

UNITE HERE! Local 11

#15

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5/15/18

JoJo Pewsawang

City Planning Department

CC: Members of Los Angeles

Planning and Land Use Management Committee

Date: 05/15/2018

Submitted in PLUM Committee

Council File No: 18-0268

Item No. 15

Deputy: Comm. from Planning

Re: UNITE HERE Local 11 and Appellant Elle Farmer Comments | Godfrey Hotel Project (1400 North Cahuenga Boulevard) | CPC-2016-3841-CU-CUB-ZV-SPR, ENV-2015-3167-MND-REC1

Dear members of the PLUM Committee

On behalf of UNITE HERE Local 11 ("Local 11") and Appellant Lauren "Elle" Farmer ("Appellant") (collectively "Commentors"), we provide the City of Los Angeles ("City") and its City Planning Department ("City Planning") the following comments regarding the referenced Godfrey Hotel Project ("Project"), located at 1400 North Cahuenga Boulevard ("Site"), proposed by 1400 Cahuenga JV, LLC ("Applicant"). In its letter dated December 4, 2017, Commentors provided extensive comments related to the Project's addendum ("Addendum" or "ADM") to a previously prepared mitigated negative declaration ("MND"). City Planning claims in the staff report ("Staff Report" or "SR") that Commentors' previous concerns have been addressed (SR, p. P-5), yet the issues raised and the underlying facts are not mentioned—much less addressed—by the Staff Report and remain unrefuted. Hence, Commentors incorporate in its entirety all previous comments and highlight/add the following comments concerning the Staff Report. Unless otherwise specified, all citations are to the Staff Report.

The Project Is Not A Residential Project: the Project provides zero dwelling-units and, therefore, should not be confused with a genuine residential project providing "short-term" housing (F-6, F-14).

Nearby Residential Uses are Ignored: Notwithstanding the Project being more than 500 feet from a residential *zone*, residential *uses* are immediately adjacent to the Project including residences diagonal to the Site, 232 residential units abutting the Site, 429 units 0.2 miles of the site, a 19-story residential tower within the "immediate area" of the Project, and as evidenced by the substantial concerns raised by the community during public hearings (SR, pp. A-7-9, F-2, F-13, P-2-5).

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Alcohol-Related Uses Are Underestimated: Contrary to claims that alcohol-related uses are merely “secondary” or “ancillary” to hotel uses (F-1, F-4), the Project is an alcohol-charged, noise-generating hotel designed for partying. The Project analyzed only 1,440 square feet (“SF”) of alcohol-related uses (ADM, pp. 1-6, 2-75, 2-86, 2-101) despite the Project accommodating and anticipating alcohol sales and uses in more than 14,000 SF spread throughout the Project (A-1-2, A-9, C-12, F-1, F-4, F-6). Addendum fails to indicate any facts or Project features that will ensure the public will not access these areas. Admittedly, the area exceeds ABC’s guidelines for alcohol license including the 20 bars/venues/hotels identified by Planning. The area has nearly three times as much reported crime as compared to area-average. City Planning dismisses these facts by relying on illusory mitigation measures and ignoring impacts to sensitive uses, therefore the ‘No Undue Concentration’ Finding is unfounded.

Land Use Inconsistency: Contrary to claims that the Project is not consistent with the “spirit and intent” of the General Plan (SR, p. F-5), the Project is not consistent with the City’s General Plan. *First*, it is misleadingly to compare the Project against the Hollywood Community Plan update (A-6, F-3), which was invalidated by the courts and is not controlling.¹

Second, claiming the Project should be granted the sought changes because the site would be “underdeveloped” is a red herring (F-2). The Site is already entitled for 175-room hotel. Instead, the Applicant seeks to increase profits by eliminating all retail and half the restaurant area and squeezing 45 more guest room and maximizing alcohol-sales throughout the Project (A-4, P-1).

