th</sup> Floor  
Los Angeles, CA 90012

Re: **ENV-2016-4903-EAF**  
4767 & 4773 Hollywood Blvd.  
1710-1720 Berendo Ave.  
Los Angeles, CA 90027

Dear Hearing Officer:

At meetings of its Planning, Zoning and Historic Preservation (PZHP) Committee on February 1, 2017 and at its regularly scheduled Governing Board meeting on February 21, 2017, the Los Feliz Neighborhood Council (LFNC) reviewed an application for permit adjustments and a ZA adjustment in conjunction with a proposed 21-unit small lot subdivision as follows:

1. A project permit adjustment to exceed transitional height limits in the Vermont Western TOD by up to 10% in Sub Area B. 27.2 ft of height is requested in the 25 ft height transitional zone (as measured to the top of the roof in lieu of measurement to the top of the parapet) and 36 ft of height is requested in the 33 ft transition zone.
2. A project permit adjustment to reduce minimum percentage of ground level open space in the Vermont Western TOD Neighborhood Area Plan from 50% to 44%.
3. A Zoning Administrator's Adjustment for a 20% increase in height for portion of the project in RD1.5-1XL Zone (36 ft is requested in lieu of 30 ft).

Two (2) public comments were heard in sub-committee, one expressing the desire for affordable housing units in all new residential projects in the City. Three (3) public comments were voiced at our Governing Board meeting, including two comments regarding concerns of the price point for the proposed new homes and one comment regarding concerns about the project's height.

The Los Feliz Neighborhood Council Governing Board voted to support the applicant's request by a vote of 13 in favor, 2 opposed, and 2 abstentions.

Sincerely,

Luke H. Klipp, President  
Los Feliz Neighborhood Council

By Brian J Cornelius, PZHP Committee Chairperson  
cc: Applicant  
Hon. David Ryu, Councilmember, District 4

# Los Feliz

IMPROVEMENT  
ASSOCIATION

*Serving our Community for Over 100 Years*

2017-2018

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Patricia Ruben

Florie Savage

Debbie Simons

Mary Beth Sorensen

Angela Stewart

Mark Stong

Demian Wyman

Gail Zaritsky

\*Past President

October 24, 2017

Nuri Cho  
Central Project Planning Division  
Department of City Planning  
200 N. Spring St., Room 621  
Los Angeles, CA 90012

Re: 4773 Hollywood Blvd., Los Angeles 90027

Case No. VTT-74730 ad ZA-2016-4902-ZAA-SPPA-SPP

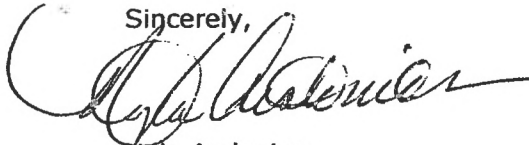
Dear Ms. Cho:

The Los Feliz Improvement Association, founded in 1916, represents over two thousand Los Feliz residents. On March 28, 2017, Pacer Development presented the referenced proposed small lot subdivision project on three lots at the regularly scheduled LFIA board meeting.

Board member comments were enthusiastically favorable specifically noting the project design and its compatibility with the neighborhood and, in particular, its proximity to Barnsdall Art Park.

Since the presentation, board members have cited this project as an example of a development that compliments rather than detracts from its surroundings and interface very well with the adjacent neighborhood.

