

# MAYER | BROWN

Mayer Brown LLP  
350 South Grand Avenue  
25th Floor  
Los Angeles, CA 90071-1503  
United States of America

T: +1 213 229 9500  
F: +1 213 625 0248

mayerbrown.com

**Edgar Khalatian**  
Partner

T: +1 213 229 9548  
F: +1 213 576 8130

EKhalatian@mayerbrown.com

September 22, 2020

Luci Ibarra  
City of Los Angeles, Department of City Planning  
200 N. Spring Street  
Los Angeles, California 90012

Re: Hollywood Center Project: VTT-82152; ENV-2018-2116-EIR: Letter of Determination Appeal

On behalf of our client, MCAF Vine LLC, 1750 North Vine LLC, 1749 North Vine Street LLC, 1770 Ivar LLC, 1733 North Argyle LLC, and 1720 North Vine LLC (collectively, the “**Applicant**”), we respectfully file this appeal to the City of Los Angeles (the “**City**”) Advisory Agency’s letter of determination, dated September 14, 2020, related to the Hollywood Center Project and Case Nos. VTT-82152 and ENV-2018-2116-EIR (the “**LOD**”), attached hereto as Attachment A. The project involves the demolition of an existing one-story storage structure and surface parking lots and the preservation of the Capitol Records and Gogerty Building to construct a mixed-use project with residential and commercial uses. The mixed-use project would consist of 1,005 residential units, of which 133 units would be reserved as affordable units for seniors, 30,176 square feet of ground floor commercial retail/restaurant spaces, and 166,582 square feet of open space (the “**Project**”).

On April 16, 2018, the Governor certified the Project as an Environmental Leadership Development Project (“**ELDP**”) pursuant to Assembly Bill 900, and determined that the environmentally-superior Project would result in a minimum investment of \$100 million in the California economy, would create high-wage jobs, and would not result in net additional greenhouse gas emissions. As an ELDP, the Project must meet additional environmental (e.g., LEED Gold certification) and transportation efficiency requirements.

The Project’s Draft Environmental Impact Report (“**EIR**”), associated with Case No. ENV-2018-2116-EIR, studied eight alternatives to the Project, including Alternative 8: Office, Residential and Commercial Alternative (“**Alternative 8**”). Alternative 8, as studied in the Draft EIR, includes 903 residential units, of which 133 units would be reserved as affordable for seniors, 386,347 square feet of office uses, and 27,140 square feet of commercial retail/restaurant space.

In response to public comments expressing a desire for additional office space within the Hollywood Community Plan Area, the City requested, and the Applicant provided, additional

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information and supplemental materials for Alternative 8 (including an Alternative 8 vesting tentative tract map), which was the Alternative included in the EIR that most closely matched the desire for additional office uses. The Advisory Agency approved the VTT-82152 for Alternative 8 (not the Project) on September 14, 2020.

Based on the reasons described herein, we respectfully appeal the Advisory Agency's approval of the Alternative 8 VTT-82152 and Bureau of Engineering ("BOE") Specific Conditions 5, 6, 7, and 8, and instead, request the City to adopt the VTT-82152 for the Project and approve the requested mergers for the Project.

**I. REQUEST TO ADOPT PROJECT INSTEAD OF ALTERNATIVE 8**

**A. The Project Best Meets the City's and Hollywood Community Plan Needs**

This request to adopt the Project instead of Alternative 8 is justified because the Project, not Alternative 8, best meets the City's and the Hollywood Community Plan Area's living and employment needs in a post-COVID-19 world with the need for additional and larger living spaces to accommodate a live-work environment. Recent data from the Brookings Institution suggests that telecommuting will remain a mainstay even after COVID-19 as employees prefer working from home and businesses focus on increased operation efficiencies.<sup>1</sup> This means that moving forward, businesses and society will focus on providing increased home-working opportunities for their employees, embracing productivity and quality of life. As such, larger living spaces are needed to accommodate this lifestyle change.

The Project would provide larger average residential unit sizes (1,220 square feet for the market-rate units and 937 square feet for the affordable units), as compared to Alternative 8 (828 square feet for the market-rate units and 612 square feet for the affordable units), to create a better living and work-from-home environment for City residents. The Project would also better help address the City's market-rate and affordable housing demand by providing an additional 102 residential units, which would otherwise be lost to provide Alternative 8's office component.

Accordingly, adopting the Project, which provides additional housing units, as opposed to Alternative 8, which reduces housing units and replaces it with office uses, would best meet the future demands of the City and the Hollywood Community Plan Area, which already has a number developed and in-progress office projects.

