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November 21, 2018

**LETTER TO FILE:**

Response to Appeals filed 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

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 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”)

**APPELLANT 1: Casey Maddren, United Neighborhoods for Los Angeles (“UN4LA”)**

The following is a summary of the statements from the appeal which was filed by Casey Maddren on behalf of United Neighborhoods for Los Angeles (“UN4LA”).

**REASON NO. 1 FOR APPEAL:**

1. *Multiple Negative Impacts on Community. The approval of the 8-story hotel will have numerous negative impacts on the Hollywood community. The community is already impacted by oversaturation of alcohol, high crime rates, understaffed law enforcement, stressed emergency services, and excessive noise from entertainment venues.*
  - *Live entertainment is not mentioned in the notices or agenda.*
  - *Noise has been a problems with the Dream Hotel.*

**STAFF RESPONSE:**

The applicant has requested a Conditional Use Permit (CUB) from the City to permit the sale and dispensing of a full line of alcoholic beverages in conjunction with the operations of a proposed restaurant and a proposed hotel. In addition to receiving an approval of a CUB from the City, the applicant must also obtain a license to sell alcoholic beverages from the State of California’s Department of Alcoholic Beverage Control (ABC). As it relates to the oversaturation of alcohol in the area, Finding No. 8.d.ii. addresses undue concentration within the area and the authority of ABC to approve an application if there is evidence that normal operations will not be contrary to the public welfare and will not interfere with the

quiet enjoyment of property by residents in the area. The Department of City Planning (DCP) received comments regarding concerns about noise from the existing Dream Hotel, which is located adjacent to the Project Site to the east. The Dream Hotel, while under the same ownership, is a separate hotel which received its discretionary approvals under Case No. CPC-2007-3931-ZC-HD-CUB-CUX-ZV-SPR. While the operations of the Dream Hotel was not under the purview of the City Planning Commission (CPC), the CPC did take into consideration the concerns regarding noise and operations of the rooftop area of the proposed hotel, known as Selma/Wilcox Hotel.

In regards to live entertainment, it is an ancillary use that is permitted by-right and does not require discretionary approvals from the Department of City Planning and is not required to be noticed or placed on an agenda. As noted by the appellant, the Mitigated Negative Declaration (MND) prepared for the Project, Case No. ENV-2016-2602-MND, identifies the proposed live entertainment and the potential operational noise impacts were analyzed as part of the environmental analysis. The MND identified that a project design feature, a minimum 6-foot glass or heavy plastic safety wall around the perimeter of the building, would reduce operational noise impacts from live entertainment occurring outdoors. After the publication of the MND, the applicants revised the Project to address concerns regarding noise by enclosing a portion of the rooftop area with retractable doors. As conditioned by the CPC, live entertainment would only be permitted within the enclosed area of the rooftop while the retractable doors are closed and no live entertainment would be permitted outdoors on the rooftop. The approved conditions, which are more restrictive the operational conditions approved under Case No. CPC-2007-3931-ZC-HD-CUB-CUX-ZV-SPR for the adjacent Dream Hotel, are intended to address the concerns raised by the public regarding noise.

The appellant cites that there is high crime rates and understaffed law enforcement in the area. The MND prepared for the Project evaluated the Project's potential impacts on the environment and identified two mitigation measures which were determined to reduce impacts to a less than significant level. The following mitigation measures were identified, adopted, and made enforceable conditions as required by CEQA.

**MM-Public-1: Public Services (Police – Demolition/Construction Sites).** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the hotel street level and to keep unpermitted persons from entering the construction area.

**MM-Public-2: Public Services (Police).**

- a. The plans shall incorporate a design that references the "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the LAPD. These measures shall be approved by the LAPD prior to the issuance of building permits.
- b. Public Services (Police). Upon completion of the Project, the LAPD Hollywood Area commanding officer shall be provided with a diagram of each portion of the property. The diagram shall include access routes and any additional information that might facilitate police response.

Additionally, the applicant presented the Project to the Hollywood Vice Division of the Los Angeles Police Department (LAPD). On March 24, 2018, Officer Thompson of the Hollywood Vice Division submitted a letter with recommended operating conditions for

consideration. During the public hearing which was held on March 28, 2018, Officer Thompson stated that LAPD was familiar with the proposed project, as well as the applicant's operation of adjacent Dream Hotel. He stated that the Project could be beneficial to the community and that potential negative impacts could be addressed through the recommended conditions sent on March 28, 2018 and compliance with the conditions by the applicant/operator. During the Commissioner's deliberation on July 12, 2018, there were questions raised regarding enforcement of the conditions. Planning staff clarified that operations of the Project would be monitored through the Department's Monitoring, Verification and Inspection Program (MViP). In addition to the MViP condition, the CPC also added a condition, Condition No. 37, which would require the applicant/operator to file for a Plan Approval Application with the DCP to review the operations of the Project. The application is to be filed 24 months from the operational date of the Project. The Plan Approval process is intended to allow for a comprehensive review of the operations of the project, the effectiveness of the conditions of approval, and to allow for modifications to the conditions to properly address the operations of the project.

