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December 6, 2018

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 RESPONSE; CF 08-1509-S2 / 08-1509-S3**

On June 29, 2018, the Advisory Agency certified the Supplemental Environmental Impact Report (ENV-2015-1923-EIR) and approved Vesting Tentative Tract Map No. 74172 in connection with the proposed Sunset and Gordon Mixed-Use Project, for a mixed-use development containing a maximum of 299 apartment units, 46,110 square feet of commercial space, and an 18,962-square-foot public park.

On July 6, 2018, the entirety of the Advisory Agency action was appealed by Coalition to Preserve LA, represented by Mitchell M. Tsai (Tract Appeal). The appeal claimed that the Supplemental EIR fails to comply with the California Environmental Quality Act (CEQA), and the City fails to comply with the State Subdivision Map Act and the City's Charter, General Plan, Hollywood Community Plan and Los Angeles Municipal Code (LAMC).

The Department of City Planning responded to the Tract Appeal in an Appeal Report dated August 9, 2018 (Appeal Report). The Appellant submitted two additional letters to the file, dated August 7, 2018 and August 8, 2018, in response to the Appeal Report. These two additional letters contain arguments that are largely repetitive of claims raised in the Tract Appeal submitted on July 6, 2018. The Appeal Report and all associated documents were presented to the City Planning Commission (CPC) at its meeting of August 9, 2018.

On August 9, 2018, the City Planning Commission (CPC), following its consideration of the materials and oral testimony, denied the Tract Appeal, sustained the actions of the Advisory Agency in certifying the EIR and approving Vesting Tentative Tract Map No. 74172; and approved the related case for the project, Case No. CPC-2015-1922-GPA-VZC-HD-CUB-DB-SPR, the environmental clearance, and recommended that the City Council approve the General Plan Amendment, Vesting Zone Change and Height District Change, including Q Conditions and a Zone Change Ordinance to permit for the reduction of clear space at structural elements in the project's parking structure and to allow up to 66 percent of the parking stalls to be compact parking stalls; and approved a Conditional Use for alcohol sales, On-Menu Density Bonus Incentives, and Site Plan Review.

On September 7, 2018, the same Appellant filed identical appeals on both cases related to the project (VTT-74172-1A and CPC-2015-1922-GPA-VZC-HD-CUB-DB-SPR). The appeals again claim that the Supplemental EIR fails to comply with CEQA, and that the City fails to comply with the State Subdivision Map Act and the City's Charter, General Plan, Hollywood Community Plan and LAMC; and again mainly rely on the same arguments and information as presented in the Appellant's previous letters to the City. The City has already adequately provided detailed and full responses to each of the appeal points, supported by substantial evidence in the record, in the Draft Supplemental EIR, dated August 24, 2017; the Final Supplemental EIR, dated May 25, 2018; and the Appeal and CPC Staff Recommendation Reports, both dated August 9, 2018. The Appellant has failed to present any new information or substantial evidence to dispute the City's Supplemental EIR and Findings for Approval.

Nonetheless, the following represents a summary and response to the appeal points identified in the appeals filed on September 7, 2018:

### CEQA Appeal Points

#### *Transportation Impacts*

The Appellant contends that the Final Supplemental EIR fails to adequately disclose the project's impact on local neighborhood streets, mitigate significant traffic impacts at the intersection of Vine Street and Sunset Boulevard, and disclose significant traffic impacts on Gordon Street from vehicles queuing to enter the project. The Appellant also contends that the Final Supplemental EIR should be recirculated due to significant new information unveiled in the Final Supplemental EIR as well as changes to the project during the pending ongoing administrative review process. As explained in detail in the Appeal Report and confirmed in the Los Angeles Department of Transportation's (LADOT) Residential Traffic Impact Assessment Report dated August 27, 2018, the residential component of the traffic for the project was not considered in the traffic impact analysis because the specific intent of the Residential Street Impact Analysis is to identify cut-through traffic that is primarily defined as commercial traffic that uses the local neighborhood street network to bypass congested arterials.