Third, the site is zoned C4 subject to the plain language of LAMC §§ 12.16.C.3 and 12.11.C (requiring 200 SF of lot area per guestroom), and therefore limits the Project to a maximum of 102 guestrooms (20,207 SF lot / 200 SF = 101.3 rooms) (ADM, p. 1-4). The 20,207 SF Project Site is zoned C4-2D (Addendum, p. 1:7), which is unambiguously subject to a 200 SF minimum lot area requirement per guest room. See LAMC §§ 12.11.C.4, 12.16.C.3. Hence, a Code-compliant Project is limited to 102 guest rooms max, not 220.

The ZAI interpretation of LAMC §§ 12.22.A.18 and 12.12.C, relied upon to exempt this Project from guestroom limits, is contrary to the plain language of the LAMC and does not further the purpose of the exemption as stated in the exemptions staff report—to create actual housing.

Fourth, while acknowledging the Project is subject to the Hollywood Redevelopment Plan and Ordinance 165661, City Planning fails to demonstrate that any of its preconditions are satisfied. Ordinance 165661 was imposed on the Site as part of the City’s widespread downzoning effort as part of the the General Plan Consistency Case 86-835-GPC and HGP/Zoning Consistency Program which recognized environmental impacts associated with overdevelopment of the Hollywood area. Here, the record is devoid of evidence that CRA or its successor agency (CRA/LA) has adopted a Transportation Program under § 518.1. (F-2, F-5). The HRP is still in effect, land use authority over Redevelopment areas remains with CRA/LA and has not been

¹ http://www.fixthecity.org/docs/Statement_of_Decision_140115.pdf.

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transferred to City Planning, and CRA/LA still handles environmental determinations and executes applicable agreements for Hollywood Redevelopment projects.²

Feckless Illusory Mitigation Measures: The City relies on illusory mitigation measures related to noise and public safety impacts. City Planning fails to provide any meaningful definition of what “low-volume” means (C-3). The MND, Addendum, and Staff Report ignores recognized sensitive uses including the abovementioned nearby residential uses (F-8, C-8). Additionally, City Planning treats compliance with ineffective existing laws as mitigation measures. For example, closing at 2 a.m. is merely abiding by existing law requiring establishments to stop serving alcohol at that time. The noise ordinance is demonstrably ineffective according to nearby residents. The five-foot glass permitted on the rooftop is a basic safety precaution with no analysis for noise attenuation. Nor does applicant explain how rooftop operation will be confined to the penthouse after midnight (A-9, C-3). To address public concerns (A-9, P-2-5), the City must provide meaningful performance standards to ensure mitigation, including a numeric cap on all music levels regardless if from all music. Mandatory fines should be in place to make the referenced complaint log meaningfully enforceable (C-6).

Deferred Mitigation Special events: The 24 “special events” allowed every year are not analyzed for potential noise impacts, nor is there any performance-based standards to guide future approval process (A-9, C-3-5). This may lead to amplified DJ activities and/or live entertainment twice a month impacting adjacent sensitive uses.

Shadow: The MND studied a 87 foot structure looks and looked at sensitive uses within three times that distance as a screening threshold (equal to 261 feet) (MND p. 3:7-8). The Modified Project is now 94 feet tall (ADM p. 1:7), making the screening threshold 282 feet. Neither the MND, nor the ADM examined shadow/aesthetic impacts caused to the entitled 200 residential units (82 feet south-east of Site),³ the entitled 396 residential units (194 feet away south of Site),⁴ or the historic Fire House (139 feet away south-west of Site).⁵ The MND and ADM therefore fail to disclose the potential impacts to these sensitive uses.

