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Via E-mail (clerk.plumcommittee@lacity.org)

January 6, 2020

Planning and Land Use Management Committee
Los Angeles City Council
City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90071

Re: Council File 19-1077; Appeal of ENV-2018-3289-CE-1A filed by Frontier Holdings West, LLC & Main Fund Associates, LLC (collectively, "Frontier West")

Honorable Members of the Planning and Land Use Management Committee:

Due to the Central City Area Planning Commission's failure to provide a quorum to schedule a hearing on the above-referenced appeal within the time permitted by the Municipal Code, Frontier West has not had the opportunity for a hearing on the merits regarding its appeal of the Associate Zoning Administrator's:

- Failure to require an alley dedication as required to comply with the General Plan's Mobility Element;
- Failure to require an alley dedication as necessary to mitigate traffic, circulation, and public safety impacts; and
- Plainly improper reliance on Categorical Exemption 32 in granting the project's CEQA clearance.

Under CEQA, Categorical Exemption 32 may not be utilized where: (a) the project is not consistent with applicable general plan policies; or (b) there is substantial evidence of any significant effects relating to traffic, noise, air quality or water quality. Moreover, CEQA does not permit the utilization of any categorical exemption where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. See CEQA Guidelines Sections 15300.2(c) and 15332(a) and (d).

In this case, CEQA prohibits the use of any Categorical Exemption because substantial evidence indicates that:

- The project is not consistent with applicable general plan policies;

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- The project will result in significant traffic, public safety and noise effects; and
- The project will have a significant effect on the environment due to unusual circumstances

For all of these reasons – and to avoid unnecessary litigation that will compel the City to comply with its CEQA responsibilities – the City Council should set aside the Categorical Exemption and, at a minimum, condition the Project to require that it provide a 4-foot wide alley dedication as required by the City’s Mobility Element, Municipal Code and Standard Street Dimensions.

I. Substantial Evidence Indicates that the Project Will Result in Unmitigated Traffic and Public Safety Impacts

In its October 22, 2019 letter to the PLUM Committee (attached as **Exhibit A**), Crain & Associates detailed that the project’s exclusive vehicular access from the alley (which relies on car elevators rather than driveway ramps) combined with loading operations in the same location at the alley, the substandard 12 foot width of the existing alley and the use of the alley by other properties on the block will “foreseeably generate significant transportation impacts.”

Crain & Associates further concluded that such conditions will “foreseeably result in traffic blockages and/or gridlock conditions as well as public safety hazards. Gridlock is likely to occur when automobiles traveling in opposite directions need to pass one another on the 6-foot wide half alley. Any added Project parking and loading access to the alley will increase the potential for such conflicts, and stacked vehicles may not be able to back up.” transportation impacts.”

Crain & Associates is a nationally-recognized transportation planning and traffic engineering firm. Its analysis constitutes “substantial evidence” (expert opinion supported by facts)¹ of a potential traffic, transportation, and public safety impacts.

There is no evidence in the administrative record that conflicts with Crain & Associates analysis, but even in the event there were a dispute between experts, CEQA requires that the City treat the impacts identified by Crain & Associates as significant, and that the City prepare further analysis and mitigation either in the form on an Environmental Impact Report or a Mitigated Negative Declaration. Public Resources Code Section 21080(c)(1); CEQA Guidelines Section 15063(b)(2) and 15064(f)(3).

II. Substantial Evidence Indicates that the Project is not Consistent with Applicable General Plan Policies

As discussed above, a Class 32 Categorical Exemption may not be utilized where the project is not consistent with applicable general plan policies. The Mobility Element of the

¹ CEQA Guidelines Sections 15064(f)(5) and 15384.



City's General Plan, more commonly referred to as Mobility Plan 2035, references the standard roadway dimensions for all roadway classifications in the City outlined in the Bureau of Engineering's Standard Plan for Standard Street Dimensions (S-470-1). Per Standard Plan S-470-1, alleys shall be a minimum of 20 feet in width. The Bureau of Engineering recommended that the project provide a dedication to provide for the alley's widening to 20 feet (10-foot wide half alley). BOE's recommendation is consistent with Section 17.05.E of the City of Los Angeles Municipal Code (LAMC), which requires that alleys "shall not be less than 20 feet in width."