With regards to the traffic impacts on the intersection of Vine Street and Sunset Boulevard, a Traffic Impact Analysis, dated October 2016, was prepared by Overland Traffic Consultants, Inc. and included as Appendix G to the Draft Supplemental EIR, and a Supplemental Traffic Analysis, dated March 2018, was prepared by Overland Traffic Consultants, Inc. and included as Appendix C to the Final Supplemental EIR. The Supplemental Traffic Analysis explains that the Traffic Impact Analysis did not distribute trips north of Sunset Boulevard on Vine Street or Argyle Avenue, because drivers are not reasonably likely to use Vine Street or Argyle Avenue for access to or from the Hollywood Freeway since there are alternative entrances and exits to the Freeway that are substantially closer to the project site. The alternative entrances and exits to the Freeway include the southbound route via Van Ness Avenue and Sunset Boulevard approximately 1,600 feet from the project site, southbound route via Hollywood Boulevard and Bronson Avenue approximately 2,300 feet from the project site, and southbound route via Gower Street and Yucca Street approximately 3,000 feet from the project site. As there are three closer southbound Hollywood Freeway off-ramps that can be used to access the project site than the southbound Vine Street off-ramp, which is over 4,700 feet away from the project site, it is not reasonable to assume that drivers would use the Vine Street off-ramp to access the project site.

Another reason drivers are unlikely to exit the freeway at Vine Street is because they would be required to travel the additional distance to the project site on slower moving streets. As explained in the Supplemental Traffic Analysis, there are high volumes of traffic on streets in the Hollywood

area during peak hour periods, which makes it unlikely that drivers on the southbound Hollywood Freeway would exit the Freeway four exits away from the project site to traverse the added distance on slow-moving streets through a more congested area to access the project site, when there are closer and potentially faster alternative routes. Accordingly, the Traffic Impact Analysis concluded that drivers would not exit the Hollywood Freeway at Vine Street during peak hours and use Vine Street or Argyle Street to access the project site.

Nevertheless, the Supplemental Traffic Analysis was prepared for the Final Supplemental EIR to provide a more conservative analysis and additional information, and to respond to comments received regarding the intersection analysis and trip distribution. The Supplemental Traffic Analysis concluded that with the additional distribution analysis, the intersection of Vine Street and Sunset Boulevard has the potential to be significantly impacted during the P.M. Peak Hour. However, potential impacts at the intersection of Vine Street and Sunset Boulevard would be reduced to less-than-significant levels with the implementation of a Transportation Demand Management (TDM) Plan, which has been included in the Final Supplemental EIR as Mitigation Measure MM K.1-3 and incorporates enhanced measures to achieve a reduction in the proposed project's vehicle trips by 10 percent during the P.M. Peak Hour. These measures are imposed as Conditions of Approval in the Letters of Determination for both the VTT and CPC cases. The Supplemental Traffic Analysis was reviewed and approved by LADOT per their letter dated July 31, 2018. Additionally, the Applicant submitted a Supplemental Traffic Evaluation, prepared by Overland Traffic Consultants, Inc. and dated October 18, 2018, which utilizes the most current Institute of Transportation Engineers (ITE) Trip General Manual (10<sup>th</sup> Edition) to estimate the project's trip generation. The Supplemental Traffic Evaluation concludes that by using the 10<sup>th</sup> Edition Manual, which is considered current best practices, the project would not have a significant impact on the intersection, even without mitigation. LADOT concurred with this finding in their letter dated November 5, 2018.

In addition, the Supplemental Traffic Analysis prepared by Overland Traffic Consultants, Inc., dated March 2018, concluded that the project the proposed project's parking garage has ample capacity for vehicles that would queue as part of the proposed project. No queues would extend beyond the proposed project's parking structure to affect traffic on Gordon Street, and therefore, no queuing impacts would occur. The Supplemental Traffic Analysis was reviewed and approved by LADOT per their letter dated July 31, 2018. Furthermore, as required by LADOT's Approval Letter, included as Appendix G to the Draft Supplemental EIR, the proposed project is required to submit proposed driveway dimensions, access and circulation schemes to LADOT for their review and approval.

