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September 30, 2022

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

APPEAL SUMMARY AND STAFF RESPONSE. 1130 South Hope Street; CF 22-0851

Project Background

The Project involves the construction of a new eight-story, 112 guest room hotel with 528 square-foot of ground floor retail space. The project will contain 46,741 square feet of total floor area with a corresponding Floor Area Ratio of 6:1. The ground floor features a lobby/reception area, along with other hotel amenities including a conference room, business center, vending machine room, trash and recycling area, loading area, restrooms, and an elevator lobby. The hotel's guest rooms will be evenly distributed across seven floors – 16 guest rooms per floor. The Project will provide two, on-site vehicular parking spaces and 21 off-site vehicular parking spaces located at 1028 South Hope Street.

On November 17, 2021, the Director of Planning approved a Site Plan Review for the construction of the proposed project, pursuant to LAMC Section 16.05 (Case No. DIR-2021-3656-SPR). Subsequently, an appeal was filed by the Appellants, Evo Homeowners Association and the Luma Homeowners Association represented by Sheri Bonstelle.

On June 2, 2022, the Central Los Angeles Area Planning Commission voted 4-0 to deny the appeal and sustain the Director of Planning's decision for the Site Plan Review (Case No. DIR-2021-3656-SPR-1A).

On June 16, 2022, the Evo Homeowners Association and the Luma Homeowners Association filed an appeal of the CEQA categorical exemption (Class 32) for the project (Case No. ENV-2020-3657-CE). Staff has responded to the appeal points below.

Staff Recommendation

Staff recommends that the PLUM Committee recommend for Council Action to deny the submitted CEQA appeal and sustain the Central Los Angeles Area Planning Commission's determination, based on the whole of the administrative record, that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332, Article 19 (Class 32), and that there is no substantial evidence demonstrating that the project would result in significant Traffic, Noise, Air Quality and Greenhouse Gas impacts and that the "Cumulative Impact" exception to the categorical exemption (ENV-2020-3657-CE) pursuant to CEQA Guidelines Section 15300.2 applies. As such, mitigation measures are not required to reduce environmental impacts to less than significant. The project description is consistent in both the Class 32 Categorical Exemption and the Letter of Determination for the entitlement case (Case No. DIR-2020-3656-SPR) involving the construction of a new eight-story, 106-foot hotel building with 112 guest rooms, 528 square feet of ground floor retail space, and 23 vehicular parking spaces encompassing a total floor area of 46,741 square feet. The following statements have been compiled and summarized from the submitted appeal and responded to below.

Appeal Summary

On June 16, 2022, the Appellant (Evo Homeowners Association and the Luma Homeowners Association) filed with their Appeal Application an Appeal Justification memorandum outlining the reasons for the appeal. The Appellant does not believe that the Project qualifies for a Class 32 Categorical Exemption citing that 1) the Project will have significant environmental impacts to Noise, Traffic, Air Quality and Greenhouse Gas and therefore an Exception to the Categorical Exemption exists; 2) the Project violates CEQA because it does not have a stable finite project description; and 3) the Project violates CEQA because it does not have mitigation measures to reduce significant environmental impacts to less than significant.

Appeal Point #1: The Project will have significant environmental impacts to Noise, Traffic, Air Quality and Greenhouse Gas and therefore an Exception to the Categorical Exemption exists

- a. The Noise Impact Analysis prepared for the Project fails to evaluate construction and operation impacts on the closest residential units of the Luma Building, fails to consider noise from mechanical rooms and rooftop uses, fails to utilize FWA noise standards, and fails to provide conditions or mitigation measures to reduce noise impacts to less than significant.**

Staff Response

As described in the Noise Impact Analyses prepared by Urban Crossroads, Inc, dated October 15, 2020 and August 31, 2021, a noise prediction model (developed by Urban Crossroads, Inc.) known as the Computer Aided Noise Abatement computer program, or CadnaA, was utilized to evaluate project-related construction and operation impacts. CadnaA calculates noise levels using multiple noise sources including a spatially accurate site plan, georeferenced Nearmap aerial imagery, topography, buildings, and barriers. In addition, reference noise level measurements were also utilized in the analysis and are based on similar types of construction and operational activities as well as reference noise levels collected 30-50 feet away from the project site. The Noise Impact Analyses identified four sensitive receptors consistent with Federal Highway Administration (FHWA) Guidelines and guidance from the California Department of