Further, as discussed by Crain & Associates, the current City of Los Angeles Department of Transportation (LADOT) *Transportation Assessment Guidelines* (July 2019) expressly provide that a significant transportation impact occurs if a development project:

- 1) conflicts with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities; and
- 2) substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The Associate Zoning Administrator did not require a 4-foot alley dedication. Therefore, the project conflicts with Mobility Plan 2035 and may have a significant traffic and transportation impact based on the first criteria of LADOT's Guidelines.² Moreover, as Crain & Associates has testified, in the event the alley dedication required by the LAMC and Mobility Plan 2035 is not required, the lack of an alley dedication and retention of a substandard half-alley width adjacent to the Project, coupled with its plan for vehicle ingress and egress and loading of goods from the alley combined with other non-Project traffic that utilizes the alley will foreseeably result not only in "blocked and/or gridlocked conditions," but also "public safety hazards." Thus, there is also a potential impact under the second criteria of LADOT's Guidelines.

For all of the foregoing reasons, Categorical Exemption 32 may not be used, and the project must be required to provide a 4-foot alley dedication.

III. Substantial Evidence Indicates that the Project will Result in Impacts due to Unusual Circumstances

Substantial evidence demonstrates that there are unusual circumstances in this case that will foreseeably result in significant environmental impacts. Specifically:

² In addition, because the Associate Zoning Administrator did not require the four-foot dedication along the alley, his finding of substantial conformance with the General Plan required by LAMC Section 16.05.F.1 was improper.

- An alley that is substandard in width under the City's general plan and that according to traffic engineering experts, is inadequate to serve the project and the other buildings that use the alley for access and service;
- A 139-room hotel with a ground floor restaurant with 125 seats as well as a roof-top bar with up to 200 seats supported only by 44 parking spaces accessed off a substandard alley by means of a garage elevator that must be loaded one car at a time from a substandard width alley at the same location of the project's loading dock.

These unusual circumstances clearly support the foreseeability of adverse traffic, circulation and public safety impacts and prevent reliance on any categorical exemption under CEQA. CEQA Guidelines 15300.2(c).

IV. Substantial Evidence Indicates that the Project will Result in Unmitigated Noise Impacts

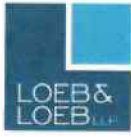
In its June 7, 2019 and November 30, 2018 letter to the Central Area Planning Commission (**Exhibits B & C**, attached hereto), Irvine & Associates, Inc. detailed:

- The potentially significant noise impacts of project construction under adopted City noise impact standards, and the inadequacy of proposed mitigations to mitigate such effects.
- The potential noise impacts and lack of mitigation measures to address noise from the Project's two outdoor bars (including a roof top bar) and the fact that the City recognized and mitigated the noise effects from a much smaller hotel project located just three blocks away at 1130 S. Hope Street, the decision and Mitigated Negative Declaration for which (ZA-202-3185-VCU-ZV-ZAA-TDR-1A; ENV-2012-3186) are hereby incorporated by reference as if set forth in full.
- The failure to analyze potential noise impacts of loading and unloading activities in the alley.

V. LSA's Letter Fails to Demonstrate the Categorical Exemption is Proper

LSA's letter fails to provide substantial evidence that the Categorical Exemption is proper and mischaracterizes the requirements of the City's Zoning Code.

As an initial matter, LSA's letter does not constitute expert opinion, and it contains no analysis or mitigation measures to address the foreseeable traffic, circulation and public safety identified by Crain & Associates. Indeed, LSA admits that "Mobility Plan 2035 and the BOE Standard Plan for Street Dimensions (S-470-1) state that alley shall be 20 feet in width."



LSA also mischaracterizes the City's Zoning Code. In approving the project's Site Plan Review, the Associate Zoning Administrator had the authority – but failed – to condition the project to provide the required alley in order to mitigate potential environmental impacts, comply with the City's General Plan, and comply with BOE's request for widening of the alley.

Indeed, the very purpose of Site Plan Review is to address and mitigate potential environmental impacts under CEQA. LAMC Section 16.05.E expressly provides that: "The Director or his/her designee shall have the authority to approve, conditionally approve, or deny site plan approval for developments projects [] in accordance with the purpose and provisions of this section. Section 16.05 states:

"To promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their site, surrounding properties, traffic circulation, sewers, and other infrastructure and environmental setting; and to control or mitigate the development of projects which are likely to have a significant adverse effects on the environment as identified in the City's environmental review process, or on surrounding properties by reason of inadequate site planning or improvements." (emphasis added)

Furthermore, pursuant to LAMC Section 16.05.F, the Associate Zoning Administrator was required to find that:

"The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan."

As discussed above, substantial evidence indicates that the project will result in significant traffic, circulation, public safety and no impacts, and there can be no dispute that – as LSA admits – the Project does not comply with Mobility Plan 2035 and BOE's Standard Street Dimensions (S-470-1). Thus, the Associate Zoning Administrator had authority – and was obligated to require – the alley dedication to comply with Mobility 2035.³

For all of these additional reason, the Associate Zoning Administrator erred in failing to address and mitigate the Project's potential environmental impacts as required by Site Plan Review.