As reflected in determination letter issued on August 17, 2018, the City Planning Commission (CPC) approved the Project with the mitigation measures and project design features identified in the MND, the recommended conditions from LAPD, as well as a number of other operational conditions such as: limiting the hours of operation of the rooftop, limiting the location of live entertainment, prohibiting a Dance Hall or Hostess Dance Hall use, requiring security, restricting the ability to sublet the premise to outside or third party promoters, and the Plan Approval application. The conditions are intended to address the overall operations of the Project, as well as to address concerns raised regarding alcohol sales, safety, and noise.

#### **REASON NO. 2 FOR APPEAL:**

2. *CPC Failed to Consider Substantial Evidence in the Record. The City Planning Commission abused its discretion by failing to consider substantial evidence in the record pertaining to the hotel's negative impacts.*
  - *Cites ABC license allocation information from the approval of Case No. ZA-2015-2671-CUB.*
  - *Cites a October 2014 letter from Chief Beck to the Department of City Planning regarding oversaturation and request that the Department exercise restraint in granting liquor permits.*
  - *Cites that violent crime has gone up 16.5% year to date over 2017.*
  - *Cites that a full line of alcohol is served in every component of the Dream complex.*

#### **STAFF RESPONSE:**

Prior to the public hearing held before the CPC on July 12, 2018, the appellant submitted two letters to the administrative record. The first letter was submitted on March 26, 2018 and the second letter was dated June 10, 2018. The two letters were included as Exhibits E and E.1, respectively, as part of the DCP Staff Recommendation Report for the CPC's consideration. The letters included references to the information cited in the appeal point. As discussed herein and as reflected in the DCP Staff Recommendation Report to the CPC, the approval takes into consideration the concerns raised by the appellant and other members of the public throughout the process. As previously stated, LAPD submitted a letter in support of the request for alcohol sales as well as recommended operating conditions. The CPC's approval of the CUB incorporates the recommended operating conditions which are intended to address safety and nuisance concerns, as discussed in response to first appeal

point. Additionally, as discussed under the first appeal point, the CPC considered comments raised during the hearing regarding the concerns of hotels and the use of the rooftop amenity space in the area and added a condition requiring the filing of a Plan Approval application to review the operations of the Project and the effectiveness of the conditions of the approval.

**REASON NO. 3 FOR APPEAL:**

3. *DCP Failed to Investigate Possible Piecemealing. The Department of City Planning failed to investigate credible reports that, as far back as 2014, 6421 Selma was planned as the second phase of a two part project. Commissioners ignored evidence that the developer was engaged in piecemealing.*
  - *In 2015 Hollywood International Regional Center (HIRC) applied to build a project called Tao Restaurant and retail project, ENV-2015-2672-MND.*
  - *Application was filed with the name "6421 Selma Wilcox Hotel, LLC"*
  - *Application for a different project, an 8-story hotel, was submitted after the original project was approved and construction had begun*
  - *CEQA requires an applicant to submit plans for a project in its entirety so that it can be comprehensively evaluated as part of the environmental assessment.*

**STAFF RESPONSE:**

The appellant states that DCP failed to investigate possible piecemealing of the Project during its review of the CUB for the existing 20,624 square-foot restaurant, known as the Tao Restaurant. As further discussed below, the information provided by the appellant is related to the previously adopted MND for the existing Tao Restaurant. The appellant has not provided information or substantial evidence of piecemealing for the current Project that was analyzed for the subject MND that was adopted as the environmental clearance for the CPC-2016-2601-VZC-HD-CUB-ZAA-SPR.

The applicant submitted a request for a CUB, Case No. ZA-2015-2671-CUB, for the Tao Restaurant on July 21, 2015 to permit the sale and dispensing of a full line of alcoholic beverages in conjunction with the operations of a proposed 20,624 square-foot restaurant. The Project, as described in the application was for the construction of the restaurant, a 6,000 square-foot commercial retail space, and three levels of subterranean parking. At the time of submittal of the CUB, the site was zoned C4-2D which permitted the construction of the restaurant, retail, and subterranean parking levels by-right, as such the applicants received ministerial permits for from the Department of Building and Safety. Planning staff received the comments from the public regarding a proposed hotel on the site and requested clarification from the applicant regarding the whole project. In consideration of the information provided at that time, DCP did not find evidence of potential piecemealing of the Project. Planning staff prepared an MND, Case No. ENV-2015-2672-MND, for the CUB for the Tao Restaurant, Case No. ZA-2015-2671-CUB, which analyzed the potential impacts of the project as submitted to DCP and identified mitigation measures to reduce potential impacts to a less than significant level. On March 18, 2016, the Zoning Administrator adopted the MND, Case No. ENV-2015-2672-MND, and approved the CUB, Case No. ZA-2015-2671-CUB. No appeals were filed and the determination became effective on April 4, 2016.