Sincerely,



Nyla Arslanian  
President

cc: Councilmember David Ryu



EXHIBIT I

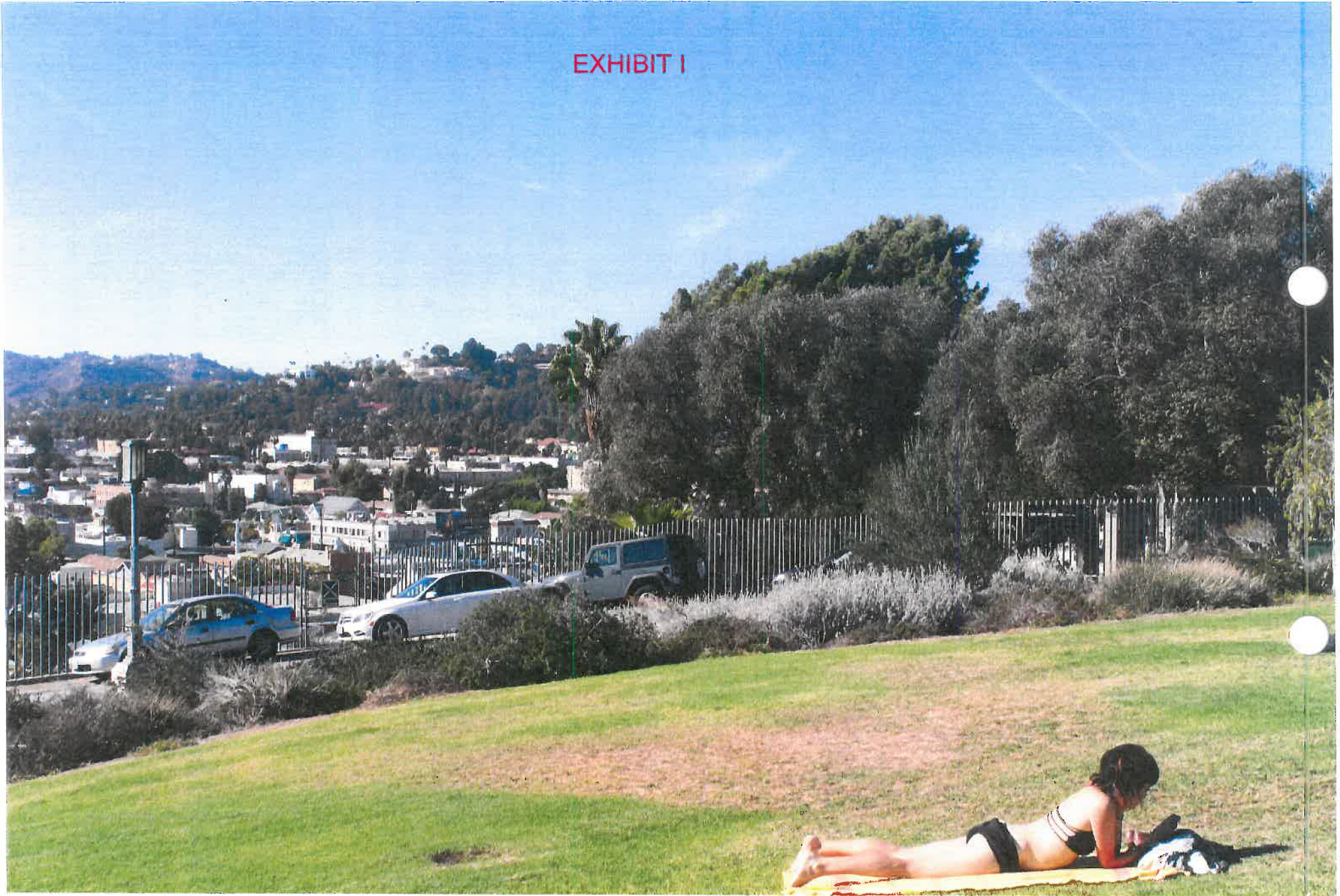




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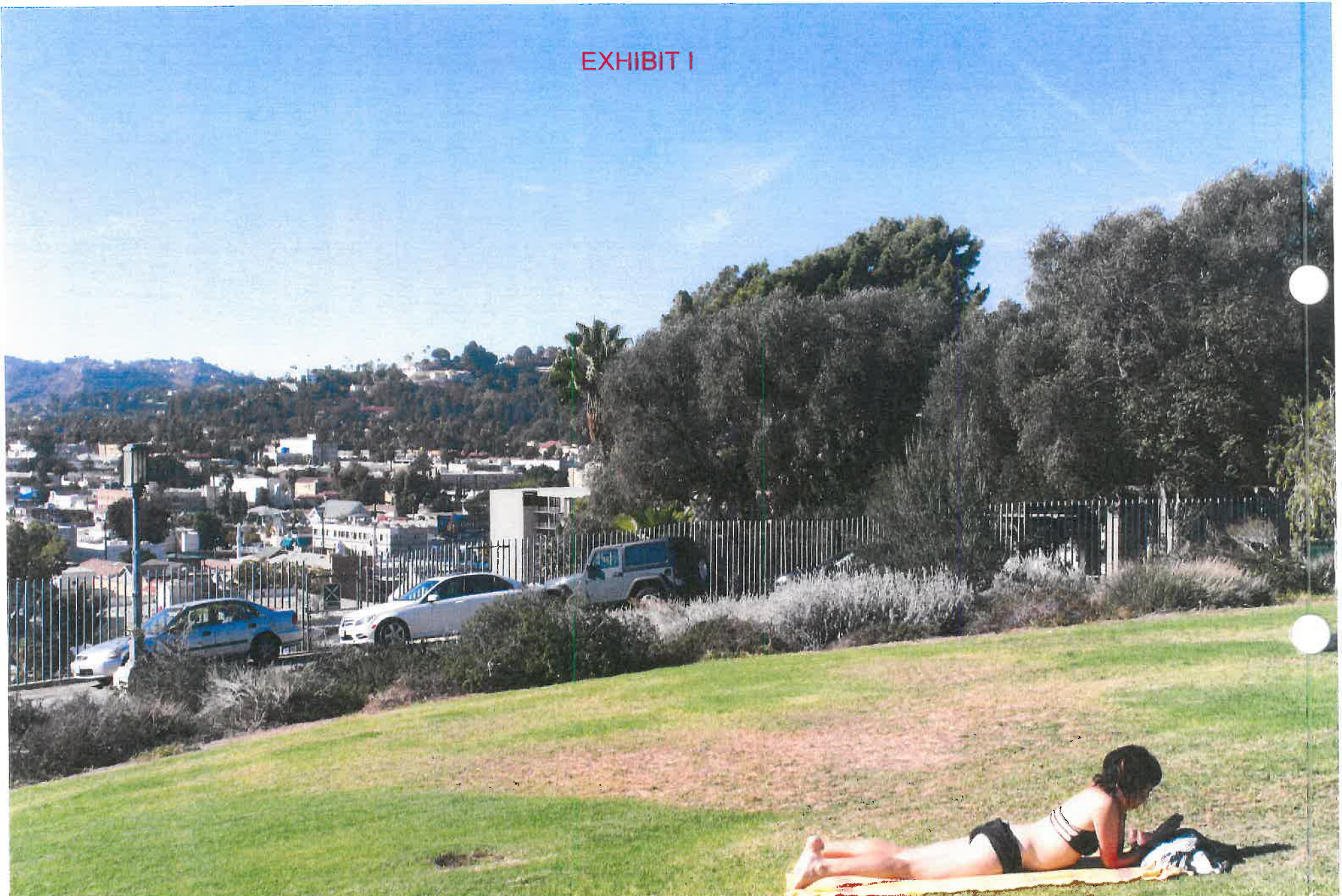




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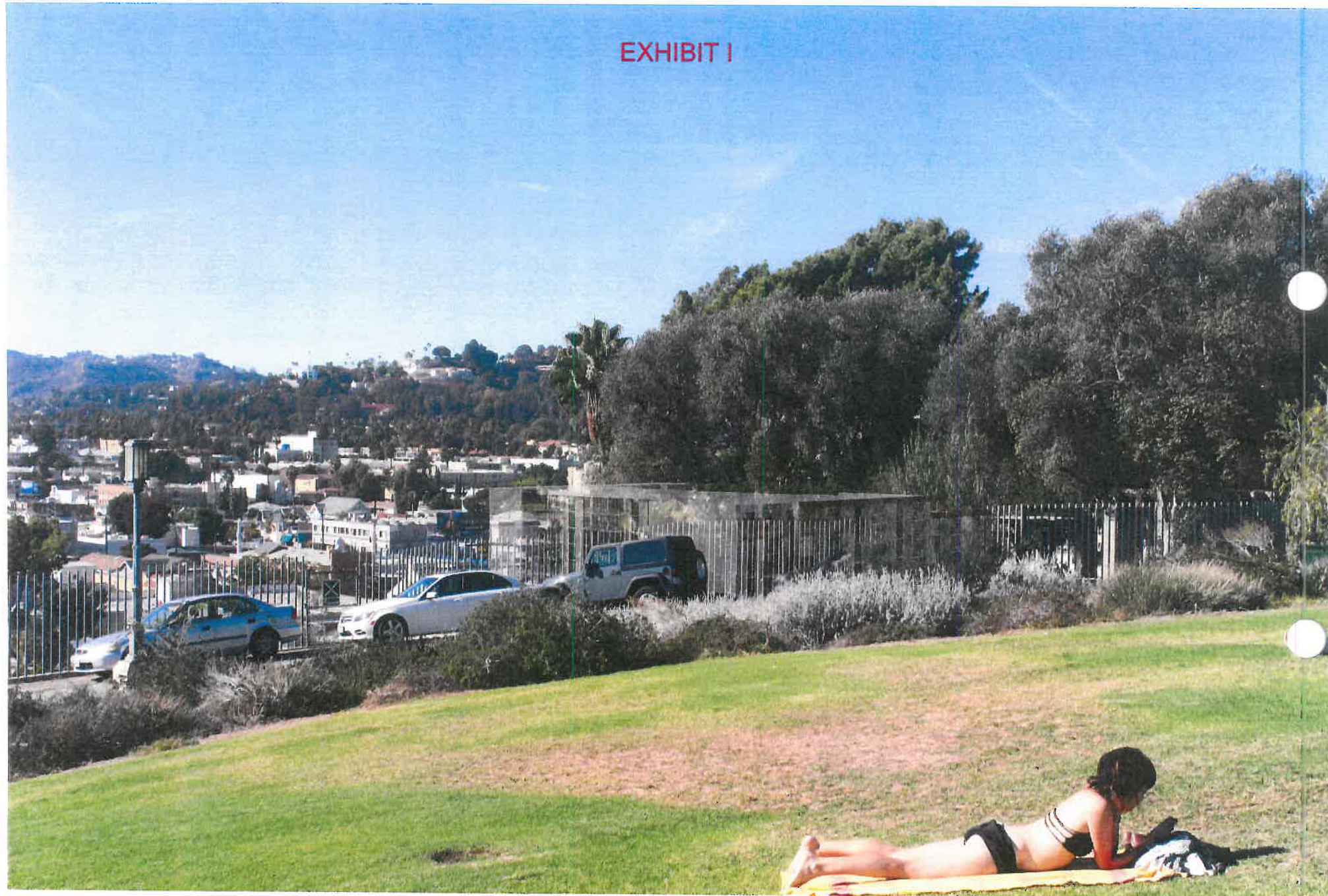