³ Moreover, LSA misquotes LAMC Section 12.37A, by omitting Section 12.37A.10, which states in full: "Notwithstanding the above, in order to obtain street consistency, the Bureau of Engineering on a by-right project, or the decision maker on a discretionary entitlements, may modify this section's dedication and improvement requirements for meandering streets or portions of streets that lack uniform roadway widths, including for divided street, and streets accompanied by a parallel frontage and/or service road."



Conclusion

For all of these reasons – and to avoid unnecessary litigation that will compel the City to comply with its CEQA responsibilities – the City Council should set aside the Categorical Exemption and, at a minimum, condition the Project to require that it provide a 4-foot wide alley dedication as required by the City’s Mobility Element, Municipal Code and Standard Street Dimensions.

Sincerely,



Allan J. Abshez
Partner

Enclosures

cc: Council Member Jose Huizar
Daniel Taban
Alexander Irvine
Lisa Webber
Fernando Tovar

EXHIBIT A



EMAIL TRANSMITTED

October 22, 2019

Planning and Land Use Management Committee of
The Council of the City of Los Angeles
c/o City Clerk, Room 395
City Hall, 200 North Spring Street
Los Angeles, CA 90012-4801

RE: Hyatt Centric Project; Case No. ZA-2018-3288-CUB-SPR-1A, ENV 2018-3289-CE
(Council File 19-1077)

Dear Planning and Land Use Management Committee members,

Crain & Associates is a professional traffic engineering and transportation planning consulting firm with extensive expertise and experience regarding City of Los Angeles traffic and transportation matters. We have reviewed the proposed plans for the Hyatt Centric Project (the "Project") and the Office of Zoning Administration's decision dated May 23, 2019. As discussed in detail below, based upon our review, the Project is not in substantial conformance with the City's Municipal Code and General Plan and thereby does not meet the requirements for a Class 32 Exemption under the California Environmental Quality Act (CEQA). Further, as discussed in detail below, the Project as approved would foreseeably generate significant transportation impacts.

The Project would be located on the east side of Broadway, between 11th Street and 12th Street, in the City's South Park neighborhood. The Project would consist of the construction of a new 15-story hotel with 139 guest rooms. The existing on-site use (Michael Vincent Academy beauty school) would be removed in conjunction with development of the Project. Project

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parking would include 42 vehicle parking spaces and 16 bicycle parking spaces. All Project vehicular access/egress and goods loading would be via the alley that forms the eastern boundary of the site.

All Project vehicular access/egress to the garage (using car elevators) and goods loading would be via the alley that forms the eastern boundary of the site. The Project site's vehicular access being solely from the alley will cause considerable burden to the alley – especially when combined with other traffic and property owners using the alley for access and service to the other properties on the block. However, the alley currently maintains a substandard width of 12 feet (6-foot wide half-alley), between 11th Street and 12th Street. Despite the recommendation of the Bureau of Engineering (attached), no alley dedication has "been required to provide for its widening to a standard alley width of 20 feet (10-foot wide half-alley). The 20-foot widths are recommended by the Bureau of Engineering in order to allow automobiles and truck to pass vehicles traveling in the opposite direction along the alley. The 12-foot widths are not sufficient to allow such passing.

The Bureau of Engineering recommendation is for consistency with Section 17.05.E of the City of Los Angeles Municipal Code (LAMC), which requires that alleys "shall not be less than 20 feet in width." Further, the Transportation Element of the City's General Plan, more commonly referred to as Mobility Plan 2035, references the standard roadway dimensions for all roadway classifications in the City outlined in the Bureau of Engineering's Standard Plan for Standard Street Dimensions (S-470-1). Per Standard Plan S-470-1, alleys shall be a minimum of 20 feet in width. Additionally, Mobility Plan 2035 Program PL.1 (Driveway Access) requires that driveway access to buildings be provided from non-arterials or alleys where feasible. A 12-foot wide alley would limit passenger vehicle access and not allow truck access, which PL.1 is designed to achieve. Therefore, in order to be in substantial conformance with the LAMC and the requirements of the City's General Plan, the Project's four-foot wide dedication along the alley is required. This would allow for the minimum half-alley width of 10 feet adjacent to the Project site. Without the required four-foot dedication along the alley, the Project would be inconsistent with the LAMC, preclude the City from implementing the goals of Mobility Plan 2035, and consequently the finding of substantial conformance with the General Plan required by LAMC Section 16.05.F.1 cannot be made.

