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BY EMAIL

Downtown Los Angeles
Neighborhood Council (DLANC)
Planning and Land Use Committee
529 S. Broadway Suite 203
Los Angeles, CA 90013
Attn: Ryan Afari
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info@dlanc.com

Re: 1130 Hope Hotel Project

Dear Members of the Downtown Los Angeles Neighborhood Council:

We represent the Luma Homeowners Association ("Luma") and Evo Homeowners Association ("Evo"), located immediately adjacent to the north and east of the proposed 144 room, 11 story, 172 foot hotel project at 1130 S. Hope Street. ("Hotel Project") (ZA-2020-3656-TDR-ZAA-RDPA-RDP-SPR) The adjacent residents have substantial concerns with the design and construction of the Hotel Project, because it will cause significant negative impacts to the immediate neighbors and longtime residents in the Luma, Evo and Elleven residential buildings, as well as the entire neighborhood. Specifically, the Hotel Project fails to comply with provisions of the Municipal Code ("LAMC"), and the mandatory requirements Downtown Design Guide ("Design Guide").

In summary, the Hotel Project is not compatible with the neighborhood and fails to comply with the LAMC, and the Design Guide standards related to alley use, traffic, tower spacing, tower design, parking, noise, landscaping, setbacks, shade/shadow and other issues. A primary concern is the use of the heavily trafficked public alley, which the residents use for dog walking, jogging, bicycling, vehicle entry and exit, resident move-in, delivery, loading and trash pick-up. The Hotel Project proposes to use it as internal circulation for the hotel for queuing, parking, delivery and guest arrival without the required drop off, ADA parking and parking reservoir space. A second issue is the height and density of the Hotel Project, which is located just 20 feet from an adjacent residential tower, and only 10 feet from an alley centerline, and will invade privacy, block sky views, cause significant shadow on the neighbors pools and open space, and impede future development of the adjacent south lot owned by Evo, contrary to the LAMC and to the Design Guide. The prior expired hotel project on the site was 44 guest rooms and 119 feet, which is less

than a third of the proposed project. Third, the hotel will create significant noise during both construction and operation that will be worse due to the minimal number of employees on site to manage the hotel guests, and is not evaluated in the project noise study. The entitlement requests a CEQA exemption, but does not qualify as the Hotel Project will have significant environmental impacts that are not mitigated. In summary, this Hotel Project is far too large with too many guest rooms to feasibly work on the site. According to the City planning department, the application is not yet deemed complete, and the Applicant has not yet submitted required studies, such as the Traffic Study. Therefore, Downtown Neighborhood Council (DLANC) does not have sufficient information to make a decision to support the Hotel Project. The Applicant has already submitted full construction drawings to LADBS for a building permit, grading and foundation permit, methane hazard mitigation and an electrical permit.

I. **Alley and Traffic.** The Hotel Project is located on a small 7,800 square foot lot with a 20 foot wide public alley to the north and east, and a private lot owned by Evo to the south. It is surrounded by the Luma, Elleven and Evo residential buildings to the north and north east. Hundreds of building residents use the alley daily to walk their dogs, go for a run, or enter or exit the parking structures by car, bicycle or on foot. The alley is also used for loading, trash and delivery for the residential buildings, including residential moving in or out of their residences.

A. **Hotel Parking and Loading.** In prior presentations of the Hotel Project, the Applicant states that the Hotel Project is minimum service with few employees. The guest will check in remotely, and then self park in the parking elevator at the rear of the building, which is accessed directly from the alley without the required drop off and loading area. This will require all guests to queue in the alley to wait for each guest to separately load their car into the one car elevator, and to retrieve all of their luggage prior to parking. The Applicant states that few guests will likely have cars; however, with a 144 guest rooms, this would easily result in 53 cars per day in the alley for guests and employees assuming that the parking lot is full. In addition, the loading zone is located in the middle of the alley adjacent to the guest parking elevator, and so any deliveries will be required to wait in the parking line. Instead, the delivery trucks will likely just unload on Hope Street in front of the building. It will also conflict with trash pick-up and deliveries to the adjacent residential towers and other commercial buildings on the alley. Finally, if the Applicant assumes that all guests will be taking ride share in lieu of driving, they have not provided any appropriate or sufficient drop off area for 144 or more groups of guests. Any queuing for ride share on Hope Street would block the driveway to Evo's residences on the lot to the south.

B. **Alley, Parking and Traffic Study.** The Applicant has not provided an Alley Study to show how the queuing or parking would work efficiently considering the existing traffic in the alley (pre-Covid), and to show the clearances for loading vehicles in the small L-shaped alley. They have also not yet provided a Traffic Study to show the impacts of the traffic and parking on the neighborhood, including any ride share drop off on Hope Street.

