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**STAFF RESPONSE TO APPEAL OF CITY PLANNING COMMISSION ACTION**

**Project Name:** NoHo West  
**Project Address:** 6150 N. Laurel Canyon Boulevard  
**City Planning Case Nos:** CPC-2015-889-VZC-SN-VCU-CU-MCUP-SPR-ZAD-ZAA-1A;  
ENV-2015-888-EIR

On October 26, 2016, the City Planning Commission issued a determination letter approving the proposed NoHo West project, involving an integrated commercial, retail, and residential development totaling approximately 1.3 million square feet, including: (1) the adaptive re-use, rehabilitation, and partial expansion of the former Macy's building for approximately 256,000 square feet of office and retail uses, (2) approximately 316,000 square feet of new commercial development, to include retail, restaurant, health club, and cinema uses, (3) 642 rental housing units in two main residential buildings, and (4) public and private recreational amenities strategically located within the 25-acre site. The project also involves development of associated parking facilities, the installation of commercial signage, and the demolition of several existing buildings on-site. The City Planning Commission took the following actions in regards to the project:

- Found the previously certified Environmental Impact Report (EIR) to be adequate;
- Recommended that the City Council approve the proposed:
  - Zone Change,
  - Height District Change, and
  - Establishment of a Sign District for the site; and
- Approved other entitlements, including:
  - Vesting Conditional Use for floor area averaging,
  - Master Conditional Use for alcohol sales,
  - Site Plan Review,
  - Determination to exceed transitional height requirements,
  - Determination to allow commercial shared parking, and
  - Adjustment for a reduced rear yard setback.

On November 10, 2016, part of the City Planning Commission action was appealed by Walter Hall on behalf of the Laurel Grove Neighborhood Association, claiming to be aggrieved by the action. The appeal addressed certain portions of the City Planning Commission's determination, including: the EIR, Zone Change, Height District Change, Sign District, Determination for transitional height, Determination for shared parking, and the Adjustment to the rear yard setback. However, the Commission's recommendation for approval of the Zone Change, Height District Change, and Sign District is not appealable. Therefore, appeal responses are limited to the following entitlements:

- Environmental Impact Report,
- Determination to exceed transitional height requirements,
- Determination to allow commercial shared parking, and
- Adjustment for a reduced rear yard setback.

## **APPEAL ANALYSIS**

The *appeal points of the Appellant* have been summarized below, followed by staff responses:

### **Appeal Point 1:**

*The Environmental Impact Report was not based on independent or objective review; Planning Staff worked closely with the project applicant and their consultants and made recommendations on certain project elements which influenced the project's design and impacts.*

### **Staff Response:**

As the Lead Agency for the project, the Department of the City Planning carefully reviewed and issued an Environmental Impact Report (EIR) for the project, reflecting the independent judgment and analysis of the lead agency. In the preparation of an EIR, environmental consultants prepared these documents on the City's behalf and provided Planning staff with supporting documentation and technical studies regarding the project. The Department of City Planning carefully reviewed and considered all supporting documentation, as well as public comments received from other federal, state, and local agencies and individuals, and issued environmental review documents based on a fair analysis of the information received. The EIR is only released if the EIR reflects the City's standard of review and independent judgment.

These documents were reviewed by the decision-maker, the City Planning Commission, and the Commission made findings that the EIR was adequately prepared in accordance with the California Environmental Quality Act and that the EIR reflected the independent judgement of the Lead Agency. The appellant has not provided any specific details or information which would demonstrate a biased review of the EIR.

The appellant did correctly state that elements of the project and its impacts were influenced by Department of Planning staff. Various Planning staff members, including the Urban Design Studio, did provide continuous feedback and guidance to the project applicant in order to align the project's design with Community Plan policies, Citywide Design Guidelines, environmental standards, and other city regulations and objectives. For example, residential units were sited away from the freeway in order to reduce negative air quality health impacts on new residents, in-line with Commission policies. However, feedback provided by the Department reflecting existing citywide policies and standards does not demonstrate a biased review of the EIR. Therefore, neither the City Planning Commission, nor the Department of City Planning erred or abused their discretion in either the approval or preparation of the Environmental Impact Report, and the appeal point should be denied.