On July 22, 2016, the applicant filed the subject application, Case No. CPC-2016-2601-VZC-HD-CUB-ZAA-SPR, with DCP to maintain the Tao Restaurant and subterranean parking structure and to change the use of the previously approved retail space to a second

ground floor restaurant and hotel lobby and to construct a 114-guest room hotel. While DCP did not find intentions to piecemeal the previously approved project and the current Project, DCP was aware of the concerns raised by the public and that the Project's potential environmental impacts would not be adequately analyzed. In order to address these concerns, DCP required that a new environmental analysis for the Project be prepared. The subject MND, Case No. ENV-2016-2602-MND, analyzes the Project's potential impacts from two different baselines in order to provide a conservative and comprehensive analysis of the Project's impact on the environment.

As identified on Page Nos. 2-5 and 2-6 of the MND, Case No. ENV-2016-2602-MND, the analysis considered the two following baselines:

1. **Original Baseline:** The Original Baseline is the Project Site as it existed prior to the buildout of the development analyzed in the MND related to the CUB Approval, and contains an excavated areas, an existing 3,174 square foot restaurant, an existing 1,650 square foot piano bar, and an existing 4,893 square foot building with vacant retail space on the ground floor and four residential units on the second floor.
2. **Current Baseline:** The Current Baseline includes the development contemplated in the Adopted MND. This development, as currently constructed, includes the following: a 20,624 square-foot quality restaurant and a partially constructed, three-level subterranean structure on the eastern portion of the Project Site, and an excavated area, on the western portion of the Project Site that would be the 6,000 square feet of retail and remaining portion of the three-level subterranean structure contemplated in and to be constructed in accordance with the Adopted MND. The existing restaurant, on the eastern portion of the site, has an above grade height of 27 feet. As further detailed below under Construction Information, all the demolition, excavation, and construction of the Approved Project have been analyzed and mitigated in the Adopted MND.

The Original Baseline represents the environmental setting that existed prior to the issuance of ministerial permits from LADBS and the filing of Case No. ZA-2015-2671-CUB for the Tao Restaurant. The Current Baseline represents the environmental setting as it existed at the time of preparation of the subject MND. The use of the Original Baseline was intended to address concerns regarding piecemealing raised by the public and as referenced by the appellant. The subject MND provides a conclusion of the Project's impacts and identifies mitigation measures that would reduce the Project's impact to a less than significant level from either baseline.

The CPC found that the MND, Case No. ENV-2016-2602-MND, prepared for the existing restaurant and subterranean parking structure, the proposed restaurant, and 114-guest room hotel adequately analyzes the Project's potential impacts from both baselines and identifies the mitigation measures to reduce impacts to a less than significant level. The appellant has not submitted evidence that the subject MND, Case No. ENV-2016-2602-MND, does not analyze the Project as a whole as required by CEQA. As reflected in the administrative record, the MND prepared for the Project, Case No. ENV-2016-2602-MND, adequately analyzes, identifies, and mitigates the Project's potential impacts from both baselines and addresses the concerns regarding piecemealing.

**REASON NO. 4 FOR APPEAL:**

4. *Parking Capacity Apparently Linked to Other Projects Under Construction. The Commission engaged with the developer in a discussion of locations for off-site parking in which the developer's representative indicated that nearby HIRC projects could accommodate parking for visitors at 6421 Selma. This seems to indicate that 6421 Selma was planned in conjunction with nearby hotels, but these hotels have not been assessed as unified project, and at the time they were approved the developer did not indicate that they were designed to contain excess parking for future projects.*

**STAFF RESPONSE:**

The appellant alleges that the development of excess vehicular parking spaces indicates that the hotels within the vicinity were planned in conjunction with one another. As it relates to parking in general, the Los Angeles Municipal Code (LAMC) does not prohibit excess parking spaces from being provided on any site and does not regulate how those spaces may be utilized. As such, any project is able to provide parking in excess of what is required by the LAMC. Additionally, the LAMC contains provisions that vehicular parking for commercial uses, including hotels, may be provided off-site within 750 feet of the site, LAMC Section 12.21 A.4(g), by covenant, LAMC Section 12.26 E.5. Providing parking in excess or being able to accommodate parking for a different site does not necessitate that projects were planned in conjunction with one another. Additionally, as further explained below, the applicant had originally proposed to accommodate all of the parking spaces on-site.