The Los Angeles Department of Building and Safety ("LADBS") provides standards for parking lot design, and requires a minimum reservoir for parking entrances to avoiding queueing in the public alley or street.

In addition, for mechanical access parking garages, LACBS requires at least one passenger loading zone complying with CBC Section 11B-503 at vehicle drop-off and vehicle pick-up areas. (P/BC 2020-084) Section 11B.503.3 provides, "Passenger drop off and loading zones shall provide access aisles complying with Section 11B-503 adjacent and parallel to the vehicle pull up space. Access aisles shall adjoin an accessible route and shall not overlap the vehicular right of way." (See attached Exhibit A) Here, the car elevator is accessed directly from a queue in the public alley, which does not provide the required loading area that is parallel to the vehicle pull up space outside of the vehicular way, and will block all driving, loading, delivery, trash pick-up and pedestrians in the alley.

C. ***Parking/Sustainable Design/ADA.*** The LAMC (LAMC 99.04.106.4.4) and 2019 Cal Green Building Code requires that the parking in a new hotel include electrical vehicle charging stations (EVCS) equal to a minimum of 10 percent of the parking provided (Ord. 186485); the City also requires additional spaces wired for future EVCS hook-up. If the hotel provides 53 spaces, then 6 EVCS spaces are required. Here, the Hotel Project identifies 5% EVCS spaces, and fails to provide them on site, because it is not feasible for an EVCS in an automated facility, unless a valet separately parks and charges the vehicles outside of the automated system.

In addition, the Hotel Project fails to provide the required ADA parking. If there are 35 required parking spaces, 2 handicap accessible parking spaces are required. (P/BC 2020-084) These cannot be located in an automated facility, because there must be a safe reservoir space to exit and enter the vehicle; this cannot occur in a public alley.

In summary, Evo and Luma request that the Applicant provide a Traffic Study for a 144 unit hotel, and an Alley Study that evaluates guest queuing in the alley, ride share drop off on Hope Street, location of EVCS and ADA spaces, and delivery trucks in the loading zone, assuming that there are no employees for valet. Without this, there is not substantial evidence in the record to justify a CEQA exemption related to traffic and parking.

II. **Height, Density and Setbacks.** The height and density far exceed the scope of development feasible and permitted on the small 7,800 square foot lot.

A. ***Height.*** The Hotel Project is 172 feet in height, and includes 11 stories plus a rooftop use, with two levels of double height penthouses with mezzanines and a double height second floor garage level. There is no height limit in the R5 zone; however, the height and tower spacing are determined by the Downtown Design Guide. The height of the building also creates shade and shadow on the neighboring landscaped open spaces

during a significant portion of the day. It also blocks light and air for the Luma residents that face the massive wall directly across the alley.

B. ***Design Guide Setbacks.*** The Downtown Design Guide: Urban Design Standards and Guidelines (“Design Guide”) is the official guide to development within the Downtown Los Angeles area, and encourages Downtown Los Angeles to develop as a more livable and sustainable community. The Design Guide supplements the City of Los Angeles’s General Plan Framework Element and Central City Community Plan. (DG p.2) The Design Guide includes both standards (requirements) and guidelines (suggestions). Projects must comply with the letter of every standard, and are identified with mandatory language, such as “shall”. The Hotel Project tower fails to comply with the required tower spacing and setbacks set forth in the Design Guide (DG Figure 6-2):

(i) 80 feet separation between towers above 150 feet with windows to primary rooms – Here, there is not an 80 foot separation from the Luma tower or Evo tower residential units.

(ii) 40 feet setback from an interior property line and 40 foot setback from an alley centerline, if the adjacent property may be developed – Here, there is no setback from the south lot owned by Evo that may be developed in the future, and only setback 10 feet from an alley centerline.

(iii) Site lines of 40 feet to another primary room, 30 feet to a secondary room, 20 feet to a blank wall, 8 feet to a public corridor and 20 feet to side property lines – Here, Luma is located 20 feet across the alley to the north, and the future Evo development is adjacent to the south. The Hotel Project is only set back 20'-5" across an alley to the Evo project to the east (33'-9" to the Evo pool area and tower).