**Appeal Point 2:**

*The Environmental Impact Report did not adequately address traffic effects on the residential streets immediately adjacent to the project.*

**Staff Response:**

The Environmental Impact Report fully analyzed the project's traffic and a Traffic Study was conducted in accordance with Los Angeles Department of Transportation (LADOT)'s Traffic Study Policies & Procedures, dated August 2014. An Assessment Letter was drafted and signed by LADOT staff on November 19, 2015, stating that LADOT agreed with the recommendations and findings of the Traffic Study (included in Appendix J of the Draft EIR). Data collection for all study intersections was conducted on a weekday during a non-holiday week when the local schools were in session (see Section 2.3 of the Traffic Study). The Traffic Study did analyze traffic along the residential street of Radford Avenue, as well as the Radford Avenue and Oxnard Street intersection, and found that no significant impacts would occur at these locations. In response to community concerns, the Final EIR also included a supplemental traffic count of the daily traffic traveling along Radford Avenue between Erwin Street and Oxnard Street (see Appendix E of the Final EIR). This analysis also found that project-related and future traffic volumes to be well within the capacity of the roadway, and also determined that the Radford Avenue and Erwin Street intersection would continue to operate at a Level of Service (LOS) A, even under future with project conditions.

The Final EIR also directly addressed comments and provided additional details regarding potential cut-through traffic (e.g. Response to Comment 6-3 in the Final EIR). The EIR concluded that none of the other residential neighborhood streets would provide any time-savings or mobility options that would make them attractive as alternative "cut-through" routes for Project traffic.

During the public hearing process, the Laurel Grove Neighborhood Association submitted a list of potential traffic calming measures in an effort to reduce traffic impacts and cut-through traffic on the surrounding single-family residential areas. The list of measures was reviewed by LADOT. Of the requested list of thirteen items, three measures were found to be feasible and had the potential to improve public safety and/or circulation. The following three measures were then incorporated by the City Planning Commission as recommended conditions of approval under the Zone Change (Q) conditions:

- Installation of a continental crosswalk at Radford Avenue and Oxnard Street.
- Analysis and implementation, if feasible, of the installation of traffic control devices or physical barriers to prevent southbound project-related traffic from exiting the project site driveway onto Radford Avenue.
- Analysis of the following intersections for possible blockage and installation of "KEEP CLEAR" road markings and "Do Not Block Intersection" signage per DOT approval: Colfax Avenue and Califa Street, Colfax Avenue and Collins Street, Oxnard Street at Vantage Avenue, Oxnard Street at Carpenter Avenue.

The above-mentioned evidence, all included in the public record, demonstrates that traffic impacts were adequately addressed in the Environmental Impact Report and Traffic Studies for the project. In addition, other traffic calming measures suggested by the community had already been vetted by LADOT and were incorporated where feasible into the project's conditions of approval. The appellant has not submitted any additional evidence, such as an independent traffic study, which would dispute the assertions or findings of the EIR. Therefore, the City Planning Commission did not err or abuse its discretion in approving the Environmental Impact Report and the project conditions, and the appeal point should be denied.

**Appeal Point 3:**

*The zoning for the Zone and Height District Change should apply up to the mid-point of the street.*

**Staff Response:**

The Zone and Height District Change was approved by the City Planning Commission and has been forwarded to the City Council for further action. The City Planning Commission decision can only be appealed by the applicant *if denied*. Therefore, the appellant does not have the authority to appeal this action, and the appeal point should be dismissed.