Because the Project, as approved, is not in substantial conformance with the LAMC and General Plan, it does not qualify for a Class 32 "Infill" Categorical Exemption. Section 15331 of the CEQA Guidelines prohibits the use of a Class 32 Exemption unless "the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations."

Further, the Project, as approved, will foreseeably result in significant transportation impacts. Per the current City of Los Angeles Department of Transportation (LADOT) *Transportation Assessment Guidelines* (July 2019), the CEQA analysis of transportation impacts includes determining if a development project:

- 1) conflicts with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities; and
- 2) substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The Project conflicts with Mobility Plan 2035 and, therefore, may have a significant transportation impact based on the first item above. Moreover, the lack of an alley dedication and retention of a substandard half-alley width adjacent to the Project, coupled with the Project's plan for vehicular access/egress and goods loading from the alley and combined with other non-Project traffic utilizing the alley, will foreseeably result in traffic blockages and/or gridlock conditions, as well as potential public safety hazards. Gridlock is likely to occur when automobiles traveling in opposite directions need to pass one another on the 6-foot wide half alley. Any added Project parking and loading access to the alley will increase the potential for such conflicts, and stacked vehicles may not be able to back up.

In the event the alley dedication required by the LAMC and Mobility Plan 2035 is not required for the Project, an environmental analysis should be performed to evaluate and mitigate potential impacts related to inbound/outbound Project turning maneuvers at the garage entry/exit for the largest design vehicle anticipated to use the Project, inbound/outbound turning maneuvers at the loading dock entry/exit for the largest truck expected to service the Project site, and cumulative traffic anticipated to utilize the alley.

Please contact me if you have any questions.

Sincerely,



Ryan J. Kelly, T.E.
Senior Transportation Engineer
TR 2547

EXHIBIT B

Fernando Tovar
Assoc. Zoning Administrator
Los Angeles Department of City Planning
200 N. Spring St., Room 763
Los Angeles, CA 90012

November 30, 2018

Re: ZA-2018-3288-CUB-SPR, ENV-2018-3289-CE

Dear Mr. Tovar,

On behalf of our Client, a nearby property owner, I would like to express our opposition over the proposed hotel project, Hyatt Centric (the "Project"), to be located at 1138-1142 S. Broadway, Los Angeles, CA 90015 (the "Project Site"). Specifically, our Client is concerned about the lack of community outreach conducted by the Applicant for this Project. Although the Project case file includes a letter of support from the Downtown LA Neighborhood Council (DLANC) dated Sept. 2018, our Client received no notification regarding any public meeting or discussion of the Project before the DLANC or its subcommittees. For a project of this scale, the Applicant must perform adequate community outreach in order to understand the concerns of nearby residents and property owners. As is, the Applicant has failed to sufficiently engage the community. This demonstrates a willful disregard for the wellbeing of those who live and work nearby and are most impacted by the Project.

Additionally, the Applicant is inappropriately seeking a Class 32 (Infill Development) Categorical Exemption ("CE"), which fails to address the potentially significant impacts associated with the proposed hotel with regard to noise (both construction- and use-based impacts), historical analysis and cumulative impacts.

Finally, the Applicant is not meeting their obligation to perform the required dedications and/or improvements to the alley adjacent to the Project Site and the Application does not include a Waiver of Dedications and Improvements action.

Due to the lack of proper community outreach, several significant environmental impacts that have not been addressed, and the Applicant's failure to perform the required dedications/improvements to the alley, we cannot support the Project as currently proposed.

Alley Dedication and Improvements

Based on a review of the proposed Site Plan, the Project will utilize and encroach upon the alley – thereby restricting its access for adjacent properties. The environmental documents fail to analyze the impact resulting from the lack of dedication and improvement to the alley, located at the rear of the Project Site. As measured on Navigate LA, this alley is only 12 ft. in width (6 ft. half width). Per the Mobility Plan 2035, an alley should have a minimum width of 20 ft. (10 ft. half width). **As such, at minimum, a four (4) ft. dedication should be imposed on the Project in order to achieve the minimum 10 ft. half alley width required.** The Project's application package makes no reference to any dedication and no Bureau of Engineering (BOE)

Planning Case Referral Form (PCRF) was submitted. Additionally, the Applicant has not requested a Waiver of Dedications and Improvements (WDI), to deviate from these standards. Pursuant to LAMC Section 12.37.1.3, "The waiver request must be set forth in the application filed with the Department of City Planning, and may not be raised for the first time at the hearing on the entitlement or at any entitlement appeal hearing." This oversight must be addressed and warrants deeper investigation of the Project's impacts.