While providing or having excess parking spaces does not necessitate the projects are planned in conjunction with one another, nevertheless, the administrative record indicates that applicant had planned to provide all of the required parking spaces for the Tao Restaurant, the proposed ground floor restaurant, and the Selma/Wilcox Hotel on-site within the three levels of subterranean parking. When Case No. ZA-2015-2671-CUB was considered in 2015, the subterranean parking structure was proposed to accommodate 93 vehicular parking spaces, 40 additional parking spaces than required. When the current Project was submitted in 2016, the parking configuration was revised slightly to accommodate the 102 required parking spaces for the entire Project. However, in mid-2017, Planning Staff notified the applicant's representative that the proposed configuration of the parking spaces would not comply with the requirements of the LAMC and that the parking spaces would have to be reconfigured or a variance would be required to permit the configuration. As a result, the applicant reconfigured the parking spaces within the subterranean structure to comply with the LAMC, in affect reducing the amount of parking spaces that could be accommodated on-site by almost half. The applicant then revised the proposed plans to have a portion of the parking provided off-site by covenant in lieu of requesting a variance related to parking. The applicant did evaluate the potential of providing the off-site parking spaces at 1541 North Wilcox Avenue, which is the location of another previously approved hotel currently under construction. However, the applicant is not obligated to provide the off-site parking spaces at this site. As the applicant has not requested a deviation from the LAMC related to the locating parking off-site, the applicant will be required to comply with the requirements of the LAMC. As conditioned, the applicant will be required to secure parking spaces off-site within 750 feet of the site by covenant prior to the issuance of a Certificate of Occupancy being issued, consistent with the LAMC provisions. While the applicant has considered a proposed hotel site as the location of the required parking for the Project, the Project is not depended on the parking being located at the other proposed hotel site. If the applicant is able to locate excess parking at another site within 750 feet and can obtain a covenant, then they may choose to locate parking at another site.

**APPELLANT 2: The Sunset Landmark Investments, LLC**

The following is a summary of the statements from the appeal which was filed by The Sunset Landmark Investments, LLC.

**REASON NO. 1 FOR APPEAL:**

1. *City Officials and Relevant Group are cooperating to create a nighttime Las Vegas style entertainment district along Selma Avenue for which there has been no planning to protect other property owners or assure adequate public infrastructure exists to support these traffic, alcohol, and noise intense uses.*
  - *Hotels, outdoor nightclubs, indoor/outdoor party spaces, and food and alcohol serving venues was not planned in the Hollywood Community or the Hollywood Redevelopment Plan.*
  - *City imposed "D" Development Limitation on floor area ratio because the sites were too distant from high capacity transit – City is overriding the limits one by one.*
  - *CEQA requires the analysis of the "whole of the project," no public planning process for a boutique hotel district.*
  - *The environmental review for the Dream Hotel I and Tao Restaurant/parking garage did not disclose or analyzed in the other project during their respective environmental review process.*
  - *Environmental review of the current proposed hotel does not mention or include analysis of the Dream Hotel I.*
  - *Proposed Schrader Hotel is linked to Relevant Group and the Hollywood Regional Center because they have the same representative and public outreach consultant.*

**STAFF RESPONSE**

The appellant asserts that uses such as hotels, outdoor night clubs, indoor/outdoor party spaces, and food and alcohol serving venues were not planned in the Hollywood Community or the Hollywood Redevelopment Plan area. However, the appellant fails to note that the project site and surrounding areas are designated and zoned for commercial uses and that hotel and food service uses may be permitted by-right when the use is in compliance with the LAMC. The Project consists of an existing restaurant, a proposed restaurant, and a proposed 114-guest room hotel. Taken together or separately, the uses are permitted within the underlying C4 Zone and the recommended C2 Zone. While ancillary use of the rooftop for outdoor amenity space is permitted by-right for residential projects in the C4 Zone, there is ambiguity as to whether outdoor dining or an outdoor eating area is permitted within the C4 Zone above the ground floor. As such, the applicant appropriately requested consideration of a Vesting Zone Change to the C2 Zone where outdoor dining or an outdoor eating area is a permitted use above the ground floor. In regards to assuring that there is adequate public infrastructure to accommodate the Project, as part of the zone change, LAMC Section 12.32 G.1 allows the City Council to place the zone change in a Tentative "T" Classification and impose conditions for improvements to public infrastructure when it may be determined that it is for the "public necessity, convenience and general welfare." The CPC recommended that the City Council adopt the vesting zone change with "T" Conditions that were recommended by the various responsible Departments, Bureaus, and Agencies of the City as it related to improvements to public infrastructure. The applicant would be required to complete the necessary improvements contained within the "T" Conditions before the zone change would become effectuated.