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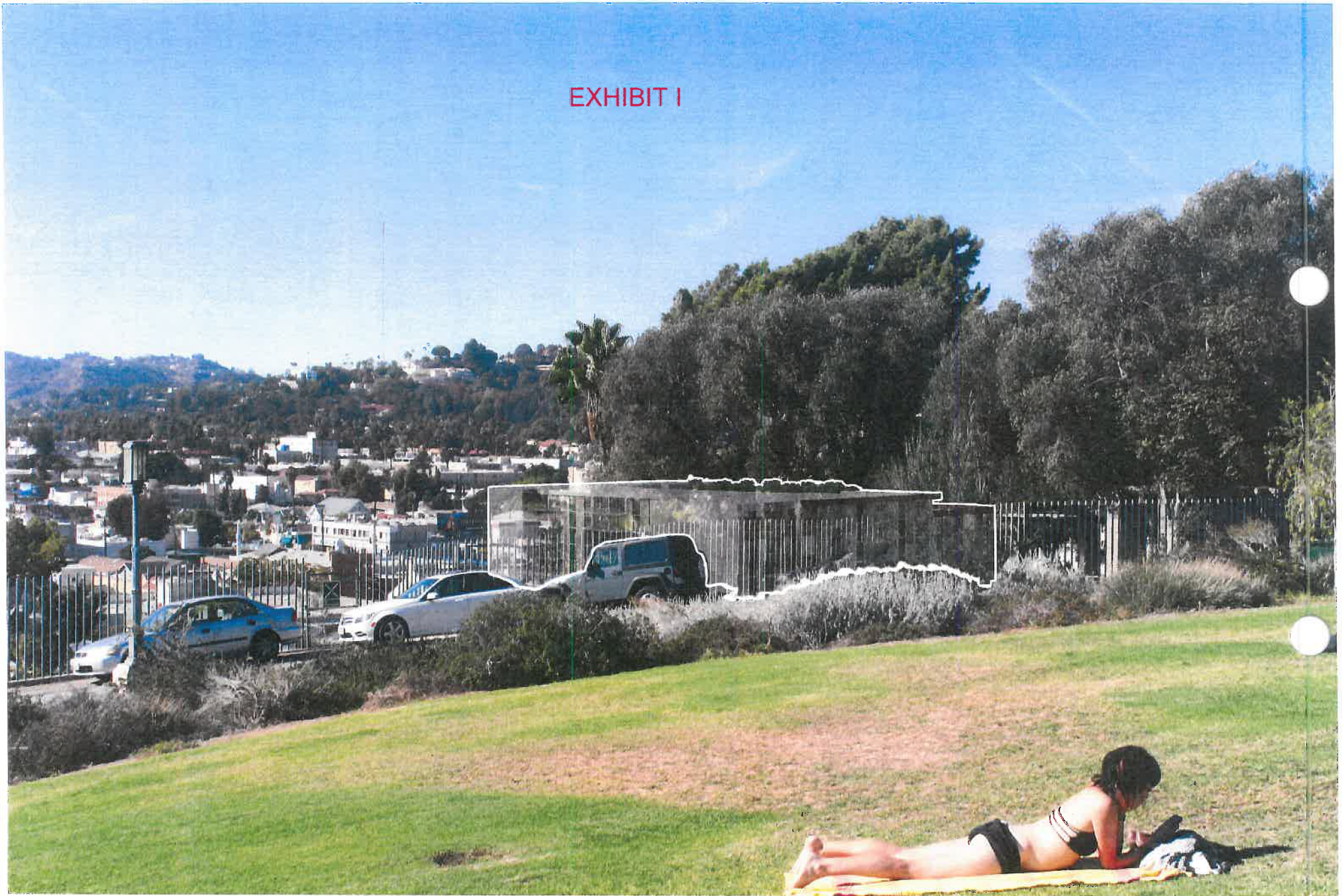