It is also worth noting that at the time of submittal, the Applicant submitted the Citywide Design Guide checklist instead of the Downtown Design Guide Checklist (based on the Projects location, the Downtown Design Guide Checklist is required). This is important to add as the Downtown Design Guidelines provide additional design requirements and suggestions for both the proposed building and the alley that are not found in the Citywide Design Guidelines.

In addition to the required alley dedication, the lack of any necessary improvements, such as those outlined in the Downtown Design Guidelines, further exasperate the negative impacts of the Project. For example, the Downtown Design Guidelines state that projects should "ensure that residents are not adversely impacted by the use of alleys for parking access, service, and loading," "illuminate alleys for both vehicles and pedestrians," and be designed with "permeable paving to infiltrate storm water and eliminate standing water." As the subject Project is not currently proposing any improvements to the alley, they are failing to comply with the Downtown Design Guidelines.

Furthermore, many of the alley improvements outlined in the Guidelines are related to mitigating noise impacts on nearby residents. The noise impacts of this Project are another source of opposition, as discussed below.

Noise

The Construction Noise Impact Analysis (CNIA), prepared by Eilar Associates, Inc. (April 27, 2018), analyzes the potential noise impacts resulting from the construction of the Project. In addition, the study analyzed the construction noise impacts on nearby sensitive receivers (nearby hotel and multi-family residential uses) and determined that there would be no Significant Impact. No operational noise analysis was conducted.

The assumptions in the CNIA are flawed and the conclusion is incorrect. The study found that concrete mixer trucks and concrete pump trucks will produce a noise levels of up to 76 dBA at 50 feet from the source. These sound levels exceed the LAMC threshold of 75 dBA as documented in Table 2 of the CNIA. As such a significant noise impact would occur and an EIR must be prepared. The analysis in the CNIA incorrectly assumes that a noise barrier around the perimeter of the Project Site would be effective in reducing noise levels from concrete and mixing trucks. However, this assumption is flawed because the concrete trucks cannot occupy the Project Site when the foundation is being poured. Concrete trucks will likely be staged adjacent to the site on Broadway or in the alley. Thus, the sound barrier will be completely ineffective in attenuating noise because it would not block the line of sight from the noise sources and the receptors. Additionally, the construction noise analysis fails to address noise levels from any construction activity that occurs above grade level. A 10-foot high sound barrier at the ground level would be ineffective in mitigating construction noise on levels 2 through 14 that will reach a height of 198 feet above grade. These unmitigated impacts cannot be dismissed through a Categorical Exemption and must be addressed in a more detailed environmental analysis pursuant to CEQA.

Furthermore, the study fails address the potential noise impacts resulting from the actual land uses associated with the Project itself. Hotels alone generate significant levels of noise and, when combined with two bars (including a rooftop bar), the Project will further exasperate the growing noise issues in the area caused by the unmitigated cumulative impacts of recent development. The operational noise analysis fails to address the potential for outdoor bar and patio spaces to generate excessive noise levels from crowds, music and amplified sound. The analysis also fails to address operational noise impacts due to loading and unloading activity within the alley.

Case No. ZA-2012-3185-VCU-ZV-ZAA-TDR-1A, a similar hotel project located near the Project Site at 1130 S. Hope St., was opposed for similar reasons. As part of the Letter of Determination (dated Feb. 20, 2014), several conditions were placed on the project to mitigate concerns related to noise. Such conditions include:

- Rooftop Bar and pool deck are restricted to hotel guests only, with hours of operation from 6AM-11PM Sunday - Thursday, and 6AM-12AM Friday/Saturday;
- No live entertainment or amplified music;
- A 24-hour "hot line" phone number must be provided to receive complaints from the nearby community;
- Any noise or sound generated by the hotel and/or its accessory uses may not be audible beyond the site;
- A glass facade fully enclosing the roof top deck is required and must sound proof;
- Operational noise, such as noise produced by loading/unloading activities, must be minimized (with no outdoor audible devices permitted) and conducted as quickly as possible to reduce impacts;
- Refrain from making any noise in the alley so as to minimize impacts on residential neighbors.

This project was required to prepare a Mitigated Negative Declaration (MND) in order to address the associated environmental impacts. Given the scale of this project (only 44 guest rooms), compared to the proposed Hyatt Centric hotel use, coupled with the lack of any analysis related to the operation noise impacts of the hotel and its ancillary uses, this is strong evidence that a Class 32 Categorical Exemption is insufficient.

Therefore, the noise resulting from the proposed Project must be further considered through an expanded environmental review process. As it stands, the Project fails to comply with CEQA's mandate to analyze the impacts of noise generated by the Project.

