



January 22, 2016

Via Hand Delivery and Email to Sharon.Dickinson@lacity.org

Honorable Jose Huizar, Chair
Honorable Marqueece Harris-Dawson
Honorable Gilbert Cedillo
Honorable Mitchell Englander
Honorable Felipe Fuentes
City of Los Angeles, Planning Land Use Management Committee
200 N. Spring Street, Room 395
Los Angeles, CA 90012
Attn: Sharon Dickinson, Legislative Assistant

**Re: Response to Submittal from Appellant Sunset Landmark Investment, LLC;
Council File No. 15-1320; 1523-1541 Wilcox Avenue (“Property”);
CPC-2014-3706-VZC-ZAA-SPR (“Project”); ENV-2014-3707-MND**

Dear Chair Huizar and Honorable Committee Members:

This firm represents 1541 Wilcox Hotel, LLC (“**Applicant**”) in regards to the above-referenced approvals. This letter responds to claims and assertions submitted by January 11, 2016 on behalf of Appellant Sunset Landmark Investment, LLC (the “**Landmark Appeal**”). The Landmark Appeal is rife with baseless speculation which cannot constitute substantial evidence of a significant environmental effect and fundamentally misunderstands the requested entitlements. Substantial evidence in the October 19, 2015 City Planning Commission letter of determination (the “**Determination**”) supports the entitlement findings. The Committee may properly deny the appeal and approve the Mitigated Negative Declaration (“**MND**”).

I. The Entitlements are Proper

Consistency with the Mobility Element

The Determination includes substantial evidence supporting a finding that the Project is consistent with the Mobility Element. The Determination notes that the Project’s ground floor design, including a spacious arrival, an outdoor eating area and a restaurant, will encourage pedestrian activity. The Determination emphasizes the Project’s proximity to the Metro Red Line and Rapid 704 bus. Finally, the Determination notes the Project dedicates an additional 3-foot sidewalk easement beyond that required for Wilcox Avenue to achieve the standard width sidewalk recommended for designated Avenue III streets. The City enjoys broad discretion to balance

competing policy objectives and determine general plan consistency. The Landmark Appeal fails to challenge the substantial evidence supporting a finding of consistency.

The Landmark Appeal further asserts the Project is required to comply with the former Transportation Element, rather than the Mobility Element. The vested rights conferred by Section 12.32 Q are explicitly subject to conditions imposed by the City Council or the City Planning Commission. Consistent with its authority, the City Planning Commission did, and the City Council may also, impose "T" Condition 2(c) requiring compliance with Mobility Element dedications. The Applicant further submitted a letter to the Council File on December 22, 2015 waiving its vested rights to the Transportation Element and consenting to "T" Condition 2(c). The assertion has no foundation in law and the condition is proper.

Consistency with the Hollywood Community Plan and Hollywood Redevelopment Plan

The Landmark Appeal advances the same arguments this firm responded to in its January 8, 2016 submittal to this Committee. Please refer to that submittal for a complete response. Substantial evidence supports a finding of consistency with the Hollywood Community Plan and the Hollywood Redevelopment Plan.

Vesting Zone and Height District Change

Substantial evidence in the Determination supports the findings that the Project advances the public necessity, convenience, general welfare and good zoning practice. The Zone and Height District Change is in conformance with the public necessity by accommodating hotel demand on an under-utilized site to increase the number of hotel rooms in Hollywood and support the local tourism and entertainment industry. It advances the public convenience by offering new upscale hotel accommodations in walking distance of transit and ample tourism and entertainment destinations. It advances the general welfare by expanding employment opportunities within walking distance of transit and housing. It is consistent with good zoning practice by concentrating entertainment and employment uses in a designated Regional Center near robust mass transit.

The Landmark Appeal asserts the Project must obtain an Owner Participation Agreement from CRA/LA, yet fails to acknowledge that the Applicant is already in the process of finalizing an agreement. The appeal further asserts that the Project is required to make findings included within the D Limitation, yet fails to address the City's legislative authority to enact a Zone and Height District Change revising the D Limitation. The Project complies with the procedural and substantive requirements of the Los Angeles Municipal Code and the Hollywood Redevelopment Plan. The City may properly approve the Vesting Zone and Height District Change.

Yard Adjustment

Misconstruing the requested Zoning Administrator's Adjustment for a minor yard deviation, the Landmark Appeal suggests the Project proposes zero-foot setbacks for the full extent of the Project's length and height. In fact, as clearly articulated in the Determination, the requested yard deviation is intended to address the unique circumstance affecting the Property due to existing

improvements, specifically the adjacent Hollywood Citizen News building. Because the Hollywood Citizen News Building is an historic resource, it would be impractical and infeasible to propose a structure with a podium that did not align with it. The Adjustment authorizes relief only on the second floor level and only for the portion of the Project abutting Wilcox Avenue, so the extent of the requested relief is narrowly tailored to respond to the unique conditions affecting the Property. Substantial evidence supports the Adjustment findings.

Site Plan Review

The Landmark Appeal fails to address the thorough justifications included in the Determination, and simply asserts the Project fails to meet the findings. Substantial evidence in the Determination support the Site Plan Review findings.

Multiple Approvals

The Landmark Appeal asserts the Applicant is required to re-submit the application including the Conditional Use Permit for on-site alcohol sales. To begin, the Conditional Use Permit is not necessary for the approval and construction of the hotel, and may be properly separated from the Vesting Zone and Height District Change, Adjustment and Site Plan Review. The appeal further ignores the explicit text of Los Angeles Municipal Code Section 12.36 B: “The procedures and time limits set forth in this Section shall apply *only to multiple approvals filed concurrently*, except that, *prior to a public hearing*, the Director may require an applicant to amend an application for a project requiring multiple approvals to ensure that all relevant approvals are reviewed concurrently.” (Emphasis added.) The italicized language states explicitly that the requirements of the Multiple Approvals Ordinance shall not apply to subsequently-filed entitlements. Moreover, subsequent to a public hearing on any of the requested approvals, the Director has no authority to require simultaneous filing of related applications. The City may properly approve the entitlements without an accompanying Conditional Use Permit for on-site alcohol consumption.