C. ***Shade/Shadow.*** The Hotel Project tower is located to the south and southwest of the Luma and Evo buildings. This means that for more than four hours in the summer and three hours in the winter, the Hotel Project tower will cast a shadow on the pools and landscaped open spaces on the podiums of the Luma and Evo buildings. SB743 exempts certain projects that are located within a transit priority area from shade/shadow impacts under CEQA; however, it does not waive any findings of compatibility required by specific entitlements or other policies or codes, such as the Design Guide. The Site Plan Review specifically requires a finding that the project “*is or will be compatible with existing and future development on adjacent properties and neighboring properties.*” These studies were attached to the entitlement plans as pages 10.1-10.9 and 11.1-11.9, but were excluded from the plans provided to the City, and DLANC.

D. ***South Side Yard Setback.*** The Hotel Project requires a side yard setback of 14 feet under the LAMC for an 11 story structure, and the Applicant requests a Zoning Administrator's Adjustment to allow 0 setback, because the south lot is currently used for a driveway entrance by Evo. However, Evo owns the south lot, and may develop it in the

future as long as the driveway is maintained. The Design Guide requires a 40 foot setback from an interior property line if the adjacent property may be developed. Therefore, the Hotel Project should provide the required setback to the south lot.

E. ***Density.*** The Hotel Project includes 144 small guest rooms, 175 square feet in floor area, in the 9 floors of hotel use. Although the R5 zone does not limit hotel density, the environmental review must consider whether this level of density will cause a negative impact on the community. The prior expired hotel entitlements permitted a maximum of 44 guest rooms in a 119 foot, 10 story building. The proposed 144 units are more than three times larger, and cause the building to fail to comply with height, setback, and parking and circulation requirements, because the density is too large for the site.

III. **Downtown Design Guide.** The Hotel Project fails to comply with the following additional requirements of the Downtown Design Guide:

(i) Tower Design. The Design Guide does not recommend flat roofs, and instead promotes that a building's top should be delineated with a change of detail and meet the sky with a thinner form. The Hotel Project provides a flat massive façade on four sides with a flat roof.

(ii) Minimizing Neighbor Impacts. The Design Guide specifically requires any development to minimize neighbor impacts, including locating mechanical and lighting away from residential uses, so that it is not visible and does not vent towards the residential neighbor. (p.52) Here, the mechanical room and ventilation shaft is located directly across the 20 foot alley from the Luma residential units with open balconies.

(iii) Signage. The Design Guide provides standards for regular and tall buildings (buildings taller than 120'). (p.60) It specifically requires that "To the extent feasible, Tall Building Signs shall not be oriented toward nearby residential neighborhoods." Here, the back-lit building signage, 32'-9" in height, is located on the sides of the building directly facing the Luma residential units to the north and the Evo driveway entry and additional buildings to the south.

(iv) Commercial Frontage. On streets other than Retail Streets, the Design Guide requires that "wall openings shall comprise at least 50% of the street level façade." It is also required to have 70 percent of the frontage on the street wall. Here, the retail space is not visible and inviting to the public with primary access from within the hotel.

(v) Public Art. The Design Guide requires that public art be integrated into the Downtown developments. (p. 65) The City's Art requirement provides that one percent of the construction cost is required for on-site art installation, although there is an in-lieu fee payment option. For Downtown projects, the Design Guide and good public policy require that art be integrated in the project. The Applicant has not provided for any on-site art as a public benefit.

(vi) Open Space. Design Guide requires a series of open spaces for each project in the Downtown area, and requires a project to provide publicly accessible open spaces at street level that provide pedestrian linkages throughout Downtown. (Table 7-1) Here, the Hotel Project does not contain any public open space, and fails to even provide sufficient hotel drop off waiting area on Hope Street.

- IV. **Noise**. The Noise Impact Analysis, dated October 15, 2020, by Urban Crossroads, ("Noise Study") fails to evaluate the impact of the operation and construction of the hotel on the closest residential units, fails to consider noise from the two-story automated parking level, mechanical rooms and rooftop uses, and fails to utilize the national FHWA noise standards utilized in City EIRs. Because the Hotel Project will have noise impacts, the Applicant cannot use the CEQA exemption, and must prepare an Environmental Impact Report.

First, the Noise Report locates the sensitive receptor locations at the entrance to Luma on Hope Street instead of at the adjacent residential units with balconies and operational windows facing the Hotel Project just 20 feet across the alley. For instance, the report states that the rooftop HVAC, which faces the Luma building, has a noise level of 57.2 dBA from 50 feet (p.26); however, the Noise Report concludes that the noise level would only be 29.5 dBA at the sensitive receptor location R1 at the ground level adjacent to the Luma building on Hope Street. The report does not identify that the window and balconies of residential units on the Luma building are located at the same height of the rooftop HVAC unit, and are located 20 feet away directly across the alley. Therefore, the noise level would exceed 57.2 dBA (the 50 foot distance level), and would exceed 5 dBA above ambient level, which is the threshold for operational noise impacts.