The ability to sell, dispense, and consume alcoholic beverages or to operate a “nightclub” type use would require the approval of a Conditional Use Permit, at which time the decision-maker would evaluate the appropriateness of the proposed use and its operations within the neighborhood context. The applicant requested a CUB for the sale of a full line of alcoholic beverages in conjunction with the operations of the proposed restaurant and hotel, which was approved by the CPC. The applicant has not requested a Conditional Use pursuant to LAMC Section 12.24 W,18 to permit the operations of a Dance Hall or Hostess Dance Hall, which would be required to operate the “nightclub” type of use referenced by the appellant. In approving the requested CUB for the sale and dispensing of alcoholic beverages for the proposed restaurant and hotel, the CPC took into consideration written and verbal testimony and included an additional condition requiring that the applicant file for a Plan Approval within 24 months of the operational date to evaluate the operations and effectiveness of the conditions of the proposed restaurant and hotel. The CPC also adopted Planning Staff’s recommended conditions which included restricting the hours of operation of the rooftop, limiting the location and operations of live entertainment, as well as prohibiting a Dance Hall or Hostess Dance Hall use.

The appellant references a Development “D” Limitation that limits the floor area ratio (FAR) because the site is located too distant from high capacity transit. The “D” Limitation in question is contained in Ordinance No. 165,600 which was adopted in 1990 by the City Council. At the time of the adoption of the “D” Limitation, the Metro Red Line had not completed construction and was not operational. The Metro Red Line is a heavy rail subway line that partially runs along Hollywood Boulevard. As referenced in Finding No. 3 of the adopted findings, the project site is located between the Metro Red Line Hollywood/Cahuenga and Hollywood/Vine stations, approximately 0.6 and 0.4 miles respectively. Additionally, the Project Site is located within a Transit Priority Area, as defined by Senant Bill 743 (SB743). While the site may have been located too distant from high capacity transit at the time of adoption of the “D” Limitation, this is no longer the case. The adoption of the “D” Limitation as it relates to the development of the area within the Hollywood Redevelopment Plan Area is discussed within the DCP Staff Recommendation Report. Planning Staff would also like to clarify that the “D” Limitations do not contain provisions related to the permitted uses on a site, which is governed by the applicable zone. Additionally, “D” Limitations are conditions which may be placed on a project site through the legislative process of adopting a height district change pursuant to LAMC Section 12.32. As such, the City may maintain, modify, or change the “D” Limitations as determined to be appropriate through the process prescribed in LAMC Section 12.32.

The appellant asserts that the proposed hotels located along Selma Avenue should be reviewed under one CEQA document and/or disclose the other proposed hotels in order to accurately reflect the whole of the project. Each of the proposed hotels located within the vicinity of the Project Site may be built and operated independently of one another and are not dependent on one another, or as a foreseeable consequence of the other proposed hotels. The subject MND describes the environmental setting, which includes the existence of existing hotels in the area and identifies proposed hotels in the vicinity as related projects and appropriately considers the impacts under the Project’s cumulative analysis. As it relates to the Dream Hotel, the environmental analysis for the project was published on March 13, 2008, seven years prior to the submittal of the Case No. ZA-2015-2671-CUB for the Tao Restaurant. As such, it would not be reasonable to expect that the Tao Restaurant could have been contemplated, disclosed, or considered a related project at the time the Dream Hotel was analyzed. The MND that was prepared for the Tao Restaurant, Case No. ENV-2015-2672-MND, as well as the subject MND prepared for the Project, Case No. ENV-2016-2602-MND, appropriately discusses and analyzes the cumulative impacts of the



Dream Hotel as a related project. The proposed hotels, as well as other types of proposed projects in the area, are disclosed and analyzed as a related project in the area. The appellant assumes reasons for two of the Commissioners voting no on the requested actions; however, the appellant fails to provide an accurate summary of the issues raised and discussed by Commissioner Pearlman and Khorsand during the Commissioner's deliberation. As it relates to CEQA piecemealing, Commissioner Pearlman made a statement indicating that he did not see it as a piecemealing issues. Regarding land use issues, Commissioner Pearlman raised concerns regarding parking while Commissioner Khorsand spoke to concerns regarding parking and the use and accessibility of the rooftop. The Commissioner's deliberation is available in its entirety at [Case No. CPC-2016-2601-VZC-HD-CUB-ZAA-SPR CPC Audio](#).

The appellant assumes that the proposed Schrader Hotel at 1600, located at 1600-1616 ½ North Schrader Boulevard, is related to the applicant because they utilize the same representatives. The applicants for the proposed Schrader Hotel is KOAR Institutional Advisors, who are not the applicants for the subject Project. Additionally, use of the same representatives does not imply that the applicants are one and the same.