II. No Substantial Evidence of a Project Impact -- The MND is Adequate

Noise

The Landmark Appeal relies on the March 19, 2015 Acentech letter asserting the Project will cause significant and unmitigated construction and operational noise impacts. The Acentech letter fails to account for substantial changes to the Project in the intervening nine months. Specifically, the Project description does not permit live entertainment on the roof deck and significantly restricts the hours for even ambient background music (MND p. 2-9). Mitigation measures require plexiglass sound barriers on the perimeter of the roof (p. 2-35). Given the numerous changes to the Project to reduce operational noise, the Acentech letter cannot possibly constitute substantial evidence of a Project impact.

The Landmark Appeal further recycles the Acentech letter to assert construction noise impacts. In fact, the response from Pomeroy Environmental Services, dated January 7, 2016 and

attached to this firm's January 8th submittal to the Committee, illustrates that the proposed substitute mitigation measures will reduce noise impacts to less than significant. No substantial evidence supports a fair argument of a significant noise impact.

Traffic and Parking

The Landmark Appeal speculates, without any evidence whatsoever, that the Project fails to adequately analyze traffic impacts. Contrary to the appeal's assertion, the Project's traffic analysis assumed the ground-floor restaurant was an independent trip generator (Table 4-28). The appeal simply asserts the Project would not stimulate *transit* usage, yet fails to present any rationale and altogether ignores the trip reduction due to walking, bicycling and colocation of uses. The appeal asserts the MND failed to analyze parking impacts, despite state legislation stating that parking impacts from transit priority developments such as the Project shall not be considered significant impacts on the environment.¹ The Landmark Appeal fails to relate traffic and parking impacts to an environmental impact, beyond mere speculation. The comments are mere speculation and cannot constitute substantial evidence of an environmental impact.

Utilities

The Landmark Letter attempts to construe a condition of approval as a mitigation measure, and fails to articulate any reasonable possibility that extensive excavation and piping would be needed. The comment is mere speculation and cannot constitute substantial evidence of an environmental impact.

Historic Resources and Views

The Landmark Appeal asserts the Project will have a substantial aesthetic impact due to height and hours of operation. The appeal fails to acknowledge existing high-rise precedents within 1,000 feet of the Project site, and it is unclear from the appeal how hours of operation could conceivably relate to an aesthetic impact. The appeal's assertion that the Project would obstruct views of the Hollywood Sign, located 2.5 miles north of the Project site, lacks any basis in reality. Any view corridor across the Project site to the Hollywood Sign would also pass through the 11-story high-rise at 6464 Sunset Boulevard or the multi-story structures at 6515 Sunset and the Hollywood Athletic Club. Moreover, CEQA provides that aesthetic impacts from transit priority developments such as the Project shall not be considered significant impacts on the environment.²

The Landmark Appeal recites the thresholds for significant impacts to historic resources and simply asserts that the Project would have an impact due to construction and the Hollywood Fault. The Landmark Appeal fails to articulate whether potential impacts would result from vibrations, shoring, or impacts during a seismic event. Readers can only speculate from the

¹ Public Resources Code Section 21099(d). See MND p. 4-1 confirming the Project qualifies for the exemption as an "employment center project."

² *Id.*

appeal's general comment. In fact, the MND already analyzes the potential impacts of construction vibrations on the Hollywood Citizen News Building and complies with Building Code requirements for building separation to avoid collisions during earthquakes.

Economic Impacts

The Landmark Appeal assumes that the Project's restaurant and bar would pull so many customers from existing businesses as to push them out of business. The assertion that the 200-room Project would result in a net reduction in business for nearby restaurant and hospitality uses in the Project vicinity defies logic. Moreover, indirect aesthetic impacts of the Project shall not be considered significant impacts on the environment pursuant to Public Resources Code Section 21099(d).

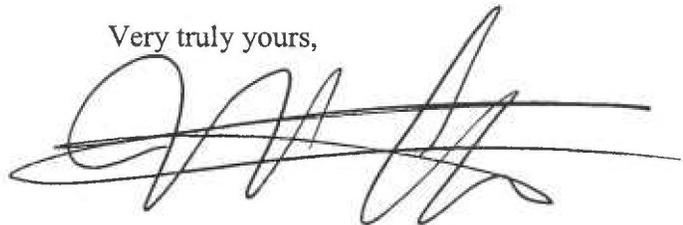
Non-Renewable Resources

The Landmark Appeal simply asserts the Project will have significant impacts on water and natural resource usage, yet fails to provide any numerical support or analysis of significance. In fact, the MND concludes Project impacts on water are less than significant (p. 4-143; p. 4-145). Contrary to the appeal's assertion, CEQA does not require an MND to include analysis of growth-inducing impacts; CEQA Guidelines Section 15126.2(c) applies only to Environmental Impact Reports.

III. Conclusion

The Landmark Appeal fails to challenge the substantial evidence supporting the required findings. It fails to provide any evidence to substantiate its assertions of environmental impacts, and seeks to require analysis for aesthetic and parking impacts despite clear statutory language exempting the Project. The City Council may properly approve the requested entitlements and adopt the MND.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael Gonzales', with a long horizontal line extending to the right.

Michael Gonzales

cc: Client (email only)
Chris Robertson, Planning Director, CD13 (email only)