Historic Analysis

Categorical Exemptions are not permissible if a Project has the potential to impact a historic resource. Pursuant to CEQA Guidelines § 15064.1.a.3, for a Lead Agency to determine if a resource is historic, the Lead Agency must determine whether the resource meets the criteria for listing in the California Register of Historical Resources (California Register). No such analysis has been performed. The property at 1138 S. Broadway is developed with an 83-year old structure that was constructed in 1935. While this structure is not currently listed as a local or state historic cultural monument, the absence of such a listing does not preclude the ability for a property to be considered a historic resource pursuant to CEQA. The California Office of Historic Preservation recommends evaluating the significance of any structure that is proposed to be demolished if the structure is older than 45 years old. As this property is well beyond 45 years old, an assessment of the project site's potential to be deemed a historic resource pursuant to CEQA should be evaluated by a qualified architectural historian. The conclusory statement in the Categorical Exemption that

the project would not result in any historic impacts is not substantiated by expert opinion or analysis. The demolition of a potentially significant historic resource would result in a significant unavoidable impact, triggering the need for an EIR. Furthermore, the Hyatt Centric Los Angeles Project is located directly across the street from the historic Herald Examiner Building (LA Historic-Cultural Monument No. 178). No analysis has been conducted to assess whether the design and construction of the Hyatt Project would have any indirect impacts upon the Herald Examiner Building. The proposed project has the potential to alter the urban architectural design and scale and massing of development surrounding the Herald Examiner Building. The Project could also affect existing views and create shade and shadow impacts upon the Herald Examiner Building. Alterations to the historic urban setting could degrade or diminish the historic context of the Herald Examiner Building. Without any historic analysis, the lead agency does not have the required information to support the finding that the Hyatt Project would not result in a significant direct or indirect impact to off-site historic properties. As such a historic analysis should be conducted.

Cumulative Impacts

CEQA requires that environmental review be conducted to analyze the cumulative impact of multiple large projects in a given area. The analyses supporting the Categorical Exemption fail to address cumulative impacts from other large-scale developments in Downtown Los Angeles, including hotels and mixed-use projects, both adaptive reuse and new construction. As demonstrated above, the studies submitted in support of a CE for the Project fail to fully analyze the potential impacts, including thorough analysis of the cumulative impact of the Project in relation to other nearby present and future uses.

For these reasons, and others, you can understand why our Client is troubled by the Project. We must go on record in opposition to the Project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alex Irvine".

Alexander Irvine
Irvine & Associates, Inc.

EXHIBIT C



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June 7, 2019

Central Area Planning Commission
City of Los Angeles
200 North Spring Street
Los Angeles, California 90012

Re: **Appeal of ZA-2018-3288-CUB-SPR**

Dear Central Area Planning Commissioners,

We are writing on behalf of our Client, Frontier Holdings West, LLC and Main Fund Associates, LLC (the Appellant), who own several lots immediately to the east of the approved project, directly across the alley. The Appellant recently submitted an entitlement application for a high-density project which will be utilizing the Alley for vehicular access. The Appellant will be widening the alley as part of their project. We are writing to object to the Project approvals granted by the Zoning Administrator (ZA) in their May 23, 2019 Determination Letter (Determination Letter) for ZA-2018-3288-CUB-SPR. Specifically, we request that the Area Planning Commission require the Applicant to be consistent with the required dedication and improvement standards for South Broadway and the Alley. This would provide the 1-foot dedication and improvement standards along South Broadway and the 4-foot dedication and improvement standards within the Alley. Further, we object to the Categorical Exemption and request that the Area Planning Commission require the Applicant to complete an expanded Initial Study environmental analysis pursuant to CEQA.

The City Erred

The Department of City Planning (Department) erred by not referring the Project case file to the Bureau of Engineering Land Development Group (BOE) for review and identifying the appropriate dedication standards for South Broadway and the Alley. The proposed Project is a 14-story hotel with 139 rooms, a ground floor restaurant/bar with 125 seats, and a rooftop patio/bar with up to 200 seats. All vehicular access for the proposed Project will be provided from the Alley, which is currently substandard at 12-feet in width. On November 30, 2018, Irvine & Associates submitted a letter (**Exhibit A**) to the ZA expressing concern over the lack of dedication and improvements to the Alley. We expressed the same concerns at the public hearing on October 17, 2018. The Planning Case Referral Form (PCRF), prepared for the proposed Project, on June 28, 2018 (**Exhibit B**) says, "If the PCRF Recommendations for Dedication or Street Widening is marked "Yes", a formal investigation and engineering report will be required." It is our understanding that no such engineering report has been prepared and the Department never referred the case to BOE. The Department also erred in not requiring the Project applicant to submit the Downtown Design Guide Checklist as a part of the Project application.