Transportation (CalTrans) and the Federal Transit Administration (FTA). Based on recommendations of Caltrans and the FTA, it is not necessary to collect measurements at each individual building or residence because each sensitive receptor measurement represents a group of buildings that share acoustical equivalences. As such, the Noise Impact Analyses appropriately evaluated noise impacts at nearby noise-sensitive residential uses including the residential units of the Luma Building with the assessment of the four identified sensitive receptors. Using the reference construction noise levels and the CadnaA noise prediction model, the analysis also provides a conservative assessment of construction noise levels with the highest noise-level producing construction equipment for each stage of Project construction operating at the closest point from primary construction activity to the nearest sensitive receptor location. Therefore, the Noise Impact Analyses properly assesses construction and operation noise impacts.

In assessing construction and operational activities associated with the proposed hotel project, including noise from the project's mechanical rooms and rooftop uses, the Noise Impact Analyses concluded that the Project will not result in significant noise impacts (The Noise Impact Analysis dated August 2021 provides a revised noise assessment that accounts for a less intensive hotel project than originally proposed, see Appeal Response No. 2). Noise generated from roof-top air conditioning units and outdoor activity areas (eating, drinking, laughing and talking within the outdoor common areas) were evaluated at each of the four sensitive receptor locations during the daytime and nighttime hours. The Noise Impact Analyses found that these activities will not exceed ambient noise levels by over 5 dBA pursuant to LAMC Section 112.02(a) nor will they exceed any significance thresholds. Therefore, no mitigation measures were identified nor are required for the Project.

The Project will comply with regulatory compliance measures (RCMs) in the City of Los Angeles to ensure noise impacts are less than significant. LAMC Sections 41.40, 111.03, 112.01, 112.02, 112.04, 112.05 regulate noise levels from project-specific construction and operational uses by regulating the time which such activities can occur and restricting noise levels from exceeding specific thresholds relative to the project's proximity to sensitive land uses. While these RCMs are not written as conditions in the Project's Letter of Determination, the Project is required to comply with these regulations.

The Appellant does not provide any substantial evidence that concludes that the Project would impose significant noise impacts onto residents of the adjacent Evo and Luma Buildings. The Appellant claims that noise levels will exceed ambient noise levels by over 5 dBA at locations adjacent to residential units with balconies and operational windows. The Appellant provides no real data or measurements to support their assertion and misinterprets the noise levels calculated in the Noise Impact Analyses. Through the CadnaA noise prediction model, noise level calculations consider distance attenuation due to geometric spreading, noise attenuation provided by existing intervening building structures and noise barriers, and other factors that may affect noise level measurements. As such, the Noise Impact Analyses appropriately concluded that the Project's operational activities will not result in a significant impact based on the Project's proximity to nearby residential units. To address noise concerns associated with rooftop activity, the Applicant agreed to reduce rooftop operation hours to adhere with the same hours of operation as the surrounding residential building (concluding at 11:00 p.m., Sunday – Thursday, and 12:00 a.m., Friday and Saturday) and will have hotel staff to monitor and address noise. As previously discussed, the Project will also comply with RCMs to ensure noise impacts are less than significant. Therefore, construction and operation activities associated with the proposed hotel

development will not result in significant noise impacts and the adopted Categorical Exemption is the appropriate CEQA clearance for the project.

- b. No Traffic Study was available for review and due to the Project's proximity to the Luma and Evo Buildings, the Project will have significant traffic impacts during construction that cannot be mitigated.**

Staff Response

Two Traffic Impact Studies were prepared by KOA Corporation dated September 2020 and February 2021 and were assessed by the Los Angeles Department of Transportation (LADOT) as depicted in the LADOT Assessment Letter dated February 2021. In conjunction with the Traffic Impact Studies, Vehicle Miles Traveled (VMT) Analyses were conducted to assess 1) consistency with City plans, programs, ordinances, and policies; 2) causes of substantial VMT; and 3) substantial increase in hazards due to a geometric design feature or incompatible use. After evaluating the three transportation impact thresholds, the VMT Analyses concluded that the Project will not result in significant traffic impacts. In LADOT's assessment of the Traffic Impact Studies, the Project was initially described as a more intensive project with 144 guest rooms proposed, 378 square feet of retail space, and 57 vehicular parking spaces. A Traffic Impact Study was prepared by KOA Corporation dated August 2021 to reflect an updated project description with 112 guest rooms proposed, 528 square feet of retail space, and a total of 23 vehicular parking spaces. The Traffic Impact Study dated August 2021 arrived at the same conclusion as the previous two Studies determining that the Project will not result in a significant traffic impact.