The Project is not only best suited to meet the City's ever-changing demands, but still provides many of the same benefits as Alternative 8, outlined below:

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<sup>1</sup> <https://www.brookings.edu/blog/up-front/2020/04/06/telecommuting-will-likely-continuc-long-after-the-pandemic/>

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- Preservation and Activation: Protects the architectural and historical heritage of the Capitol Records Complex and activates Hollywood Boulevard, Vine Street, and surrounding streets through connected, publicly available landscaped open space.
- Distinct Design and Views: Develops architecturally distinct buildings that are compatible with the Capitol Records Complex and maintains prominent views of the Capitol Records Building, and safe public viewing areas from the proposed paseo and plazas, to maximize view corridors and continue showcasing its distinctive architectural design.
- No Above-Grade Parking: Provides no above-grade parking to ensure an activated street level with ground floor restaurant/retail uses and publicly accessible open space.
- Open Space: Provides 166,582 square feet of publicly accessible, common, and private open space, including two plazas and a pedestrian paseo which would feature shopping, outdoor seating, landscaping, open-air dining, public performances, art installations, and special events.
- Mobility: Promotes local, regional, and State land use and mobility objectives and reduce vehicle miles traveled (VMT) by maximizing infill development within an existing Regional Center near jobs, retail, and entertainment in proximity to transit and transportation infrastructure that encourages pedestrian activity.
- Senior Affordable Housing: Provides senior affordable housing with outdoor spaces in proximity to public transportation, allowing an age-specific demographic to continue to live in their residence of preference while maintaining access to services and goods.
- Jobs: Supports the growth of the City's economic base through the introduction of an economically viable project which creates a significant number of construction and permanent jobs.
- Sustainability: Incorporates sustainable and green building design and construction to promote resource conservation, including waste reduction, efficient water management techniques, and conservation of energy to achieve a LEED-Gold equivalent building.

Approval of the Project instead of Alternative 8 would also eliminate the entitlement requests for a Major Development Conditional Use Permit and for the Density Bonus Waiver of Development Standards to allow the floor area of any residential balconies and terraces to be excluded for purposes of calculating the total floor area.

B. The Project Would Have Less VMT Impacts

Due to the increased office uses with Alternative 8, Alternative 8 would generate greater work vehicle miles traveled (VMT) as compared to the Project, even though the impact from a CEQA perspective would remain less than significant. This means that while from a CEQA perspective traffic impacts would remain the same, the Project's operations would result in less vehicle miles traveled.

Accordingly, based on the above justifications, the City should grant this appeal and adopt VTT-82152 for the Project, as proposed by the Applicant, instead of Alternative 8.

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## II. REQUEST TO APPROVE REQUESTED MERGERS

This appeal also objects to BOE's recommended 3-foot and 4-foot sidewalk mergers and easements along the Project site's Yucca Street and Argyle Avenue frontages, respectively, identified in the LOD as BOE Specific Conditions 5, 6, 7, and 8, and instead, requests the City to approve the 5-foot requested mergers and easements along these frontages as identified in the Project's vesting tentative tract map (VTT-82152). The requested 5-foot mergers are necessary to provide the Project's 1,005 residential units, including the 133 senior affordable units. The reduced mergers would result in a smaller Project site, which would further result in a loss of three residential units. While three units may appear to be a nominal amount, in light of the recent compounding data which reveals that exorbitant costs and burdensome regulations create a barrier to developing affordable and homeless housing in the City,<sup>2</sup> it is the City's onus to encourage every opportunity to incrementally increase the City's housing supply to house its residents.

Moreover, the Project would maintain the existing sidewalk widths by providing easements to the City for the proposed merger areas. As such, approval of the requested 5-foot mergers and easements would not inhibit current and future circulation needs for these portions of Yucca Street and Argyle Avenue. The Project would improve the existing sidewalks, including new landscaping and trees, to enhance the pedestrian experience, creating a safe and pleasant pedestrian environment. Accordingly, we respectfully request the City to grant this appeal and approve the requested mergers for the Project as identified in VTT-82152, in accordance with the deletions (~~stricken through~~) and additions (**bolded and underlined**) below:

### BUREAU OF ENGINEERING – SPECIFIC CONDITIONS

5. In the event that Department of Transportation and Department of City Planning have no objections to the street merger, then an approximately ~~35~~-foot-wide sidewalk area measured from the property line along **Yucca Street** adjoining the tract be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
  - a. That consents to the street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
  - b. That satisfactory arrangements be made with all utility agencies, cable companies and franchises maintaining existing facilities within the area being merged.

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<sup>2</sup> <https://www.latimes.com/california/story/2020-09-09/high-of-746-000-for-homeless-housing-audit-says-try-rehabbing-motels-instead>

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6. That a ~~35~~-foot-wide public sidewalk easement be provided on the final map within the ~~35~~-foot-wide merger area along Yucca Street adjoining the tract.
7. In the event that Department of Transportation and Department of City Planning have no objections to the street merger then a ~~45~~-foot wide sidewalk area measured from the property line along **Argyle Avenue** adjoining the tract be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
  - a. That consents to the street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
  - b. That satisfactory arrangements be made with all utility agencies, cable companies and franchises maintaining existing facilities within the area being merged.
8. That a ~~45~~-foot wide public sidewalk easement be provided on the final map within the ~~45~~-foot wide merger area along Argyle Avenue adjoining the tract.