Noise: The MND stated BuzzFeed studio (which includes the 200 residential units)³ and Cahuenga/Homewood Residence (396 residential units)⁴ were 170 and 245 feet away, respectively (MND p. 3:124). The ADM repeats this claim (ADM p. 2:71). However, the residential units are 82 and 194 feet away, respectively. The MND and ADM equally fails to accurately measure these sensitive uses in accordance with LA CEQA Thresholds Guide (“LA CEQA

² <http://www.crala.org/internet-site/index.cfm>; https://planning.lacity.org/Code_Studies/CRA_Landuse/CRA_LandUse_StaffRpt.pdf; http://www.crala.org/internet-site/Meetings/Board_Agenda_2018/upload/A02-01-18_GB_Regular_Agenda.pdf; <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=13-1482-S1>;

³ See LADCP Case No. [ZA-2015-1766-MCUP-VCU-SPR](#), p. 36 (referencing “200 multi-family residential units (Building F.)”); see also [Site Plan \(identifying Building F at corner of Ivar/De Longpre\)](#).

⁴ See LADCP Case No. [CPC-2014-4279-ZC-HD-ZAA-SPR](#), pp. F:1-4 (referencing 369 residential units and public plaza area extending to the north end of the project located at Cole/Cahuenga); see also [Plot Plan](#).

⁵ All measurements based on ZIMAS

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Guidelines”).⁶ By overstating the distance to sensitive uses, the MND and ADM overstates presumed sound attenuation of construction and operational noise levels. (See LA CEQA Guidelines, p. 1.2:5; see also ADM, pp. 2:71-80). Given the above residential uses and public spaces are within 500 feet of the Project Site, contrary to the claims in the MND, all construction and operation noise regulations discussed therein should apply. (See MND pp. 3:118-121).

The MND stated the Original Project would include 31 additional peak hour trips to an existing 170 baseline, which is less than doubling and therefore not significant per LA CEQA Thresholds. (See MND, pp. 3:125-126; see also LA CEQA Guidelines p. 1.2:7). Notwithstanding the underestimated land use that miscalculates the Project’s traffic generation, the ADM concedes that the Modified Project will generate 138 net new PM peak hour trips (ADM, p. 2:76). The underestimated traffic generation, coupled with the inaccurate measuring of sensitive uses, could have easily triggered this threshold and be considered a significant impact under the LA CEQA Guidelines.

Rather than taking accurate measurements, the ADM uses a “noise prediction software” modeling that deviates from its prior threshold (i.e., doubling of ambient traffic conditions), which purports to compare a “no project scenario” (i.e., no hotel) against an “existing year with project scenario” (220 hotels) (ADM pp. 2:76-77). However, when comparing the baseline identified in the MND, the ADM substantially inflates the existing ambient noise levels, which amounts to an improper baseline analysis (see appended tables and images):

Inadequate Variance Findings: To allow outdoor dining above the ground floor in C4 Zone, a variance is required that requires a finding of undue hardship and special circumstances (F-9). “[I]mprove hotel operations and the overall guest experience” is not a compelling interest to grant the variance (A-4). While it may affect Applicant’s profit margins, profit maximization is not a legally recognized unnecessary hardship.

As discussed above, the Project relies on illusory mitigation measures and ignores likely impacts suffered by adjacent/nearby residential uses (F-9-10). Under City Planning’s logic, every C4 project in Hollywood could ignore the plain language of C4 zoning restrictions which would likely lead to cumulative impacts. Citing projects that may have been unjustly awarded variances, does not excuse compliance with the Code. If the City wants to do away with the C4 restrictions, it is the job of the Council to pass legislation—not the job of unelected city planners.

⁶ See [L.A. CEQA Thresholds Guide](#) (2006), pp. 1.2:2-3 (“Determine the noise level from stationary sources at the property line by evaluating the decibel output of each source, the distance to the property line and the path over which the sound travels.”).

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Table 3.12-7

Estimated Cumulative Peak Hour Mobile Source Noise Levels

Roadway Segment	Peak Hour	Estimated dBA, L _{eq} 1hr			
		No Project (2018)	With Project (2018)	Project Change	Significant Impact?
EB De Longpre between	AM	62.7	63.0	0.3	No