Lastly, pursuant to CEQA Guidelines Section 15088.5, the Final Supplemental EIR did not identify any new significant environmental impact or information that warrants a recirculation of the Final Supplemental EIR. Therefore, the Final Supplemental EIR adequately disclosed the project's transportation impacts.

Note that these arguments were also made in the Aids Healthcare Foundation (also represented by Mitchell M. Tsai) Comment Letter on the Draft Supplemental EIR, the Coalition's Comment Letter on the Final Supplemental EIR, and the Tract Appeal; and previously addressed in the Final Supplemental EIR and Appeal Report.

#### *Projects Impact on Housing and Population*

The Appellant contends that the Final Supplemental EIR fails to adequately analyze or mitigate the project's impacts on housing and population.

The project's potential impacts with respect to housing and population were fully analyzed in Section IV.G, Population, Housing & Employment of the Draft Supplemental EIR, which concluded that the project would have no impact on housing and population displacement. The analysis of these thresholds was fully addressed in the Certified EIR since the CRA Approved project proposed demolishing the nine (9) existing residential units on the project site. As described in the Draft Supplemental EIR on Page IV.G-21 in IV.G, Population, Housing & Employment, the Certified EIR stated that the CRA Approved Project would not result in a significant impact with regard to population or housing displacement, as replacement housing for the nine (9) dwelling units that existed on the project site would be provided by the new housing units that would be developed on the project site under the CRA Approved Project. While the Modified Project proposes some modifications to the CRA Approved Project, it would not change the Certified EIR's analysis since the Modified Project would be developed on the same project site and it would continue to provide replacement housing units that would exceed the nine dwelling units that previously existed on the site. Further, the Modified Project includes 15 affordable housing units and 15 workforce housing units that were not proposed under the CRA Approved Project analyzed in the Certified EIR, which exceeds the nine (9) older dwelling units that previously existed on the project site. Therefore, while no change would occur from the CRA Approved Project regarding displacement of people or housing and no impact would occur, the Modified Project enhances the mix of housing provided by including 15 affordable housing units and 15 workforce housing units. In addition, the minor changes involved in the Modified Project would not result in any impacts with regard to current population or housing displacement, as the project site is currently vacant pursuant to an Order to Vacate issued by the Los Angeles Department of Building and Safety on March 19, 2015. Accordingly, as compared to the CRA Approved Project, the proposed Modified Project would not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to displacing substantial numbers of existing housing and people. Overall, the Certified EIR concluded that the CRA Approved Project's impacts upon population and housing growth forecasts would be less than significant. The Draft Supplemental EIR concluded the Modified project's impacts to population, housing, and employment would be less than significant, which is consistent with the analysis in the Certified EIR for the CRA Approved Project. Therefore, no mitigation measures to address housing displacement are necessary for the Modified Project.

The Appellant also contends that the Final Supplemental EIR does not address the mismatch between the mix of housing provide in the Modified Project and the housing needs within the City of Los Angeles. As explained on Page IV.G-5 in Section IV.G Population, Housing & Employment of the Draft Supplemental EIR for the City of Los Angeles subregion, the final Regional Housing Needs Assessment (RHNA) allocation for the 5th Cycle RHNA Allocation Plan allocated a total of 82,002 dwelling units, consisting of 20,427 very low-income households, 12,435 low-income households, 13,728 moderate income households, and 35,412 above moderate-income households. Local communities use the RHNA in land use planning, prioritizing local resource allocation, and in deciding how to address identified existing and future housing needs resulting from population, employment and household growth. The City of Los Angeles does not have a process for allocating the citywide total among City subareas or Community Plan areas. Nevertheless, as described on Page IV.G-19 in Section IV.G Population, Housing & Employment of the Draft Supplemental EIR the Modified Project's provision of affordable housing is consistent with the goals and policies set forth in the City's RHNA and the Modified Project would increase the amount of affordable housing available on the project site above what currently exists. As described on Page II-1 in Section II, Project Description, of the Draft Supplemental EIR, the CRA Approved Project proposed the development of 311 multi-family residences. As described on Page II-3 in Section II, Project Description, the Modified Project proposes to modify the CRA Approved Project to allow for the development of 299 residential apartment units, including 284 market rate units and 15 affordable housing units at the "very low" income level (5% of total units).