## REASON NO. 2 FOR APPEAL:

2. *Sunset Landmark adopts all of the analysis and supporting exhibits filed before the City's Advisory Agency in File No. VTT-74406. In support of this appeal, Sunset Landmark adopts and directs the City Council's attention to its March 23, 2018 objection letter and supporting evidence.*
  - *The City persists in relying on facially invalid Zoning Administrator Interpretations of LAMC Section 12.22 A.18 and 12.12 C4 to increase the number of authorized hotel rooms on this lot.*
  - *The property is limited to a maximum 2:1 FAR and the City has not and cannot meet the legal standards that apply in order to propose to wipe out the previous zoning, adopted by the City as a CEQA mitigation measure.*
  - *The project is required to comply with a Transportation Plan under the current Hollywood Redevelopment Plan.*
  - *The supporting MND is fatally flawed as it fails to disclose and analyze the whole project, avoids full disclosure and analysis of the residential unit density and FAR changes.*

## STAFF RESPONSE

The appellant raises issues and supporting documents that were submitted at the initial joint public hearing of Case Nos. CPC-2016-2601-VZC-HD-CUB-ZAA-SPR and VTT-74406 held on March 28, 2018. For the record, Case No. VTT-74406 was withdrawn by the applicant and acknowledged by the Advisory Agency on May 29, 2018. The appellant asserts that the MND prepared for the Project, Case No. ENV-2016-2602-MND, does not disclose or analyze the density or FAR changes proposed as part of the Project. In regards to the change in FAR, the cover page of the MND provides a description of the requested entitlements, which includes the request for a Height District Change to permit a 3.7:1 FAR. The proposed guest room density and FAR is further discussed, with the appropriate citation of code sections, beginning on Page No. 2-7 of the MND and is further discussed in the appropriate sections of the MND. All other issues raised by the appellant are addressed in its entirety in the Department of City Planning's Recommendation Report to the City Planning Commission, available at [Case No. CPC-2016-2601-VZC-HD-CUB-ZAA-SPR Recommendation Report](#).

**APPELLANT 3: Alexis Olbrei, Southwestern Carpenters**

The following is a summary of the statements from the appeal which was filed by Southwestern Carpenters.

**REASON NO. 1 FOR APPEAL:**

1. *Baseline Analysis is Improper.*
  - *CEQA requires that the analysis of a project consist of “the physical conditions actually existing at the time of analysis.”*
  - *The use of two baselines unduly creates confusion in the analysis and is improper.*

**STAFF RESPONSE**

The appellant argues that the use of the terms “Original Baseline” and “Current Baseline” thwarts the information goals of CEQA by creating an older baseline is valid when it is not. CEQA Guidelines Section 15125(a) states that the “environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.” The use of “normally constitute” allows the Lead Agency to determine what the appropriate point in time is in order to establish the environmental setting which will be utilized as a baseline to analyze the Project’s potential impacts. As discussed under *Appellant 1 – Reason No. 3 for Appeal*, concerns regarding CEQA piecemealing were raised due to previously permitted and approved project known as the Tao Restaurant. In order to address these concerns, the City prepared a conservative and comprehensive CEQA analysis that analyzed the potential impacts of the Project from the time in which the Tao Restaurant was first proposed and as the site exists today. The MND clearly defines the two baselines, as well as the analysis and conclusions of the potential impacts of the project from both baselines. The MND does not imply that one baseline is more valid than the other, but rather furthers the purpose and intent of CEQA by fully disclosing the potential impacts of the whole project on the environment at two different points in time and that those impacts would be fully mitigated.

**REASON NO. 2 FOR APPEAL:**

2. *The IS/MND’s Traffic Analysis is incomplete and improperly defers mitigation measures to a future time.*
  - *The Transportation Demand Program is deferred mitigation.*
  - *A requirement for 10 percent effectiveness in reducing new vehicle trips is highly unlikely to mitigate traffic impacts and the TDM will not be effective in mitigating traffic impacts.*

**STAFF RESPONSE**

The appellant asserts that the mitigation measure is improper because it defers mitigation of the potential impacts because the Transportation Demand Program (TDM) does not exist. The use of a TDM is appropriate and consistent with CEQA Guidelines Section 15126.4. The section states that “measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way. The mitigation measure, as incorporated below for reference, clearly defines performance-based standards that the TDM is required to comply with and provides strategies to achieve the identified performance standards. Additionally the TDM requires a Monitoring Program that is reviewed by the Department of Transportation (DOT) to

determine the effectiveness of the TDM and a penalty program when it has been determined to not be effective. The appellant asserts that a 10 percent effectiveness in reducing new vehicle trips is highly unlikely to mitigate traffic impacts; however, the appellant does not provide any substantial evidence to support this claim. The TDM, as well as percentage of effectiveness to reduce new vehicle trips, were based on a Traffic Impact Analysis prepared by Overland Traffic Consultants, dated May 2017 and November 2017. The analysis was reviewed by DOT and determined to be consistent with DOT's Transportation Impact Study Guidelines, December 2016, and appropriate to mitigate any potential impacts from the Project.

