

# ORIGINAL



## APPLICATIONS:

### APPEAL APPLICATION

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

#### 1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission    ☐ City Planning Commission    ☒ City Council    ☐ Director of Planning

Regarding Case Number: CPC-2015-2893-VZC-HD-CUB-ZAA-SPR / ENV-2015-2895-EIR

Project Address: 6407 Sunset Boulevard

Final Date to Appeal: 12/20/2016

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

#### 2. APPELLANT INFORMATION

Appellant's name (print): Diana Derycz-Kessler

Company: Los Angeles Film School; 6363 Partners, LLLP

Mailing Address: 6363 Sunset Boulevard

City: Los Angeles

State: CA

Zip: 90028

Telephone: (323) 860-0789

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

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

☒ Self

☐ Other: \_\_\_\_\_

- Is the appeal being filed to support the original applicant's position?

☐ Yes

☒ No

#### 3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Victor De la Cruz, Esq.

Company: Manatt, Phelps & Phillips, LLP

Mailing Address: 11355 West Olympic Boulevard

City: Los Angeles

State: CA

Zip: 90064

Telephone: (310) 312-4305

E-mail: VDelacruz@Manatt.com

4. JUSTIFICATION/REASON FOR APPEAL

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

Are specific conditions of approval being appealed? ☐ Yes ☐ No

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

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

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

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: \_\_\_\_\_

Date: 12/19/2016

*DIANA DERYLZ-KESSLER*

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

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

This Section for City Planning Staff Use Only		
Base Fee: <b>\$ 89.00</b>	Reviewed & Accepted by (DSC Planner): <b>Maritza Perez</b>	Date: <b>12-20-16</b>
Receipt No: <b>0103673067</b>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

**ATTACHMENT TO APPEAL  
CPC-2015-2893-VZC-HD-CUB-ZAA-SPR/ENV-2015-2895-MND**

**I. BACKGROUND INFORMATION**

1. **Introductory Note.** The Appellants and the Developer have met in good faith to discuss the Project and its impacts on the Appellants. At the Developer's request, the Appellants have limited the scope of their objections while the parties continue their efforts to amicably resolve the Appellants' outstanding concerns. However, in the event that the Appellants' concerns are not resolved, the Appellants reserve the right to supplement this appeal with additional claims and supporting evidence, including expert analyses and technical studies.

2. **Appellants.** The Los Angeles Film School ("L.A. Film School") and 6363 Partners, LLLP<sup>1</sup> (collectively, "Appellants"), hereby appeal the City Planning Commission's actions on Case No. CPC-2015-2893-VZC-HD-CUB-ZAA-SPR and ENV-2015-2895-MND, as set forth in the *Letter of Determination* dated December 5, 2016, submitted herewith.

The L.A. Film School offers both bachelor's degree and associate's degree programs and trains industry professionals for careers throughout the entertainment industry, including filmmaking and production, video game production and design, computer animation, visual effects, music production and recording arts. The L.A. Film School, an accredited private institution, is a long-term Hollywood stakeholder that for nearly two decades has been a significant contributor to the Los Angeles economy, creating a vital pipeline of film professionals for Hollywood's major studios and production houses. Its campus includes the former RCA Building at 6363 Sunset Boulevard, which has undergone extensive renovations to facilitate the school's educational mission, and the adjacent building and City block. In addition, the L.A. Film School operates the Ivar Theater at 1605 Ivar Avenue and the Los Angeles Recording School at 6690 Sunset Boulevard.

3. **Project.** R.D. Olson Development ("Developer") proposes to construct a 21-story, 232-foot high hotel and retail project (the "Project") at 6407 W. Sunset Boulevard (the "Project Site") pursuant to the above-referenced cases. The Project could not be constructed and operated "by-right" under the applicable development and use standards for the Site and therefore requires the following discretionary entitlements:

- Vesting Zone Change and Height District Change to allow an increase in the maximum allowable floor area ratio, doubling from 3:1 to 6:1;
- Zoning Administrator's Adjustment to permit a zero foot rear yard in lieu of the required 20 feet setback;
- Site Plan Review;
- Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption; and
- Mitigated Negative Declaration.

---

<sup>1</sup> 6363 Partners, LLLP is an affiliate of the L.A. Film School and is the legal entity that owns the property where the L.A. Film School is located.