The Appellant provides no substantial evidence that establishes that Project will cause traffic impacts during the construction phase that cannot be mitigated. As described in the LADOT Assessment Letter, a construction worksite traffic control plan is recommended for review and approval prior to the commencement of any construction work. The plan would assess the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties and LADOT would recommend that all construction related truck traffic be restricted to off-peak hours. In addition, the Traffic Impact Study also determined that the construction of the Project will not modify the existing public right-of-way with the exception of widening the sidewalk through a building setback of three feet per the Downtown Design Guidelines front walk easement requirements. The Traffic Impact Study and VMT Analysis concluded that the Project will not result in a significant traffic impact and therefore mitigation measures were not identified nor are not required for the Project. The Traffic Impact Study and VMT Analysis was included in the project file and was available for public review upon request.

- c. The Air Quality and Greenhouse Gas Study prepared for the Project fails to evaluate emissions adjacent to the Luma Building's residential units, utilizes the wrong screening threshold for evaluating levels of significance for carbon dioxide, and fails to provide conditions or mitigation measures to reduce air quality and greenhouse gas impacts to less than significant.**

Staff Response

As detailed in the Air Quality Impact Analysis prepared by Urban Crossroads, Inc. dated October 19, 2020, four sensitive receptors were identified based on Federal Highway Administration

(FHWA) Guidelines and guidance from the California Department of Transportation (CalTrans) and the Federal Transit Administration (FTA). These sensitive receptor locations were utilized in the evaluation of localized air quality impacts associated with project-related construction and operational emissions. In addition, these sensitive receptors are the same sensitive receptors utilized in the Noise Impact Analyses prepared by Urban Crossroads, Inc.. Therefore, the Air Quality Impact Analysis appropriately evaluated air quality impacts at nearby residential uses including the residential units of the Luma Building with the assessment of the four identified sensitive receptors.

The Appellant falsely claims that the Greenhouse Gas Analysis prepared by Urban Crossroads, Inc. dated October 19, 2020, utilizes the wrong screening threshold for assessing carbon dioxide emissions. To determine if the Project will generate greenhouse gas emissions that will result in a significant impact on the environment, the Analysis utilizes a screening threshold of 3,000 MTCO₂e/yr to determine if further analysis of greenhouse gas impacts is required. While the City of Los Angeles has not adopted its own significance threshold, the Project will be consistent with the *2017 Scoping Plan*, *Connect SoCal 2020-2045 RTP/SCS*, the *City of Los Angeles Sustainable City pLAn*, and *LA's Green New Deal* in addressing the reduction of greenhouse gas emissions. Therefore, the Project's greenhouse gas emissions were properly evaluated and as concluded, will not result in a significant environmental impact.

The Project will comply with the SCAQMD rules and regulations, as well as the California Code of Regulations, to ensure air quality impacts are less than significant. Rule 402 regulates the discharge of air contaminants or other materials which may cause injury or nuisance. SCAQMD Rule 403 regulates the amount of particulate matter and fugitive dust emitted into the ambient air. The CA Code of Regulations also regulates construction emissions associated with particulate matter, volatile organic chemicals (VOCs), diesel emissions, and other toxic air contaminants. While these RCMs are not written as conditions in the Project's Letter of Determination, the Project is required to comply with these regulations.

Based on findings from the Air Quality Impact Analysis and Greenhouse Gas Impact Analysis prepared for the Project, the Class 32 Categorical Exemption substantially finds that the construction and operation of the project will have a less than significant impact on air quality impacts and greenhouse gas impacts.