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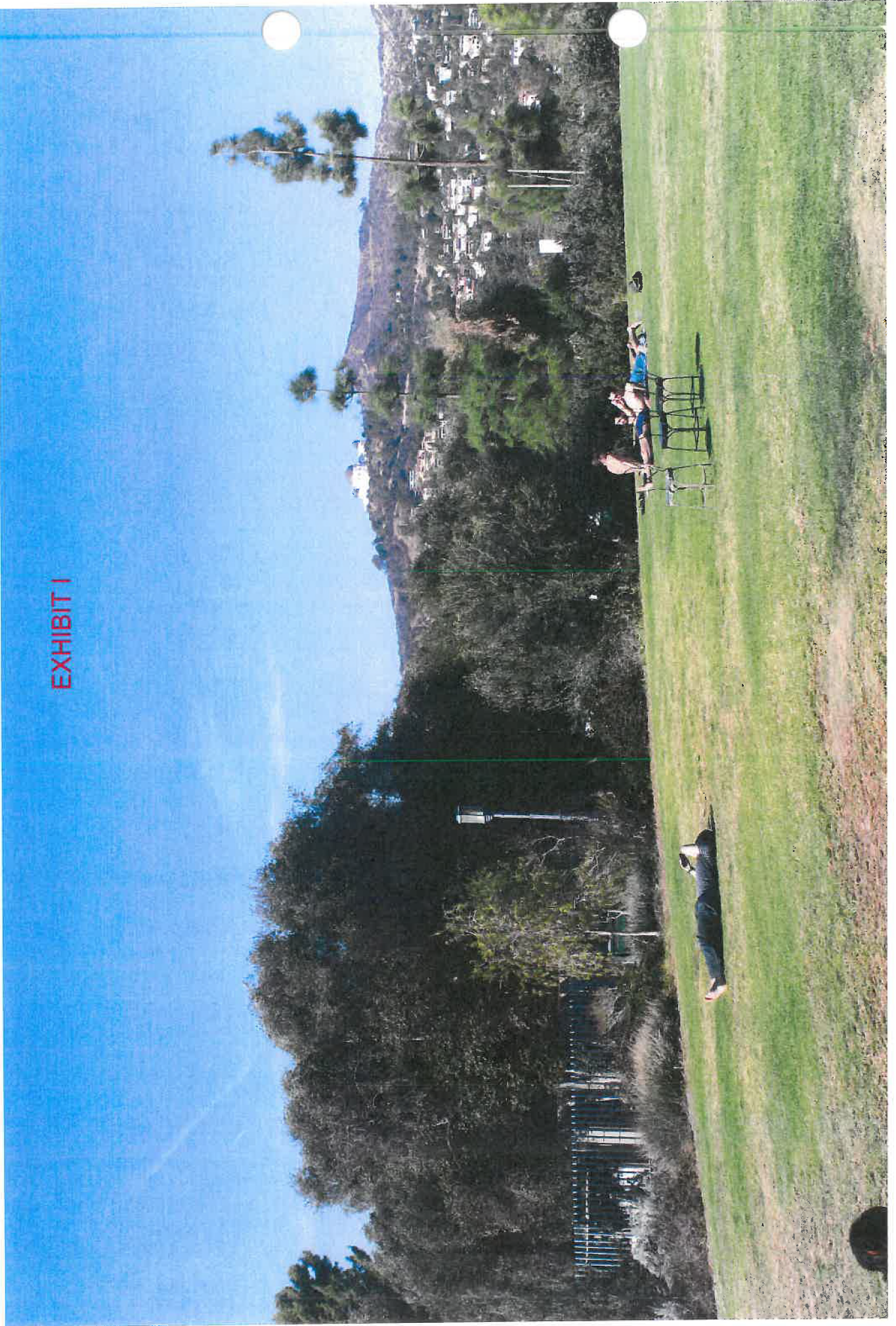




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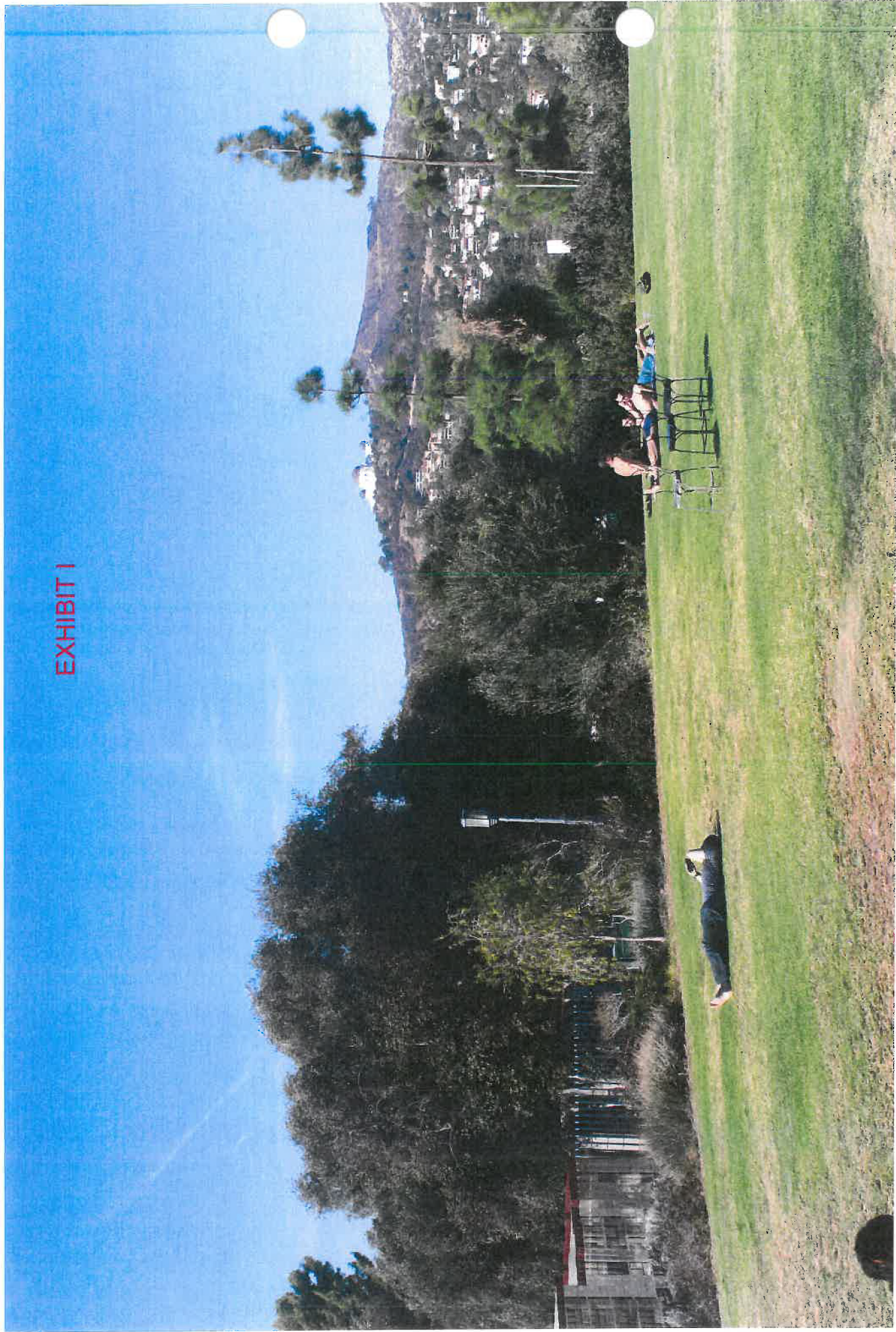