## II. REASONS FOR APPEAL/ HOW APPELLANTS ARE AGGRIEVED BY THE CPC DECISION

The L.A. Film School's unique learning environment and status as a sensitive receptor makes it particularly susceptible to external impacts from the construction of this Project, which requires a major up-zoning to allow the proposed high-rise hotel. Without appropriate protections, two years of construction will create significant noise, traffic, air quality, and other impacts to the L.A. Film School.

The proposed Project would be constructed approximately 50 feet directly west (just across a narrow, two-lane street) of the L.A. Film School's main campus at 6363 W. Sunset Boulevard, which contains, among other essential facilities, soundstages, a dubbing stage, media editing labs, sound design labs, and instructional and theater spaces that are central to the L.A. Film School's educational mission. These uses are particularly sensitive to noise and vibration impacts that will result from construction of the Project. Additionally, the Appellants are concerned that dust, debris and emissions, particularly during demolition, hauling, and project construction, could cause significant air quality and health-related impacts that will go unmitigated. Thus, the impacts of the proposed Project's construction alone would be extremely disruptive to the L.A. Film School's core operations if not properly analyzed and mitigated in accordance with the requirements of the California Environmental Quality Act ("CEQA"). Unfortunately, such analysis has not been undertaken. In addition, the Appellants are concerned that the Project's long-term operations will cause impacts that are incompatible with the L.A. Film School.

## III. POINTS AT ISSUE

**1. An Environmental Impact Report is Required for the Project.** The Project will cause significant adverse impacts on the L.A. Film School and the surrounding Hollywood community, and therefore requires the preparation of a full Environmental Impact Report ("EIR") for the Project, rather than a Mitigated Negative Declaration ("MND"). CEQA demands transparency with respect to environmental impacts and, consistent with this purpose, there is a low threshold for preparation of an EIR. *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390-391 [an EIR is required whenever a public agency proposes to approve or carry out a project that may have a significant effect on the environment]. The Appellants simply want to ensure that CEQA's mandates are followed, and that the public and decisionmakers are adequately apprised of the Project's impacts so that they can make a fully-informed decision. As discussed below, an EIR must be prepared to fully assess the Project's potential impacts not just to the L.A. Film School, but the broader Hollywood community.

a. Project Description. The Appellants are concerned that the MND prepared for the Project does not fully describe all elements of the Project, thereby providing insufficient information for the City and the public to meaningfully evaluate the potential impacts of the Project, especially on the L.A. Film School's sensitive operations.

b. Noise. As a school that offers programs that would be significantly and adversely impacted by increases in noise and vibration, the Appellants have reason to worry that

construction and operational noise generated by construction of this Project will significantly impair the ability of students to meet their educational goals. The L.A. Film School includes a number of uses and programs critical to its educational mission that would be impacted by noise and vibration from the Project, including sound stages, a dubbing stage, theatres, recording studios, and classrooms. In addition, the L.A. Film School has substantial classroom spaces on the western side of its building that would be disrupted by Project noise, and will likely require relocation to ensure that construction noise impacts do not impede students' classroom learning experience. The L.A. Film School is, therefore, a sensitive receptor (as acknowledged by the MND); however, potential impacts to the L.A. Film School's operations are not adequately addressed by the Developer. Moreover, the Appellants are concerned that the mitigation measures included in the MND will not mitigate impacts on the L.A. Film School and its students and faculty because of the L.A. Film School's close proximity to the Project site.

c. Greenhouse Gas Emissions. The Appellants are concerned that the MND's methodology for analyzing greenhouse gas emissions is internally inconsistent and may not accurately evaluate the Project's potential greenhouse gas impacts.

d. Traffic. Because it is located adjacent to the Project, the L.A. Film School has a particular interest in ensuring that all traffic impacts associated with the Project are correctly analyzed and mitigated. In particular, the Appellants are concerned that both construction and long-term traffic from this Project will significantly impair the ability of students, faculty and staff to access its campus, especially given the existing, extremely congested conditions. The Appellants are also concerned that the Project will cause traffic impacts associated with queuing of cars and trucks at the Project site, and that future street closures at or near the intersection of Cahuenga Boulevard and Sunset Boulevard, associated with construction activities, has the potential to impact the L.A. Film School by blocking access.

e. Hazards and Hazardous Materials. The Project site previously contained a Texaco gas station and a laundry facility, both uses that are commonly associated with the release of hazardous substances and long-term pollution impacts. Understandably, the Appellants are concerned that ground disturbance activities at the Project Site would result in the release of hazardous substances that would impact the health of L.A. Film School students and faculty.

