

**PLANNING DEPARTMENT TRANSMITTAL  
TO THE CITY CLERK'S OFFICE  
*SUPPLEMENTAL*  
*CF 18-0873***

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2016-2601-VZC-HD-CUB-ZAA-SPR	ENV-2016-2602-MND	13 – O'Farrell
<b>PROJECT ADDRESS:</b>		
6421-6429 ½ West Selma Avenue and 1600-1604 North Wilcox Avenue		
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
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<b>NOTES / INSTRUCTION(S):</b>	
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Jenna Monterrosa	February 22, 2019

**DEPARTMENT OF  
CITY PLANNING**

COMMISSION OFFICE  
(213) 978-1300

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February 22, 2019

## **LETTER TO FILE:**

Response to Additional Documents received for Case No. CPC-2016-2601-VZC-HD-CUB-ZAA-SPR

Project Address(s): 6421-6429 ½ West Selma Avenue and 1600-1604 North Wilcox Avenue

On November 27, 2018, the Planning and Land Use Management Committee (PLUM) held a public hearing for Case No. CPC-2016-2601-VZC-HD-CUB-ZAA as it relates to the requested Vesting Zone Change and Height District Change and the four appeals that were filed. At the hearing, the PLUM Committee heard public testimony and made a recommendation to the City Council to deny the appeals, modify one condition of approval related to the sale of alcoholic beverages, and to adopt the Vesting Zone Change and Height District Change to (T)(Q)C2-2D.

This letter is intended to respond to general statements made in documents received at the PLUM hearing and is not intended to provide additional rebuttal statements to arguments raised at or after the hearing.

## **Background**

At its meeting on July 12, 2018, the Los Angeles City Planning Commission approved and recommended the adoption of a Vesting Zone Change and Height District Change to (T)(Q)C2-2D and approved a Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages, an Adjustment for reduced yards, and Site Plan Review for the continued maintenance of a 20,624 square-foot ground floor restaurant, a new 1,939 square-foot ground floor restaurant, and a new 114 guest room hotel over three levels of subterranean parking. The existing 20,624 square-foot restaurant previously obtained a Conditional Use Permit for the sale of a full line of alcoholic beverages under Case No. ZA-2015-2671-CUB. The written determination of the City Planning Commission was issued on August 17, 2018 and was subsequently appealed by the following individuals or organizations:

1. Casey Maddren, United Neighborhoods for Los Angeles ("UN4LA")
2. The Sunset Landmark Investments, LLC
3. Alexis Olbrei, Southwestern Carpenters
4. Elle Farmer, Unite Here Local 11 ("Unite Here")

On November 21, 2018, Planning Staff prepared a Letter to File which provided a written response to the appeals filed. The letter was placed in the administrative file and submitted for transmittal to the City Clerk's Office on the same day. The transmittal would include the Letter to File to be incorporated as part of the administrative record of the Council File.

On November 27, 2018, at the public hearing before the PLUM Committee, Planning Staff provided a verbal presentation of the project, the appeal, and the Department's response to the appeals. The verbal response to the appeals is consistent with the discussion in the Letter to File dated November 21, 2018. In addition to Planning Staff's presentation, the PLUM

Committee heard testimony from the public, including the applicant and the appellants. At the public hearing, Mr. Robert Silverstein, the representative for The Sunset Landmark Investments, LLC, submitted a 468 page document dated November 27, 2018 to the Committee. At the conclusion of the public hearing, the PLUM Committee recommended that the City Council deny the appeals, approve the Conditional Use Permit, Zoning Administrator's Adjustment, and Site Plan Review with a modification to Condition No. 21.b related to special events, and to adopt the Vesting Zone Change and Height District Change to (T)(Q)C2-2D for the subject site.

### **Response to Additional Documents Received**

As previously stated, this letter is intended to provide clarification to general procedural statements that were made in the letter received from Mr. Silverstein, as well as comments that were made from the appellants at or before the public hearing on November 27, 2018. The PLUM Committee did not request any additional analysis or rebuttal to the technical information provided and has made a recommendation on the item to the City Council. As such, this letter is not intended to, or should it be construed as, providing additional analysis or rebuttal to the appeals. The item is pending final action by the City Council on February 26, 2019.

In the letter dated November 27, 2018, Mr. Silverstein claims that the City has violated the appellants' due process rights and fair hearing rights by withholding documents and included screen captures of the City Clerk's Council File Management System (CFMS). The screen captures show the documents which are available online as part of the Council File and provides the date of the document under the heading Document Date (Doc Date). The date is not meant to indicate the date that the document was made available to the public. The Department of City Planning prepared a 14-page letter on November 21, 2018 and placed it in the administrative case file and submitted it for transmittal to the administrative Council File records on the same date. Planning Staff did not receive any inquiries or direct communication from the appellants regarding responses to the appeal until November 26, 2018. Planning Staff provided the documents as requested. The Department did not intentionally withhold any documents from the appellants or public as alleged by the appellant.

The availability of the Letter to File prepared by the Department did not violate the appellants' due process rights or fair hearing rights as the PLUM Committee held a properly noticed public hearing on November 27, 2018 as required by the Los Angeles Municipal Code (LAMC). The LAMC does not require that a staff report be prepared or transmitted to the City Council, PLUM Committee, or to the appellants ahead of the public hearing. The Letter to File was prepared to provide written documentation to the administrative record of Planning Staff's anticipated presentation to the PLUM Committee at the public hearing. As a standard practice, Planning Staff is available to provide a verbal presentation and to answer questions at the public hearing before the PLUM Committee as requested. The verbal presentation generally includes an overview of the project, the requested actions before the committee, the appeal, and any responses to the appeal points raised. As indicated in the letter dated November 21, 2018, the Letter to File prepared by the Department was not intended to serve as a staff report or to circumvent the standard practice of providing a verbal presentation at the public hearing before the PLUM Committee.

At the public hearing before the PLUM Committee, the applicant and appellants were afforded the same rights to hearing Planning Staff's presentation and to provide their own presentations of their appeals to the PLUM Committee. As such, the existence of the Letter to File did not violate due process rights or fair hearing rights of the applicant or the appellants before the Committee. As previously noted, the matter is pending a final decision before the City Council, at a public meeting, which will consider the recommendation by PLUM.

Inquiries regarding this matter shall be directed to May Sirinopwongsagon, Planning Staff for the Department of City Planning at (213)978-1372 or [may.sirinopwongsagon@lacity.org](mailto:may.sirinopwongsagon@lacity.org)