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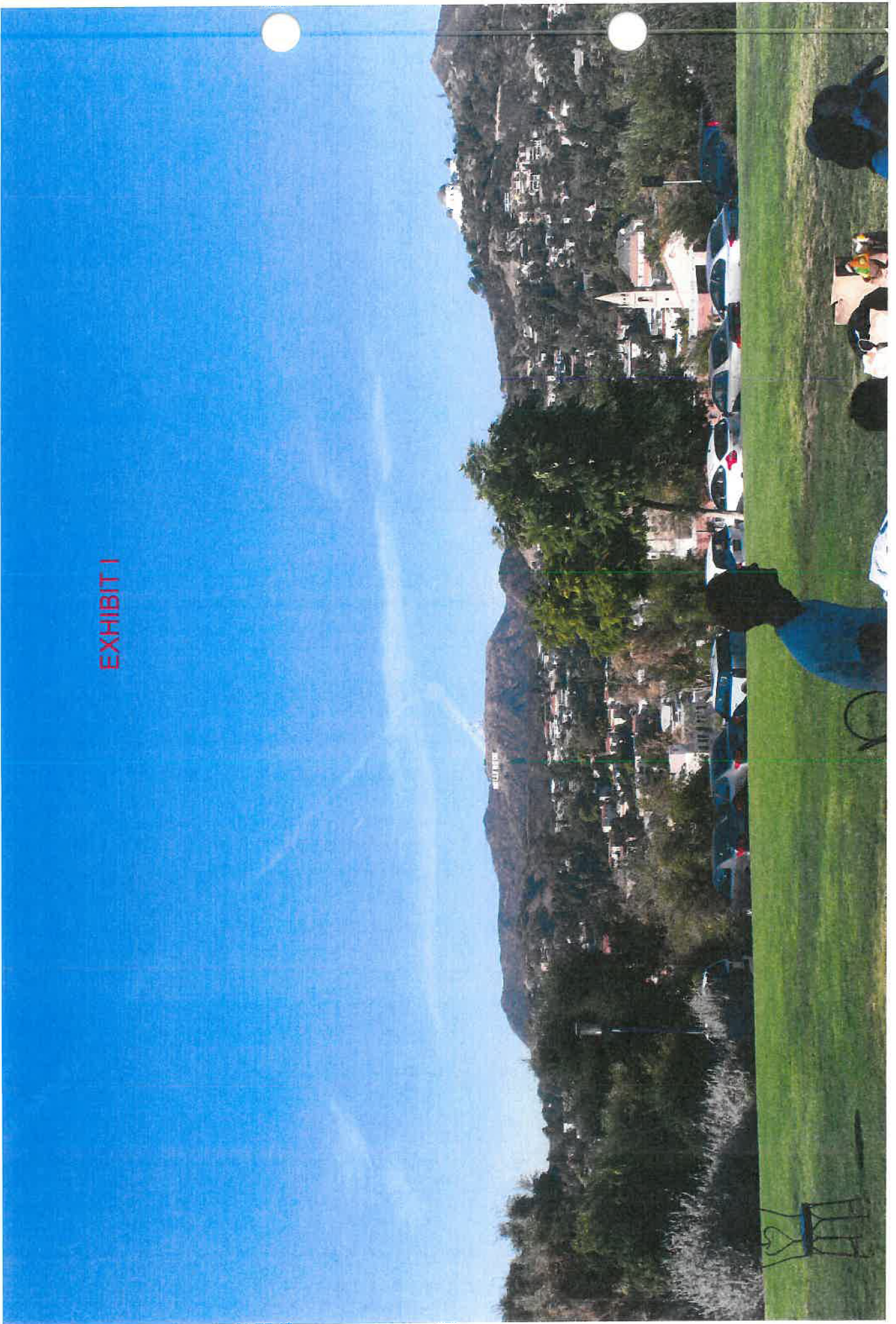


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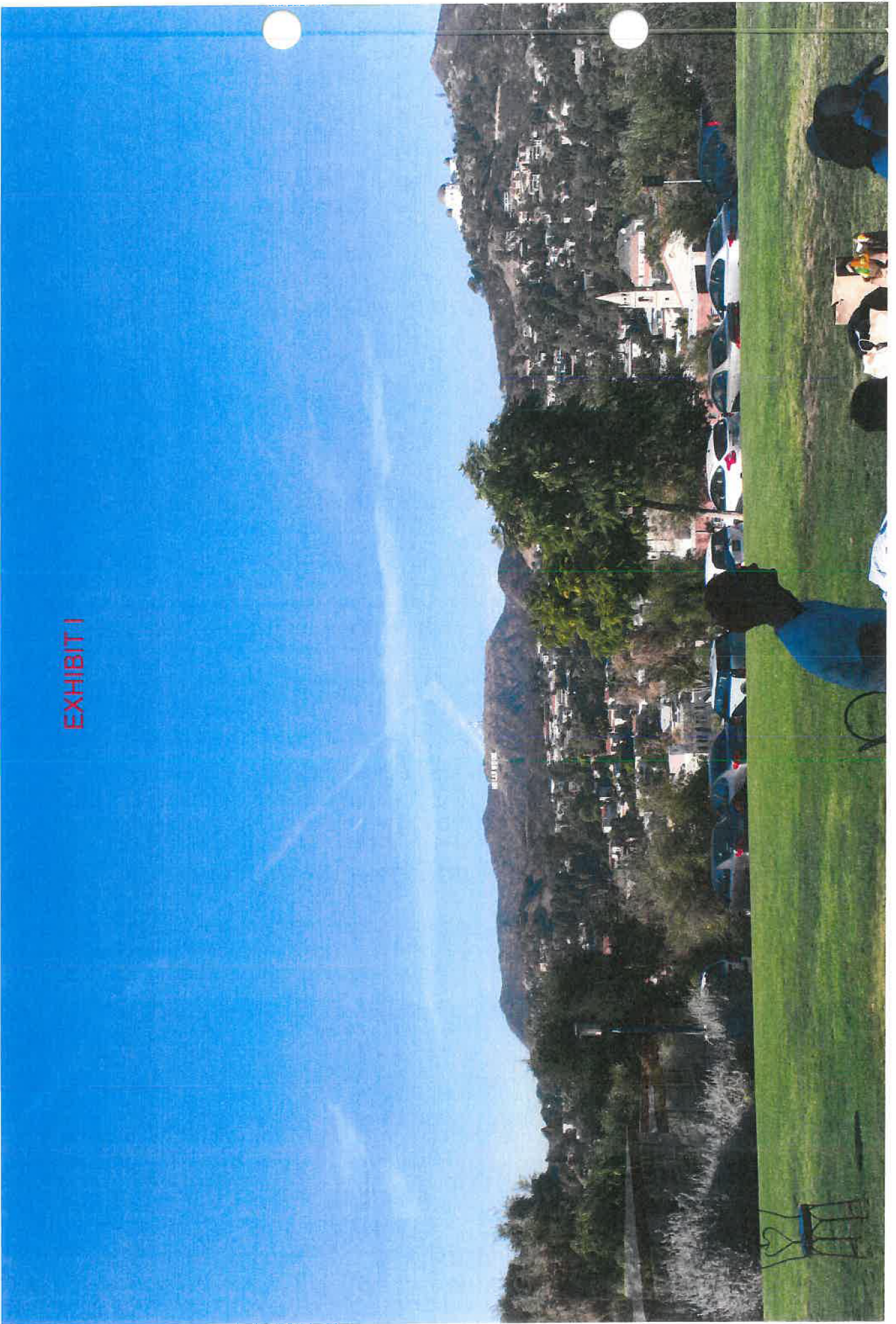