**2. Streetscape Design.** Whereas Sunset Boulevard and Cahuenga Boulevard are the formal entrances to the Project, the design of the Ivar Avenue streetscape, which is the rear service area, is a mere afterthought. These Ivar-facing elements, which are closest to the L.A. Film School, are the weakest streetscape components of the Project and fail to complement or activate the neighboring properties on the eastern side of the Project Site.

**3. Zoning Administrator's Adjustment.** The Project does not comply with the City's requirement to provide a 20-foot rear setback, therefore necessitating relief in the form of a Zoning Administrator's Adjustment to allow development of the Project within the mandatory 20-foot rear yard. However, the City Planning Commission's findings granting the Zoning Administrator's Adjustment are not sufficiently supported. Specifically, Los Angeles Municipal Code ("LAMC") Section 12.28 C.4 requires a finding that "site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible....". In

this case, that required finding is simply not made or supported. Instead, the *Letter of Determination* solely asserts that the reduction in buildable area that would result from compliance with the City's setback requirements "makes it a hardship to build a hotel development in a Regional Commercial Center area [in] which properties generally have no building setbacks." However, there is no support for this assertion and no evidence that adherence to the setback is "impractical or infeasible". Moreover, the fact that other buildings do not have similar setbacks is purely a product of the proposed Project – a hotel (extended stay) – which the LAMC considers a residential use. The City Planning Commission's findings for the Zoning Administrator's Adjustment therefore lack sufficient evidentiary support.

**4. Conditional Use Permit.** The City Planning Commission approved the Developer's request for a conditional use permit ("CUP") to permit the sale of alcoholic beverages at the Project. The Appellants are concerned that the City Planning Commission's approval did not sufficiently consider the potential adverse impacts on adjacent properties, the surrounding neighborhood, or the public health, welfare and safety, as is required by the LAMC. See LAMC §§ 12.24 E, 12.24 W. The sale and consumption of alcoholic beverages may sometimes be associated with increased crime and increases in service calls to the Los Angeles Police Department and Los Angeles Fire Department. The City Planning Commission's approval unjustifiably minimizes the risks of alcoholic beverage sales at the Project, merely stating that "[a]lcohol will not be a focal point of the Proposed Project" and will only complement other hotel amenities. This description understates the potential significance of alcoholic beverage sales at the Project, which could adversely affect adjacent properties (such as the L.A. Film School), the surrounding Hollywood community, and the public health, welfare and safety.

**5. Site Plan Review.** The Project is not compatible with neighboring properties and uses, which is required for Site Plan Review approval pursuant to LAMC Section 16.05 F.2. As detailed above, the Project proposes an excessively tall and large development envelope, built all the way to the rear property line, that would adversely impact the L.A. Film School's ability to educate its students. In approving the Site Plan Review, the City Planning Commission did not adequately consider all of the external impacts created by the Project on the L.A. Film School and other nearby sensitive receptors. In addition, the City Planning Commission did not ensure that the Project's design incorporated streetscape elements that were complementary to, and compatible with, all adjacent and neighboring properties.

#### **IV. CONCLUSION**

The Appellants do not oppose the continued evolution and revitalization of the Hollywood community in which it is proudly located. In fact, the Appellants welcome responsible development and look forward to working with community stakeholders on the continued improvement of Hollywood. However, the significant up-zoning for the high-rise hotel Project, in a highly congested area of Hollywood, and immediately adjacent to sensitive receptors, needs to be comprehensively analyzed, and its impacts fully mitigated. Given the sheer magnitude of the Project, the MND provides a wholly insufficient level of CEQA review; much smaller projects – including zoning compliant projects – in Hollywood have required EIRs. The MND does not appropriately and adequately analyze the Project's significant environmental impacts. Instead, an EIR must be prepared to provide decision-makers and the public with sufficient information to fully consider all environmental impacts associated with the Project. Accordingly, any action taken by the City Council approving the Project and adopting the MND will be legally defective.