Accordingly, the Modified Project proposes to increase the affordable housing stock on the project site by 15 affordable housing units and 15 workforce housing units, which were not proposed as part of the CRA Approved Project and would not otherwise be provided on the project site. Therefore, the Final Supplemental EIR adequately analyzes impacts on housing and population.

Note that these arguments were also made in the Aids Healthcare Foundation Comment Letter on the Draft Supplemental EIR, the Coalition's Comment Letter on the Final Supplemental EIR, and the Tract appeal; and previously addressed in the Final Supplemental EIR and Appeal Report.

### *Project Description*

The Appellant contends that the Final Supplemental EIR fails to provide an adequate project description as it provides a flexible list of entitlements, a consistent number of parking spaces for the approved project, a clear description of the proposed adoption of Clear Space Ordinance, and consistent project description regarding the supergraphic signs.

The list of proposed entitlements in the Final Supplemental EIR includes all potential permits and other approvals known to the Lead Agency at the time the Draft Supplemental EIR was published, in compliance with CEQA Guidelines Section 15124. The Project Description's use of the language "would include, but may not be limited to" informs decision makers of the potential approvals that could be required for the project but reflects the reality that such approvals are subject to the discretion of decision makers.

The Draft Supplemental EIR identified alternatives for the project, including the "No Automated Steel Parking Structure" Alternative which would require the adoption of an Ordinance to allow the reduction of clear space at structural elements in the parking structure and permit up to 66 percent of the parking stalls to be compact, providing a total of 508 parking spaces. The City Planning Commission sustained the Advisory Agency's decision to approve this as the Superior Alternative at its meeting on August 9, 2018 and recommended that the City Council adopt Q Conditions to permit for the reduction of clear and to allow up to 66 percent compact parking stalls. As such, the number of parking spaces for the project and a detailed description of the Clear Space Ordinance are included in the Supplemental EIR as well as Letters of Determination for both VTT and CPC cases.

Last, as discussed in the Appeal Report, the Applicant no longer proposes a supergraphic sign as part of the project, and the removal of the supergraphic sign does not result in any new or more severe environmental impacts than was presented in the Final Supplemental EIR. Therefore, the project description provided in the Final Supplemental EIR is adequate.

Note that this argument was also made by the Aids Healthcare Foundation's Comment Letter on the Draft EIR, the Coalition's Comment Letter on the Final EIR and the Tract Appeal; and previously addressed in the Final EIR and Appeal Report.

### *Unduly Narrow Project Objectives*

The Appellant contends that the Final Supplemental EIR adopts unduly narrow project objectives by strictly defining affordable housing for the project at five percent. The Final Supplemental EIR's objectives include specific goals that would achieve the project's underlying purpose in accordance with CEQA Guidelines Section 15124(b). In addition, the project objectives, taken as a whole, do not preclude the consideration of project alternatives that achieve the project's underlying purpose, meaning this objective does not preclude the lead agency from its discretion

to identify and pursue a higher percentage of affordable housing units as an alternative to the five percent as stated in the objective. Furthermore, changing the affordable housing percentage provided by the proposed project would not change the conclusions in the Final Supplemental EIR stating that the proposed project would have a less-than-significant impact to population, housing and employment. Therefore, Final Supplemental EIR provided sufficient project objectives.

Note that this argument was also made in the Aids Healthcare Foundation's Comment Letter on the Draft EIR, and the Coalition's Comment Letter on the Final EIR and the Tract Appeal; and previously addressed in the Final EIR and the Appeal Report.