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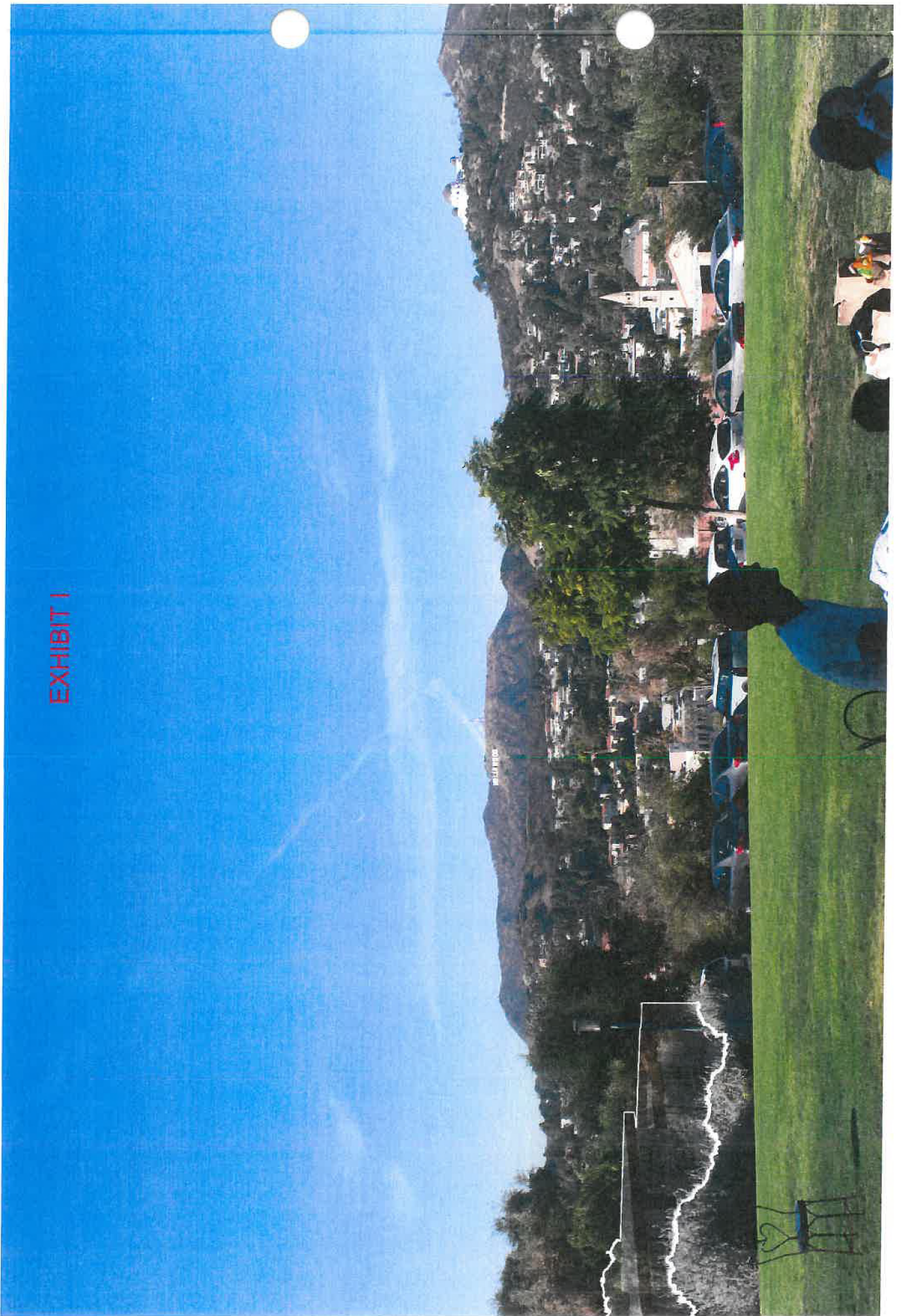




