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December 16, 2016

VIA HAND DELIVERY

City Council
City of Los Angeles
C/o Appeals Clerk
Marvin Braude San Fernando Valley Constituent Service Center
6262 Van Nuys Blvd., Room 251
Van Nuys, CA 91401

Re: Appeal to the Los Angeles City Council of the December 5, 2016 City Planning Commission Determination in Case No. CPC-2015-2893-VZC-HD-CUB-ZAA-SPR, ENV-2015-2895-MND

Dear Honorable Mayor Garcetti and City Council Members:

On behalf of Coalition for Responsible Equitable Economic Development ("CREED LA") we are writing to appeal the City Planning Commission's approvals of a Conditional Use Permit, Zoning Administrator's Adjustment and Site Plan Review for the Hollywood Ivar Gardens Project, CPC-2015-2893-VZC-HD-CUB-ZAA-SPR, ENV-2015-2895-MND ("Project"), including the City Planning Commission's reliance on the Project's Initial Study/Mitigated Negative Declaration ("IS/MND"). The Project is proposed by R.D. Olsen Development ("Applicant") and is located at 6407-6411 West Sunset Boulevard, 1511 North Ivar Avenue and 1512 North Cahuenga Boulevard. The Project involves the demolition of an existing fast food restaurant and surface parking, and the construction of a 21-story, 141,895 square-foot mixed-use building containing 275 hotel guestrooms with kitchenettes and 1,900 square feet of ground floor commercial space. The Project also includes four levels of subterranean parking. Project construction will require the export of approximately 3,882 square feet of demolition material and 56,000 cubic yards of soil.

Pursuant to the City of Los Angeles ("City") appeal procedures, we have attached 8 copies each of this letter with exhibits, the Appeal Application (form CP-

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7769), and the original Determination Letter. We have also enclosed a check for \$89 for the appeal fee.

The reason for this appeal is that the City Planning Commission abused its discretion and violated the California Environmental Quality Act (“CEQA”) when it approved the Conditional Use Permit, Zoning Administrator’s Adjustment and Site Plan Review for the Project. CEQA requires that the potential impacts of this Project be evaluated in an environmental impact report (“EIR”), not in an MND, because substantial evidence exists that the Project may have significant, unmitigated environmental impacts to air quality and public health, and from greenhouse gas emissions and hazardous materials.

Our July 6, 2016 and September 7, 2016 comment letters on the Project are attached hereto,¹ and the specific reasons for this appeal are set forth in detail in those letters and summarized below. In short, substantial evidence supports a fair argument that that Project will cause: (1) a significant, unmitigated cancer risk from toxic air contaminant emissions, (2) a potentially significant, unmitigated impact from greenhouse gas emissions, and (3) a significant, unmitigated impact from hazardous materials.

A. The Project Will Cause a Significant, Unmitigated Cancer Risk from Toxic Air Contaminants Emissions

The MND concludes that the health risk posed to nearby sensitive receptors from exposure to toxic air contaminants (“TAC”), including diesel particulate matter (“DPM”) emissions, from Project construction and operation would be less than significant. We previously explained that the MND’s conclusion is unsupported because the City failed to quantify the risk and compare it to applicable thresholds of significance. We also provided substantial evidence that the Project would result in potentially significant health risks from DPM emissions. To date, the City has failed to adequately address our concerns.

As it stands, substantial evidence supports a fair argument that the Project emissions from DPM will result in significant cancer risks. The City must therefore

¹ See **Exhibit 1**: Letter from Rachael Koss to Jordann Turner re: Comments on the Initial Study/Mitigated Negative Declaration for the Hollywood Ivar Gardens Project (ENV-2015-2895-MND; CPC 2015-2893-VZC-HD-CUB-SPR), July 6, 2016; and **Exhibit 2**: Letter from Rachael Koss to Jordann Turner re: Hollywood Ivar Gardens Project (ENV-2015-2895-MND; CPC 2015-2893-VZC-HD-CUB-SPR), September 7, 2016.
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prepare an EIR that includes a quantitative health risk assessment (“HRA”) to disclose and analyze the Project’s health risks from air pollutants, and compare the risks to applicable thresholds of significance. Indeed, the South Coast Air Quality Management District (“SCAQMD”) recommends that HRAs be prepared for development projects subject to CEQA. The City has not prepared a HRA and, as a result, has failed to disclose and analyze the Project’s significant health risks from the Project’s DPM emissions from trucks and off-road heavy equipment.

B. The Project Will Cause a Significant, Unmitigated Impact from Greenhouse Gas Emissions

We previously provided substantial evidence showing that the Project’s greenhouse gas (“GHG”) emissions would result in a significant, unmitigated impact. Specifically, the Project’s combined, amortized construction and operation emissions are 3,102 MTCO₂e/year, which exceed the SCAQMD’s screening threshold of 3,000 MTCO₂e/year. This remains a significant, unmitigated impact that the City has failed to disclose.

C. The Project May Result in a Significant, Unmitigated Impact from Hazardous Materials

We previously provided substantial evidence showing that the Project may result in a significant, unmitigated impact from on-site contamination. Specifically, the former dry cleaning and gas station uses on the Project site may have caused subsurface contamination that would pose a health risk to construction workers, hotel guests and hotel workers. Chemical contamination commonly associated with dry cleaners includes tetrachloroethylene (“PCE”), a likely carcinogen, and chemical contamination associated with gas stations includes benzene, a known human carcinogen and volatile organic compound (“VOC”). Hotel guests and hotel workers may be exposed to these contaminants through vapor intrusion, and construction workers may be exposed to these contaminants through contact with contaminated soil or by breathing vapors during excavation, grading and trenching. To date, the City has failed to analyze the Project’s potentially significant impacts from on-site contamination.

Rather, the MND and Phase I Environmental Site Assessment prepared for the Project *assume*, without any supporting sampling results or any evidence of investigations conducted for contamination from dry cleaning operations, that the former uses on the site will not result in a significant impact. As we previously


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explained, the City must include environmental sampling results in an EIR, including results for soil vapor, PCE and benzene. The EIR must compare soil sampling results to construction worker screening levels to determine the Project's potentially significant impacts from contamination. Without sampling results, there is no support for the MND's and Phase I ESA's conclusions. In addition, an investigation targeting contamination from dry cleaning operations must be performed and the results included in an EIR. Without a targeted investigation, there is no support for the MND's and Phase I ESA's conclusions.

As a result of these errors, the adoption of the MND and approval of the Conditional Use Permit, Zoning Administrator's Adjustment and Site Plan Review violated CEQA and must be overturned. We urge the City Council to grant our appeal and order the preparation of an EIR for the Project. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rachael E. Koss".

Rachael Koss

REK:acp