#### *Analysis of Superior Alternative*

The Appellant contends that the Final Supplemental EIR did not analyze the environmental impacts of the "No Automated Steel Parking Structure Alternative" and the Ordinance required to allow the reduction in the clear space required at structural elements in the project's parking structure. Given that this Ordinance would allow up to 66 percent of the project's parking stalls to be compact, a total of 508 spaces would result in lieu of the otherwise proposed 428 spaces, and a full environmental analysis should have been prepared in order to evaluate the increased impacts to transportation, induced travel, and greenhouse gas emissions from the increase number of trips to and from the project site which would result from the additional 80 parking spaces. The Supplemental EIR includes a complete analysis of the parking alternative, which concludes that the alternative would not encourage additional vehicle trips to the project site. As discussed in Section IV.K.I, Traffic Transportation, of the Supplemental EIR, and per LADOT, the trip generation for the Modified Project is based on the proposed mix of uses (residential, office, restaurant, retail, and coffee shop), and not the number of parking spaces. Given that providing additional parking spaces for those uses would not modify the proposed mix of uses or demand themselves, the additional parking spaces would not modify the Modified Project's vehicle trip assumptions.

In addition, the Appellant contends that "cumulative [traffic] conditions have changed since the time of the Certified EIR," and that such "changed conditions" mean that traffic impacts from 508 traffic spaces in 2018 are not the same as the traffic impacts from the same number of spaces in 2007. As described above, trip generation is based on the proposed mix of uses, and not the supply of parking for those uses. Moreover, any changed circumstances in the environment were fully addressed in the Supplemental EIR in connection with its analysis of potential traffic impacts. Specifically, the Supplemental EIR recognized and analyzed potential impacts from cumulative projects in the Modified Project's traffic analysis.

Last, the Appellant contends that the Supplemental EIR does not analyze how the structural elements of the parking structure would have to accommodate 66 percent compact parking spaces. However, as explained in the Draft Supplemental EIR, the Appeal Report, and the CPC Recommendation Report, no changes to the parking structure would be required for the Modified Project parking alternative. Accordingly, the Supplemental EIR's analysis of the Modified Project's parking alternative complies with CEQA and the CEQA Guidelines.

Note that these arguments were also made in the Aids Healthcare Foundation's Comment Letter on the Draft EIR, the Coalition's Comment Letter on the Final EIR and the Tract Appeal; and previously addressed in the Final Supplemental EIR and Appeal Report.

### *Vague Mitigation Measures*

The Appellant contends that the Supplemental EIR is impermissibly vague and defers critical details of mitigation measures. The mitigation measures either do not defer the formulation of mitigation or they include specific performance standards associated with their implementation as allowed by CEQA. The Final Supplemental EIR specifically addressed the Coalition's specific comments pertaining to the Certified EIR Mitigation Measures, providing detail why each measure is sufficiently detailed and definite, and, where applicable, how certain measures include concrete performance standards that do not constitute deferral. In addition, the nine (9) mitigation measures the Appellant identifies are mitigation measures that were originally approved by the CRA in connection with its certification of the Certified EIR for the CRA Approved Project. As explained in Section I. Introduction/Executive Summary at pages I-14 through I-15 of the Draft Supplemental EIR, the proposed project contained two sets of mitigation measures: (1) Certified EIR Mitigation Measures, which are mitigation measures that the proposed project would continue to implement that were included in the Certified EIR; and (2) Mitigation Measures, which are mitigation measures the proposed project would implement that were not included in the Certified EIR to account for any physical or regulatory changes to the circumstances under which the proposed project is being undertaken. The CRA adopted the Certified EIR in October 2007 and subsequently adopted the mitigation monitoring and reporting program, which included the Certified EIR Mitigation Measures, in December 2007. All of the nine (9) mitigation measures the Appellant claims are vague and deferring critical details are Certified EIR Mitigation Measures that were already originally approved and adopted by the CRA as part of its certification of the Certified EIR. A thorough and detailed response to this appeal point and each of the nine (9) mitigation measures is included in the Final Supplemental EIR under Responses to Comments 5 A.9 through 5 A.19 in Section III.B, Responses to Comment Letters at pages II.B-42 through 56. The Final Supplemental EIR Responses to Comments addresses a clear and detailed explanation of how and each mitigation measure complies with CEQA. Therefore, the mitigation measures are not vague and provide adequate detail to properly implement.

Note that this argument was also made in the Aid's Healthcare Foundation's Comment Letter on the Draft Supplemental EIR, the Coalition's Comment Letter on the Final Supplemental EIR and the Tract appeal; and previously addressed in the Final Supplemental EIR and the Appeal Report.