Alley Dedication and Improvements

According to Sheet 3 of BOE's Standard Street Dimensions Standard Plan S-470-1 (**Exhibit C**), an alley width

between two adjacent property lines is twenty (20) feet (10 feet half alley width). BOE Map Sheet 126A209 indicates that the existing alley width is twelve (12) feet (6 feet half alley width). As such, a four (4) foot dedication should be imposed on the Project along the alley in order to achieve the minimum 10 feet half ROW width required.

A PCRF (**Exhibit B**) was prepared for the Project by BOE on June 28, 2018. According to page 3 of the PCRF, the information is only a "preliminary recommendation" by BOE. LAMC Section 62.106.1(a) requires BOE to collect a fee of \$129 for the "preliminary land use review" contained in the PCRF. The Preliminary Required Improvements section on page 2 of the PCRF indicates that a dedication and other improvements will be required and a preliminary required improvement of "1 FT HIGHWAY DEDICATION REQUIRED. ALLEY TO BE WIDENED TO A MINIMUM OF 20 FT WIDE." On page 3 of the PCRF, it states that, "If the PCRF Recommendations for Dedication or Street Widening is marked "Yes", a formal investigation and engineering report will be required." The engineering report will be provided after submittal of all documentation and payment of fees. Measurements and statements contained herein may be adjusted in the engineering report." The Project includes a discretionary entitlement application for a Conditional Use Permit and Site Plan Review. These entitlements, coupled with known concern of the lack of dedication in alley, should have caused the Department to refer the case to BOE and the fee be paid consistent with LAMC Section 62.106.1(e). If such a report was prepared, BOE would have identified the dedication requirement and the Zoning Administrator could have conditioned the Applicant to comply with the recommendations of the letter. However, we have not found any record of an Inter-Departmental Letter prepared by BOE in the case file, which suggests that the Department did not refer the case to BOE.

South Broadway Dedication

In the Determination Letter (**Exhibit D**), the ZA does not require the Project to provide a 1-foot dedication along Broadway or a 4-foot dedication along the alley. In the Site Review Findings on page 38 of the Determination Letter, it incorrectly states in the "The Mobility Element (Mobility Plan 2035)" section that, "No dedication along Broadway is required." According to Mobility Plan 2035 (Mobility Plan) (**Exhibit E**), Broadway is designated as a Modified Avenue II. The Mobility Plan states that the designated right-of-way (ROW) width for the Modified Avenue II designation along Broadway, in front of the Project Site, is 90 feet (45 feet half ROW width). BOE Map Sheet 126A209 (**Exhibit F**) indicates that the existing ROW width along Broadway, in front of the Project Site, is 88 feet (44 feet half ROW width). As such, a one foot dedication requirement should be imposed on the Project along Broadway in order to achieve the minimum 45 feet half ROW width.

LAMC Section 12.37.A. states: "No building or structure shall be erected or enlarged, and no building permit shall be issued therefor, on any lot in any R3 or less restrictive zone (as such order of restrictiveness is set forth in Subsection B of Section 12.23); or on any lot in the RD1.5, RD2 or RD3 Zones; if such lot abuts a major or secondary highway or collector street unless the one-half of the highway or collector street which is located on the same side of the center of the highway or collector street as such lot has been dedicated and improved for the full width of the lot so as to meet the standards for such highway or collector street..."

According to Subsection B of LAMC Section 12.23, the order of restrictiveness is, with "the first being the most restrictive and the last being the least restrictive, is as follows: OS, A1, A2, RA, RE, RS, R1, RU, RZ, RW1, R2, RD, RMP, RW2, R3, RAS3, R4, RAS4, R5, CR, C1, C1.5, C4, C2..." According to Subsection B of LAMC Section 12.23, C2 is a less restrictive zone than R3.