- d. Due to the significant number of existing projects proposed and under construction in the immediate vicinity and the significant impacts that the Project will impose, the "Cumulative Impact" Exception to a Categorical Exemption applies.**

Staff Response

CEQA Guidelines Section 15300.2(b) states that a categorical exemption is inapplicable "when the cumulative impact of successive projects of the same type in the same place, over time is significant." An agency's determination that a project falls within a categorical exemption includes an implied finding that none of the exceptions identified in the CEQA Guidelines apply. Instead, the burden of proof shifts to the challenging party to produce evidence showing that one of the exceptions applies to take the project out of the exempt category. (*Berkley Hillside Preservation v. city of Berkley* (2015) 60 Cal. 4th 1086; *San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1022-23.).

In this instance, the Appellant has not met its burden, and there is no evidence in the record to conclude that there would be a cumulative adverse impact as a result of the proposed project and similar projects in the area. The cumulative impact exception applies when the environmental impacts at issue affect the environment in general and does not apply to activity that has an impact on only some particular persons (*Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4th 786, 799). Speculation that significant cumulative impacts will occur simply because other projects may be approved in the same area is insufficient to trigger this exception and is not evidence that the proposed project will have adverse impacts or that the impacts are cumulatively considerable (*Hines v. California Coastal Comm'n* (2010) 186 Cal.App.4th 830, 857). In addition, a list of past, current, or future projects, even if found to be accurate, by itself does not represent substantial evidence of any type of cumulative impact.

As demonstrated in Class 32 Categorical Exemption justification report dated October 2021, the Project meets all criteria to qualify as an infill site under the Class 32 CEQA Exemption, California Environmental Quality Act & CEQA Guidelines Section 15332. The Justification analysis addresses the environmental impacts related to Traffic, Noise, Air Quality, Greenhouse Gas, and Water Quality including cumulative impacts associated with the proposed project and other projects in the vicinity. CEQA Guidelines Sections 15065(a)(3) and 15064(h) state that a “cumulatively considerable” impact means that the incremental effects of an individual project are significant when viewed in connection with the effects of other related projects. Based on the Transportation Impact Assessment prepared by KOA Corporation dated August 2021, the Project will not result in significant traffic impacts. In addition, the justification report and Air Quality Impact Analysis prepared by Urban Crossroads, Inc. concluded that the levels of criteria pollutant and greenhouse gas emissions will not exceed SCAQMD significance thresholds. Therefore, the Project and other related projects in the vicinity will not contribute to a cumulatively considerable impacts related to traffic and air quality. Regarding noise impacts, the Noise Impact Analysis prepared by Urban Crossroads, Inc. demonstrated that the Project will not have a significant impact related to construction and operation activities. The Project will comply with the LAMC Sections 112.02, 112.03, 112.05, and 41.40 which regulate noise generated from construction equipment and on-site stationary mechanical equipment, and will implement noise control measures such as the installation of noise barriers to reduce noise levels such that they do not exceed the significance threshold.

As set forth in the administrative record, the Project and other related projects in the vicinity are subject to numerous RCMs established in City and State laws which provide requirements for construction and operation activities and ensure impacts related to Traffic, Noise, Air Quality and Greenhouse Gases are less than significant. For example, the City’s Noise Ordinance No. 144,331 regulates the use of construction equipment between different times of the day and maximum noise levels during construction and operation. The SCAQMD contains dust control measures and requirements to sequester particulate matter through Rule 403. In addition, projects must comply with the City’s Low Impact Development (LID) Ordinance to ensure that stormwater runoff and pollution are regulated. The proposed project and other projects in the vicinity will be required to comply with all state, regional, and local laws as part of regulatory compliance.

Therefore, the Appellant has not met the burden of proof that validates the assertions that the “Cumulative Impact” Exception applies to the Class 32 Categorical Exemption.

Appeal Point #2: The Project violates CEQA because it does not have a stable finite project description. The use, height, density, and parking requirements are not portrayed in the Letter of Determination.