Table 3.12-7

Estimated Cumulative Peak Hour Mobile Source Noise Levels

Roadway Segment	Peak Hour	Estimated dBA, L _{eq} 1hr			
		No Project (2018)	With Project (2018)	Project Change	Significant Impact?
Cahuenga and Vine	PM	65.6	65.9	0.3	No
WB De Longpre between Cahuenga and Vine	AM	63.4	63.8	0.4	No
	PM	65.4	65.8	0.4	No
NB Cahuenga between Fountain and Lexington	AM	68.6	68.7	0.1	No
	PM	68.7	68.8	0.1	No
SB Cahuenga between Fountain and Lexington	AM	69.0	69.1	0.1	No
	PM	68.5	68.6	0.1	No
NB Vine between Sunset and De Longpre	AM	71.5	71.5	0.0	No
	PM	72.4	72.4	0.0	No
SB Vine between Sunset and De Longpre	AM	70.6	70.6	0.0	No
	PM	70.9	71.0	0.1	No
EB Fountain between Vine and El Centro	AM	64.0	64.0	0.0	No
	PM	64.8	64.8	0.0	No
WB Fountain between Vine and El Centro	AM	63.4	63.4	0.0	No
	PM	63.4	63.4	0.0	No

Source: DKA Planning, 2015.

(MND, pp. 3:130-131)

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Additionally, the analysis fails to account for other inaccuracies including:

- No buildings will be obstruct noise travel to the abovementioned residential uses, as previously claimed (MND, p. 3:132)
- Analyzing increase in ambient levels at night time when project uses will be at its zenith (e.g., hotel, bar, 24 annual events) when levels are presumed substantially reduced under LAMC § 111.03 .

These inaccuracies preclude complete analysis and forestall more stringent noise mitigation measures, such as six-to-eight foot tall plexiglass perimeter wall and include landscaping (i.e., shrubbery and trees) to minimize noise levels at off-site locations to the maximum extent feasible and achieve approximately 5 to 10 dBA of noise attenuation (see [MND-A](#) p. 13 [condition g]).

Conclusion

Thank you for your consideration of these comments. This letter is made to exhaust remedies under Pub. Res. Code § 21177 concerning the Project and incorporates by this reference all written and oral comments submitted on the Project by any commenting party. We ask that they are placed in the administrative record for the Project.

Sincerely,

Elle Farmer

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TABLE II
SOUND LEVEL "A" DECIBELS

(In this chart, daytime levels are to be used from 7:00 a.m. to 10:00 p.m. and nighttime levels from 10:00 p.m. to 7:00 a.m.)

ZONE	PRESUMED AMBIENT NOISE LEVEL (dB(A))	
	DAY	NIGHT
A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, and R5	50	40
P, PB, CR, C1, C1.5, C2, C4, C5, and CM	60	55
M1, MR1, and MR2	60	55
M2 and M3	65	65

Table 2.12-6
Future AM Peak Hour Mobile Source Noise Levels

Roadway Segment	Existing (2017)	No Project (2019)	Estimated dBA, L _{eq} 1hr		Significant Impact?
			With Project (2019)	Project Change	
N/B Cahuenga Blvd., S of Fountain Ave.	71.0	72.3	72.3	1.3	No
S/B Cahuenga Blvd., S of Fountain Ave.	71.6	72.8	72.8	1.2	No
E/B De Longpre Ave., W of Vine St.	66.2	68.2	68.3	2.1	No
W/B De Longpre Ave., W of Vine St.	67.8	69.3	69.4	1.6	No

Source: DKA Planning, 2017.

Table 2.12-7
Future PM Peak Hour Mobile Source Noise Levels

Roadway Segment	Existing (2017)	No Project (2019)	Estimated dBA, L _{eq} 1hr		Significant Impact?
			With Project (2019)	Project Change	
N/B Cahuenga Blvd., S of Fountain Ave.	71.0	72.5	72.6	1.6	No
S/B Cahuenga Blvd., S of Fountain Ave.	70.7	72.2	72.2	1.5	No
E/B De Longpre Ave., W of Vine St.	70.6	71.4	71.5	0.9	No
W/B De Longpre Ave., W of Vine St.	70.1	71.2	71.3	1.2	No

Source: DKA Planning, 2017.

(ADM, p. 2:77)