### *Project Requires New EIR or Subsequent EIR*

The Appellant contends that a new EIR or a Subsequent EIR is required to analyze substantial changes to the project or circumstances around the project or new information that could not have been known at the time of the original EIR was certified. Under CEQA, a supplemental environmental impact report may be prepared where "[o]nly minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation." (CEQA Guidelines, §15163.) The Modified Project resulted in limited modifications to the CRA Approved Project and only minor additions or changes were necessary to make the Certified EIR adequate to apply to the Modified Project. Accordingly, a Supplemental EIR is the appropriate CEQA document to analyze the Modified Project's potential effects on the environment.

The Appellant further contends that the due to the changes in the plans, the previously Certified EIR lacks informational value, and requires a new EIR based on current environmental conditions presuming the non-existence of the currently illegal structure. This argument was also made in the Coalition's Comment Letter on the Draft Supplemental EIR, Comment Letter on the Final Supplemental EIR, and the first-level Tract appeal. As previously mentioned, the changes between the CRA Approved Project and the Modified Project are minor, resulting in a substantively similar development, involving the same uses and at a smaller scale as the CRA

Approved Project. Accordingly, the Certified EIR continues to provide informational value for the environmental analysis of the Modified Project. In addition, as required by Public Resources Code Section 21166, the analysis in the Draft Supplemental EIR evaluates: 1) changes between the CRA Approved and the Modified Project; 2) changes with respect to the circumstances under which the CRA Approved and the Modified Project are being undertaken; and 3) any new information, which was not known and could not have been known at the time of the Certified EIR for the CRA Approved Project. By providing these comparisons, the environmental analysis addresses each of the potential environmental effects of the Modified Project as compared to the CRA Approved Project.

Last, the Appellant contends that previous approvals for the CRA Approved Project were based on preservation of the Old Spaghetti Factory facade rather than the rebuilding or restoring of it. This argument was also made in the Coalition's Comment Letter on the Draft Supplemental EIR, Comment Letter on the Final Supplemental EIR, and the Tract appeal; and addressed in the Appeal Report. The Certified EIR confirmed that none of the buildings located on the project site were deemed historically or culturally significant, and that the demolition and/or remodel of these structures would not significantly impact any historic or cultural resource. In light of this, the Applicant identified options to retain, restore or memorialize the social significance of the building. Consistent with the Certified EIR's description of the alternative options, the Modified Project would demolish the OSF Building and incorporate a replica of its facade in approximately the same position and dimensions of the demolished building. Therefore, the Supplemental EIR is the appropriate environmental document for the project.

Note that these arguments was also made in the Aids Healthcare Foundation's Comment Letter on the Draft Supplemental EIR, the Coalition's Comment Letter on the Final Supplemental EIR and the Tract appeal; and previously addressed in the Final Supplemental EIR and the Appeal Report.

#### *Significant Impacts on Land Use*

The Appellant contends that the Modified Project would have a significant impact on Land Use as the entitlements include a General Plan Amendment and Vesting Zone and Height District Change, which is inherently inconsistent with the City's General Plan and Hollywood Community Plan. As demonstrated in the Final Supplemental EIR, the project is consistent with local land use policies and regulations, including the General Plan Framework Element and the Hollywood Community Plan (pp. IV.H-46 to IV.H-62). Furthermore, LAMC Section 12.32 allows legislative land use approvals, including General Plan Amendments, subject to making adequate findings for approval, which are provided in the CPC Letter of Determination. In addition, the request underlying land uses and zoning designations are consistent with those categories set forth by the Hollywood Community Plan.

Note that this argument was also made in the Aids Healthcare Foundation's Comment Letter on the Draft Supplemental EIR, the Coalition's Comment Letter on the Final Supplemental EIR and the Tract Appeal; and previously addressed in that Final Supplemental EIR and the CPC Staff Recommendation Report.