EXHIBIT I





EXHIBIT I







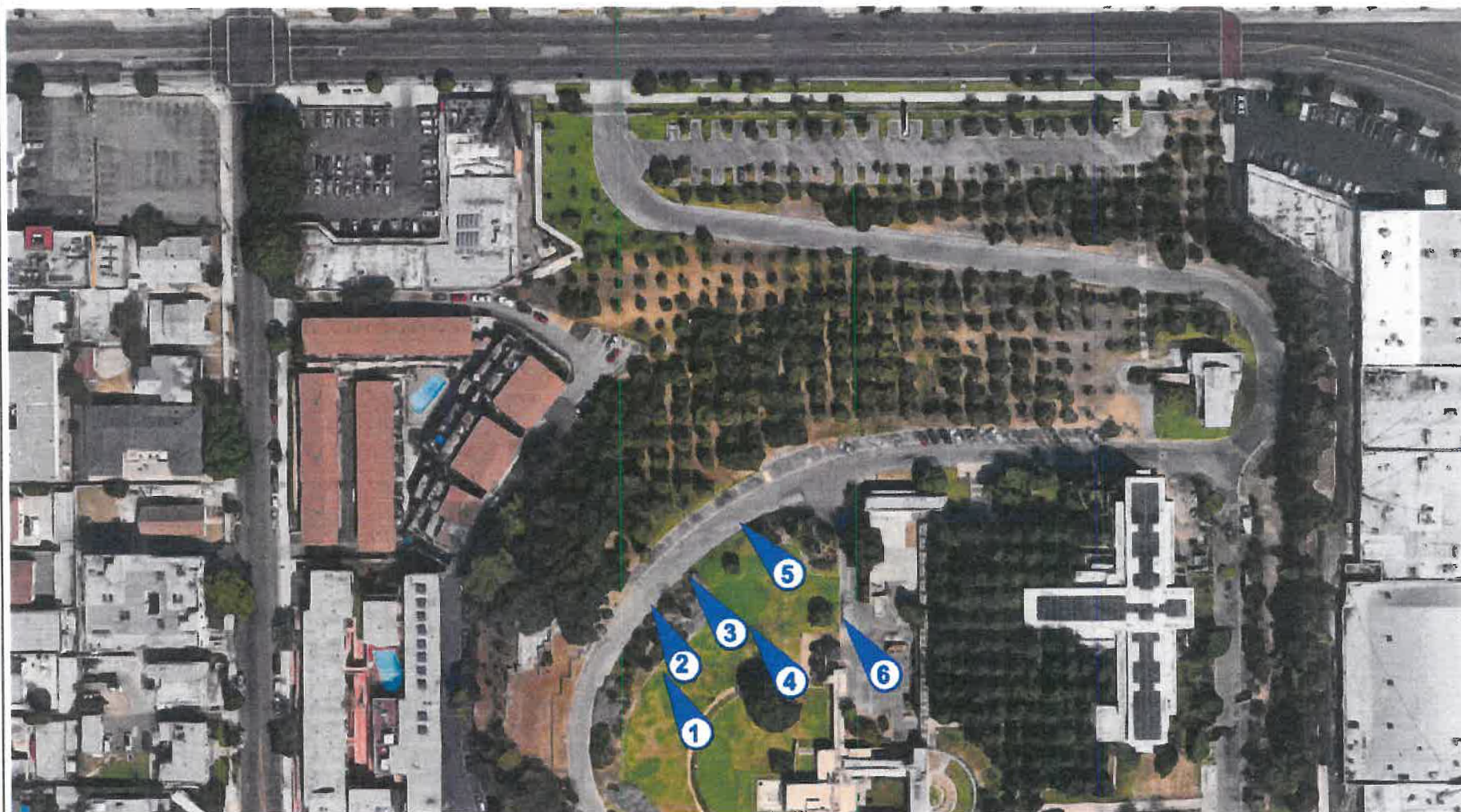
EXHIBIT 1



EXHIBIT I







Source: Urban Architecture Lab, May 21, 2018.



Figure III-2  
Visual Simulation from Barnsdall Park Key Map





Existing View with Building Placement



Proposed View

Source: Urban Architecture Lab, May 21, 2018.





Existing View with Building Placement



Proposed View

Source: Urban Architecture Lab, May 21, 2018.





Existing View



Proposed View

Source: Urban Architecture Lab, May 21, 2018.



Figure III-5  
Visual Simulation from Barnsdall Park - View 3





Existing View



Proposed View

Source: Urban Architecture Lab, May 21, 2018.





Existing View



Proposed View

Source: Urban Architecture Lab, May 21, 2018.



Figure III-7  
Visual Simulation from Barnsdall Park - View 5





Existing View with Building Placement



Proposed View

Source: Urban Architecture Lab, May 21, 2018.



Figure III-8  
Visual Simulation from Barnsdall Park - View 6





September 17, 2018

Jose Huizar  
Chairman  
Planning and Land Use Committee  
City of Los Angeles  
200 N. Spring Street, 5<sup>th</sup> Floor  
Los Angeles, CA 90012

RE: Response to Appeal Regarding Impacts to Historic Resources in Vicinity of  
4773 Hollywood Boulevard

In September 2017, GPA prepared a Historical Resource Technical Report (HRT) for the subject project at 4773 Hollywood Boulevard. The purpose of the HRT was to identify historical resources on or in the vicinity of the project site, to assess any potential impacts the Project may have on the identified historical resources, and to recommend mitigation measures, as appropriate.

In analyzing potential impacts on historical resources, GPA used the City of Los Angeles' "L.A. CEQA Thresholds Guide," which states that a project would normally have a significant impact on a historical resource if it would result in a substantial adverse change to the historical resource. A substantial adverse change occurs if the project involves:

- Demolition of a historical resource;
- Relocation that does not maintain the integrity and (historical/architectural) significance of a historical resource;
- Conversion, rehabilitation, or alteration of a historical resource that does not conform to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings; or
- Construction that reduces the integrity or significance of a historical resource on the site or in the vicinity.

As such, the test for determining whether or not a proposed project would have a significant impact on an identified historical resource is whether or not the project would alter in an adverse manner the physical integrity of the historical resource such that it would no longer be eligible for listing under national, state, or local landmark or historic district programs.

Our understanding is that the subject project is being appealed and one of the points of contention is whether or not the project would affect views from Barnsdall Park, potentially jeopardizing the eligibility of the Hollyhock House for listing as a UNESCO World Heritage Site.

**your quality environmental consulting team**

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231 california street, el segundo ca 90245 t. 310.792.2690 f.310.792.2696





An appeal of the subject project (Appeal of VTT No. 74730-SL-1A; ENV-2016-4903-CE) argues:

The height of the project would have a significant impact upon the historic viewsheds from Barnsdall Park. Development of the project would likely ensure that the Hollyhock House is not listed as a World Heritage Site. The height of the project will also block established views of Barnsdall Park from Berendo St. north of the project site. Therefore, the proposed development would be materially detrimental to surrounding properties.<sup>1</sup>

The project would include the demolition of an existing building on 4773 Hollywood Boulevard and the construction of 18 single-family residential units with 40 above ground parking spaces. The new construction would range in height from 27'2" to a height of 47'6". The H RTP concluded that the project would have no direct impacts on historical resources. There are no historical resources on the project site and no historical resources would be demolished, altered, or relocated as a result of the project. Therefore, only the potential for indirect impacts from the project on the historical resources in the vicinity were analyzed. Indirect impacts or secondary effects are reasonably foreseeable and caused by a project, but occur at a different time or place. The CEQA Guidelines state the following:

An indirect physical change in the environment is a physical change...which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect change in the environment.<sup>2</sup>

For the purposes of the H RTP, a study area was identified as the project site and adjacent parcels. As the parcels on the opposite side of Hollywood Boulevard (south) and N. Berendo Street (west) are mostly surface parking lots they were excluded from the analysis.