Although a response is not required, the following addresses the appellant's statement regarding the application of the Zone and Height District Changes:

The appellant contends that Los Angeles Municipal Code Section 12.30.E. specifies that a line midway in the street should be considered the boundary between two zones. This is an incorrect reading of the Code Section, since the Code Section referenced by the appellant refers to instances where the area of the public right-of-way has to be allocated or divided into adjoining properties. This is not the case for the proposed project. Pursuant to LAMC 12.30.B, zone boundary lines are either street, alley, or lot lines, and the proposed Zone and Height District Ordinance Map for the project correctly identifies the zone boundaries for the site.

**Appeal Point 4:**

*The Zoning Administrator's Determination to allow project Residential Building heights of up to 69 feet is inappropriate along the single-family neighborhood.*

**Staff Response:**

Transitional Height standards of the Municipal Code (LAMC 12.21.1-A,10) set maximum building heights for commercially-zoned uses within 200 feet of single-family residential zones. Maximum building height standards are as follows:

25 feet in height between 0-50 feet,  
33 feet in height between 50-100 feet, and  
61 feet in height between 100-200 feet from single-family residential zones.

The project site is adjacent to single-family residential zones along Erwin Street to the north and the Laurel Hall School to the south and east (although Laurel Hall School is not a residential use, it is located in a residential zone).

No transitional height deviations were approved for the portion of the project adjacent to the single-family residences along Erwin Street. The Residential Building height of 69 feet mentioned by the appellant occurs at a distance of over 200 feet away from any single-family residence and is permitted by-right pursuant to the Municipal Code.

Transitional height deviations were only approved for the portion of the site adjacent to the private school use in a residential zone. Along the school, the multi-family residential building (Residential Building B) exceeds the 33-foot height limit by *one foot* within 100 feet of the school, and also exceeds the 61-foot height limit by *three feet* within 200 feet of the school. In order to protect the privacy of students on the school campus, the project has been designed to

orient residential balconies on the southern façade into the interior courtyards of the building, rather than directly face the school campus.

The commercial component of the project also contains a 76-foot tower element and other architectural features that rise to 72 feet in height on Commercial Building H, located away from any single-family residences and located approximately 40 feet from the school. Aside from these two architectural elements, the majority of the building height is either 58 or 65 feet in height, but well below the existing 110-foot height of the Macy's building. The commercial building has also been designed to orient away from the school, so that active commercial frontages are only along the northern and western elevations of the building, and any loading or noise-generating back-of-house uses are located farthest away from the school. The proposed building heights would not create any shade/shadow or privacy impacts to the school.

Since the project has been designed to avoid impacts to single-family residences and minimize impacts to the adjacent school, approval of these deviations upholds the intent of the height standards put in place to protect adjacent residential areas from incongruent development. This is further extrapolated in the findings of approval for the deviation (see pages F-16 through F-21 of the CPC determination). Therefore, the City Planning Commission adequately analyzed the project and did not err or abuse their discretion in approving the height deviations, and the appeal point should be denied.

**Appeal Point 5:**

*The Sign District does not reflect the City Planning Commission's action of only permitting two freeway-facing billboards and a prohibition on digital signs.*

**Staff Response:**

The Sign District Supplemental Use District was approved by the City Planning Commission and has been forwarded to the City Council for further action. The City Planning Commission decision can only be appealed by the applicant *if denied*. Therefore, the appellant does not have the authority to appeal this action, and the appeal point should be dismissed.

Although a response is not required, the following addresses the appellant's statement regarding the City Planning Commission's action:

The City Planning Commission's action is correctly reflected in the draft Sign District Ordinance presented to the City Council, which allows a maximum of four Supergraphic Signs on the west elevation of the parking structure along the 170 Freeway, and one Digital Display on the east elevation of the parking structure along the central plaza (see Section 6.H and 6.I. of the draft Sign District Ordinance). No freeway-facing Digital Displays are permitted in the draft Sign District Ordinance.

**Appeal Point 6:**

*The Zoning Administrator's Determination to allow for reduced off-street parking is based on unknown assumptions.*

**Staff Response:**

The appellant states that the reduction of off-street parking is premature since the tenants are still unknown at this time and the study is based on assumptions regarding the nature of the commercial uses at the site.