#### *CPC Case Appeal Points*

##### *Compliance with General Plan, Hollywood Specific Plan and the LAMC*

The Coalition contends that the Modified Project fails to comply with the City's General Plan, presumably the Hollywood Community Plan and the LAMC because the Hollywood Community



plan bars increases in density effectuated by zone changes or subdivision without adequate transportation infrastructure, specifically that the Hollywood Community Plan requires the City to prepare station area master plans prior to permitting new density. First, the project does not result in an increase in density, as the CRA Approved Project was granted a total 305 units (and under the previous zoning), and the project before us today proposes only 299 residential units. While the underlying zoning may allow for increased density, the project density is restricted by the Q Conditions set forth as part of the project approval. Second, the Hollywood Community Plan only *recommends* that station area master plans be prepared, and does not *require* their preparation. Specifically, the Plan states (*emphasis added*) "if development intensities greater than those depicted in this Plan are to be encouraged, station area master plans *should* be prepared," and does not state that it "*shall*" be required. As addressed in the Draft Supplemental EIR, the Appeal Report and the CPC Letter of Determination, the project is consistent with the Hollywood Community Plan's goals, policies, and objectives.

Note that these arguments were also made in the Coalition's Comment Letter on the Final Supplemental EIR, and the Tract Appeal.

#### *Violation of City Charter Section 555*

The Appellant contends that the General Plan Amendment violates Charter Section 555 because no findings were provided to support the fact that the portion of the site seeking re-designation from High Medium Residential to Regional Center Commercial is a geographic area of significant social, economic or physical identify. As described in the Findings for the CPC Letter of Determination, the three parcels for which a General Plan Amendment is proposed contain the an approximately 18,962-square-foot public park. This park would provide needed open space in the Hollywood community and thus provides social, economic and physical identity. In addition, the future use of the site as a mixed-use development containing a public park on a major transportation corridor has significant physical identity and will contribute to and strengthen the existing social, physical, and economic identity of the surrounding area.

The Appellant further contends that the proposed re-designation of a portion of the project site to Regional Center Commercial is essentially spot re-zoning and is only meant to obtain maximum density and Floor Area Ratio (FAR) averaging; and that it is improper to allow the portion of the site containing the park unlimited height and 6:1 FAR, as there is no building proposed. As described in the Findings for the CPC LOD, uses along Sunset and Hollywood Boulevards to the west of Gower Street generally have the Regional Center Commercial land use designation; therefore, the re-designation would be generally consistent with the existing land use pattern near Sunset Boulevard in Hollywood. Furthermore, [Q] Conditions and "D" Limitations imposed on the site as part of the approval would limit the overall development on the entire project Site to a maximum height of 250 feet and 4.5:1 FAR, and in the configuration proposed so as to ensure that the change in land use designation would not adversely affect the residential character of the neighborhood. Any changes to these conditions would require a subsequent legislative action. Therefore, approval of the General Plan Amendment was not in violation of Charter Section 555.

#### *Violation of LAMC 12.24 W.1*

The Appellant contends that the City failed to consider sensitive uses and overconcentration of licenses in the project area by approving a Conditional Use for the sale of alcoholic beverages for on-site consumption within the ground floor restaurant. This same point was argued in the Coalition's Comment Letter on the Final Supplemental EIR and the Tract Appeal. As discussed in the CPC Letter of Determination, the requested use is similar to the previous use at the project site, which was a restaurant serving alcohol. The previous restaurant was located in the same

area on the project site and provided a beneficial service for the community for approximately 30 years. During its time of operation, there was no record of any spillover effect of an adverse nature on the residential community as a result of the operation of the restaurant use serving alcohol. Further, the City fully considered sensitive uses and the concentration of other alcoholic beverage licenses in the community. Specifically, the City considered the project's compatibility with surrounding sensitive uses, including single-family homes, schools, and parks, and concluded that the Conditional Use would be compatible with and would not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, safety, and welfare.