Barnsdall Park was identified as a historical resource is the general vicinity of the subject project. Barnsdall Park is separated from the project site by Hollywood Boulevard, a wide and heavily trafficked thoroughfare. South of the project site, across Hollywood Boulevard, is a surface parking for Barnsdall Park. The buildings and contributing features of Barnsdall Park are located on top of Olive Hill, elevated above Hollywood Boulevard. Barnsdall Park is a large complex of multiple buildings designed by Frank Lloyd Wright, R.M. Schindler, and several notable architects from his studio. The property has the following landmark designations:

- The Hollyhock House within Barnsdall Park was designated Los Angeles Historic-Cultural Monument No. 12 in 1963.
- The Barnsdall Park Arts Center (Residence A) was designated Los Angeles Historic-Cultural Monument No. 33 in 1965.
- Barnsdall Art Park was designated Los Angeles Historic-Cultural Monument No. 34 in 1965.
- Barnsdall Park was listed in the National Register of Historic Places in 1971.
- Residence A was listed in the National Register of Historic Places in 1994.

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<sup>1</sup> "4) Granting the Exceptions Will be Materially Detrimental to Surrounding Properties," *Appeal of VTT No. 74730-SL-1A; ENV-2016-4903-CE*, 6.

<sup>2</sup> Section 15064 (d)(2).



- The Aline Barnsdall Complex was designated a National Historic Landmark in 2007.

In 2015, Hollyhock House within Barnsdall Park was one of ten Frank Lloyd Wright-designed buildings nominated by the United States Secretary of the Interior for placement on the UNESCO World Heritage List.<sup>3</sup> A World Heritage Site is a place that is listed by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as being of special cultural or physical significance. The list is maintained by the international World Heritage Programme administered by the UNESCO World Heritage Committee. Once a site is inscribed in the World Heritage List, the state party (i.e. the United States) has to ensure that effective and active measures are taken for its protection, conservation, and presentation. While the nomination underscores the significance Hollyhock House, as of rules passed in 2011, the United States is not currently eligible to make World Heritage nominations because it does not pay dues to UNESCO or the World Heritage Fund.

In our H RTP, GPA excluded Barnsdall Park from the study area after concluding that the subject project could have no indirect impacts on Barnsdall Park. The subject project is separated from Barnsdall Park by Hollywood Boulevard and a parking lot. Barnsdall Park is elevated from the project site. Therefore, there was no potential for the subject project to reduce the integrity of Barnsdall Park. According to *National Register Bulletin #15*, "to be eligible for listing in the National Register, a property must not only be shown to be significant under National Register criteria, but it also must have integrity."<sup>4</sup> Integrity is defined in *National Register Bulletin #15* as "the ability of a property to convey its significance."<sup>5</sup> Within the concept of integrity, the National Register recognizes seven aspects or qualities that in various combinations define integrity. They are feeling, association, workmanship, location, design, setting, and materials, and they are defined by *National Register Bulletin #15* as follows:<sup>6</sup>

- Location is the place where the historic property was constructed or the place where the historic event occurred.
- Design is the combination of elements that create the form, plan, space, structure, and style of a property.
- Setting is the physical environment of a historic property.
- Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
- Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.
- Association is the direct link between an important historic event or person and a historic property.

<sup>3</sup> Frank Lloyd Wright Buildings nominated as a group for listing on the UNESCO World Heritage List: Taliesin West, Scottsdale, Arizona; Hollyhock House, Los Angeles, California; Marin County Civic Center, San Rafael, California; Frederick C. Robie House, Chicago, Illinois; Unity Temple, Oak Park, Illinois; Solomon R. Guggenheim Museum, New York, New York; Price Tower, Bartlesville, Oklahoma; Fallingwater, Mill Run, Pennsylvania; Taliesin, Spring Green, Wisconsin; and Herbert and Katherine Jacobs House, Madison, Wisconsin.

<sup>4</sup> *National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation* (Washington D.C.: U.S. Department of the Interior, revised 1997), 44.

<sup>5</sup> *National Register Bulletin #15*, 44-45.

<sup>6</sup> *National Register Bulletin #15*, 44-45.



The only relevant factor of integrity with regard to Barnsdall Park and the analysis of indirect impacts is setting. Setting refers to the character of the place in which the historical resource is situated within the boundaries of the property as well as the broader surroundings. The National Historic Landmark Nomination prepared in 2005 characterized the integrity of the property as follows:

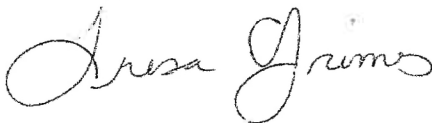
The setting, most dramatically the westward view shed, has been preserved in spite of the later development of the peripheral property not included in Aline Barnsdall's gift. In the gift agreement, she specified that any new construction on the lots she still owned bordering the property's west side would be capped at sixty feet (60'). Barnsdall and her heirs owned the property for about thirty years after the gift and the apartment development under their ownership adhered to the agreement and remains unchanged.<sup>7</sup>

The "property's west side" referred to above extended to the east side of Edgemont Street, south of Hollywood Boulevard. The subject project site is north of Hollywood Boulevard and was never subject to the 60' cap. As proposed, the subject project will have a maximum height of 47'6". The subject project will not obscure the westward view shed, which was identified by Aline Barnsdall as an important view shed to preserve. Moreover, the height of the project is consistent with or shorter than surrounding developments north of Barnsdall Park. The height of the project is consistent with urban development that has been constructed around Barnsdall Park since the site was initially developed. The only viewshed the subject project has the potential to impact is the viewshed north towards the mountains. This viewshed would not be obscured or substantially altered by the subject project.

While the project would introduce a new visual element to the surrounding neighborhood of Barnsdall Park, the impact would be less than significant. The view along the north side of the park, facing the project site, is obscured by the slope angle and the grove of mature olive trees planted on the north side of the park. Currently, this landscaping obscures views of Hollyhock House from Berendo Street, adjacent to the project site. These trees are part of the historic fabric of the park and are required to be maintained as part of the historical resource; it is unlikely this view of the historical resource from Berendo Street would be altered. The project as currently designed at three stories would not have such a visual impact that it would materially impair the integrity of Barnsdall Park to the degree it would no longer be eligible for listing under national, state, or local landmark designation programs. Additionally, the subject project would not be visible from the lawn on the west side of the Hollyhock House, which is a key viewpoint for the UNESCO application.

In conclusion, the project would have no indirect impacts on Barnsdall Park. The subject project will not impact the significant viewsheds from Barnsdall Park and would not affect the eligibility of Barnsdall Park for listing as a UNESCO World Heritage Site.

Sincerely,



Teresa Grimes

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<sup>7</sup> Jeffery Herr, National Historic Landmark Nomination, Aline Barnsdall Complex, 2005.