**MM-Traffic-1. Transportation Demand Management and Monitoring Program.**

- a. The Applicant shall prepare and submit a preliminary Transportation Demand Management Plan (TDM) to the Department of Transportation prior to the issuance of the first building permit for the Project. A final TDM shall be submitted and approved by the Department of Transportation prior to the issuance of the first certificate of occupancy for the project.

The TDM shall include strategies, as determined to be appropriate by the Department of Transportation, which would have a minimum ten (10) percent effectiveness in reducing new vehicle trips.

In the event that the Project would provide twenty (20) or more required parking spaces off-site, the TDM shall demonstrate a minimum twenty (20) percent effectiveness in reducing new vehicle trips.

- b. In the event that the Project would provide twenty (20) or more parking spaces off-site and is required to implement a TDM which has a minimum twenty (20) percent effectiveness in reducing the total net project trips, a Monitoring Program (MP) shall be prepared to provide continued monitoring of the TDM's effectiveness. The MP shall be prepared by a licensed Traffic Engineer and submitted to the Department of Transportation for review. The MP shall continue until such time that the Project has shown, for three consecutive years, at a minimum of 85 percent occupancy, achievement of the peak hour trip volume requirements listed. Should the review show that the peak hour trip cap threshold has been exceeded the Project shall have one year to attain compliance or be subject to a penalty program.

Implementation of the TDM shall be at the Project's expense.

Strategies may include, but shall not be limited to, the following:

1. Provide guest assistance on arrival and departure to find options to personal or rented vehicles to access the site.
2. If found feasible by LADOT and Metro, improve the existing bus stop on the north side of Hollywood Boulevard east of Wilcox Avenue where there is an existing sign, bench and trash receptacle with a weather protected cover. Improve the bus stop on the south side of Hollywood Boulevard west of Cahuenga Boulevard where a bus sign only with a bench, trash receptacle, weather protected cover and bench. Improve the bus stop on the north side of Sunset Boulevard west of Wilcox Avenue where a bus sign, a bench, and trash receptacle with a weather protected cover;

3. Provide a visible on-site kiosk with options for ridesharing, bus routes and bike routes in a prominent area(s) in view for hotel guests, employees and patrons of the restaurants;
4. Provide information for guests of the hotel upon check in that includes the transit, bike routes, and nearby walking opportunities as options to use rather than person vehicles;
5. Provide an on-site TDM manager to assist hotel guests navigate the alternative modes of transportation options, in matching rideshare partners for the employees, determining transit routes for employees, and promoting TDM program;
6. Provide access pass and transit pass reductions for employees;
7. Provide bicycle spaces to encourage cycling as an alternative to single occupant vehicles;
8. Provide bicycle sharing service for guests and employees use;
9. Provide amenities to encourage guests of the hotel spend some of their time eating, relaxing and recreating on-site.

**REASON NO. 3 FOR APPEAL:**

3. *The IS/MND's Greenhouse Gas (GHG) analysis is insufficient to support its conclusion that impacts from the project will be less than significant.*

The appellant claims that the analysis of the Project's GHG impacts are insufficient, but has not provided substantial evidence to support this claim. As discussed in the MND, there is no applicable California Air Resources Board (CARB), South Coast Air Quality Management District (SCAQMD), or City significant threshold or specific reduction targets, and no approved policy or guidance to assist in determining significance at the project or cumulative levels. CEQA Guidelines Section 15064(h)(3) states that a "Lead Agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, ... plans or regulations for the reduction of greenhouse gas emissions) that proves specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located." As discussed in the MND, the City has adopted various regulations that are intended to implement sustainable measures to increase the proposed building's efficiency. As reflected in the analysis under the GHG Impact category, the MND does not use a numeric threshold and that a significance determination was made based on consistency with applicable regulatory plans and policies related to the reduction of GHG emissions, consistent with CEQA.

**REASON NO. 4 FOR APPEAL:**

4. *The IS/MND fails to evaluate cumulative impacts.*

**STAFF RESPONSE**

The appellant claims that the analysis of the cumulative impacts is flawed, but fails to provide any substantial evidence as to how it is flawed. The claim is based largely on the

approach in which the cumulative impacts analysis was conducted. The subject MND does identify potential impacts in certain impact categories; however, the analysis also identifies mitigation measures, project design features, or existing regulations that would mitigate each of those impacts to a less than significant level. The cumulative analysis rightfully analyzes the potential impacts from related projects as being mitigated through their respective CEQA analysis. Additionally, the identification of an impact, whether for the project or a related project, does not necessitate that there would be a cumulative impact. The cumulative impacts analysis in the MND is consistent with CEQA Guidelines Section 15130, which provides guidance for the analysis of cumulative impacts. The analysis provides a summary of the cumulative impacts of the relevant projects, which the City compiled consistent with CEQA Guidelines Section 15130(b)(1).