As applied to the Project's vesting tentative tract map, we also request BOE Specific Condition 9 be clarified to read as follows (additions **bolded and underlined**):

9. In the event that Department of Transportation and Department of City Planning have no objections to the alley merger then portion of the existing alley turning area adjoining the tract be permitted to be merged with the remainder of the tract map **as shown on the approved Vesting Tentative Tract Map** on a layout satisfactory to the City Engineer pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
  - a. That consents to the alley being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
  - b. That satisfactory arrangements be made with all utility agencies, cable companies and franchises maintaining existing facilities within the area being merged.

VTTM-justification.pdf

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**III. CONCLUSION**

Therefore, based on the justifications provided herein, we respectfully request that the City grant this appeal to approve the Project's vesting tentative tract map, instead of Alternative 8, and approve the Project's requested mergers in VTT-82152.

Sincerely,



Edgar Khalatian  
Partner

Atts.



APPLICATIONS:

# APPEAL APPLICATION

## Instructions and Checklist

**Related Code Section:** Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

**Purpose:** This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

### A. APPELLATE BODY/CASE INFORMATION

#### 1. APPELLATE BODY

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning
- Zoning Administrator

Regarding Case Number: VTT-82152; ENV-2018-2116-EIR

Project Address: 720-1770 North Vine Street; 1746-1764 North Ivar Avenue; 1733-1741 North Argyle Avenue; 6236, 6270, and 6334 West Yucca Street

Final Date to Appeal: 09/23/2020

#### 2. APPELLANT

- Appellant Identity:** (check all that apply)
- Representative
  - Property Owner
  - Applicant
  - Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved

Person affected by the determination made by the **Department of Building and Safety**

- Representative
- Owner
- Aggrieved Party
- Applicant
- Operator

#### 3. APPELLANT INFORMATION

Appellant's Name: Edgar Khalatian, Mayer Brown LLP, on behalf of MCAF Vine LLC, 1750 North Vine LLC, 1749 North Vine Street LLC, 1770 Ivar LLC, 1733 North Argyle LLC, and 1720 North Vine LLC

Company/Organization: MCAF Vine LLC, 1750 North Vine LLC, 1749 North Vine Street LLC, 1770 Ivar LLC, 1733 North Argyle LLC, and 1720 North Vine LLC

Mailing Address: 350 S. Grand Ave, 25th Floor

City: Los Angeles State: CA Zip: 90071

Telephone: (213) 229-9548 E-mail: ekhalatian@mayerbrown.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self
- Other: \_\_\_\_\_

b. Is the appeal being filed to support the original applicant's position?  Yes  No

**4. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): Edgar Khalatian  
 Company: Mayer Brown LLP  
 Mailing Address: 350 S. Grand Ave, 25th Floor  
 City: Los Angeles State: CA Zip: 90071  
 Telephone: (213) 229-9548 E-mail: ekhalatian@mayerbrown.com

**5. JUSTIFICATION/REASON FOR APPEAL**

- a. Is the entire decision, or only parts of it being appealed?  Entire  Part  
 b. Are specific conditions of approval being appealed?  Yes  No

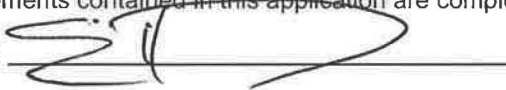
If Yes, list the condition number(s) here: BOE Specific Conditions 5, 6, 7, and 8

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal  How you are aggrieved by the decision  
 Specifically the points at issue  Why you believe the decision-maker erred or abused their discretion

**6. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 09.22.2020

**GENERAL APPEAL FILING REQUIREMENTS**

**B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES**

**1. Appeal Documents**

- a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.
- Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- b. **Electronic Copy**
- Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.
- c. **Appeal Fee**
- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
  - Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.
- d. **Notice Requirement**
- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
  - Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

**SPECIFIC CASE TYPES - APPEAL FILING INFORMATION**

**C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)**

**1. Density Bonus/TOC**

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

**NOTE:**

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.
- Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

**D. WAIVER OF DEDICATION AND OR IMPROVEMENT**

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

**NOTE:**

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

**E. TENTATIVE TRACT/VESTING**

**1. Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- Provide a copy of the written determination letter from Commission.

**F. BUILDING AND SAFETY DETERMINATION**

- 1.** Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

**a. Appeal Fee**

- Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

**b. Notice Requirement**

- Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- 2.** Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

**a. Appeal Fee**

- Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

**b. Notice Requirement**

- Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

**G. NUISANCE ABATEMENT**

**1. Nuisance Abatement** - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

**a. Appeal Fee**

Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

**2. Plan Approval/Compliance Review**

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

**a. Appeal Fee**

Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

**NOTES**

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

***Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)