Staff's Response

The Class 32 Categorical Exemption justification report dated October 2021 accurately assesses the Project as a new eight-story, 106-foot hotel building with 112 guest rooms, 528 square feet of ground-floor retail uses, and 23 vehicular parking spaces encompassing a total floor area of 46,741 square. Over the course of the Project's review and processing, the project description had evolved into a less intensive project. The technical analyses prepared for the Project, including the Noise, Air Quality, and Greenhouse Gas Impact Analyses prepared by Urban Crossroads, Inc. dated October 2020, assessed the original project proposal of a 12-story, 175-foot hotel building with 144 guest rooms, 378 square feet of ground-floor retail uses, and 53 vehicular parking spaces encompassing a total floor area of 61,392 square feet. The analyses found that the Project will not result in significant Air Quality, Greenhouse Gas, and Noise impacts to the environment. Since the Project has become less intensive project, it is expected that the Project will have a lesser impact on the environment than previously concluded. A revised Noise Impact Analysis was prepared by Urban Crossroads, Inc. dated August 2021 and assessed the Project with the less intensive project description. The analysis arrived at the same conclusion as the October 2020 analysis, in which the Project will not result in a significant Noise impact. As described in Appeal Response No. 1(b), a revised Transportation Impact Assessment was also prepared by KOA Corporation dated August 2021 which reevaluated the Project with the approved height, density, and number of parking spaces. Similar to the previous TIAs prepared and evaluated by LADOT, the TIA determine that the Project will not result in a significant traffic impact.

The Letter of Determination (LOD) and the Findings provided for the requested Site Plan Review entitlement request (Case No. DIR-2020-3656-SPR) accurately portray and assess the Project as described in the Class 32 Categorical Exemption justification report. The Project involves the construction of a new eight-story, 106-foot high hotel building with 112 guest rooms, 528 square feet of ground-floor retail uses, and 23 vehicular parking spaces encompassing a total floor area of 46,741 square. Although the use of the project site for hotel and retail uses is not explicitly stated in the Conditions of Approval, these uses are allowed pursuant to the Los Angeles Municipal Code and Ordinance No. 164,307 (the project site is subject to a Q Condition which allows for residential uses in the R5 Zone, hotels, motels, apartment hotels, parking buildings, and uses permitted in the C4 Zone). Similarly, the height and density of the Project are also consistent with the City's zoning standards and are described in the LOD. The Appellant also contends that the Exhibit A of the LOD fails to portray the location of on-site parking. The Exhibit A, in fact, identifies two on-site parking spaces located on the southeast corner of the project site as shown in the plot plan and ground floor plan. The remaining vehicular parking spaces will be located off-site at 1028 South Hope Street.

Therefore, the Project does not violate CEQA as both the Class 32 Categorical Exemption and the LOD provide a consistent project description.

Appeal Point #3: The Project violates CEQA because it does not have mitigation measures to reduce significant environmental impacts to less than significant.

Staff Response


Based on the findings reported in the Class 32 Categorical Exemption justification report and the referenced technical reports, the Project will not result in significant Traffic, Noise, Air Quality, Greenhouse Gas, or Water impacts. Therefore, mitigations measures were not identified nor are for this Project. The Appellant proposes a list of 19 mitigation measures and conditions that were requested at the Central LA APC appeal hearing which address construction activities, use, development standards, design, parking, accessibility, noise, and hotel operations. Some of the items listed are addressed in the LOD (Case No. DIR-2020-3656-SPR) such as lighting and rooftop screening. Other items are addressed through regulatory compliance measures pursuant to local, state, and federal standards. Therefore, the project is not in violation of CEQA and mitigation measures are not required to reduce significant environmental impacts to less than significant.

Conclusion

Based on the information in the record and after consideration of the appellant's arguments for appeal, Staff determines that the project qualifies for a Class 32 Categorical Exemption. The Appellant presents no substantial evidence demonstrating that the project would result in significant Noise, Traffic, Air Quality and Greenhouse Gas impacts and that the "Cumulative Impact" exception to the categorical exemption (ENV-2020-3657-CE) applies. As such, mitigation measures are not required for the proposed hotel project. In addition, the Class 32 Categorical Exemption justification report and the referenced technical reports prepared for the Project properly assessed an eight-story, 106-foot hotel development with 112 guest rooms, 528 square feet of ground floor retail space, and 23 vehicular parking spaces encompassing a total floor area of 46,741 square feet. The project description is consistent throughout the Class 32 Categorical Exemption and the Letter of Determination for the associated entitlement case. Therefore, it is recommended that the PLUM Committee deny the appeals and affirm that the projects are Categorical Exempt from CEQA.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



DAVID WOON
Planning Assistant

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