Second, Urban Crossroads does not utilize the standard FHWA noise standards set forth in City's environmental impact reports. The noise levels of construction equipment are listed in FHWA, Roadway Construction Noise Model User's Guide, 2006, Table 1. Instead, Urban Crossroads provides their own standards that they measured without identifying the specific equipment. These noise levels are up to 18 dBA lower than the standard published noise levels for specific pieces of equipment. However, if the Noise Study used the appropriate noise data, and had receptors at the adjacent Luma building, only 20 feet from the construction site, there would be significant noise impacts. With significant noise impacts that cannot be mitigated, the Project would not qualify for a CEQA exemption.

- V. **Environmental Review**. The Air Quality and Greenhouse Gas studies are similarly flawed, and require revisions in include closer sensitive receptors and proper screening thresholds used in the City of Los Angeles.

A. ***Air Quality and Greenhouse Gas Studies***. The Air Quality Study and Greenhouse Gas Study, both by Urban Crossroads, dated October 19, 2020 have similar flaws, because the sensitive receptors are not located at the closest residential unit to the Hotel Project. In addition, the Air Quality Study fails to evaluate the emissions from the parking structure

queue in the alley, and the loading dock, accessed from the alley, directly adjacent to the Luma residential building. The Greenhouse Gas Study also uses the wrong screening threshold, 3,000 MTCO₂e/yr, based on thresholds used by the City of Menifee and others, but the City of Los Angeles has not adopted this threshold. In the absence of any adopted quantitative threshold, the significance of the Project's GHG emissions should be evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a Statewide, regional, or local plan for the reduction or mitigation of GHG emissions, including CARB's 2017 Scoping Plan, SCAG's 2020-2045 RTP/SCS, the City's Green New Deal, and the Los Angeles Green Building Code.

B. **Traffic Study.** The Air Quality Study references a Traffic Impact Study by KOA Associates; however, the City planner confirms that the Applicant has not yet submitted a traffic report for the Hotel Project. The Traffic Study is necessary to determine if there are traffic impacts, and whether additional environmental analysis is needed based on these traffic impacts.

C. **Cumulative Impacts.** There are a significant number of existing projects proposed and under construction in the immediate vicinity, and it is likely that the impacts of the Hotel Project are individually cumulatively considerable, and there will be cumulative impacts.

- VI. **Restaurant and Alcoholic Beverages.** The Applicant claims that the Hotel Project will not include any restaurant or alcohol service on site. However, the building permit application for the Hotel Project lists a lounge and dining on the ground level. If the Hotel Project will include a restaurant and alcohol service, it must be included in the list of entitlements now and considered as part of the environmental review, including noise, parking and traffic analysis. There are no conditions proposed to prohibit the hotel or retail store from applying for a conditional use permit for alcohol after these entitlements.
- VII. **Plan Check.** The Applicant has already submitted full construction drawings to LADBS for plan check, including building permit (Permit No. 20010-10000-04761), grading and shoring (Permit No. 20030-10000-07129), methane hazard mitigation (Permit No. 20041-10000-44474) and electrical (Permit No. 20041-10000-44628). The building permit describes the Hotel Project as a 12-story hotel with a basement and 144 guest rooms above the 2nd floor, ground floor retail, lounge and dining, and automatic robotic parking system at the 2nd level. This information was not disclosed to Evo or Luma, and is concerning that the Applicant does not intend to make any substantial modifications to the project in response to the neighbors' significant concerns.
- VIII. **No Public Benefits.** The Hotel Project provides no public benefits to the community. The prior expired hotel entitlement on the site was required to pay \$232,440 to transfer floor area, and other types of projects would be required to provide community benefits, such as

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affordable housing. Here, the Applicant requests entitlements for exceptions from floor area and yard setback limits without providing any public benefits.

We request that DLANC request additional information before acting on the Hotel Project, including the Traffic and Parking Study, Alley Study, Shade/Shadow Analysis, and Design Guide checklist to show compliance with all required codes and policies. Based on the current information, the Hotel Project fails to comply with CEQA, the LAMC, the Design Guide and other codes and standards, and we request that you deny support for the Hotel Project.

Very truly yours,



SHERI L. BONSTELLE for
Jeffer Mangels Butler & Mitchell LLP

SLB

cc: Councilmember Kevin de Leon (eva.camacho@lacity.org)
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