The City also specifically considered the concentration of other alcoholic beverage licenses in the community, and determined that, while the number of active licenses permitting the sale of alcoholic beverages exceeds the number allotted by the ABC for this Census Tract, one additional venue selling alcoholic beverages for on-site consumption in conjunction with a bona fide eating place is not anticipated to create an undue burden of premises dispensing alcoholic beverages since the sale of alcoholic beverages is a normal expectation with most high-quality sit-down restaurants, will be incidental to the primary food operation, and will not take on the characteristic of a tavern or bar. Thus, as conditioned, it is not anticipated that the sale of alcoholic beverages for consumption on the premises would not result in an undue concentration. Therefore, approval of the Conditional Use was not in violation of LAMC 12.24 W.1.

### VTT Case Appeal Points

#### *Compliance with the City's General Plan and Hollywood Community Plan and the State Subdivision Map Act*

The Appellant contends that the project will have significant traffic impacts. The Final Supplemental EIR fully analyzed the project's potential impacts on traffic and concluded that the project will have less than significant impacts with mitigation. Furthermore, as previously mentioned, the Supplemental Traffic Evaluation dated October 18, 2018 was prepared by Overland Traffic Consultants, Inc. by utilizing the most current Institute of Transportation Engineers (ITE) Trip General Manual (10th Edition) to estimate the project's trip generation. The Supplemental Traffic Evaluation concludes that by using the 10th Edition Manual, which is considered current best practices, the project would not have a significant impact on the intersection, even without mitigation. LADOT concurred with this finding in their letter dated November 5, 2018. Similar to the CPC Case Appeal Point, the Appellant contends that the project is inconsistent with the Hollywood Community Plan due to traffic impacts and by not creating a station area master plan prior to permitting new density, which is a the CPC Case Appeal Points regarding this matter.

The Appellant also contends that the project is inconsistent with certain Objectives of the City's General Plan Housing Element and the Hollywood Redevelopment Plan involving affordable housing. The project will provide 299 dwelling units, including 15 units for Very Low Income households, 15 units of workforce housing, and 269 market rate units. As described in the findings of the Letter of Determination for the CPC case, the project is consistent with the Housing Element goal of promoting mixed-income developments, expanding affordable rental housing for all income groups, and development of new affordable housing units citywide and within the Hollywood Community Plan area. Additionally, the project's housing component would provide housing opportunities and increase the supply of market rate and affordable housing within the Redevelopment Plan Area. Furthermore, the Final Supplemental EIR concluded that the project would not result in an impact related to displacement of people or housing under CEQA, and would provide more affordable housing than provided under the prior use.

Lastly, the Appellant contends that the Vesting Tentative Tract Map does not comply with the Subdivision Map Act since it is inconsistent with the City's General Plan and land use ordinances at the time of its adoption. Pursuant to the Subdivision Map Act, "[i]f a subdivision applicant requests changes in the applicable ordinances, policies or standards in connection with the same development project, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply." The Applicant seeks a General Plan Amendment and a Vesting Zone Change including an adoption of an ordinance that would allow the reduction of clear space at structural elements in the parking structure and permit up to 66 percent of the parking stalls to be compact, providing a total of 508 parking spaces under a related case for the project, Case No. CPC-2015-1922-GPA-VZC-HD-CUB-DB-SPR. Per Condition of Approval No. 25 of VTT-74172, the approval of the Tract is contingent upon the approval of the related CPC Case. Therefore, with an approval of the related CPC Case and the adoption of the ordinance, the project would be consistent with the City's General Plan and the State Subdivision Map Act.

Note that these arguments were also made in the Tract Appeal and previously addressed in the Appeal Report.

#### Supplemental Information

Responses to this appeal have also been provided by the Applicant in a document dated October 18, 2018, and is available for reference in Council Files 08-1509-S2 and 08-1509-S3.

#### Conclusion

The appeal and referenced comment letters address specific concerns and focus on the adequacy of the EIR, including comments regarding the entitlement conditions or findings. Upon careful consideration of the Appellant's points, the Appellant has failed to adequately disclose how the City erred or abused its 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 repeatedly failed to raise new information to dispute the Findings of the EIR or the City's actions on this matter. Therefore, the appeal should be denied and the actions of the City Planning Commission should be sustained.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning



Mindy Nguyen  
City Planner

VPB:CTL:mn

c: Craig Bullock, Planning Director, Council District 13