**APPELLANT 4: Elle Farmer, Unite Here Local 11**

The following is a summary of the statements from the appeal which was filed by Elle Farmer on behalf of Unite Here Local 11.

**REASON NO. 1 FOR APPEAL:**

1. *The Project's MND fails to comply with CEQA.*
  - *The MND fails to adequately analyze the environmental impacts of the Project.*
  - *The MND fails to describe the entire project.*
  - *The MND fails to propose all feasible mitigation measures to reduce Project impacts.*

**STAFF RESPONSE**

The appeal which was filed attaches supporting documentation that was submitted to the administrative record prior to the initial joint public hearing on March 28, 2018 and the City Planning Commission hearing on July 12, 2018. As previously discussed under responses to Appellants 1 through 3, the MND adequately describes the entire Project and provides a conservative analysis of the Project's impact on the environment and provides an analysis of when mitigation measures, project design features, or existing regulations would mitigate identified impacts to a less than significant level.

The appellant includes letters submitted by SWAPE, dated May 31, 2018, and Smith Engineering and Management, dated May 30, 2018, which discuss concerns regarding the analysis of the Project's impact specific to the following impact categories: Air Quality, Greenhouse Gases, and Traffic and Transportation. In regards to the letter submitted by SWAPE, the Project inputs utilized in the CalEEMod are the same inputs utilized for the traffic study that was prepared. The overall square-footage provided within the Project Description by DCP utilizes an overall square-footage number that is inclusive of ancillary floor area in order to provide a comprehensive understanding of the overall building envelope. The difference in floor area is due to the fact that certain portions of the building are considered ancillary floor area, i.e. stairwells, storage, etc..., is excluded depending on the purpose of the review or analysis. The CalEEMod permits changes in the standard input to adequately reflect the proposed Project, which was done as part of the analysis for the subject Project. The inputs utilized in the CalEEMod reflect the anticipated construction and operations of the Project as discussed with the Project team. As previously discussed under *Appellant No. 3 – Reason No. 3 for Appeal*, the MND adequately analyzes and utilizes the appropriate standard of consideration regarding the Project's impacts related to GHG.

The letter from Smith Engineering and Management contains broad assumptions related to the applicant's proposed Project which are unrelated to analysis of the Project's impacts related to traffic and transportation. As previously discussed under *Appellant 1 – Reason No. 3 for Appeal*, the subject MND analyzes the project as a whole and considers the Project's impacts from two different baselines to address the concerns regarding piecemealing. No evidence has been provided to support that the subject MND, Case No. ENV-2016-2602-MND, does not analyze the whole of the project. As further discussed under *Appellant 1 – Reason No. 4 for Appeal*, the LAMC does not regulate the maximum number of parking spaces that may be provided and the providing of excess spaces does not necessitate that projects are planned in conjunction with one another. There are a number of reasons for why excess parking may be provided for a project, including meeting the economic and social demand for parking, as such, assumptions cannot be made or relied upon as a basis for concerns regarding the Project. A Traffic Impact Analysis prepared by Overland Traffic Consultants, dated May 2017 and November 2017, was prepared in accordance with DOT's Transportation Impact Study Guideline, dated December 2016. The analysis utilizes the Institute of Transportation Engineer's Trip Generation Manual to determine the Project's trip generation rates. The trip generation rates takes into account trips by employees, which are then factored into both the off-peak and peak hour trips. As such, the peak hour trips identified in the MND already includes trips made by employees of the Project. In regards to increase popularity of ride-hailing services, the comment asserts that the analysis completely fails to account for the increasing popularity of reliance of servicers such as Uber, Lyft, and other similar companies. The rise in popularity of these services is fairly recent and no standards presently exists within DOT's Transportation Impact Study Guideline to evaluate how these services positively or negatively impact traffic, assumptions of the impacts of these services related to the Project are speculative at best. The Traffic Impact Analysis prepared for the Project was reviewed by DOT and it was determined that the analysis was adequate and that any potential impacts identified could be mitigated to a less than significant impact with the implementation of the identified mitigation measures. These measures, including the TDM referenced under *Appellant 3 – Reason No.2 for Appeal*, includes a requirement for a Construction Traffic Control/Management Plan and provisions for pedestrian safety during construction. As reflected in the administrative record, the MND prepared for the Project, Case No. ENV-2016-2602-MND, adequately analyzes the impacts of the Project addressed by the appellant, as well as all other impact categories.

## CONCLUSION

For the reasons discussed in response to each of the appeals, Planning Staff recommends that the Planning and Land Use Management Committee (PLUM) recommend to the City Council to deny the appeals and to sustain the decision of the City Planning Commission in approving the Conditional Use Permit and Site Plan Review and adopt the Vesting Zone and Height District Change to (T)(Q)C2-2D.

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)