Although particular tenants for the site are unknown, the general allocation of commercial uses for the project site is known. The Mobility Group August 2016 Parking Study applied shared parking methodology to the project based on the following proposed mix of commercial uses:

Use	Floor Area
Retail	188,000 sf
Restaurant	57,850 sf
Cinema (1,750 seats)	50,000 sf
Health Club/Gym	32,000 sf
Office	244,150 sf
<b>Total Commercial</b>	<b>572,000 sf</b>

The Urban Land Institute (ULI), with input and assistance from the International Council of Shopping Centers (ICSC), developed a computer model that measures the peak parking demand for land uses commonly found within mixed-use developments and calculates a peak parking accumulation for each land use for each hour of the day. Specific adjustments are then applied to the peak hourly accumulation rates to create project specific accumulation rates based on project characteristics such as travel mode split, internal capture, and time of year. After these adjustments have been applied, the peak hourly accumulations of each of the land uses located within a mixed-use development are aggregated to determine the overall project peak hourly parking accumulation totals. The results of this computer modeling, peak parking accumulation and analysis were included in the Mobility Group August 2016 Parking Study.

The study determined that the peak parking demand for the commercial uses would be 2,046 spaces (compared to the 2,389 spaces required by Code), with the peak demand occurring at 1 p.m. on a weekday. Approval of the parking reduction was found to still uphold the intent of parking standards while creating a more efficient use of land by minimizing parking areas based on actual parking demands. The applicant had also committed 50 additional parking spaces, above the 2,046 spaces, to be dedicated for use by Laurel Hall teachers and staff, as an amenity for the school and to aide in parking relief on the adjacent local streets. These additional parking spaces will also be available to visitors of the shopping center during non-school hours, including evenings and weekends.

As evidenced above, parking assumptions were based on known allocations of commercial floor area for the project, and utilized accepted methodologies for determining actual parking demand. Any changes to the allocation of uses would require additional review and approval from the Department of City Planning. Therefore, the City Planning Commission did not err or abuse its discretion in approving the parking reductions, and the appeal point should be denied.

#### **Appeal Point 7:**

*The Zoning Administrator's Adjustment to allow for a reduced rear yard is inappropriate because the project is deficient in the amount of green and open space, and the project should be revised to incorporate a main central park area.*

#### **Staff Response:**

The appellant requests that the developers proposed "main street" through the center of the commercial area in the project be closed off and the space be reconfigured to add more open green space in the center of the project, and states that the proposed open space east of the office building is poorly located.

The development plans for the project, as approved by the City Planning Commission (Exhibit A of the Staff Report to the Commission), demonstrate that the project will meet and exceed the open space requirements of the Municipal Code. The project will include 86,202 square-feet of open space areas within Residential Buildings A and B, in excess of the 66,500 square-feet of residential open space area required by the Municipal Code. Although the Municipal Code does not set open space requirements for commercial uses, the project will also include a 24,000 square-foot central plaza area within the commercial component of the project, as well as a 25,000 square-foot public open space with playground and dog park amenities situated immediately east of the former Macy's building, allowing for direct access from the interior offices and directly facing the two residential buildings. As demonstrated, the project exceeds the open space requirements for the site.

Furthermore, the reduced rear yard request does not affect these open space areas. Approval for the reduced rear yard is supported by findings (see pages F-22 through F-24 of the CPC determination), and the appellant has failed to show that the Commission erred or abused its discretion in approving the setback adjustment. Therefore, the appeal point should be denied.

### **CONCLUSION**

Upon careful consideration of the Appellant's points, the Appellant has failed to adequately disclose how the City erred or abused its agency discretion. In addition, no new substantial evidence was presented that City as erred in its actions relative to the EIR and the associated entitlements. The appellant has raised no new information to dispute the Findings of the EIR or the City Planning Commission's actions on this matter and Planning staff respectfully recommends that the appeal be denied.

Sincerely,



Milena Zasadzien  
City Planner  
Major Projects, Department of City Planning