Ordinance 184718 (**Exhibit G**), which became effective on March 4, 2017, modified various sections of the LAMC, including LAMC Section 12.37.A, in order to implement the Mobility Plan 2035 that was adopted by City Council on September 7, 2016. In LAMC Section 12.37.A., Ordinance 184718 only amended the last sentence of LAMC

Section 12.37.A., not the street designations contained in LAMC Section 12.37.A. The Street Designations and Standard Roadway Dimensions table on page 19 of the Mobility Plan (**Exhibit H**) indicates that streets previously built with a 56-foot roadway width were typical of the Secondary Highway designation that became designated as an Avenue II in the Mobility Plan. The Secondary Highway designated streets became re-designated in the Mobility Plan as either an Avenue I, Avenue II, Avenue III, or a Collector Street. The Avenue II designation is the only designation with a 56-foot roadway width. Therefore, LAMC Section 12.37.A applies to the Project Site and no building or structure shall be erected or enlarged on the Project Site, and no building permit shall be issued for the Project until the the one-half of the Secondary Highway (Avenue II) has been dedicated and improved for the full width of the lot. According to the PCRF and BOE Map Sheet 126A209, South Broadway maintains an existing half ROW of 44 feet. The PCRF states that a 1-foot dedication would be required to achieve the required 45 foot half ROW for the Avenue II designation in the Mobility Plan. The PCRF also states that the existing half roadway width of South Broadway is 28 feet. The Determination Letter incorrectly states in its "Findings of Fact" that South Broadway is "improved with 17 feet of curbs, gutters, sidewalks, street lamps, and asphalt pavement."

The approved Plans do not identify a dedication of 1-foot along South Broadway which makes the Project inconsistent with the Mobility Plan and invalidates the General Plan Consistency findings identified in the Site Plan Review section of the Determination Letter. If the case file had been referred to BOE Land Development Group, the Zoning Administrator could have identified it as a concern with the Applicant and/or included a condition of approval to comply with the standard.

No Downtown Design Guide Checklist Included with Project Application

LAMC Section 12.22.A.30(c) states that "Every project within the Project Area must comply with the Downtown Design Guide standards and guidelines." Pursuant to LAMC Section 12.22.A.30(d)(1), in order for an applicant "to apply for an Administrative Clearance, an applicant shall file an application with the Department of City Planning, on a form provided by the Department." The form that the Department provides applicants to demonstrate that their project complies with the Downtown Design Guide is the Downtown Design Guidelines Checklist (Checklist) (**Exhibit I**). The Project Applicant did not submit the Checklist to the Department. The lack of a submitted Checklist was brought up by Irvine & Associates in a letter dated November 30, 2018, which stated "It is also worth noting that at the time of submittal, the Applicant submitted the Citywide Design Guide checklist instead of the Downtown Design Guide Checklist (based on the Projects location, the Downtown Design Guide Checklist is required). This is important to add as the Downtown Design Guidelines provide additional design requirements and suggestions for both the proposed building and the alley that are not found in the Citywide Design Guidelines." In a letter dated February 8, 2019 from the applicant's environmental consultant, Kinsinger Environmental Consulting, the consultant responds that "While there is no Downtown Design Guide Checklist, and therefore it is not required to be filed." The Project application did not contain the Downtown Design Guide Checklist and the Project Applicant does not believe that they have to submit the Checklist and does not even believe it exists. The Department should have required the Project Applicant to submit the Checklist before deeming the Project application complete.

A CEQA Categorical Exemption is Improper

In a letter dated February 8, 2019, the Project Applicant's environmental consultant responded to concerns regarding the Project's environmental analysis. The Zoning Administrator adopted their letter and improperly approved a Categorical Exemption for the following reasons.

The revised noise analysis now assumes concrete trucks will stage on Broadway and a sound barrier will be constructed on the street with K rails and plywood. This feature should be included as a Condition of Approval if it

is relied on to mitigate construction noise levels. If noise levels require mitigation to be less than significant, then they are generating a significant impact. A Mitigated Negative Declaration would be a more appropriate CEQA analysis in this circumstance. The Project is also proposed to maintain a zero (0) foot setback to the adjacent building at 1144 S Broadway, which is an unreinforced masonry building. This will result in an unusual situation as the proposed Project will excavate the soil adjacent to the building and will require tie backs, underpinning, etc. No vibration studies have been conducted to assess this impact.

Conclusion

The Project Applicant did not submit the necessary fee in order for BOE to prepare the required engineering report that the PCRf required. The ZA did not refer the Project to BOE for a formal investigation for the preparation of the required engineering report, as required by the PCRf and LAMC Section 12.37. The ZA did not have the required engineering report from BOE with the required dedications for Broadway and the alley when the Determination Letter for the Project was issued and therefore, the ZA erred in their decision to approve the Project without the required BOE investigation or an engineering report.

The Project Applicant has not addressed the impacts of the temporary closure of Broadway, construction impacts on the adjacent unreinforced masonry building, or the site's potential historic significance. The Determination Letter does not include conditions to adequately mitigate these concerns.

For these reasons, and others, we respectfully request that the Area Planning Commission deny the project as approved.

Sincerely,



Timothy Moran
Senior Project Manager
Irvine & Associates, Inc.